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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 2, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

SOCIAL SECURITY: TAXING BENEFITS, LIMITING CHOICE

Mr. STEARNS. Mr. Speaker, last week the chairman of the Federal Reserve, Alan Greenspan, gave some seniors all over the country a little bit of a scare. But his suggestion that Congress should consider reducing Social Security benefits for future retirees was just that, a suggestion by the chairman. Current beneficiaries and near retirees should not worry. All of us, including myself, will fight to protect the benefits of current and near retirees. They should receive nothing less than 100 percent of what they have been promised.

What seniors should take from this conversation, though, is that Social Security is just that, a promise from our government. It is not a real asset in your name. If it were, you would have a little more flexibility and decision-making on how you plan to use it for your retirement. Currently, Social Security gives retirees a one-two punch: first, taxing their benefits; and, second, discouraging productivity among early retirees by limiting their earnings.

I would like to talk about the first of these shortcomings today, taxation of benefits after you receive the check.

Until 1984, Social Security benefits were exempt from the Federal income tax. For years, many analysts questioned the basis for the IRS rulings and advocated that the tax treatment of Social Security be the same as for other pension income, because there are other options for retirement planning today than traditional pensions, other options that are taxed differently, thereby serving as an alternative retirement planning tool. I am referring to the nearly 7-year-old Roth IRA account. But first let me explain further about Social Security taxation of benefits.

If a Social Security beneficiary files a Federal tax return as an individual and his combined income is between $25,000 and $34,000, he may have to pay income tax on 50 percent of those benefits. If his combined income is above $34,000, up to 85 percent of his Social Security benefit is subject to income tax. That hurts. If he files a joint return, he may have to pay taxes on 50 percent of his benefits if the spouse's combined income is between $32,000 and $44,000. But, Mr. Speaker, if that couple's combined income is more than $44,000, up to 85 percent of those folks' Social Security benefits are subject to income tax. Of course, to help discipline your money management, the pain of the IRS withholding the taxes along the way is available. So after a lifetime of seeing your paycheck eroded by taxation, inflation, you are not done when you are a senior receiving your Social Security benefits.

My objection, Mr. Speaker, to this is that we are limiting retirees' options on how they plan for their own retirement. For some of us, a preferred option while we are young in our working years might be to not have our retirement savings withheld before payroll taxes. Maybe we are willing to pay annual income taxes on all of it each year in exchange for the long-term security of knowing it will be free from taxation later, on earnings and withdrawal. Some would rather pay Uncle Sam up front like this. This is why the Taxpayer Relief Act of 1997 authorized the new Roth IRA to provide tax-free income from after-tax contributions.

But there is a bill that remedies this taxation of benefits when a senior thought he or she was on the receiving end, not the contributing end, of life. I am proud to cosponsor the bill of the gentleman from Texas (Mr. SAM JOHNSON), H.R. 434, the Social Security Benefits Tax Relief Act of 2003, which would repeal the 1993 income tax increase on Social Security benefits that President Clinton signed as a bill.

Again, this is all about choices. Social Security is one of our government's most popular domestic programs. Since its inception at the heart of the Great Depression, it has become the primary and often sole source of income for millions of Americans. However, it, like so many other staid Federal Government programs, is a one-size-fits-all program for an American people who want to try different sizes and have different choices. Just as we prefer choice in our health care, rather than a government-run system, some retirees, at least future ones, might

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prefer choice in retirement vehicles, and Social Security does not offer that.

I reiterate, Mr. Speaker, that current and near retirees need not fear alteration of their current benefits. But we should glean something from Chairman Greenspan's comments. As examination of the program occurs, let us consider all the aspects, lack of individual assets; noninheritability to one's children; penalties for early, partial retirement; and the taxation of one's benefits, that make it less than a truly secure choice and system.

THE BUSH BUDGET AND SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, finally some of my Republican colleagues are waking up and seeing the fiscal mess that they have created here in Washington. This morning, the headline in The Washington Post read: ''Some GOP Lawmakers Aim To Scale Back Bush Tax Cuts.''

Mr. Speaker, somebody really ought to tell the President about this. He is still running around the Nation telling anyone who will listen that he wants Congress to make all of his tax cuts permanent. These are the same tax cuts that overwhelmingly benefit the wealthiest Americans and have turned a $5.6 trillion surplus into a $3 trillion deficit over the next 10 years.

The article in The Washington Post quotes my Republican colleague, CHRISTOPHER SHAYS, the vice chairman of the House Budget Committee, as saying, and I quote, ''We would be foolish to extend all the tax cuts now.'' Again, these are the words not of a Democrat but of a Republican, the vice chairman of the House Budget Committee, saying that we would be foolish to extend all the tax cuts right now.

I ask, what is turning some Republicans against their President on this issue of tax cuts? Maybe they finally realized the true ramifications of their fiscal insanity over the last 3 years when Federal Reserve Chairman Alan Greenspan said just last week that fully implementing President Bush's tax cuts would require cuts in Social Security down the line. Chairman Greenspan's comments illustrate the destructive effects of reckless Republican economic policies, policies that have led to record budget deficits, lower economic growth, and a substantial risk to the Social Security benefits that millions of seniors depend on.

Mr. Speaker, when President Bush took office 3 years ago, the projected budget surpluses were enough to cover the cost of Social Security during the baby boomers' retirement years. When then-Governor Bush was campaigning for the Presidency, he promised that any tax cuts he proposed would leave Social Security solvent. That was candidate Bush. But 3 years later, Chairman Greenspan says that, due to the fiscal situation this Republican Congress and President Bush have created, Congress may be forced to begin cutting promised Social Security benefits.

My Democratic colleagues and I will not let this happen. Hardworking Americans have paid a portion of their wages into Social Security their entire careers, and Washington has always known that we have an obligation to pay them benefits when they retire. Instead of making American seniors pay for the Bush administration's fiscal recklessness, the President should work with Congress and get their spiraling deficit under control.

Democrats, Mr. Speaker, believe that fiscal responsibility is the way to create prosperity for America and secure the retirement of America's seniors. The government needs to get back to balanced budgets and fiscal discipline as soon as possible to ensure that we can protect the Social Security trust fund for future retirees. My Democratic colleagues and I believe that our parents and grandparents should be able to enjoy their golden years and not live in fear of poverty.

Another reason some Republicans may now be skittish toward making all tax cuts permanent would be the latest estimates out of the Congressional Budget Office. Last Friday, CBO estimated President Bush's budget for the upcoming year would generate $2.75 trillion of additional Federal debt over the next decade. CBO also says that, despite the President's claims, his budget fails to cut the deficit in half by 2009. Could it finally be that some Republicans are realizing what many of us on this side of the aisle have known for almost 3 years, that President Bush lacks any credibility on our Nation's fiscal situation?

In order to prevent a total fiscal collapse, it is time for President Bush and my Republican colleagues to face reality and repeal the President's tax cuts for the very wealthiest Americans. It is time President Bush and congressional Republicans stand with our Nation's children who will be forced to bear the brunt of the cost of their fiscal irresponsibility. It is time the President and congressional Republicans stand with our Nation's seniors and baby boomers that need Social Security and Medicare strengthened, not raided. Chairman Greenspan and the CBO have sent a wakeup call to Washington Republicans, and I hope after reading this article in today's Washington Post that some of those congressional Republicans are finally listening.

TWELVE CONSENSUS PRINCIPLES TO REDUCE SPENDING

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Illinois (Mr. KIRK) is recognized during morning hour debates for 5 minutes.

Mr. KIRK. Mr. Speaker, with a $500 billion deficit, it is clear that Congress must cut spending and reform our budget process. Like our predecessors in the 1980s, we must come together not as Republicans or Democrats but as Americans to share equally in the cuts so that the Federal budget is brought back into balance.

We all support a balanced budget. It is the right thing to do, and it is also the moral thing to do. Our Founding Fathers created the Federal Government as a limited institution whose mission was clearly defined. Some things the Federal Government was to do well. Many things were left up to the States. When the Federal budget is out of balance, it calls into question our ability to sustain core Federal functions: defense, Federal law enforcement, and the retirement security of Americans under Social Security and Medicare.

I believe the Federal Government should fulfill its current promises to Americans currently in uniform and retirees before making any additional promises. Service in Congress is about making tough choices. For too long we have said, You get yours, I get mine and the kids get the bill. This must end.

Recently, Republican moderates and conservatives joined together on 12 budget principles. The Moderate Tuesday Group and the Conservative Action Team agreed on a surprising list of definitive budget proposals that will bring our budget back into balance even faster than the White House has proposed. What are these principles?

First, that we have automatic spending reductions if spending exceeds the amount in the congressional budget resolution. If we find that there is an uncontrolled debt above that which is set by Congress, we will have across-the-board spending cuts for all discretionary and mandatory accounts except Social Security and Medicare. Second, we have numbers in the budget that are enforceable. The current budget identifies 20 separate budget functions that are not enforced. They should be replaced with enforceable, one-page budget numbers that set four levels of spending: mandatory spending, spending on defense and homeland security, nondefense discretionary spending, and emergency spending.

Next, we should budget for emergency spending. Emergency spending requests should be included in a budget rainy-day account. Our budget should also have the force of law. The current budget resolution, which is not signed into law by the President, should be reformed into a joint budget resolution that is signed into law and enforceable under our code.

Next, we should have the protection of earned benefits, such as Social Security and Medicare, so that the automatic cuts do not fall on our retirees who worked hard, played by the rules, and are depending on the support of this core Federal function. Next, we

should show spending increases clearly. Under our current baseline budgeting, we automatically include inflation adjustments for Federal programs. This should be replaced by a straightforward comparison of last year's spending compared to proposed new spending.

Our seventh principle would block spending outside the budget. We need to update the pay-as-you-go rules in the budget that would allow a point of order to lie so that any Member could prevent consideration of a proposal that did not also include offsetting cuts to pay for itself. Our eighth principle is that we would review government programs and set up another Grace Commission, which worked so effectively in the 1980s, to eliminate wasteful and duplicative spending.

□ 1245

Our ninth proposal is to have an enhanced rescission power by the President so that he could identify critical programs, probably pork barrel programs, that he did not support spending on, send up a package to the Congress, which would then ensure a rapid up or down vote on the President's spending rescission proposal.

Our 10th proposal is to have a clear presentation of the government's full debts and liabilities. The Federal Government must account for its full share of accrued costs of covering pensions, retired pay, and other health benefits so we make sure that we know exactly financially where we stand.

Our 11th principle is that we should have a clear presentation of the debt owed to the public. An intergovernmental debt should be separated from other public debt in disclosures.

And our final, 12th, principle is that we need to enforce the rules of Congress. Points of order raised against proposals intended to lift the uncontrolled deficit or to waive these restrictions should be unwaiverable as several other provisions in our rules allow. This would help us control the deficit. It would help us bring this problem together, and now it is our job to reach across the aisle to make this a bipartisan proposal.

MEDICAL ISSUES AFFECTING OUR SOLDIERS

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of January 20, 2004, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, listening to the last speaker here on the floor, I almost had the feeling he was a Member of the minority, as though enforcing the rules was something that on his side there was not the possibility to do.

But I digress. I really came here to question the war. I have questioned the war in the past, and I really am here to stand and question what the Pentagon is saying and not saying about medical care and about medical issues affecting our soldiers.

The Pentagon has claimed no ill effects from the use of depleted uranium. I have piles and piles of information that comes out of the Defense Department or the War Department, whatever one wants to call it, that says that there are no problems with depleted uranium. Over the weekend British newspapers reported that the British Army, the British Army, our allies, are telling their soldiers in Iraq that DU, depleted uranium, can cause ill effects. They give them a card that tells them that they can go and have their urine checked, and they have a right, they should ask about it if they are having any problems whatsoever.

Now, one has to wonder about our War Department sending our troops out there into war and continually denying that there are problems with depleted uranium in the face of the effects that we have seen among Iraqi women and Iraqi babies in southern Iraq as a result of the 1991 Gulf War. A 600 percent increase in leukemia among children, a 600 percent increase among women delivering children having deformed babies, 600 percent, and our government continues to decide that they can say there is no problem.

Now, the Brits, for whatever reason, are more honest with their troops. They are not saying there is not danger out there. They are saying there is danger and here is how they can check to see if it is bothering them.

I know as a doctor that the evidence is not conclusive. The issue needs to be studied. It needs to be directly gone after to find the answer.

Today I picked up the newspaper. One can learn a lot, as Yogi Berra said, if one reads the newspaper. If people read the newspaper today, there is a story about a G.I. from Tennessee, a nice young kid from Tennessee who went to war and got his shots like everybody else and nearly died from an anthrax vaccination. We have had arguments with sailors and Marines and soldiers for the last couple of years that there were some problems with the vaccinations. But, in fact, no, no, no, we are told they are going to war, they have got to have one of these. And the fact is that we now have the evidence that some of the fears of our troops were legitimate. Just because somebody is a corporal or a private or a lance corporal does not mean that he does not understand or that he cannot be right. One does not have to have a colonel's eagle on their shoulder or stars for a general to be correct. And we have treated our troops as though it was in their minds or, I do not know, some explanation.

This young man has not recovered yet, but his medical claim is still pending. They do not want to blame it on the vaccination even though it happened right after. And there are other stories. I could go on with stories. But they remind me of my experience since 1968 in the Vietnam War when we sprayed defoliant all over the trees and it fell down on the troops and everybody said Agent Orange is no problem, Agent Orange is no problem, and we really did not deal with post traumatic stress disorder.

On Thursday night when I got home I finished up what I was doing, and I turned on the TV at 10 o'clock, and I caught a program called Without a Trace. It is a story of a young man who comes back from Iraq. His business has gone to pieces because his brother has not been a very good businessman. His girlfriend is having a relationship with her boss. And he is pretty depressed, and he goes out and gets involved in a couple of armed robberies and tries to straighten his life out. That, my friends, is post traumatic stress disorder, and it is coming as the 100,000 people come home. We must be prepared to deal with that and acknowledge it when we see it. It is our duty to the people that have served for us.

THE CURTAILING OF INVESTIGATIONS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I was deeply disturbed last week when I read that the Speaker of the House may use his authority and his power in the House not to extend the investigation into what happened before 9/11, what it is we did that was right and what it is we did that was wrong, what it is we knew and what it is we did not know that led to the tragedy of the World Trade Center and the tragic loss of life there and the largest terrorist attack against this Nation on this soil. I was deeply disturbed that somehow the investigation into that would be curtailed, that the commission would not be given the time that it believed professionally was necessary to arrive at those answers, when I think about the families and how important those answers are as to what were the real circumstances under which their family members died and perished in the World Trade Center. I was deeply disturbed that the President said that he would only talk with two members of the commission, that there apparently is a concerted effort to take those members of the commission that appeared to be the most intent on getting to the bottom of these issues and these questions on behalf of our Nation and on behalf of our security and on behalf of the families, that they would not be allowed to talk with the President, to interview them, that they would not be allowed to share their notes, those who got in to see the President.

It is very troubling because the image of 9/11 and the tragedy of 9/11 is absolutely seared in the mind of every American, those images and that tragedy. And for us to suggest that in any

fashion this commission's work would be curtailed, not be given the time or the documents necessary, this is a matter of our national security so that it will never ever happen again. This cannot be about people in various agencies of the United States Government covering their tail because of something they did or did not do that may have helped us detect that act before it happened or have us understand what we need to do in the future.

As I see that effort by the administration to curtail this, and now apparently it is going to go forward, they are going to get the 2 months, I am also deeply concerned that I see the administration involved in some dramatic rewriting of history. When David Kay came back from his search for the weapons of mass destruction, in his meetings with the House and the Senate he told the American public and these two bodies that we all had it wrong. I am not sure that is quite accurate, because there in fact is a whole body of evidence that has been developed within the Intelligence Community, within the international Intelligence Community, within the State Department, and elsewhere that was present at the time suggesting that in fact maybe many of the reasons and the conditions in which this administration said we are going to war did not exist. They certainly did not exist in the clarity that the administration presented them to the Congress or to the American people or to the international community. And now it appears that the President is trying to say because he got it wrong everybody had it wrong. That is just not the case. That is just not the case. And yet we now have commissions to look into that matter.

Tragically, this administration again is trying to curtail what those commissions can look at and not look at. The Senate may be allowed to look at one piece of evidence but not other pieces of evidence. The House may or may not have access. And then the President has his own commission which is supposed to investigate the administration but has been appointed by the administration. A little bit of a conflict of interest there. But these commissions are important, and these questions are important because, again, it goes to our national security.

And there is another set of families, just as there are the 9/11 families and those communities that suffer that tragic loss of those thousands of individuals, there is another set of families of those who have been sent off to fight in Iraq, over 500 that have been killed, thousands that have been wounded, so many that we have visited that are multiple amputees, that have lost their arms, lost their legs, lost the sight of one eye, that their life is changed forever. They are entitled to the answers and understanding how is it that this decision was set forth to go into Iraq when in fact we see substantial evidence suggesting, and as said by the CIA Director, ''We never said this was an imminent threat.'' The President wants to suggest that if we make that the test, the real threat against the United States, before we commit the lives of young men and women in this country, that somehow the only other option is it will surprise us. No, that is not the test, Mr. Speaker, but we will have more on this. But I think the American public ought to start to consider the level of interference that is being engaged in by this administration to keep these commissions, both congressional and civilian commissions, from getting to the bottom, to the real answers that are directly related to the future security of this Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As we await the unveiling of spring's beauty, O Lord, we stand in the bright promise of Your presence.

Warm our hearts with sincere love and our efforts of reconciliation, that we may be ready to engage in the seasonal battles of justice and the work of restoration under law.

Guide the President and all the Members of Congress, that they may be Your instruments of renewal in the strength and security of this Nation.

We long for the full revelation of Your power and mercy, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

COMMEMORATING THE 184TH BIRTHDAY OF SUSAN B. ANTHONY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, this month we commemorate the 184th birthday of a great woman in the history of our great country, Susan B. Anthony.

Susan B. Anthony was one of the many exemplary feminist leaders who is now known not only for her fight to gain women the right to vote but also for her great courage in her stand against abortion. She saw abortion as a great offense against human dignity.

She recognized the incomparable worth of every person and realized that whatever goes against life, whatever violates the integrity of the individual, whatever insults human dignity is a poison to society.

Susan B. Anthony fought tirelessly to safeguard the dignity of motherhood, which she believed to be an inherent right for all women.

So as we honor Susan B. Anthony, as a pro-life feminist and suffragist, I ask my colleagues to remember those who have fought to respect, protect, love and serve life, every human life.

SCHOOL LUNCH STIGMA

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

Mr. KELLER. Madam Speaker, I rise today to address an issue many low-income school children face every day as they go through the lunch line: embarrassment. Embarrassed that their parents cannot afford to pay for daily meals so they are singled out in the lunch line in front of their peers as participants in the free or reduced lunch program.

I was encouraged to see a program in one of my local school districts, Lake County, Florida, that uses technology to enable every child to go through the school lunch line without being identified as a free or reduced school lunch recipient. Regardless of family income, every child has the exact same debit card which either their parents deposit money into or is funded by the program.

Today, I am introducing the Pride in the Lunch Line Act, which will amend the National School Act to allow schools access to existing Federal funds to purchase technology like that used in Lake County. It will reduce the stigma for students, and it will reduce the paperwork for our schools.

I encourage my colleagues to cosponsor this legislation. Let us help children eat their lunch with pride.

PRAISING CONGRESSMAN KINGSTON

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, an economist once said that it is easy to spend money that you do not earn or for which you do not have to take responsibility. That seems to sum up the way we operate around here lately.

Last week, my friend, the gentleman from Georgia (Mr. KINGSTON), took a step to change that. After looking at requests, asking for as high as 30 percent increases from legislative agencies, requested from his subcommittee, he canceled hearings on their requests until they came to their senses. While the other agencies were facing cutbacks, the legislative branch thought it was Christmas morning.

If we are serious about being fiscally responsible, we need to start right here in this branch of government. If we cannot keep ourselves in check, how do we expect other agencies to do so? Fiscal responsibility should start right here. Either we have the courage to cut back or freeze here, or we will not have the courage to cut back or freeze at all.

While we all have a long way to go, the gentleman from Georgia's actions are a step in the right direction. We need to stop robbing from our children to pay for our addiction in spending.

A BUDGET VISION FOR ALL TO SEE

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

Mr. DELAY. Madam Speaker, tomorrow the House Committee on the Budget will hold its Members Day hearings as the congressional budget-writing process kicks into high gear around here. As usual in election years, politics will play a decisive role in that budget debate.

This is not entirely a bad thing. Congress' annual priority-setting document is a good tool, a test Americans can use to judge the competing fiscal visions of the two parties. Unfortunately, only one party seems to have done its homework for this test.

The Republican majority, led by the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, is working to craft a conference-wide budget that embodies the shared values and priorities of our party.

The Democrat leaders, on the other hand, seem unwilling to go to all that trouble. Nobody seems to know. Rather than take hard positions on hard issues, the Democrat leadership appears ready to turn their backs on those issues and their constituents and leave the American people guessing as to their core values.

On the other hand, the Republican Party's values are clear to everyone who asks. They are the same values that have guided our party and our Nation through difficult times in the past: security, prosperity, and families.

Republicans believe the job the Federal Government is to do is to preserve, defend, and support these three great pillars of American democracy. They will all be there in our budget: resources and policies to fight and win the war on terror and defend our homeland; protect the economy from Democrat tax hikes on parents, married couples and working families, while anchoring discretionary spending; maintain the global competitiveness of the national economy and encourage companies to create jobs here in the United States; and protect and defend American families from a culture of violence and self-indulgence that creeps deeper into our society every day.

Whether people agree with us or not, Republicans will at least have the courage to lay our vision out for everyone to see; and as we move forward in this debate, we can only hope that the Democrats show the budget process and the American people the same respect.

A BETTER MEDICARE FOR SENIORS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this past Friday, I had the opportunity to make presentations about the improvements made to Medicare with medical students at the University of South Carolina Medical School led by Mark Versnick and with seniors in the Low Country, where Darren Katz of the Health Leadership Council joined me. I informed them that last year the Republican-led Congress passed a historic bill that finally provides prescription drug coverage for our seniors through Medicare. This was a central issue of recent campaigns, and Republican lawmakers and President George W. Bush have proven that their promises are trustworthy.

The seniors I met with near Sun City at Hardeeville, South Carolina, were happy to learn that their benefits have not changed. Today's Medicare is better for seniors, meeting their needs while keeping costs sustainable. The new voluntary prescription drug benefit allows seniors to lead healthier lives, while preventing disease and avoiding unnecessary hospital visits that will keep costs down.

I am proud of the work we have done to improve Medicare, and I look forward to working with my colleagues to build on this historic success.

In conclusion, God bless our troops, and we will never forget September 11.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE HOUSE FLOOR SHOOTING

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Madam Speaker, I rise today to pay tribute to the Members of Congress injured in the 1954 shooting in the United States House of Representatives Chamber.

On March 1, 1954, four Puerto Rican nationals entered the House gallery on the southwest corner of the Chamber. As then-Speaker Joseph W. Martin, Jr., concluded tallying the ''aye'' votes on a Mexican immigrant labor program, Puerto Rican nationalists stood up and began waving a Puerto Rican flag and firing at the floor. The terrorists eventually shot approximately 30 rounds before being apprehended.

As we face a new day of terrorist activity, it is important to remember and honor those who suffered as a result of this assault on the United States Congress. Representative Alvin M. Bentley, who was most severely injured in the attack, represented communities in Michigan that I represent now, such as his hometown of Owosso. I would like to take this opportunity to honor him, as well as the other injured representatives: George H. Fallon of Maryland, Ben F. Jensen of Iowa, Kenneth A. Roberts of Alabama, and Clifford Davis of Tennessee.

These five men were proud to serve their country and nearly paid for it with their lives. The simple passing of time should not diminish their memory nor the lesson we learn from that attack. Now more than ever, we must always remember that the price of freedom is eternal vigilance. I am, therefore, honored today to recognize those who have suffered and continue to fight terrorism on behalf of the United States Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 1, 2004 at 12:20 p.m. and said to contain a message from the President whereby he submits the 2004 National Drug Control Strategy.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

□ 1415

2004 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. BIGGERT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, Committee on Agriculture, Committee on Armed Services, Committee on Energy and Commerce, Committee on Education and the Workforce, Committee on Financial Services, Committee on Government Reform, Committee on International Relations, Committee on Small Business, Committee on Transportation and Infrastructure, Committee on Ways and Means, Committee on Veterans' Affairs, the Permanent Select Committee on Intelligence, and the Select Committee on Homeland Security:

To the Congress of the United States:

I am transmitting the 2004 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705).

Two years ago, my Administration issued its National Drug Control Strategy setting forth a balanced approach to reducing drug use among teenagers and adults. The Strategy set ambitious two- and five-year performance-based goals: (i) to lower the rate of drug use by 10 percent over two years; and (ii) to lower the rate by 25 percent over five years. The success of the Strategy can be measured by its results.

I am pleased to report that we have exceeded our two-year goal of reducing drug use among young people. The most recent survey shows an 11 percent drop between 2001 and 2003 in the use of illicit drugs by teenagers. Among teens, some drugs—such as LSD—have dropped to record low levels of use. For others, we are seeing the lowest levels of use in almost a decade.

Despite this good news, drug addiction continues to challenge far too many Americans. Addiction to drugs destroys ties of trust, family, and friendship, and reduces all the richness of life to a single destructive desire. Almost every American has known someone who has followed the self-destructive path of addiction. Too many Americans want to change a family member's behavior, but are afraid of causing division and, perhaps, estrangement.

Our Strategy proposes a remarkable and unprecedented array of drug control programs, treatment initiatives, and media campaign efforts. But more than any program, it seeks to engage the desire of all Americans to make this a better Nation, facing down the lie of addiction, and offering the hope of recovery.

My Administration will continue to place a high priority on reducing drug addiction in America. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 1, 2004.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

HONORING THE LIFE AND CAREER OF THE LATE WILLIE SHOEMAKER

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 439) honoring the life and career of Willie Shoemaker and expressing the condolences of the House of Representatives to his family and friends on his death.

The Clerk read as follows:

H. RES. 439

Whereas Willie Shoemaker was born Billie Lee Shoemaker on August 19, 1931, in Fabens, Texas;

Whereas Willie Shoemaker, nicknamed the ''Shoe'', is arguably the most successful jockey in the history of horse racing;

Whereas Willie Shoemaker won his first race at the age of 18 and had compiled 8,833 victories by the time he retired in 1990;

Whereas in 1970, Willie Shoemaker became the all-time leader in career wins by surpassing John Longden's total of 6,033 wins;

Whereas on March 3, 1985, while riding Lord at War at the Santa Anita Handicap, Willie Shoemaker became the first jockey to total $100,000,000 in purse winnings;

Whereas Willie Shoemaker held the record for career wins for 29 years;

Whereas Willie Shoemaker won four Kentucky Derbies, five Belmont Stakes, and three Preakness Stakes;

Whereas Willie Shoemaker was the oldest jockey to ride a winner in the Kentucky Derby and the Breeder's Cup;

Whereas at Santa Anita in 1990, Willie Shoemaker ran the final race of his storied 41-year career;

Whereas Willie Shoemaker is a member of thoroughbred racing's Hall of Fame and the Texas Horse Racing Hall of Fame;

Whereas on April 8, 1991, just over a year after his retirement, Willie Shoemaker was involved in a car accident that left him paralyzed from the neck down;

Whereas Willie Shoemaker was an honorary Chairman of the Board of Directors of the Paralysis Project of America, whose mission is to accelerate progress toward finding a cure for paralysis caused by spinal cord injury; and

Whereas on October 13, 2003, America was saddened by the death of Willie Shoemaker at the age of 72: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and legendary career in horse racing of Willie Shoemaker; and

(2) expresses condolences on the passing of Willie Shoemaker to his family and friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration, H. Res. 439.

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

There was no objection.

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

On behalf of the Committee on Government Reform, and particularly on behalf of the sponsor, our colleague, the gentleman from Texas (Mr. REYES), I rise in support of House Resolution 439, which honors the life and career of one of horse racing's most legendary figures, Willie Shoemaker.

Willie Shoemaker ranks second all-time among jockeys in career wins, with 8,833. During his unbelievable 42-year career, Shoemaker won each of horse racing's Triple Crown events multiple times. He won the Preakness twice, he won the Kentucky Derby four times, and prevailed at the Belmont Stakes five times. Remarkably, at age 54, while riding the horse Ferdinand, he became the oldest jockey ever to win the Kentucky Derby in 1986.

After entering his first professional race at age 17 in 1949, Shoemaker made his last mount, number 40,352 of his incredible career, in 1990. The following year, he was involved in a tragic auto accident that left him paralyzed from the neck down. Despite being confined to a wheelchair, Shoemaker remained focused on his desire to return to horse racing in any possible capacity. Indeed, he returned to the sport he loved as a trainer in a supervisory role on September 29, 1991, less than 6 months after his accident.

Madam Speaker, perhaps horse racing's greatest and most renowned jockey ever passed away in his sleep last October 12 at the age of 72 at his home in Santa Anita, California. I commend the gentleman from Texas (Mr. REYES) for working to honor Willie Shoemaker with this timely and deserved resolution, and I urge all Members to support House Resolution 439.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, ''Pound for pound, he's got to be the greatest living athlete'' in racing, writer Red Smith once wrote of Willie Shoemaker. This resolution honors Willie Shoemaker, who was one of the most successful and respected jockeys ever to mount a thoroughbred.

Willie Shoemaker was born in 1931 in Fabens, Texas. He later moved to southern California, where he cleaned stables and began riding thoroughbreds. Once ''Shoe,'' as he was called, began racing, he quickly learned how to win. In his career, Willie Shoemaker won 8,833 races, a record that stood for 29 years.

One of Willie Shoemaker's most memorable rides was in the 1986 Kentucky Derby. He guided Ferdinand through the pack of Derby competitors to victoriously cross the finish line 2½ lengths ahead. At age 54, he became the oldest jockey to win the Kentucky Derby.

Willie Shoemaker made an impression on our Nation not just as an athlete but as a person. In 1957, Shoemaker was poised to win the Kentucky Derby when he misjudged a finish line and eased up too soon, losing the race. He turned his mistake into something positive by honoring Ralph Lowe, the owner of the horse Shoemaker was riding, who handled Shoemaker's loss with grace. Shoemaker endowed the Ralph Lowe Trophy to be presented annually to a distinguished racing competitor for good sportsmanship.

After he was severely injured in a car accident, Shoemaker used his talents in other ways. He served as honorary chairman of the Paralysis Project and served as director of the Shoemaker Foundation, which provides support to those injured in horse racing.

This resolution honors Willie Shoemaker and expresses condolences to his family and friends. Though his loss is certainly felt by many, the memory and legend of Willie Shoemaker and his perseverance will endure. People will certainly remember him as a great jockey, but also remember him as a great humanitarian. He used his ability, his presence not only to win races but to help us all understand that when you give of yourself that is when you are really at your best. Willie Shoemaker was the best.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume to urge support for this resolution.

Mr. DREIER. Madam Speaker, I rise to join my colleagues in honoring the life and career of Willie Shoemaker, arguably the most successful jockey in the history of horse racing.

Willie Shoemaker, also known as the ''Shoe'', had a storied career, beginning at age 18, and continuing on for 41 amazing years. In that time he compiled 8,833 victories, including four Kentucky Derbies, five Belmont Stakes, and three Preakness Stakes.

It was in my district, at Arcadia's Santa Anita park, that Willie Shoemaker was truly at home, and where he so often made history. There, on March 3, 1985, while riding Lord at War at the Santa Antia Handicap, he became the first jockey to total $100,000,000 in purse winning. On February 3, 1990, Santa Anita hosted the final race of his long career, after which Shoemaker went on to become a trainer.

Tragically, Shoemaker was critically injured in an auto accident just over 1 year after his retirement. But though paralyzed from the neck down and confined to a wheelchair, he refused to give up his love for horses. Just 6 months after his accident, Willie was back at Santa Anita, where he supervised training activities.

When Willie Shoemaker passed away at his San Marino home on October 13, 2003, at the age of 72, the world lost a true sporting legend and an exemplary human being. I therefore urge my colleagues to join with me in remembering and honoring his life and legendary career.

Mr. REYES. Madam Speaker, on October 13, 2003, America was saddened by the death of Willie Shoemaker at the age of 72. Born in Fabens, TX, which I represent, Shoemaker has truly been an inspiration to his family and his community alike.

Arguably the most successful jockey in the history of horse racing, ''Shoe,'' lead the life of champions. Competing for the first time at the age of 18, Shoemaker retired in 1990 with an impressive 8,833 victories. Accomplishments such as winning four Kentucky Derbies, five Belmont Stakes, and three Preakness Stakes established Shoemaker among the elite; Willie Shoemaker is a member of thoroughbred racing's Hall of Fame and the Texas Horse Racing Hall of Fame.

On April 8, 1991, just over a year after his retirement, Willie Shoemaker was involved in a car accident that left him paralyzed from the neck down. Paralyzation did not diminish Shoemaker's character or spirit. As an honorary Chairman of the Board of Directors of the Paralysis Project of America, the progress toward finding a cure for paralysis, by spinal cord injury, was greatly accelerated.

I would like to thank the lead cosponsor of this resolution, Mr. DREIER of California, for his work on this resolution, as well as the Chairman and Ranking Member for helping bring this resolution to the floor.

Madam Speaker, I am proud to honor such an outstanding individual from my community. I encourage my colleagues to support this resolution. Our strongest condolences goes out to his family and friends as we honor the life and legendary career in horse racing of Willie Shoemaker.

Mr. DUNCAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the resolution, H. Res. 439.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

BEN ATCHLEY POST OFFICE BUILDING

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3769) to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''.

The Clerk read as follows:

H.R. 3769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BEN ATCHLEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, shall be known and designated as the ''Ben Atchley 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 Ben Atchley Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration, H.R. 3769.

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

There was no objection.

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

Madam Speaker, H.R. 3769 would name the post office building at 137 East Young High Pike in Knoxville, Tennessee as the Ben Atchley Post Office Building. No tribute could be more fitting than to name a facility of the United States Government after one of our most patriotic public servants, Senator Ben Atchley.

Ben Atchley has served for 32 years with great honor and distinction in the Tennessee State Legislature. He served for 4 years in the Tennessee House of Representatives and has served the last 28 years as a State Senator from Knox County, Tennessee. Senator Atchley has served for most of that time as the Senate minority leader, but in a coalition with conservative Democrats he has really had effective control of the Tennessee State Senate. However, I think it is fair, and I think people on both sides of the aisle would agree, he is perhaps the most respected and admired figure in the entire government of our State of Tennessee.

He is a long-time personal friend. He is an outstanding family man, with his wife Sue and two children. He is a recognized and very respected figure in the Presbyterian Church, having received the very first Barnabas award, the highest award ever given to a lay member of the Presbyterian Church.

He has served as the National Chairman for the Ethics Committee of the National Association of State legislators. He has been a leader in his business, in his profession of life underwriting and in the mutual fund business. He has received the Distinguished

President Award of the Optimist International.

Ben Atchley has been outstanding in every conceivable way in both public and private life. He also served from 1948 to 1958 in the Naval Reserves. He has served his community, he has served his State, and he has served this Nation. I think it is very accurate to say that this country is a better place today because of the service of Senator Ben Atchley.

So it is with great pride and a special privilege that I have introduced this bill to name this post office facility after him in tribute to his years of public service, and I urge support for this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 3769, legislation naming a postal facility in Knoxville, Tennessee, after Ben Atchley. This measure was introduced by the gentleman from Tennessee (Mr. DUNCAN) on February 4, 2004 and unanimously reported by our committee on February 12, 2004.

Ben Atchley was born in Knoxville, grew up in the area and attended the University of Tennessee in Knoxville. He served in the Tennessee State Senate from the 90th through the 103rd general assemblies. Prior to serving in the State Senate, Mr. Atchley was a member of the State House. As a member of the Tennessee State Senate, Senator Atchley served as the Senate Republican leader from the 95th through the 103rd general assemblies.

As a seasoned politician representing District 6 in Knoxville, Tennessee, Senator Atchley has enjoyed a very successful career. I note that he is retiring this year after 32 years in politics. He has also been very involved in community and business organizations.

Madam Speaker, what I find most interesting about Senator Atchley is that, according to his secretary, his first apartment, after he got married, was directly across the street from the post office being named after him. The Senator also worked right next door to the same post office where he had a job with South Central Bell Telephone Company. And his high school, Young High School, was a stone's throw down the road from the post office. This postal designation was definitely meant to happen.

So I commend my colleague for seeking to honor the contributions of Senator Atchley and urge swift passage of this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

First, I want to commend my friend, the gentleman from Illinois (Mr. DAVIS), for his very kind and fitting and appropriate comments in regard to this legislation, and I simply would like to note that our congressional delegation from the State of Tennessee consists of five Democrats and four Republicans. I think we get along about as well as any delegation in this entire Congress. All nine Members of the House Congressional delegation from Tennessee very quickly and eagerly joined this legislation and cosponsored it.

Ben Atchley has been a very loyal Republican, but he has as many friends on the Democratic side as on the Republican side. He is truly a great, great American, and I urge passage of this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1430

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 3769.

The question was taken.

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

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

The yeas and nays were ordered.

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

URGING INTRODUCTION OF RESOLUTION CALLING ON CHINA TO END ITS HUMAN RIGHTS VIOLATIONS

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 530) urging the appropriate representative of the United States to the 60th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 530

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, is the most important international forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the Department of State, the United States Commission on International Religious Freedom, and international human rights organizations, the Government of the People's Republic of China continues to commit well-documented human rights abuses against the Chinese people;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of People's Republic of China continues to ban and criminalize groups it labels as cults or heretical organizations;

Whereas the Government of the People's Republic of China has repressed unregistered religious groups and spiritual movements and persists in persecuting persons on the basis of unauthorized religious activities using such measures as harassment, surveillance, job discrimination, exorbitant fines, prolonged detention, physical abuse, incarceration, and closure or destruction of places of worship;

Whereas international human rights organizations have documented that torture, maltreatment, the use of confessions extracted through torture, and other abuses while in detention are rampant in the Chinese legal system;

Whereas the persecution of Falun Gong practitioners has been particularly harsh;

Whereas the Government of the People's Republic of China launched a brutal campaign to eradicate Falun Gong from their country;

Whereas since this time large numbers of Falun Gong practitioners have been arrested, subjected to harsh reeducation efforts, and some have even been tortured to death;

Whereas Falun Gong practitioners continue to report harassment and acts of violence at the hands of foreign nationals which have occurred against them during peaceful protests in the United States and other countries;

Whereas the Federal Bureau of Investigation is currently investigating the possibility of links between attacks against Falun Gong practitioners in the United States and the Government of the People's Republic of China;

Whereas Catholics who remain faithful to the Pope and in communion with Rome face continuing restrictions, including difficulties holding worship services, obtaining building permits for churches, and training clergy;

Whereas Protestant house church leaders are facing increased pressure to register with the official Protestant church or face harassment, detention, and destruction of their places of worship;

Whereas many Catholic and Protestant leaders and believers have been imprisoned or subject to house arrest including Su Zhimin, a Catholic Bishop who was reportedly arrested in 1997 and who is currently reported to be in very poor health;

Whereas the Government of the People's Republic of China continues to exert tight control over the religious and cultural institutions of Tibetan Buddhists and Uighur Muslims, using torture, arbitrary arrest, and detention without public trial against these individuals for peacefully expressing their religious or political views;

Whereas the whereabouts of Gendun Choekyi Nyima, the boy identified by the Dalai Lama as the 11th Panchen Lama, are still unknown;

Whereas Gendun Choekyi Nyima was 6 years old when the Chinese authorities took him and his family away in 1995;

Whereas it is believed that the Chinese authorities are holding him in a secret location;

Whereas Tibetans caught displaying photos of the 11th Panchen Lama or the Dalai Lama face harassment, fines, and detention;

Whereas in January 2003, the Government of the People's Republic of China executed a

Tibetan man named Lobsang Dhondup without due process and despite repeated assurances to United States officials that his case and that of Tenzin Delek Rinpoche would be would reviewed by the Chinese Supreme People's Court;

Whereas this review never happened and Tenzin Delek Rinpoche remains on death row, in the second year of his suspended death sentence;

Whereas enforcement by the Government of the People's Republic of China of its one-child per family policy has been cruel and inhumane and has included the use of forced abortion and forced sterilization;

Whereas this one-child per family policy has led to the abandonment and infanticide of baby girls and a disproportionate number of male children in China, which will have serious and detrimental sociological impacts on China for years to come;

Whereas 14 years after the 1989 pro-democracy demonstrations in Tiananmen Square, many protesters remain in prison and no independent investigations have taken place regarding the massacre that occurred during those demonstrations;

Whereas authorities in the People's Republic of China have continued their efforts to extinguish expressions of protest or criticism and have detained and sentenced scores of citizens associated with attempts to organize peaceful protests, to expose corruption, to preserve their ethnic minority identity, and to use the Internet for the free exchange of ideas;

Whereas many prisoners in China are confined to state run psychiatric hospitals for simple acts of expressing their thoughts on political issues, like veteran human rights activist and prisoner of conscience Wang Wanxing;

Whereas many Chinese prisoners are in Laogai, forced labor camps in which inmates are subject to various forms of cruel and forced labor;

Whereas the International Committee of the Red Cross and other international human rights organizations have been denied access to the Chinese prison system;

Whereas it well documented that organs taken from executed prisoners are sold for use in transplants in China and abroad;

Whereas the percentage of transplant kidneys estimated to be derived from executed prisoners in China has been put as high as 90 percent of all transplanted kidneys in China;

Whereas organs reported to be harvested from executed prisoners in China include corneas, kidneys, and hearts;

Whereas the Government of the People's Republic of China agreed during the December 2002 session of the United States-China Bilateral Human Rights Dialogue to invite, without conditions, the United States Commission on International Religious Freedom, the United Nations Special Rapporteurs on Religious Intolerance and Torture, and the United Nations Working Group on Arbitrary Detention to visit China;

Whereas none of these visits have taken place in the last year and, in the case of the United States Commission on International Religious Freedom, two agreed upon trips were canceled because of unacceptable conditions placed on the visit by the Government of the People's Republic of China;

Whereas the United States decision not to introduce a resolution calling upon the People's Republic of China to end its human rights violations in China at the 59th Session of United Nations Commission on Human Rights in Geneva was based, in part, on the belief that the aforementioned agreements signaled a good faith commitment on the part of Chinese officials to improve human rights practice in China;

Whereas when well-founded, balanced, and accurate resolutions regarding human rights in China were raised in previous sessions of the United Nations Commission on Human Rights, the Government of the People's Republic of China strongly pressured other countries to oppose the consideration of those resolutions;

Whereas since the last session of the United States China Bilateral Human Rights Dialogue, a number of very troubling incidents have occurred, including—

(1) the arrests of a number of democracy advocates,

(2) the detention and torture of 18 Tibetans who were forcibly repatriated from Nepal with the cooperation of Chinese officials, in contravention of international law,

(3) the ongoing forced repatriation of North Korean nationals, who upon return to North Korea will face almost certain arrest, torture, or even death,

(4) the arrest and sentencing of Internet essayists and labor protesters,

(5) the execution of Lobsang Dondrup and continued detention of Tenzin Delek Rinpoche, and

(6) the continued refusal to allow access by United States diplomats and family members of the accused to the trials of those detained for political or religious activities;

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the necessary steps to make the treaty legally binding;

Whereas the Government of the People's Republic of China is a party to the 1951 United Nations Convention Relating to Refugees and its 1967 Protocol;

Whereas the Government of the People's Republic of China is a party to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment; and

Whereas the Constitution and laws of the People's Republic of China purport to provide for fundamental human rights, however, the protections of these rights are often ignored in practice: Now, therefore, be it

Resolved, That—

(1) it is the sense of Congress that—

(A) the United States Government should continue to insist that the People's Republic of China adhere to fundamental human rights principles and allow its citizens the full enjoyment of those rights;

(B) at the 60th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the appropriate representative of the United States should introduce a resolution calling upon the People's Republic of China to end its human rights violations in China and meet internationally recognized standards for human rights;

(C) the United States Government should take the lead in organizing multilateral support to obtain passage by the Commission of such a resolution and should draft the resolution in such a way as to highlight specific human rights abuses;

(D) all countries with representatives at the 60th Session of the United Nations Human Rights Commission should support passage of such a resolution and resist efforts by representatives of the People's Republic of China to oppose the consideration or passage of such a resolution; and

(E) United States Government officials and officials from other governments should continue to speak out in international forums and elsewhere against Chinese repression of religious and political freedom, persecution of Tibetans, Falun Gong practitioners, Catholics, Protestants, and Uighur Muslims, the unjust arrest and detention of religious leaders and political dissidents, harsh conditions in Laogai and other prisons, coercive family planning policies, and the forced return of North Korean refugees; and

(2) Congress urges the Government of the People's Republic of China—

(A) to take the necessary measures to stop the persecution of all religious practitioners and to safeguard fundamental human rights;

(B) to stop the forced return of North Korean refugees, to allow the United Nations High Commissioner for Refugees access to North Koreans inside China, and to work with the United Nations High Commissioner for Refugees to develop a viable solution to the humanitarian crisis involving North Korean refugees;

(C) to end its coercive one-child per family policy and ensure that no national, provincial, or local government officials subject women to forced abortions or sterilizations;

(D) to immediately hold an open and transparent investigation into the 1989 crackdown on pro-democracy demonstrators in Tiananmen Square, to release all the prisoners held in connection with that event, and to pay compensation to the families who lost their loved ones;

(E) to release from detention all prisoners of conscience, persons held because of their religious activities, and persons of humanitarian concern;

(F) to release the 11th Panchen Lama identified by Dalai Lama and allow him to undertake his rightful role;

(G) to allow the Chinese people to practice freely and openly their religious beliefs;

(H) to adhere to the provisions and guidelines of the International Covenant on Civil and Political Rights, the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, and the 1951 Convention Relating to Refugees and its 1967 Protocol; and

(I) to allow, immediately and without restrictions, visits to China by the United States Commission on International Religious Freedom, the United Nations Special Rapporteurs on Religious Intolerance and Torture, the United Nations Working Group on Arbitrary Detention, and the International Committee of the Red Cross.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Minnesota (Ms. MCCOLLUM) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Despite the hopes and expectations of some that robust trade with China would usher in at least a modicum of respect for basic human rights and fundamental liberties, the simple fact of the matter is that the dictatorship in China oppresses, tortures and mistreats tens of millions of its own citizens.

According to the U.S. Department of State, the government's human rights record remains poor, and the government continued to commit numerous and serious abuses, and the repression is getting worse. The State Department Human Rights Report went on to say there was backsliding, their word, backsliding on key human rights issues, including arrests. Abuses include killing, torture, mistreatment of prisoners, and forced confessions.

Amazingly, many years, 15 years after Tiananmen Square when we saw

people protesting the government asking for simple liberties and simple rights, carrying around a facsimile of the Statue of Liberty, 15 years after that there are still some 2,000 people remaining incarcerated in prison camps and detention centers. That is unconscionable this many years afterwards.

I remind my colleagues that people who argue that if we just traded with the Chinese, that things would get better. Back in 1989, the trade deficit was about $6 billion. Now it is $124 billion and counting. It goes up by the day. We trade; they torture, abuse, incarcerate, arrest and mistreat.

Some years ago soon after Tiananmen Square, it brought this to life to me and I was thinking about it this morning, the gentleman from Virginia (Mr. WOLF) and I went to Beijing Prison No. 1, a prison where 40 Tiananmen Square prisoners were being held. They were like modern-day concentration camp victims. Their heads were shaved. Men who had been out there protesting, asking peacefully that the government allow just some basic liberties that we take for granted in the United States and in many other nations of the world, and yet for that the book was thrown at them and there they were making jelly shoes and socks for export to the United States.

The torture does not stop with those who demand political freedoms. On the religious front there is ongoing aggressive repression of those who want to practice their faith as they see fit. We see Falun Gong practitioners who are routinely rounded up and beaten and abused, and hundreds have been tortured to death while held in captivity.

I remember meeting in 1994 with a Catholic bishop by the name of Bishop Su. He now, counting all of the years to date he was in Chinese prisons, has spent 27 years of his life being mistreated in Chinese prison and detention centers. Here is a man whose only violation of the law was to practice his faith with faithfulness. He is a very holy man. In 1994 when he was out of prison briefly, I met with him, and there was not one ounce of malice or hate in him for the dictatorship that was so abusing him. He spoke of forgiveness and reconciliation and how he hoped some day China would be free; and for that, he has been severely punished.

After I left, he was made a captive again and spent 9 days. Then he went into hiding, and in 1997 was recaptured again and put back into prison. In mid-November, we discovered that this great man was still alive and was getting some medical care under heavy guard. Here he is 27 years, a Roman Catholic bishop, and he is just a tip of the iceberg.

Protestant underground believers, Catholics who are underground Falun Gong, Tibetan Buddhists, and Uighur Muslims who have been rounded up under the pretext of post-9/11 saying somehow they are committing acts of terrorism, they are good, honest people, and the government of China enslaves them and mistreats them.

As my colleagues know, China has been designated a CPC country, a country of particular concern, by the U.S. State Department because of its ongoing violations of religious liberties and rights. And as my colleagues know, since 1979 there has been the one-child per family policy. The policy says if the second child happens to come along, he or she has to be aborted. Heavy fines are imposed upon the women, particularly. They call it social compensation fees. Sometimes it is six times the annual salaries of the parents compelling them to abort that baby. Forced abortion and forced sterilization are commonplace in China.

This resolution calls upon the government to cease that horrific attack on the human family and upon women. It is a violation of their basic human rights. It is violence against women, and the child as well.

What this resolution does in a nutshell, it calls on the administration, it calls on all interested parties at the U.N. Commission on Human Rights, which will convene in mid-March, to take up a resolution to just bring out the facts and bring out the basic lack of human rights in China today and not bury it under the table, which unfortunately all of us have done to some extent; and certainly, the U.N. has done it for years.

I would hope that the administration, and I believe they will, will try to get such a resolution passed. We have tried six times. We have not succeeded. One reason is that the Chinese government is very adroit at intimidating other countries or giving them foreign aid so they will back what we call a no-action motion that is offered in Geneva. Even with that as a possibility, and most likely a probability, I think we have a moral duty and obligation to raise it and raise it as aggressively as we can for the victims and those who will be victimized in the future.

Madam Speaker, despite the hopes and expectations of some that robust trade with China would usher in at least a modicum of respect for basic human rights and fundamental liberties, the simple fact of the matter is that the dictatorship in China oppresses, tortures and mistreats tens of millions of its own citizens.

According to the U.S. Department of State, the government's human rights record remains ''poor,'' and the government continued ''to commit numerous and serious abuses,'' and the repression is getting worse. The State Department Human Rights Report went on to say there was ''backsliding, on key human rights issues, including arrests. Abuses include killing, torture, mistreatment of prisoners, and forced confessions.''

Amazingly, 15 years after Tiananmen Square when we witnessed courageous Chinese protesting government abuse, asking for simple liberties and elemental rights, even carrying around Tiananmen a facsimile of the Statue of Liberty, 15 years after that historic outpouring there are still some 2,000 people incarcerated in prison camps and detention centers. That is unconscionable.

I remind my colleagues that the people who argued that if we just traded more with the Chinese, that things would get better on the human rights front. Back in 1989, the trade deficit was about $6 billion. Now it is $124 billion and counting. It worsens by the day. We trade, they torture; we trade, they abuse; we trade, they incarcerate; we trade, they arrest and mistreat.

Right after Tiananmen Square, the gentleman from Virginia (Mr. WOLF) and I went to Beijing and visited Prison No. 1, a prison where 40 Tiananmen Square prisoners were being held. They were like modern-day Nazi concentration camp victims. Their heads were shaved. These men had been out there in Tiananmen protesting, asking peacefully that the government allow some basic liberties that we take for granted in the United States and in many other nations of the world, and yet for that they where hunted down, tortured and jailed. In the prison they were making shoes and socks for export to the United States.

By now most Members know that the torture does not stop with those who demand political freedoms. On the religious front there is ongoing aggressive repression of those who want to practice their faith as they see fit. We see Falun Gong practitioners who are routinely rounded up and beaten and abused, and hundreds have been tortured to death while held in captivity.

I remember meeting in 1994 with a Catholic bishop by the name of Bishop Su. Bishop Su is a saintly man of God who has spent 27 years of his life being mistreated, tortured and oppressed in Chinese prison and detention centers. Here is a man whose only violation of the law was to practice his faith with faithfulness. He is a very holy man. In 1994 when he was out of prison briefly, I met with him in Beijing and there was not one ounce of malice or hate in him for the dictatorship that was so harsh and cruel to him. It was stunning. He spoke of forgiveness and reconciliation and how he hoped some day China would permit religious freedom; and for that, he has been severely punished.

After I left, he was arrested again and spent 9 days in jail. He was released and then he went into hiding, and in 1997 was recaptured again and put back into prison. In mid-November, we discovered that this great man was still alive, for we feared he might be dead, and was getting some medical care under heavy guard. Here he is 27 years in Chinese jails, a Roman Catholic bishop, a holy man, and he is just one example of many.

Protestant underground believers, Catholics, Falun Gong, Tibetan Buddhists, and Uighur Muslims who have been repressed and even more so recently under the pretext of post-9/11 they are good, honest people, and the government of China enslaves them and mistreats them.

As my colleagues know, China has been designated a CPC country, a country of particular concern, by the U.S. State Department because of its ongoing violations of religious liberties and rights. That's a serious designation shared by rogue states. And as my colleagues know, since 1979 there has been the one-child per family policy. The policy says that any child who happens to come along without explicit government permission is to be aborted. Heavy fines and pressure are imposed upon the women, particularly. They call

it social compensation fees. The fee can be six times the annual salaries of the parents, compelling them to abort that baby. Forced abortion and forced sterilization are commonplace in China.

This resolution calls upon the government to cease their horrific attack on the human family and upon women. It is a violation of their basic human rights. It is violence against women, and violence against the child as well.

What this resolution does in sum is to call on the administration, and on all interested parties at the U.N. Commission on Human Rights in Geneva, which will convene in mid-March, to take up a resolution to bring out the facts and to scrutinize and condemn the lack of human rights in China today and not bury it under the table, which unfortunately all of us have done to some extent; and certainly, the U.N. has done it for years.

I would hope that the administration, and I believe they will, will try to get such a resolution passed. We have tried six times. We have not succeeded. One reason is that the Chinese government is very adroit at intimidating other countries or giving them foreign aid so they will back what we call a no-action motion that will be offered in Geneva. Even with that as a possibility, and most likely a probability, I think we have a moral duty and obligation to raise Chinese human rights abuses and raise the issue as aggressively as we can for the victims who cannot speak or fend for themselves.

Madam Speaker, I reserve the balance of my time.

Ms. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution, and before addressing the substance of the resolution I would like to thank its author, the gentleman from New Jersey (Mr. SMITH). He has been a leader on human rights issues, particularly as they relate to China.

This resolution calls upon the administration to offer a resolution on China's human rights record at the upcoming meeting of the Human Rights Convention in Geneva. Given the human rights situation in China, it is imperative that the United States take a leadership role in galvanizing the world community to hold China accountable for gross violations of internationally recognized human rights.

Last year the administration did not offer a China resolution at the Human Rights Commission, which has been only the third time since 1989 that the United States had given China a pass on human rights. In announcing its decision, the administration asserted that China had made progress on human rights and religious freedoms. Madam Speaker, this was a profound mistake.

China took America's unwillingness to lead the charge in Geneva as a sign of weakness, as a statement that China human rights issues had faded from the consciousness of the American public policymakers. Not surprisingly, human rights situations in China grew worse over the past year, not improved. Dissidents jailed remained behind bars; and incredibly, even some protesters from the 1989 Tiananmen demonstrations continue to be imprisoned. Chinese authorities have arrested average citizens who download or post politically sensitive materials on the Internet and have moved to place greater restrictions on Internet access.

The Chinese government also continues its brutal crackdown on the Falun Gong spiritual movement and unregistered Christian churches. According to the State Department's 2003 Human Rights Report, China continues to deny internationally recognized labor rights, the rights of workers to organize. In addition, forced labor prisons remain a serious concern and a problem.

Labor leaders in northeastern China fighting for the rights of unemployed workers from state-owned enterprises were tried and sentenced to long jail terms for their advocacy. Furthermore, China has not adopted a comprehensive policy to combat child labor. In urban areas children often work as street laborers. The State Department notes that children work in coal mines which often operate far from urban centers out of the view of law enforcement officials. This unacceptable policy puts the health and safety of children at risk. It is time for China to address this issue for once and all.

Finally, this resolution will send a strong message to China that the imprisonment of Tibetan political prisoners is unacceptable. The release of one of Tibet's most prominent political prisoners and the longest serving female political prisoner was a positive step, but it is not sufficient. Hundreds of Tibetans remain imprisoned for their political or religious beliefs, detainees are regularly tortured and exiled Tibetans have only limited access to their country. We must continue to put pressure on China to promote the human rights of the Tibetan people.

In short, Madam Speaker, the decision last year to treat China with kid gloves produced a backsliding on human rights, not progress. I hope the administration does not make this mistake again. True political change and representative government will eventually come to China. But, unfortunately, we cannot know whether it will take 5 years or 25 years. But regardless of how long it takes, leaders of a new democratic China must believe that the United States stood with them in their time of darkness. An American-sponsored resolution in Geneva exposing China's poor human rights record accomplishes this vital task. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), the man who authored the International Religious Freedom Act 5 years ago.

Mr. WOLF. Madam Speaker, I thank the gentleman from New Jersey (Mr. SMITH), the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS) and others who have been strong supporters with regard to speaking out on behalf of those being persecuted in China.

I heard the gentleman from New Jersey (Mr. SMITH) talk about the Tiananmen Square demonstrators. We saw them making socks. I still have the socks in my office. That was 15 years ago.

Madam Speaker, I ask Members, what were they doing 15 years ago? For the last 15 years, what were you doing? For the last 15 years, these men and women have been in prison, and very few people really speak out.

I rise in strong support of this resolution. Every Member of Congress should be outraged that the men and women in China are routinely being persecuted by the government. Every Member of Congress and everyone in the administration ought to imagine a country and think about a country where factory workers have no workplace safety, labor and environmental protections, and are required to work 80 hours a week for no more than $110 per month for goods exported. Imagine a country which boldly supplies missile and chemical weapons technology to countries that harbor terrorists.

□ 1445

Imagine a country that oversees a network of espionage operations against American companies. The Chinese have a spying program against American industry second to none. The KGB could not hold a candle to what the Chinese Government is doing. Imagine a country which is plundering a neighbor and wiping out its religion-based culture. Imagine a country which tortures and imprisons Catholic bishops. There are 11 Catholic bishops according to the Cardinal Kung Foundation in prison today. Eleven. You almost never hear anybody speak out on behalf of them. You have a large number, 250, 300 Protestant house church leaders. I had a Protestant pastor come by to see me 2 weeks ago, a pastor that we had helped and worked with; he had been in prison 10 years. He said his last job in a slave labor camp was making Christmas tree lights. A Protestant pastor in a Chinese prison making Christmas tree lights to celebrate the birth of Jesus. What is wrong? Yet you never really hear anybody speak out with regard to that.

Buddhist monks and nuns, persecuted severely. Keep in mind the leader of the Chinese Government now is the guy who brought down all of the persecution of those who were Buddhists with regard to the Drapchi prison and what took place in Tibet. As the gentleman from New Jersey said, the Muslims are being pounded left and right. If you need a new organ or kidney, you can go to China and for $50,000, they will go into the prison, take your blood type, take his blood type, find a match, kill him, take him away, transplant the kidney for $50,000.

Slave labor camps. There are more slave labor camps in China today than there were when Solzhenitsyn wrote that Nobel Prize-winning book, ''Gulag Archipelago.'' There are more in China today than there were then. We all know what country this imaginary country is. It is China.

The other day I was coming in and I heard Simon and Garfunkel on the radio sing the words of ''The Boxer.'' It really struck me: ''Man hears what he wants to hear and disregards the rest.'' This administration and this Congress hears only what it wants to hear and disregards the rest.

I had an opportunity several weeks ago to go to Berlin. We went to a train stop called Grunewald Station. It is where they took people who were Jewish and put them on trains and sent them away. I was there kind of late. As it was getting dark, I looked out, I looked at big, large homes that were all around this station. I said to myself, these people must have known what was taking place in 1941 and 1942 and 1943. They had little signs of how many were put on the trains in 1942 and 1943. Thousands and thousands. It got down to 1944 and 1945, in one train 17 or 18. But the people that lived in the neighborhood had to know what was taking place.

We have a 71-page report that the State Department has put out. So it is kind of like saying, We did not know. But we know. We cannot now say, We do not know what's taking place in China. The one-child per family, the human organ transplants, the slave labor camps. We cannot say we do not know because you get the 71-page report and you read it, 71 pages about China.

Later on when the Chinese Government falls, and it will fall, they will go the way of the Ceausescu government; and God bless Ronald Reagan when he spoke out and called the Soviet Union the Evil Empire and put the cruise missiles into Europe when nobody else wanted them. But they will fall and when they go back and open up the records, nobody will be able to say, we did not know, because now we know. We read the human rights report that came out of the State Department 3 days ago.

Madam Speaker, I am going to put the rest in the RECORD and just say this administration ought to follow this resolution. If it does not follow the resolution and yet it followed that 71-page report, I do not see how it can live with itself. Let me just say, as Dietrich Bonhoeffer said, it is cheap grace for the Congress just to pass a resolution urging them to do a resolution. We ought to be doing a lot more and speaking out on behalf of those who are being persecuted.

Many people will tell you when the Reagan administration and the Carter administration used to go to the Soviet Union, they always met with the dissidents. They went into their apartments. They had them into the embassy. Somewhere there are bracelets with their names on them. They stood in solidarity with the people in the Soviet Union that were being persecuted. I find that when delegations, both congressional and executive branch, go to China, they meet with the leaders. They have their shark fin soup, and they meet in the big halls; but they do not meet with the people.

We have a lot to learn, we in Congress and in the administration, to emulate President Ronald Reagan. Ronald Reagan always spoke out on behalf of the persecuted. Sharansky will tell you that his life got better when Ronald Reagan and the Congress, both Republicans and Democrats, raised the Sharansky case. He sometimes just got more food. He got more visitations. We need the administration, one, to introduce a resolution. Secondly, this Congress ought to do more or else the words from Simon and Garfunkel, ''The Boxer,'' ''Man hears what he wants to hear and disregards the rest,'' will in essence be the theme song for us in the United States where we say Congress hears only what it wants to hear and disregards the rest.

Madam Speaker, there are 71 pages. We cannot ever again say we did not know, because now we know. I urge the strong passage of this resolution.

Madam Speaker, I rise in strong support of H. Res. 530 urging the United States to introduce a resolution highlighting China's human rights record at the 60th session of the United Nations Commission on Human Rights this month. Every Member of Congress should be outraged that men and women in China are routinely persecuted by the Chinese Government.

Imagine a country where factory workers have no workplace safety, labor, or environmental protections and are required to work 80 hour-weeks for no more than $110 per month to produce goods for export.

Imagine a country which boldly supplies missile and chemical weapons technology to countries that support or harbor terrorists.

Imagine a country that oversees a network of espionage operations against American companies.

Imagine a country which is plundering a neighbor and wiping out its religion-based culture.

Imagine a country which tortures and imprisons Catholic bishops, Protestant church leaders, Muslim worshipers, Falun Gong followers, and Buddhist monks and nuns just because of their faith and systematically destroys churches and confiscates bibles.

Imagine a country which has a thriving business of harvesting and selling for transplant kidneys, corneas, and other human organs from executed prisoners who are thrown in prison with no trial or sentencing procedures.

Imagine a country which maintains an extensive system of gulags—slave labor camps—as large as existed in the former Soviet Union that are used for brainwashing and ''reeducation through labor.''

That country is not imaginary. It is the People's Republic of China.

I was appalled last year when the United States administration chose not to introduce a resolution condemning China at the U.N. Commission on Human Rights meeting in Geneva. We were told over and over again that China's human rights record was improving and that change was coming.

The recently released State Department country reports on human rights unequivocally states that over the last year China didn't improve its human rights record. In fact, there was backsliding.

I would like to share with you some facts from that 71-page report.

The Chinese government has failed to demonstrate its willingness to abide by the internationally accepted norms of freedom of belief, expression, and association.

Citizens lacked both the freedom peacefully to express opposition to the political system or the right to change the system.

Violence against women (including imposition of a birth limitation policy coercive in nature that resulted in instances of forced abortion and forced sterilization) continued.

Last year alone the government executed more prisoners than any other country.

All over China Catholic Bishops and Priests are in jail, some for decades at a time, simply for practicing their faith.

Over 250,000 persons are serving sentences in ''reeducation through labor'' camps.

As many as 2,000 people remained in prison for their activities during the June 1989 Tiananmen demonstrations.

The government used the international war on terror as a justification for cracking down harshly on suspected Uighur separatists.

The government continues to deport thousands of North Koreans, who face persecution upon their return.

And the list goes on.

China cannot fool the international community any longer. The Chinese Government continues to commit well-documented human rights abuses against the Chinese people.

America must be a country that stands up for basic decency and human rights. America must speak out on behalf of those who cannot speak for themselves—men and women who are being persecuted on account of their religious or political beliefs.

Our foreign policy must be a policy that helps promote human rights and freedom. Not a policy that sides with dictators who oppress their own citizens.

The facts are before us. The United States can no longer say that things are improving in China.

Each day we fail to speak out is another day that a Catholic Priest is arrested.

Another day a Falun Gong practitioner is tortured. Another day that innocent voices are silenced.

Will the United States step up as the leader of the free world and sponsor a resolution on China, or will the world sit by and watch China suppress its citizens for another year?

How will history judge us? We must not be afraid to act.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), chairman of the Subcommittee on the Middle East and Central Asia.

Ms. ROS-LEHTINEN. Madam Speaker, I rise in support of this resolution that outlines the deplorable record of China's authoritarian regime, a regime which continues to systematically violate the most basic human rights of all of its people and the civil and political

liberties of all of its citizens. State security personnel are responsible for extensive abuses such as political and extrajudicial killings, lengthy incommunicado detentions, and the use of torture. Police target certain dissidents for incarceration in psychiatric facilities, subjecting them to unspeakable punishment. National, racial, and ethnic minorities remain subject to intense persecution and discrimination. Thugs employed by the regime frequently launch campaigns to crack down on opposition and pro-democracy groups. Freedom of movement, speech, assembly, and association are severely restricted. The controls on religious worship have intensified. Church leaders and other faithful are harassed and repressed with fines, detentions, physical abuse and, yes, torture. Many houses of worship have been destroyed. Catholic and Protestant leaders and believers have been imprisoned or subjected to house arrest.

This cowardly, dictatorial regime has harassed, imprisoned, and tortured members of the Falun Gong group, sending women, children and men to torture camps for doing nothing but exercising their most basic, fundamental rights of freedom of conscience and belief. This deplorable action by the Chinese authorities has included the brutal torture of followers, particularly women, who have been arrested, gang-raped, and brutally beaten. They have been demoted or dismissed from their employment. They have been held in prison. They have been sent to labor camps and psychiatric hospitals, all because they chose to live by the strength of their convictions and refused to renounce their beliefs.

Additionally, trafficking in persons, mainly women and children, for forced prostitution or illegal forced labor continues, placing this segment of the population in constant risk of slavery. The gross violations of human rights and fundamental freedoms by the Chinese regime and the deteriorating situation in China are highlighted in the Department of State's Human Rights Report released last week. The China report says: ''The government continued to commit numerous and serious abuses. There was backsliding on key human rights issues during the year.''

The People's Republic of China must be held accountable for its deplorable actions. Constant pressure from the U.S. and the international community is vital if any improvements are to take place in China.

Madam Speaker, we must support the Chinese people in their efforts and send a clear message to their oppressors that the U.S. is committed to the defense of democratic principles and human rights. This resolution before us is an important part of that strategy. As the U.S. delegation works to ensure debate on human rights conditions in China and to secure the votes for a resolution at the United Nations Commission on Human Rights calling on China to end its terrible human rights practices, let us show them our full support by voting in favor of the resolution in front of us, House Resolution 530.

I thank the gentleman from New Jersey (Mr. SMITH) as well as the gentleman from Virginia (Mr. WOLF) for their steadfast support for the Chinese people to live free one day soon.

Ms. MCCOLLUM. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. COX).

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

Madam Speaker, I rise in strong support of H. Res. 530, which urges the representative of the United States to the 60th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the government of the People's Republic of China to end its human rights violations.

A year ago, the government of the PRC agreed to invite three international human rights organizations to China without conditions. Those three organizations were the U.S. Commission on International Religious Freedom, the U.N. Special Rapporteurs on Religious Intolerance and Torture, and the U.N. Working Group on Arbitrary Detention. Two visits were scheduled, but the arrangement was that they were supposed to come without conditions and none of those visits has taken place precisely because of unacceptable preconditions imposed in violation of its own promises by the government of the People's Republic of China.

The failure of the PRC government to follow through on its promises once again is instructive. First, it demonstrates the lack of commitment and good faith on the part of the PRC to acknowledge and improve the human rights conditions for the Chinese people. Second, it reveals a PRC strategy to assuage international concerns with bare rhetoric and deceptive practices in order to advance the political and economic interests of its rulers. Most importantly, it shows that additional pressure is necessary to improve human rights in the PRC.

Several cases have been cited. In fact, the pattern of hundreds and thousands of cases has been cited during this debate. I will add just one more, the case of Dr. Yang Jianli, the U.S.-educated scholar of democracy. In June 2003, this House unanimously approved legislation calling for Dr. Yang's release. His case is one more example of the unwillingness of the PRC government to fulfill its promise, or to follow its own law. The PRC has held Dr. Yang Jianli, whose wife and children are citizens of the United States, without access to a lawyer, without the right to contact his family, and even without a court ruling against him. This indefinite detention is a violation of international standards and the PRC's own criminal law.

Since 1997, the denial of basic rights is beginning to extend even to Hong Kong. Just today, we read in The Washington Post that the PRC is secretly holding a group of Hong Kong residents, including at least three British citizens, and prosecuting them for espionage. What have they done? According to The Post, the charges include discussion of the Tiananmen Square massacre. Madam Speaker, there are many people who should be prosecuted for the Tiananmen Square massacre, but they are most assuredly not citizens of China or British citizens living in Hong Kong; and they are not people who simply talk about this abomination. They are, instead, the rulers who perpetrated this assault on the Chinese people and who continue to occupy positions of high power in Beijing.

We ask the government of the PRC to accomplish simple and humane goals: stop the persecution of religious practitioners; stop the forced return of Korean refugees to the totalitarian half of the peninsula; end forced abortions and forced sterilization of women; adhere to the International Covenant on Civil and Political Rights, the U.N. Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment; and the 1951 Convention Relating to Refugees and its 1967 Protocol.

Madam Speaker, today there appears in the news the fact that the People's Republic of China has announced it is going to change its constitution to include private property as a right of the Chinese people. In practice, the National People's Congress exists mainly to carry out the will of the party leadership; and if the party leadership will not observe its own laws, we can expect nothing to come of this as well.

Article 35 of the existing state constitution proclaims that citizens of the PRC enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration; and that is a lie.

□ 1500

We are here today to urge our government to work to see to it that these lies come to an end and that the People's Republic of China honors the citizens of China with basic fundamental human rights.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of the time.

I want to thank, first of all, the gentleman from California (Mr. COX) of the Select Committee on Homeland Security for his very eloquent statement and to the gentlewoman from Florida (Ms. ROS-LEHTINEN) and to the gentleman from Virginia (Mr. WOLF) and the gentlewoman from Minnesota (Ms. MCCOLLUM) and especially to the gentleman from Illinois (Chairman HYDE), who is a very strong and steadfast supporter of human rights around the globe, including China, and of course the gentleman from California (Mr. LANTOS), who also speaks out boldly on these issues.

I would just say finally, Mr. Speaker, that one of the great leaders of the

whole human rights movement in China is a man by the name of Harry Wu. Most people know about him. He is a man who has an impeccable reputation for honesty, for courage. He spent 19 years in the Chinese laogai system and suffered immensely for it. I will never forget when he helped us organize one of our first committee hearings when I chaired the Committee on International Operations and Human Rights on the laogai. He brought in six survivors of the laogai. One of those survivors was Palden Gyatso, a Buddhist monk who tried to get through security into the Rayburn Building bringing the instruments of torture that are routinely used and deployed to abuse prisoners in the laogai, including cattle prods and the like, horrible, horrific implements, and he was stopped, obviously, by the guards who were wondering what is this all about. We had to go down and usher him through. Those kinds of instruments, Mr. Speaker, are commonplace. Torture is commonplace.

The gentleman from California (Mr. COX) talked about all these promises that are made time after time. They sign covenants. They say they are going to do this. The Chinese government routinely does not follow through, and so it will be with the most recent property rights. They make promises, and routinely it is predictable they do not follow through. And I just want to pay a special tribute to Harry Wu for his great leadership.

The ICRC has been trying for years, the Red Cross, to get into the Chinese prisons. They cannot get in because it is closed, because torture is routinely used against political and religious prisoners and against other prisoners as well. If they are arrested for just about anything, the way they get their conviction is to compel a confession out of them by torturing them.

Let me also remind Members, too, and the gentleman from California (Mr. COX) made mention of this as well, forced abortion is commonplace in China. Brothers and sisters are illegal. Women are compelled to have their children destroyed because they do not fit into a grandiose plan by this dictatorship. That too is an egregious human rights abuse. At the Nuremberg War Crimes Tribunal it was construed to be a crime against humanity. It is a crime against humanity in 2004 as it is practiced in the People's Republic of China. This resolution puts us on record against it and says let us take our case to the UN Human Rights Commission and hopefully we can garner sufficient votes to censure this despicable behavior. I hope we have unanimous support for this resolution.

Mr. Speaker, I want to thank, first of all, the gentleman from California (Mr. COX) of the Select Committee on Homeland Security for his very eloquent statement and to the gentlewoman from Florida (Ms. ROS-LEHTINEN) and to the gentleman from Virginia (Mr. WOLF) and the gentlewoman from Minnesota (Ms. MCCOLLUM) and especially to the gentleman from Illinois (Chairman HYDE), who is a very strong and steadfast supporter of human rights around the globe, including China, and of course the gentleman from California (Mr. LANTOS), who also speaks out boldly on these issues.

Mr. Speaker, one of the great leaders in the whole human rights movement in China is a man by the name of Harry Wu. Most people know about him. He is a man who has an impeccable reputation for honesty, persistence, and courage. He is a hero of democracy. He spent 19 years in the Chinese laogai system and suffered immensely for it. His witness is a rebuke to the hardliners in Beijing. I will never forget when he helped us organize one of our first committee hearings on PRC abuse back when I chaired the Committee on International Operations and Human Rights. The hearing was on the laogai. He brought in six survivors of the laogai. One of those survivors was Palden Gyatso, a Buddhist monk who tried to get through security into the Rayburn Building bringing the instruments of torture that are routinely used and deployed to abuse prisoners in the laogai, including cattle prods and the like, horrible, horrific implements. He was stopped, obviously, by the guards who were wondering what is this all about. We had to go down and usher him through. Sadly those kinds of torture instruments, Mr. Speaker, are commonplace in the PRC. Torture is commonplace.—An everyday occurrence.

The gentleman from California (Mr. COX) talked about PRC promises made but never kept. They sign covenants. They say they are going to do this. It makes good headlines. The Chinese government, however, routinely does not follow through, and so it will be with the most recent property rights announcement. They make promises, and it is predictable they do not follow through.

The Internation Committee for Red Cross has been trying for years, to get into the Chinese prisons. To inspect and to hold the PRC to account. They cannot get in because it is closed, because torture is routinely used against political and religious prisoners and against other prisoners as well. If you are arrested for just about anything, watch out. The way PRC thugs get their conviction is to compel confessions out of the accused by torturing them.

Let me also remind Members, too, and the gentlelady from Florida (Ms. ROS-LEHTINEN) made mention of this as well, forced abortion is commonplace in China. Brothers and sisters are illegal because big brother in Beijing says so. Women are compelled to have their children destroyed because they do not fit into a grandiose plan of quotas and permission slips by the dictatorship. That too is an egregious human rights abuse. At the Nuremberg War Crimes Tribunal forced abortion was construed to be a crime against humanity. It is a crime against humanity in 2004 as it is practiced in the People's Republic of China. This resolution puts us on record against China's brutal one child per couple policy. This resolution admonishes the administration to take our case to the UN Human Rights Commission and work to garner sufficient votes to censure this despicable government behavior. I hope we have unanimous support for this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 530, a bill that makes a strong statement of advocacy for human rights and urges the People's Republic of China to adhere to the principles of international law and respect for the fundamental human rights of individuals. This bill is timely in light of the equally urgent crisis that occurs today in Haiti.

We must work to ensure that all of our international neighbors uphold the principles of international law. On July 9th of last year, I participated in a rally held on the Capitol lawn to uphold justice and freedom for the practitioners of the Falun Gong religion.

As I stood that day to support the practitioners of Falun Gong and their unwarranted persecution, I stand today to request that Congress must insist that China adheres to worldwide standards on human rights and toleration.

We as a nation have a unique relationship with the People's Republic of China, and we must take every action to maintain and foster that relationship. Yet we cannot overlook the injustices committed in that nation. The persecution of the Falun Gong, an organization whose three principles are truthfulness, compassion, and tolerance, is a prime example of that very injustice I speak of.

I must preempt my statement by clarifying that this bill will not serve to diminish the strength of our two great nations' relationship; rather it will cultivate an environment of peace and regional security. This bill will send the People's Republic of China a clear message that it must alter its current position on Human rights in order to be a true member of the world community.

As one of our largest trading partners our relationship with China has become closer then ever. We are constantly building new bridges of communication; politically, socially, and economically. Yet we cannot be content with these developments. We cannot sit idly by while China forces women to abort their children and imprisons people based on their religious beliefs. The World Community has set general principles for human rights. The simple fact is that China is not meeting these standards.

The fear of change and diversity has infected the minds of those who are in a position to wield power and physical strength. The situation will not change until we take a clear position condemning China for its human rights abuses.

Because of our unique relationship with the People's Republic of China we have a strong footing upon which to make these claims. By working with China, with the explicit goals of improving human rights conditions in that country, we can make China a better, safer country and create a new and stronger relationship between the United States and China. Our demands that China meet internationally accepted levels for human rights will not serve to hinder China's development, rather it will enable China to flourish.

I will end by saying that we as Americans have a duty to stand up for those who are less fortunate, for those who voices are forced into silence, and for those shackled down by tyranny. We espouse and will constantly fight for human rights, freedom of speech, and freedom of religion in this country as well as internationally. Join me in supporting H. Res. 530.

Mr. SCHIFF. Mr. Speaker, as a member of the Committee on International Relations and the Congressional Human Rights Caucus, and as a friend of the Chinese people, I am proud to be an original cosponsor of this resolution.

In the three decades since President Nixon made his historic trip to China, that country has undergone a remarkable transformation that all of us in this House should applaud.

Gone are the Red Guards, the mass rallies, and the ubiquitous Mao Suits. Today's, young Chinese enjoy a far better standard of living than their parents. They are often dressed in stylish western fashions. They have access to western movies, books, and the Internet. Bicycles, once the primary means of transportation for millions of urban Chinese, are being replaced by scooters, motorcycles and growing numbers of cars.

But, Mr. Speaker, there is one area where the China of 2004 is little changed from the China of 1972: the Chinese government's persistent and systematic abuse of the human rights of its citizens. Even as we deepen and broaden the commercial, diplomatic, and cultural ties with China, the United States must not sacrifice its commitment to freedom, democracy, the rule of law, human rights and religious freedom.

Chinese prisons, labor camps, and psychiatric hospitals are filled with political prisoners. Fifteen years after the 1989 pro-democracy demonstrations in Tiananment Square, many protesters remain in prison and Beijing has continued its efforts to extinguish expressions of protest or criticism and have detained and sentenced scores of Chinese citizens associated with attempts to organize peaceful protests, to expose corruption, to preserve their ethnic minority identity, and to use the Internet for the free exchange of ideas.

China's persecution of religious minorities has been especially cruel. China's small Christian population has been subject to persecution and many Catholic and Protestant leaders have been imprisoned or placed under house arrest. Practitioners of Falun Gong, which Chinese authorities denounce as an illegal cult, have been singled out for especially harsh treatment. Some Falun Gong adherents have been tortured to death in Chinese prisons; others have been sent to reeducation camps that have changed little since the days of the Cultural Revolution.

Beijing's obsession with eradicating the Falun Gong has not been confined to China. The FBI is investigating possible links between the Chinese government and attacks upon Falun Gong practitioners here in the United States.

The Chinese government has continued its brutal repression of Tibet. The whereabouts of the boy identified by the Dalai Lama as the 11th Panchen Lama are unknown. Tibetans caught displaying photos of this child or of the Dalai Lama face fines or imprisonment. Tibetan prisoners have been executed without due process and others remain on death row. Beijing continues to move ethnic Chinese citizens into Tibet in order to dilute and gradually extinguish the cultural and social identity of the Tibetan people.

During the December 2002 session of the United States-China Bilateral Human Rights Dialogue, Beijing agreed to invite, without conditions, the United States Commission on International Religious Freedom, the United Nations Special Rapporteurs on Religious Intolerance and Torture, and the United Nations Working Group on Arbitrary Detention to visit China. None of these visits have taken place and, in the case of the United States Commission on International Religious Freedom, two agreed upon trips were canceled because of unacceptable conditions placed on the visit by the Government of the People's Republic of China, including refusing the Commission entry into Hong Kong.

China's refusal to live up to its promises to cooperate with American and United Nations human rights representatives is especially troubling as the United States decision not to introduce a resolution calling upon the People's Republic of China to end its human rights violations in China at last year's session of United Nations Commission on Human Rights in Geneva was based, in part, on the belief that the aforementioned agreements signaled a good faith commitment on the part of Chinese officials to improve human rights practice in China.

In fact, since the last session of the United States-China Bilateral Human Rights Dialogue, a number of very troubling incidents have occurred, including: arrests of democracy advocates; the detention and torture of 18 Tibetans who were forcibly repatriated from Nepal with the cooperation of Chinese officials, in contravention of international law; ongoing forced repatriation of North Korean nationals, who upon return to North Korea will face almost certain arrest, torture, or even death; arrest and sentencing of Internet essayists and labor protesters; and the continued refusal to allow access by United States diplomats and family members of the accused to the trials of those detained for political or religious activities.

China's continued abysmal human rights record has convinced me that Beijing will not take the necessary steps to improve its human rights record absent the external pressure and exposure of a U.S.-sponsored resolution in Geneva. The late Supreme Court Justice Louis Brandeis famously said, ''Sunlight is the best disinfectant.'' The Chinese leadership will doubtless resist our efforts to open the shutters to allow that light to illuminate its repression, but I believe that China will be better for it in the end. The Chinese government would do well to remember that the eyes of the world will be focused on China in four years' time when Beijing hosts the 2008 Olympic Games. For China, readying itself to host the world must mean more than building an Olympic Village and sporting venues. China must also rise to meet the aspirations of the Olympic movement by dismantling the systems of repression that stifle dissent, free expression, and religious observance.

I urge my colleagues to join me in supporting this resolution.

Mr. HOYER. Mr. Speaker, I join my colleagues on both sides of the aisle in urging the Members of this House to support this important Resolution.

As I remarked in a speech on trade relations nearly four years ago, the most powerful nation on earth cannot ignore the most populous nation of earth. The United States, in my view, must use its best efforts to move the People's Republic of China toward democratic reform, market economics and the rule of law.

However, even as we seek to engage the People's Republic on issues of mutual interest and concern, we have a continuing obligation, in my view, to hold the communist regime in Beijing accountable for its unjustified and indefensible human rights violations.

Just today, Mr. Speaker, the Washington Post reported that China has detained a group of Hong Kong residents—including at least three British citizens—and has begun to prosecute them on espionage charges.

One of the British citizens charged is accused of, among other things, discussing he 1989 Tiananmen Square massacre with a British agent.

And it remains unclear how these British citizens are being prosecuted under Chinese law for activities that allegedly took place in Hong Kong before China resumed control of that territory.

And just last week, the State Department's 2003 Human Rights Report Scored Beijing on this issue. The report stated:

''We began 2003 with hopes that the incremental but unprecedented progress in China seen in 2002 would be continued and expanded; however, throughout the year, we saw backsliding on key human rights issues. Arrests of democracy activists, individuals discussing subjects deemed sensitive by the Government on the Internet, HIV/AIDS activists, protesting workers, defense lawyers advocating on behalf of dissidents or the dispossessed, house church members and others seeking to take advantage of the space created by Chinese reforms increased.''

In short, this Resolution urges the United States to introduce a resolution at the 60th Session of the U.N. Human Rights Commission that calls on China to end its human rights violations and to meet internationally recognized standards for human rights.

Furthermore, it states that the United States should take the lead in organizing support for the passage of such a resolution, and that American officials continue to speak out against religious and political persecution in China, as well as coercive family planning practices, forced labor camps, the forced repatriation of North Korean nationals and other abuses.

Mr. Speaker, I thank our colleagues from New Jersey (Mr. SMITH) for introducing this Resolution. And I urge all my Members to support it.

The People's Republic has made great economic progress over the last half century. But its persistent pattern of human rights abuses is a dark stain on its record. As a beacon of liberty and democracy, we have an obligation to ensure that it is held accountable for such abuses.

Mr. HYDE. Mr. Speaker, I thank the gentleman from New Jersey for yielding. I rise in support of H. Res. 530, and I'd like to commend my colleague, Mr. SMITH of New Jersey, for sponsoring this important and timely resolution. This bill urges the U.S. Representative to the 60th Session of a the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights abuses. H. Res. 530 also urges the People's Republic of China to safeguard fundamental human rights.

Last year at the 59th Session of the U.N. Commission on Human Rights in Geneva, the United States did not sponsor a resolution on the People's Republic of China. The United States refrained from doing so in part because of commitments which the Government of China made to the United States during bilateral talks in December of 2002 that it would improve its human rights record and would allow greater access of international monitors into the country. However, these commitments were not fulfilled.

In fact, during the past year we witnessed continued disturbing trends in the human rights situation in China. Indeed, in last week's release of the State Department's annual Country Reports of Human Rights Practices, referring to China, it notes that, ''We saw backsliding on key human rights issues.''

Unfortunately, there are far too many examples of their ''backsliding.'' In January, Tibetan activist Lobsang Dhondup (Lob-sang Dun-op) was executed without due process. Arrests and harsh sentencing of democracy activists, critics on the Internet, and labor organizers continued throughout the year. And other than the lone release of Tibetan prisoner of conscience, Phuntsog Nyidrol (Putt-sok Nee-droo), last week—the day after the State Department's Country Reports on Human Rights Practices was released—there have been no recent releases of political prisoners. Further, religious adherents continue to be persecuted, and Falun Gong followers remain targeted by the government. Another area of grave concern is Beijing's forced repatriation of North Korean refugees in China and other human rights abuses directed against these refugees, including the trafficking of women and children.

Mr. Speaker, the People's Republic of China must understand that increased bilateral cooperation in other areas, including security, does not in any way negate or lessen obligations to uphold basic human rights. I encourage my colleagues to support H. Res. 530.

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

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

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 530, as amended.

The question was taken.

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

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. 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. Res. 530, as amended.

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

There was no objection.

EXPRESSING SYMPATHY OF HOUSE FOR VICTIMS OF EARTHQUAKE IN IRAN

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran.

The Clerk read as follows:

H. RES. 526

Whereas approximately 40,000 men, women, and children, including a United States citizen, perished in an earthquake that occurred on December 26, 2003, in Bam, Iran;

Whereas the people of the United States immediately expressed their sincerest sympathy by sending aid to the victims of the earthquake in Iran;

Whereas 90 percent of the 2,000 year-old city of Bam was destroyed;

Whereas the magnificent buildings in Bam belonged not only to the people of Iran, but to our common world heritage;

Whereas President George W. Bush lifted sanctions on Iran temporarily in order to enable United States relief organizations to swiftly send aid to Bam;

Whereas United States aid channeled through United States-based relief organizations and charities has been warmly welcomed by the people of Iran;

Whereas United States aid workers have been received with generosity and great appreciation in Iran;

Whereas the United States generosity has confirmed that the United States holds no ill will toward the people of Iran; and

Whereas the spirit and compassionate conduct of the United States has won it tremendous goodwill among the people of Iran: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt sympathy for the victims of the earthquake that occurred on December 26, 2003, in Bam, Iran, and their loved ones;

(2) expresses its heartfelt gratitude and appreciation for the courageous work of the United States and international aid personnel saving lives in Iran; and

(3) welcomes the President's decision to issue a general license for donations to nongovernmental entities engaged in humanitarian relief activities in response to the earthquake in Iran.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Minnesota (Ms. MCCOLLUM) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. 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 the resolution under consideration.

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

There was no objection.

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

Today I rise in support of House Resolution 526, introduced by the gentleman from Ohio (Mr. NEY) on February 11, 2004, expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran. This resolution is a reflection of the goodwill that emanates from the people of the United States to the people of Iran during their time of great need and profound sorrow.

On that tragic day, an earthquake measuring 6.6 on the Richter scale struck the southeastern area of Iran. During the days that followed, the American people and the rest of the world watched in sympathy as helpless Iranian families tried to put the pieces of their lives back together. With approximately 40,000 people dead, 30,000 people injured, and up to 75,000 people made homeless, the U.S. Government reacted in solidarity with the Iranian people by implementing necessary measures so that millions of dollars in emergency earthquake assistance could be distributed through United States relief organizations.

Immediately, the President directed that a general license be issued to temporarily permit U.S. individuals or nongovernmental organizations to transfer funds to organizations operating in Iran to assist humanitarian aid activities. I commend the administration's handling of this tragic situation and President Bush's message that ''We stand ready to help the people of Iran.''

Many factors characterize the perceived power and greatness of America throughout the world. However, it is the spirit of our unconditional compassion in times like these that truly resonates in the hearts and minds of the Iranian people and communicates our real hopes and desires for them.

Currently, the people of Iran need their courage and strength to help parallel the efforts by international aid personnel in rebuilding their lives. Children who are orphaned and homeless will need guidance and direction from their elders. Elders who are grieving the loss of their loved ones will need the inspiration of their youth to go on. Through their trials and tribulations, the Iranian people have proved to be a resilient force while never losing hope for the blessings of a new day. I am convinced that through exercising their faith and reconstructing their lives a stronger and empowered community will be unearthed.

I commend the gentleman from Ohio (Mr. NEY) for introducing this meaningful resolution and thank him for his understanding of Iran's needs and challenges. Mr. Speaker, I strongly support this resolution and urge its passage.

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

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

Mr. Speaker, I rise in strong support of this resolution. I commend the gentleman from Ohio (Mr. NEY) for this important resolution.

The suffering of the Iranian people from the Bam earthquake in December is incalculable. As many as 50,000 dead, countless injured. Tragic as well is the destruction of 90 percent of an historic 2,000-year-old city. This is truly a loss to all the world. The resolution appropriately expresses the heartfelt sympathy of the House for the victims of

the earthquake and for their loved ones. It also expresses gratitude for the courageous work of U.S. and international aid personnel and relief workers. It was right for the administration to temporarily lift the sanctions that otherwise would have prevented such humanitarian activities in Iran.

Relief workers in Iran came from the United States and around the world. They were ordinary people like Jim Ricci of St. Paul, Minnesota serving in the Air National Guard. Mr. Ricci, who was on his third tour of duty in the Persian Gulf, was on the last of the military's 11 humanitarian flights to Iran. Relief also came from groups like the American Refugee Committee International, headquartered in Minnesota. The American Refugee Committee helped coordinate several significant relief efforts, while donating medical supplies and nonfood items. This coordinated assistance was critical in providing the most effective aid programs possible.

Everyone in Congress is concerned by the conduct of the Islamic Republic of Iran, particularly by the hardliners who dominate the regime, support for terrorism, threats against Israel's existence, deceitful pursuit of nuclear arms and other weapons of mass destruction, and notorious human rights abuse. This recent stacked-deck election are cases in point. We all share the concerns about the Iranian regime, but we also know it is wrong to blame the Iranian people. I believe the vast majority of Iranian people would yearn for the freedom and the friendship with the U.S. and the world at large.

This resolution recognizes the common humanity of Americans and Iranians. Our common bond of humanity was also acknowledged by the Iranians, who held a spontaneous candlelight vigil on behalf of the victims of September 11, 2001.

The Iranian people should know they have our deepest sympathies for their terrible tragedy. I strongly support this resolution, and I urge all of my colleagues to do the same.

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

Mr. HYDE. Mr. Speaker, I thank the gentlewoman for an excellent statement, and I yield such time as he may consume to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I want to thank the chairman and also the gentlewoman for supporting this resolution. I want to particularly thank the chairman for always responding when it comes to international affairs and making our Congress proud.

Mr. Speaker, we have the support of many great colleagues, the gentleman from California (Mr. LANTOS), the gentleman from Missouri (Mr. BLUNT), the gentleman from Arkansas (Mr. SNYDER), the gentleman from California (Mr. BERMAN), the gentleman from New York (Mr. ACKERMAN), the gentleman from Iowa (Mr. LEACH), the gentleman from Nebraska (Mr. BEREUTER), just to mention a few of the cosponsors of this resolution. I want to thank the gentleman from California (Mr. LANTOS) for being the prime sponsor and the gentleman from Illinois (Chairman HYDE) for all his support, again.

I rise today in support of House Resolution 526, which expresses the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran.

□ 1515

More than 40,000 men, women and children, including an American, were killed when the ancient city of Bam was struck by a massive earthquake. While the final toll is still being tallied, the loss of life ranks this as one of the worst human tragedies in recent memory. Aside from the unspeakable humanitarian disaster, which has been pointed out on the floor today, more than 90 percent of the 2,000-year-old city was destroyed. Indeed, in this destruction was the magnificent citadel of Bam.

Located in southeastern Iran, 200 kilometers south of Kerman, Bam was made mostly of mud bricks, clay, straw, and the trunks of palm trees. The more modern part of the city was originally founded during the Sassanian Period, around the third century A.D.

During this time of suffering, the American people immediately showed their sympathy and offered their help. Rescue teams and aid personnel from all over our Nation jumped into action as though this tragedy hit their own next-door neighbors.

President Bush was among those who acted with great speed. He temporarily lifted sanctions on Iran only 5 days after the earthquake. The President's actions enabled American relief organizations to swiftly send aid to the people of Bam. It is not inconsequential that American help was warmly received and welcomed by the Iranian people. Our workers were received with generosity and great appreciation by the Iranian people.

Teams from the Mercy Corps were among the first to arrive and worked hand in hand with local aid organizations. American and Iranian personnel rescued people from the rubble and brought much-needed supplies to very weary survivors.

Our brave aid workers dispelled misconceptions about America that pervade the Middle East. They showed the real essence of our great Nation and of our people, one of generosity and one of compassion.

Mr. Speaker, the leadership that President Bush has shown in exempting humanitarian aid from U.S. sanctions on Iran will go a long way towards improving understanding by the people of Iran, the Mideast and America towards each other. The President's actions have shown that two societies can work with each other in a time of great need and in a time of great trauma and strife.

I ask that the Congress join me in expressing our heartfelt sympathy for the victims of the Bam earthquake and our gratitude and appreciation for the courageous work of the American aid personnel.

By passing this important resolution, we will commend President Bush's decision and this Congress' support to temporarily make aid organizations exempt from the sanctions on Iran, and we will continue to show that the compassion and generosity that has kept America the world's leader in humanitarian missions still continue to this day.

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

Mr. Speaker, once again I would like to express my sincere support for this resolution. I would like to thank the gentleman from Ohio (Mr. NEY) for bringing this forward, and our distinguished chairman on the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for making sure for the people of Iran that we stand with them during this terrible loss of life.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a heartfelt supporter of H. Res. 526 which expresses the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred in Bam, Iran on December 26, 2003. It is important that we as a body stand united on issues that may not directly affect us but that are nonetheless very important. I am proud to say that members of this body and this nation as a whole stood up to support our brothers and sisters in Iran when this great tragedy occurred.

The numbers attributed to this earthquake are staggering. In a city with 100,000 residents at the time of the earthquake approximately 40,000 men, women, and children lost their lives due to this disaster. I have heard from many constituents in my district who told me they lost family members in Iran. I was told of some families who even lost as many as thirty-three members of their family. I'm sure this kind of heartbreak was felt throughout the entire Iranian American community.

While the human toll was immense, the sheer destruction of the city of Bam was truly tragic. It is estimated that a full ninety percent of the city was completely destroyed. Unfortunately the historical value of a 2,000 year old city is lost to us forever.

We must take more than sadness away from this tragedy; we must now focus our efforts on how to prevent the deadly effects of future disasters. The amount of casualties in this disaster were far too high. To demonstrate the effect of the quake on this region—as compared to other regions, an earthquake of 6.2 magnitude in Los Angeles on December 23 left a casualty of only two persons as compared to approximately 40,000 in Iran. The number of casualties was so high particularly because of the quality of the local building material consisting of mudbricks, and construction techniques using little reinforcements. We must study ways to protect people throughout the world from being involved in a tragedy like the one in Bam. This is why I have joined the Iran Earthquake Task Force initiated by the Iranian Medical Relief Foundation (IMRF). I

urge all Members of this body to follow suit and pursue actions that will facilitate greater protection from the effects of natural disasters.

We must show the world that we stand with them when tragic natural disasters occur. I was proud to see that so many U.S. based charities and organizations joined the world community to care for those affected by the earthquake. I commend the efforts of so many who took their time and effort to search through the rubble. Their heroic efforts may not have been able to reverse the tragic disaster, but the world realized that we as a nation stand by our humanitarian obligations. I hope we will continue this proud practice whenever events such as this occur.

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

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 526.

The question was taken.

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

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

The yeas and nays were ordered.

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

DESIGNATION OF AND TERMINATION OF DESIGNATION OF CERTAIN COUNTRIES AS BENEFICIARY DEVELOPING COUNTRIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–166)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Consistent with section 502(f) of the Trade Act of 1974, as amended (the ''Act''), I am writing to inform you of my intent to designate Algeria as a beneficiary developing country and to terminate the designation of Antigua and Barbuda, Barbados, Bahrain, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, and Slovakia as beneficiary developing countries for purposes of the Generalized System of Preferences (GSP).

I have considered the criteria set forth in sections 501 and 502 of the Act. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Algeria. I have also determined that Antigua and Barbuda, Barbados, and Bahrain have become ''high income'' countries, and I therefore terminate their designation as beneficiary developing countries effective January 1, 2006. Furthermore, consistent with the Act's prohibition on designation of European Union member states as beneficiary developing countries, I am terminating such designation for the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, and Slovakia when they become European Union member states.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 1, 2004.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3752, COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–430) on the resolution (H. Res. 546) providing for consideration of the bill (H.R. 3752) to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on two motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3769, by the yeas and nays;

House Resolution 526, by the yeas and nays.

House Resolution 530 will be voted on tomorrow.

Each electronic vote today will be conducted as a 15-minute vote.

BEN ATCHLEY POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3769.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 3769, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 50, as follows:

[Roll No. 32]

YEAS—383

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—50

Aderholt
Baca
Bell
Berry
Burton (IN)
Calvert
Castle
Chocola
Cummings
Davis (CA)
DeMint
Doggett
Dooley (CA)
Filner
Gilchrest
Gutierrez
Harman
Herger
Hinojosa
Hooley (OR)
Johnson (CT)
Jones (OH)
King (IA)
Kingston
Kucinich
Lantos
Markey
McCotter
Meeks (NY)
Millender-McDonald
Mollohan
Napolitano
Ortiz
Ose
Pelosi
Pence
Reyes
Rodriguez
Royce
Sanchez, Loretta
Sandlin
Schiff
Smith (MI)
Toomey
Towns
Waters
Weldon (PA)
Woolsey
Wynn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1856

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 32, due to urgent constituent support commitments in my Congressional District, I missed the vote. Had I been present, I would have voted "yea."

EXPRESSING SYMPATHY OF HOUSE FOR VICTIMS OF EARTHQUAKE IN IRAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 526.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 526, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 52, as follows:

[Roll No. 33]

YEAS—381

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
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)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—52

Aderholt
Baca
Bell
Berry
Burton (IN)
Calvert
Castle
Chocola
Cummings
Davis (CA)
DeMint
Doggett
Dooley (CA)
Evans
Filner
Gilchrest
Gutierrez
Harman
Herger
Hinojosa
Hooley (OR)
Jones (OH)
King (IA)
Kingston
Kucinich
Lantos
Markey
Marshall
McCotter
Meeks (NY)
Millender-McDonald
Mollohan
Murtha
Napolitano
Ortiz
Ose
Pelosi
Pence
Reyes
Rodriguez
Royce
Sanchez, Loretta
Sandlin
Schiff
Smith (MI)
Toomey
Towns
Waters
Weldon (PA)
Woolsey
Wynn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN)(during the vote). Members are advised that 2 minutes remain in the vote.

□ 1913

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 33, due to urgent constituent support commitments in my Congressional District, I missed

the vote. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 32 and 33. Had I been present, I would have voted ''yea'' on each of those votes.

PERSONAL EXPLANATION

Mr. BACA. Mr. Speaker, on rollcall Nos. 32 and 33, for personal reasons, I was unable to be in the chamber when the time elapsed on the vote.

Had I been able to vote, I would have voted ''yea'' for both votes.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I have just returned from leading a Congressional delegation trip to Iraq and due to an unavoidable delay, I was unable to be on the House Floor for rollcall votes 32 and 33. Had I been here I would have voted ''yea'' for rollcall vote 32, and ''yea'' for rollcall vote 33.

INVESTIGATE HAITI CLAIMS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, needless to say, all of our eyes have been focused on a small little nation just south of this great Nation. Small though it may be, Haiti stood alongside Americans in their fight for independence, and Haiti stands this 200th year as an independent democratic nation.

As we read the Nation's headlines, we see Haitians struggle to pull their nation out of chaos, and then the most tragic statement came this weekend when words were stated by President Aristide that someone, this Nation, allegedly forced him to leave his beloved nation, forced him to leave his position as the duly elected president of Haiti.

I believe this Congress cannot sit in silence. So I am asking the Speaker and the leader of the House to convene major congressional investigations that will include a number of committees, and, in particular, the Permanent Select Committee on Intelligence.

We must know the truth of the CIA's involvement, who directed the military, and what occurred on that fateful night. America has the responsibility to take the high moral standard. And even though Haiti is not Iraq, Haiti is still a country that we should feel for. Haiti asked us to come in peace, but it seems as if we came in war. An investigation is necessary and we must do it now.

IN HONOR OF TEXAS INDEPENDENCE DAY

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to recognize Texas' Independence Day, March 2, 1836, the day that Texas declared its independence from Mexico.

On that fateful day, the Texas Declaration of Independence from Mexico was signed by State delegates and began Texans' journey to joining the United States in 1845. As all Texans know, this was not a calm time or serene event. Indeed, as the delegates prepared the very document itself, the Alamo, the famous mission in San Antonio, and our ancestors were literally under siege by the Mexican army. And as all Americans know, the battle of the Alamo was one of the greatest in American history where 189 brave Texans gave their lives, pushing back around 1,600 opposing soldiers in what became the strategic turning point in the ultimate and successful push for Texas independence.

Mr. Speaker, as we pause again to commemorate Texas on its most important anniversary, I also rise to recognize the countless important contributions that Texans have given to our great Nation since those tumultuous times. Thousands of brave Texas men and women, including many from the Ninth District, bravely serve in our armed forces, and Texas continually produces great civic and business leaders, strongly promotes the arts, and proudly serves as an international hub of commerce and culture.

So I ask my colleagues to join me in honoring the great State of Texas on this momentous occasion, to honor all the heroes who gave their lives so that Texas eventually won its hard-fought independence, and to salute Texans who defend our Nation and promote peace and America's interests worldwide.

MARK MCCLELLAN: THE WRONG MAN FOR THE JOB

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. BEREUTER. Madam Speaker, Members of this body should be alarmed that Secretary Tommy Thompson, Secretary of Health and Human Services, named Food and Drug Commissioner Dr. Mark McClellan, a vocal opponent of importing drugs from Canada, to lead a government study of reimportation. This decision is a bad one and is a slap in the face of 243 Members of Congress who voted in support of the Pharmaceutical Market Access Act.

As head of the FDA, Dr. McClellan has vehemently opposed the importation of drugs from Canada. Despite the assurance of Secretary Thompson that the study will be balanced and fair, with Dr. McClellan at the helm there is no way this study will be seen as objective. With the proper effort and technology, it is clearly possible for pharmaceuticals to be safely reimported from Canada and from other countries. American consumers are now asked to subsidize the consumers in the rest of the world by the prices we are charged. This is an issue that will not go away.

Madam Speaker, in closing, no matter what barriers they erect and excuses the FDA or drug companies offer, Americans will continue to search for the much lower drug prices found everywhere else in the world.

[From the Omaha World Herald, Mar. 1, 2004]

CHOOSE SOMEONE ELSE

The Bush administration on Wednesday took a step toward establishing a commonsense policy on importing prescription drugs from Canada. Then it took two steps back. That's no way to reach a reasonable policy on a highly significant issue.

Good: Officials announced a year-long study of how drugs could be safely imported from Canada, where the prices can be 60 percent or more lower than U.S. citizens pay. Importation is technically against the law, but many senior citizens, some encouraged and even aided by their local or state governments, do it anyway. The saving is significant for those on fixed incomes and the risks appear minimal.

Bad: U.S. officials appointed Dr. Mark B. McClellan, recently nominated to head the Centers for Medicare and Medicaid Services, to lead the study. McClellan has been a vocal and vehement opponent of any change in the rules that prohibit drug imports, and his agency has threatened legal action against local and state governments that help seniors.

In the Senate, Democrats and some Republicans have objected. ''Putting the fox in charge of the chicken house,'' observed Sen. Byron Dorgan, D–N.D. McClellan has already shown ''a personal bias'' against drug importation, said a spokeswoman for Sen. John McCain, R–Ariz.

Health and Human Services Department leaders promised a balanced commission and a thorough study of the issue. But Director Tommy Thompson has launched a leaky ship with serious holes in its credibility merely by appointing McClellan to captain it.

Drug importation distresses the pharmaceutical industry for obvious reasons. The Canadian government regulates prescription prices. In the recent Medicare reform bill that would give senior citizens a prescription drug benefit in 2006, Congress forbade the federal government from negotiating for lower drug prices for Americans. That is industry-friendly to the extreme.

So is the appointment of McClellan to such a sensitive post. The administration shouldn't squander the opportunity to settle this contentious issue in a rational manner. And it shouldn't squander its credibility by so blatantly stacking the deck. A more objective professional should be chosen.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXTENSION OF ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, today over in the Senate, our colleagues are having a debate on basically assault weapons to certainly make sure that we renew that by September 13 and also making sure that we close the loopholes in the gun shows.

Mr. Speaker, the NRA today, once again, reached into their bag of tricks to kill a bill it actually supported. Earlier the Senate had voted to add two commonsense gun safety measures to the gun industry liability bill. One would extend the ban on assault weapons. The other would close the gun show loophole bill. Because of this, the NRA said, Jump, and its supporters in the Senate said, How high?

It marked a triumph of special interests in this country. Our Nation's police officers have worked hard to keep assault weapons off our streets. That is why Congress must revisit the assault weapons ban without attaching special interest handouts. Otherwise, assault weapons will go back onto America's streets in 195 days. That is the good news for terrorists and cop-killing criminals. That is the good news for drug dealers. That is the good news for the gangs that are across our country. Unfortunately, it is bad news for America's families and communities and police officers.

Since I took the floor in the House 1 week ago, 400 more Americans have died from gun violence; but instead of a sense of urgency, the House has stood idly by. Some seem content to let the assault weapons ban expire on September 13, the ban that has kept us safer for the last 10 years.

It has also respected the rights of gun owners, protecting the hunting rifles, shotguns, and pistols favored by law-abiding citizens. We do not have problems with people owning guns, but gun owners need to take responsibility on making sure certain guns do not get onto the street.

Only criminals have been kept from their gun of choice. This explains why 66 percent of gun owners support renewing the ban. The American people support it by even more overwhelming margins. Once again, our Nation's law enforcement officers are leading the fight to keep assault weapons, making sure that they are not back on our streets.

But today, I want to highlight one notable flaw in the assault weapons ban. A loophole in the law has allowed gun makers to create hundreds of copycat weapons. The MAC–10, this gun right here, has become the MPA–10. The AK–47 has clones, so many of them, they are too numerous to count. Cosmetically altering the TEC–9, for example, has resulted in the fully legal AB–10. Cosmetically. This is what the gun manufacturers are allowed to do. The A-B, by the way, stands for ''after ban,'' but one can see they almost look identical.

Another weapon advertised for its ability to circumvent the law is the Bushmaster XM–15. People might remember this gun. This was the gun used by the D.C. snipers. Residents of D.C. and across this country know what that weapon was able to do. During October 2002, the snipers used the gun to kill 10 people and wound three others. Bushmaster's slogan for the gun, ''The Best—by a long shot,'' provided deadly accuracy for those in its cross-hairs.

I came to Congress to fight for gun safety. I have fought for commonsense, effective measures, which is why I have introduced H.R. 2038, which would renew the ban, while closing these particular gaping holes.

Let us face it, you cannot tell me that the American people want to see these particular guns back on the streets. You cannot tell me that you want to have our police officers coming across the drug dealer, the terrorists that possibly might be in this country, to come across these.

Another fact, by the way: our police officers have to wear special armor. These guns can go through that armor.

I came here 10 years ago when I was not in Congress to make sure that this bill went through, and now it is time for the American people to realize the power that they have. People always say they have no voice in government. Well, you can have a voice; but you have to call your representative here in Congress. You have to start calling the Senate again. You have to call the Speaker of the House and allow the bill to come up for a vote. We are told that it is not going to be able to come up for a vote. That is wrong, when the American people want to make sure this does not happen again.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLINE). Members are reminded not to refer to actions in the other body.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1561, UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2003

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–431) on the resolution (H. Res. 547) providing for consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEROIN GROWTH IN AFGHANISTAN

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

Mr. SOUDER. Mr. Speaker, I rise today to address one of our Nation's most difficult narcotics problems: Afghanistan.

Afghanistan has historically produced significant quantities of opium which is refined into heroin. Afghanistan's opium crops accounted for over 70 percent of the world's supply in the year 2000. According to the DEA, about 50 percent of the heroin in the American market originated in the Afghanistan-Pakistani border area in 1984.

We must learn from history and diligently work to prevent any Afghan heroin from entering the American market. While Europe is the primary destination for Afghan heroin today, we suspect that 7 to 10 percent of the illegal crop ultimately reaches the streets of our congressional districts.

Opium production in Afghanistan has resumed over the past 2 years. With the fall of the Taliban, Afghan growers resumed cultivation despite the renewal of the ban on poppy growth by the Karzai government. This problem could grow far worse. Only 8 percent of Afghanistan's cultivated land is presently used to grow opium poppies. If we do not prevail over this problem, the remaining cultivated land could easily accommodate more of this illegal crop.

These drugs are of great concern to all of us because they increase the worldwide supply and have the potential to fund terrorists and other destabilizing groups, and they subvert all of our efforts to assist Afghanistan. The new Afghanistan cannot survive on an illegal economy.

Drug proceeds are the source of a growing reservoir of illegal money that funds international crime across the region; that sustains the destabilizing activities of warlords; and that fosters local coercion and terrorism. Just like the challenges faced south of our own borders for decades, I am convinced that drug money and terrorist organizations in Afghanistan and throughout that region are locked together like a daisy chain. Our resolve to restore Afghanistan must include a broad, comprehensive plan to eradicate poppy production, not only to help the people of Afghanistan, but to cut off the funding of the terror organizations that threaten our own security.

I recently returned from a trip to Libya, Iraq, Pakistan and Afghanistan. We met with President Karzai and he reaffirmed my conviction that he means business. He is serious about tackling the heroin threat to his country. Together, we must prevent the institutionalization of the heroin cartels. We must support democracy's early days in post-Taliban Afghanistan. We must help them confront those that still threaten to destabilize their society through both the narcotics trade and terrorism. If we are to win the war in Afghanistan, we must recognize that narcotics play a large part in funding the radical anti-democratic elements.

We are pressing for increased coordination with the British on counternarcotics; with the Germans on policing and police training; and with the Italians on justice sector reform. In addition to the traditional smuggling routes through Iran and Turkey, reports indicate a continued movement of heroin shipments north from Afghanistan through the central Asian states, Pakistan and India en route to international markets.

Our strongest partners in these efforts must be those consumer nations where the drugs are destined. The financial, resource, and intelligence requirements to defeat the scourge are not our sole responsibility. The administration must seek commitments from Europe and elsewhere to share this burden, where they get 90 percent of the heroin.

Let me give my colleagues an example of a successful international operation. Operation Containment is an ongoing effort by the DEA. They recently arrested 15 members of a heroin trafficking organization and seized 7.4 tons of morphine base in Turkey. Morphine base can be converted to heroin at a ratio of one to one with a chemical. This is the largest seizure of morphine base ever made. To put the magnitude of this seizure in perspective, the amount seized was more than four times the total worldwide morphine base seizures made in 2000.

There are legitimate uses of the chemical acetic anhydride in industry. Countries that produce this chemical must do their part by restricting or controlling its sale and transportation to legitimate consumers.

The Department of Defense has seen the magnitude of the transshipment problem with three separate seizures by the U.S. Navy operating in the Gulf region. The first seizure was made on December 15 when a motorized dhow was apprehended in the Arabian Gulf. Two tons of narcotics were seized, and three of the 15-man crew were identified as having possible ties to al Qaeda. On December 18, two more dhows were intercepted. Those seizures yielded drugs worth more than $10 million.

I am passionate about this subject. I have chaired a hearing on Afghanistan just last week. Many of the members of my subcommittee have visited the region. The administration must extract commitments from the Europeans to pull their own weight. As leaders of the coalition of Afghanistan and Iraq, the Department of Defense must be compelled to address the growth, storage, processing, and transshipment of drugs in the region. The bullets and bombs used against our own troops are purchased with illicit funds. The Department of State and the DEA must be resourced adequately to address and to assist Afghanistan in reestablishing a viable criminal justice system so that their own poppy ban can be effectively enforced.

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

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

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

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

□ 1930

LONGEST MAJOR STRIKE IN UFCW ENDS

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

Mr. BECERRA. Mr. Speaker, I am here tonight to discuss the end of a long strike; in fact, the longest major strike in the history of the United Food and Commercial Workers Union, and the largest and longest strike in the history of the supermarket industry, a strike that saw the United Food and Commercial Workers hold the line in southern California.

The dispute, which involved some 60,000 UFCW members employed at 852 Safeway-owned Vons and Pavillions stores, Kroger-owned Ralphs and Albertsons stores, began back in October 11, 2003. Officials for the grocery store chain said their workers had a Cadillac health plan that the stores could not maintain in a market with nonunion competitors such as Wal-Mart. I am not sure I would call the plan in question a Cadillac plan, but the proposal to replace it was clearly a Yugo.

Supermarket workers in southern California average about $12 to $14 an hour, and most work less than 40 hours a week, not by choice. Under the employer's proposal, after 3 years an average worker would earn about $12.30 an hour, that is $369 a week before taxes are taken out, or about $19,000 a year. That is a salary that can keep a single mom and her children just above the poverty line; but cut her health care benefits or shift several thousand dollars worth of health care costs from the company on to her and a self-supporting working family can be reduced to near poverty.

In fact, many workers will drop coverage because it will be too expensive and move over to Medi-Cal, which is California's Medicaid program for the elderly, poor, and disabled, as well as to other State and Federal programs for low-income workers. In my mind, this is safety net exploitation by employers. This marks a shift from the employer's books to the ledgers of the American taxpayer.

Thankfully, for 5 months the picket line remained strong, members remained united, and customers honored the workers' picket lines. This is a testament to the rank-and-file UFCW workers and to the leadership of UFCW local leaders. To people like Rick Icaza, President, and Rod Diamond, Secretary-Treasurer of UFCW Local 770; to Connie Leyva, President of UFCW Local 1428; Michael Straeter, President of UFCW Local 1442; to George Hartwell, President of Local 1036, Greg Conger, President of Local 324; Bill Lathrop, President of Local 1167; and Mickey Kasparian, President of Local 135 of the UFCW, we say thank you to you, and we hope that you will express our sincerest congratulations and thanks to all of your men and women in your locals who fought and stood tall throughout this entire 5-month long process.

Every day support for the fight for affordable health care grew stronger. Community and religious leaders joined the cause. The southern California supermarket strike became a national cause as well. There were rallies, picket lines, and hand billing across America.

The men and women on the picket lines are genuine heroes. Their sacrifice for affordable family health care has motivated and activated workers across the Nation. To the Webb family in Los Angeles I send a special message of esteem and pride. Andre and Dee, you, like many of your brothers and sisters, persevered. Christmas was tough this past December, but you weathered these difficult times in a way that makes all of us who are parents so very, very proud. And Andre, your daughter A.J. wrote you a letter for Valentine's Day, which many of us had a chance to read during the father-daughter dance at school, which you will never forget. She understood your fight and offered the best reason to stand firm. At 8 years of age, A.J. is already giving us a glimpse of the next generation of leaders for America.

The labor struggle in southern California is one manifestation of a very large national debate on health care. Lack of access to quality health care and escalating health care costs are issues of concern to all Americans, particularly to communities that are minority and very poor, that suffer the highest rates of uninsured Americans, and are also among those that are least well covered because of disproportionate and disparate health care received by these communities.

The lack of insurance is devastating to millions of families across America. We must make every effort to find ways to extend coverage and to work to end the erosion of employment-based health care coverage due to rising out-of-pocket health care costs that make insurance unaffordable for many workers. If the supermarket giants, profitable, growing corporations, can launch an attack on health care benefits, then every employer is sure to follow. They have sounded the alarm that the American health care system is under siege.

I say to all Americans who are working: Take note of what the United Food and Commercial Workers did over the last 5 months. They stood tall. Let us defend health care coverage for all Americans and we will fight to make sure our next generation also has it.

TRIBUTE TO COMMAND SERGEANT MAJOR ERIC COOKE

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

Mr. GINGREY. Mr. Speaker, there have been over 500 soldiers now killed in action in Operation Iraqi Freedom, and I rise this evening to share with the Members of this body a letter that my office received today in tribute to one of these great American heroes, Command Sergeant Major Eric Cooke.

''There seem to be so few heroes today. I wanted to tell you about one: Command Sergeant Major Eric Cooke of the First Armored Division. Command Sergeant Major Cooke died on Christmas Eve when a roadside bomb ripped into his Humvee north of Baghdad on a convoy to Samara. He was 43 years old.

''Just before his death, Command Sergeant Major Cooke had written my uncle, David Hunter, that he had not signed up for the 2-week Christmas leave available to soldiers who were deployed to Iraq because he could not take the leave knowing that one of his men would not be receiving theirs. CSM Cooke said he was lucky to have a loving wife who would understand why he was not coming home for Christmas. He was career United States Army, and she understood his commitment.

''On the day he died, Command Sergeant Major Cooke heard of an injured soldier who was in urgent need of O-positive blood, so he rushed to a nearby field hospital to donate his own. He almost missed that convoy going to Samara. Command Sergeant Major Cooke had the opportunity to have an armored Humvee, but he chose to give it to his men so they would be protected during armed escort duty, patrols and raid operations. His selfless service knew no limits.

''If you or I knew the day we would die, we might change the way we were living as that day approached. Command Sergeant Major Cooke did not need to change a thing. He lived each of his days in a selfless and noble manner. Every soldier's death is a tragedy, but this one seemed especially sad.

''Command Sergeant Major Cooke was buried at Arlington National Cemetery on January 5, 2004 at 3 p.m. with full military honors befitting an American hero.

''Written by Lucy Everett Edmondson of Rocky Mount, North Carolina.''

Mr. Speaker, I knew Command Sergeant Major Cooke. I met him on the tarmac at the Baghdad International Airport on December 22, 2 days before his death. It was my only opportunity to ever be in a theater of combat operations, and it seemed relatively safe there on the tarmac. But as I looked into his crystal clear blue eyes, he told me about his 26 years of service to this country in Kosovo, Desert Storm, Operation Enduring Freedom, and now Operation Iraqi Freedom as well. He was looking forward to his retirement in 4 years, but very proud of his service to his country.

Indeed, Ms. Edmondson, Sergeant Major Eric Cooke was a true American hero.

TRADE AGREEMENTS, THE U.S. ECONOMY, AND JOBS

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

Mr. BROWN of Ohio. Mr. Speaker, 2 weeks ago, President Bush sent to Congress this Central American Free Trade Agreement, an agreement that would expand NAFTA to six countries in Central America. He plans later to send to Congress an agreement called the Free Trade Area of the Americas, which would expand NAFTA, except for Cuba, to all the rest of Latin America.

These two agreements will double the size of the North American Free Trade Agreement in population, will quadruple the number of low-income workers in what is now the North American Free Trade Agreement, so that in the Free Trade Area of the Americas it would have that many countries, that many people, that many low-income workers.

Now, you would think that the President of the United States would understand, with the economy the way it is, that this is not the right response. Ohio, my home State and that of the gentlewoman from Ohio (Ms. KAPTUR), who is here, also from Toledo, our State has lost 166,000 manufacturing jobs. One out of six Ohio manufacturing jobs is gone, likely will not return, mostly gone overseas. Companies have shut down, companies have outsourced production, companies have moved their facilities overseas, south of the border, or elsewhere.

Ohio literally has lost, in fact the country has lost manufacturing jobs every single month since George Bush took office. This country has lost some 3 million jobs since President Bush took office. And to every bit of bad economic news, every time the unemployment rate goes up, every time there is a report on lost jobs, every time there is bad economic news, the President has two answers: Tax cuts for the people who need them least. Tax cuts for the wealthiest people in our society. Half these tax cuts go to the richest 1 percent. Tax cuts for the wealthy, hoping they trickle down and provide a few jobs maybe, or give some economic prosperity to the country. That is one of his answers. The other answer is more trade agreements, like NAFTA, like MFN/PNTR for China, like the World Trade Organization, more trade agreements that ship jobs overseas; that hemorrhage jobs overseas.

Now, in this economic report of the President, which came out last week, signed by President Bush, on page 4, issued by the President's Chief Economic Adviser Gregory Mankiw, also signed by him, he is the President's top economic adviser, it says that Mr. Mankiw predicted on behalf of the President that we would create 2.6 million jobs this year. Even the President's people, after that report came out, said, no, no, no, we cannot create that many, and they immediately disavowed parts of this report.

But it is the same old thing. When the President first took office, he said, give me the tax breaks and we will create millions of jobs. He got the tax cuts, but no jobs were created. Jobs were lost. Then after September 11, clearly a tragedy for our country, clearly a blow to our economy, but after September 11, the President said, give me more tax cuts for the wealthiest, aimed at the most wealthy people, the most privileged, the ones who needs it least in society, and we will create 2.5 million jobs. Again he said that, and again we had job loss in this country.

In this report now it says 2.6 million jobs will be created, but it is simply not happening. And again the President's response to every problem with our economy, as this economic report of the President says, more tax cuts for the wealthy and more trade agreements that hemorrhage jobs, that ship jobs overseas.

Now, as we continue, the President wants to see us do more tax cuts this year. Those tax cuts will go again overwhelmingly to the most privileged people in society. But Alan Greenspan came to this Congress last week and he said because we do not have any money, we are going to have to cut Social Security. So not only do the President's tax cuts not create jobs in this country, not only do the President's tax cuts, who overwhelmingly go to the wealthiest people in society, not only do they not simulate the economy and create jobs, but they also mean that the President and his economic advisers are making a choice; it is either tax cuts or funding Social Security.

They have made their choice. Alan Greenspan, the President's man at the Federal Reserve, has said we cannot afford to fully fund Social Security, and later he will talk the same about Medicare because we have this huge budget deficit. We have this huge budget deficit because of the these tax cuts going overwhelmingly to the wealthiest people. And Alan Greenspan and the President are saying we need this year to do additional tax cuts, again for the wealthiest people in society.

You see how this adds up? Tax cuts for the wealthiest people in society, trade agreements that hemorrhage jobs

and that ship jobs overseas. We do not have much in economic recovery and we have to cut Social Security. It simply does not add up.

The President needs to redirect his efforts against these trade agreements. Stop the trade agreements. No more tax cuts. Let us concentrate on job creation, creating manufacturing jobs and restoring Social Security.

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

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

□ 1945

THE CRISIS IN HAITI

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I look forward to joining my colleagues just a short while from now to lay out for the Members of the House, and in many instances the American people, just where we are as it relates to a small nation by the name of Haiti.

First, I applaud the leadership of the Congressional Black Caucus not just for its involvement with Haiti over the last trying and tumultuous days, but I think it should be noted the constant meetings and engagement with this administration on providing the necessary resources so Haiti might understand. President Aristide has a longstanding relationship with this Nation inasmuch as he left the country some years ago in the 1990s so that Haiti might regain its strength and that there might be a democratic process. President Clinton restored Aristide to power around 1994 with a number of U.S. military troops as requested by the then-president. President Aristide did not attempt to be a dictator. He left office in 2 years and a new president was duly elected and he maintained his position for 5 years. At that time the people of Haiti decided to reelect President Aristide, and he came back to power.

During the course of that time, the world's economy collapsed. Money due to Haiti to ensure their economic survival were denied by this administration. There were constant negotiations and engagement of the International Monetary Fund, the World Bank and others to release their funds and work with Haiti to ensure that they followed all of the necessary rules, which fell on deaf ears.

Even as late as last summer, the economy of Haiti was crumbling because the world did not come to its aid. Some might say, here we go again, another nation to give sustenance to. But I say we need to look at this country, which is a mere 600 to 700 miles away from our shore, a country which stood alongside us during our Revolutionary War, and a nation which has maintained its independence for 200 years.

The Haitians look to the United States, the United States looks to the Haitians. Haitians are vibrant contributors to our economy. Many Haitians are living in south Florida in the district of the gentleman from Florida (Mr. MEEK), who has worked so tirelessly, along with his mother before him, to work on their behalf.

Mr. Speaker, I think we are shamefaced today because President Aristide begged for our involvement to protect a democracy. He asked that this Nation not come in war, but it come to restore democracy and peace and the end of violence to a nation that was struggling. The cause of his demise or the conflict was based a lot on the lack of international resources, first from France and other allies, and certainly the United States participated in that.

Even the Congressional Black Caucus saw the writing on the wall but gave to this administration three easy accomplishments that would have thwarted the violence that we have seen over the last couple of days: (1) establish a humanitarian corps that would provide water and food and safety for those in Haiti; (2) devise an international peace effort bringing in allies from around the world who were willing; and (3) establish a political resolution which President Aristide was willing to engage in. President Aristide even accepted the cosharing of government with the opposition, and yet they refused.

I am fearful that what our Nation did was engage with the rebels, the insurgents and those who would undermine the government. What a conflict of position to go into Iraq with a unilateral preemptive strike to in essence undermine a despot like Saddam Hussein and to find weapons of mass destruction; but yet when a peaceful democracy led by a duly elected democratic president of that country asked for our involvement, we refuse to get involved. And yet when the question was posed, who are the insurgents, who do they represent, no one can identify whether these are simply thugs or drug dealers.

Even now as there is complete chaos in Haiti, we cannot understand why we would want to engage in negotiations with individuals who have a very shady background. I beg of this Congress to fully investigate the scenario of the last 48 hours and the unfortunate departure of President Aristide. Was he or was he not kidnapped? Mr. Speaker, this Congress must answer that question, and this Nation must be told the truth.

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

(Mr. DELAHUNT 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 Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

(Mr. HOEFFEL 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 Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

(Mr. ABERCROMBIE 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 Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND 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 Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE 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. GEORGE MILLER) is recognized for 5 minutes.

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

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

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

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

(Mr. PALLONE 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 Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida 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. LAMPSON) is recognized for 5 minutes.

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

COMMISSION ON SEPTEMBER 11, 2001

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New York (Mr. HINCHEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. HINCHEY. Mr. Speaker, it has now been 30 months, 2½ years, since the attack of September 11, 2001, on the World Trade Center in New York City, the Pentagon in Virginia, and the loss of the plane in Pennsylvania and the loss of all of those lives, more than 3,000 lives lost on that particular day, all the result of the attack of a group of organized criminals known as al Qaeda, the base, or the al Qaeda network.

It is a very important thing for us to examine that attack and to understand it in its full dimensions and implications. It is very important for at least two reasons. First of all, there are the families and the friends, associates of all of those Americans who were killed that day. They have a right to expect that we will provide them with every detail, that we will look into this event, this catastrophe, this disaster meticulously, and we will understand it in every aspect, and all of that will be done publicly and they will have access to all of that information. We owe them, the families of the victims, nothing less, not a scintilla less than that.

Secondly, it is important because the al Qaeda network still exists, and they have others that are operating with them, perhaps in many countries around the world, and some people suggest as many as 60. To the extent that is true, we can expect that they are contemplating additional attacks on our country. In fact, our intelligence agencies inform us that they believe that is the case; and they are working diligently to try to prevent that from happening.

But nevertheless, these plans are being laid and in order for our intelligence agencies and our government to prevent another attack from occurring, we need to know everything possible about the attack of September 11, 2001: precisely who was behind it, how they formulated it, why they did it, what were their motivations, what information and evidence did we have prior to the attack, when did we have it, who had the information, to whom was that information communicated, how was it communicated, under what circumstances, how was it not communicated, and what did we do as a government before, during, and immediately after that attack. All of that information is essential knowledge if we have any chance of preventing another attack from occurring in the future.

So the commission that has been set up to examine these questions is obviously crucially important, and we should be working with them in a fully cooperative way. We should be providing them with all of the resources and all of the time they need to complete this very essential work. To the extent that we are not doing so, either this Congress or the administration, we are failing in our responsibilities to the American people and failing in a very serious way.

The commission is in existence now, but there was a question initially as to whether or not it would actually exist. After initially opposing the creation of an independent commission to investigate the September 11 attacks, the Bush administration has consistently hampered the commission's investigation. They have done so by failing to fully cooperate and to share with the commission information that is necessary for it to be able to conduct its work. This is inexplicable. Why would the administration fail to cooperate with this commission? Why did the administration initially not want the commission to come into existence?

Should we infer from that that the administration had something to hide, has something to hide, does not want information to come out? It is hard to come to a different conclusion based upon the way in which the administration opposed the creation of the commission and the way in which the administration has hampered the work of the commission by failing to fully cooperate with it and to share with it necessary information. This has forced the commission, this failure to cooperate and to provide necessary information, has forced the commission to request an initial 2 months of time in order to fully complete the investigation that it is mandated to complete.

Now, while such a request would seem to be routine, President Bush and the Speaker of the House of Representatives opposed it. Both eventually relented, but they have not done so sincerely. The Speaker now refuses to allow the commission the original 60 days it was originally given after publishing its report to formally wrap up its work and communicate and work with the Congress on its recommendations. This extra time is crucial and should not be eliminated.

We are having the pretense of cooperation and the pretense of extending time but not the fact. The commission is given the same amount of time; it is just being told to do different things within the limited context of that time. The commission should have all the time it needs. Why does the administration and the leadership of this House not want to give it the time that it needs?

The Senate, on the other hand, has passed this legislation. Legislation passed in the Senate would extend the commission's report deadline and its eventual termination for an additional 2 months. The House must follow suit, and it must do so quickly or the commission will be forced to curtail its work and begin preparing its final report before the original deadline. This work is too important to rush. Why is the administration and the leadership of this House forcing this commission to work under a very tight, restricted deadline when its work is complex and complicated and it should have all of the time it needs to complete it because the information that it is going to provide is so essential to the safety and security of every American citizen?

□ 2000

Already the commission has produced findings. They have made great strides in uncovering the events that allowed the September 11 attack to occur. Let me give my colleagues just a few examples. The commission has exposed some of the immigration screening flaws that allowed the hijackers to enter the United States, including the dismal lack of cooperation among Federal agencies with security watch lists. In other words, our Federal agencies had watch lists, individuals that they were watching, that they were alerted to and watching for; but the information was not shared, and as a consequence, these people were able to slip through.

The commission has also highlighted the air security flaws that allowed the terrorists to board the planes and carry on with them makeshift weapons. The commission has uncovered evidence that United States intelligence agencies were given information that they did not use properly and information that they did not share with other elements of intelligence, other intelligence organizations within the context of our government. For example, they were given the first name and phone number of one of the hijackers. This information was provided by German intelligence. But no action was taken on it. The first name and the telephone number of one of the hijackers. Nothing was done about it. Why?

These questions must be answered, and the commission must be given enough time to develop the information which will enable these kinds of answers to be forthcoming. If given sufficient time, the commission will no doubt compile the most comprehensive and extensive report about the September 11 attack and provide Congress and the White House with concrete recommendations for improving the security of the American people. It is essential that we do that.

Throughout the commission's existence, cooperation from the administration has been grudging and delayed. The commission had to issue a subpoena to the Federal Aviation Administration in order to obtain detailed transcripts and other information about communications that took place on September 11. That subpoena had to be issued because the agency refused to cooperate. The Federal Aviation Administration would not give the 9/11 commission transcripts and information about communications that took place on the date of September 11, the date of the attack. It is just incomprehensible.

In October 2003, the commission had to threaten the White House with subpoena because the commission believed it was not being provided all the necessary materials for its investigation by the White House. While interviews have been scheduled with former President Clinton and Vice President Gore, similar cooperation has not been forthcoming either from President Bush or other members of his administration. President Bush and Vice President CHENEY refused to meet with the entire commission. Instead, they have decided that they will only agree to separate, limited meetings with the chairman and the vice chairman. They will meet separately for 1 hour and only 1 hour, and only with the chairman and the vice chairman of the commission. National Security Adviser Condoleezza Rice continues to refuse to testify publicly. The commission is now considering whether to issue her a subpoena. Obviously, because of this lack of cooperation, the commission needs more time and the deadline needs to be extended.

In addition to studying the causes of September 11, there are other things about this circumstance that the Congress ought to be looking into. Congress should be conducting a vigorous examination of the administration's actions in Iraq prior to, during, and currently with regard to the war. With the exception of limited inquiries by the House Permanent Select Committee on Intelligence, the House has failed to exercise its oversight responsibilities with respect to our operations in Iraq. The Constitution of the United States provides the responsibility to the House of Representatives to oversee the operations of the executive branch and to perform oversight functions and to carry out oversight responsibilities. What could be more important than the war in Iraq, which has now cost 550 American lives, American servicemen and -women killed, nearly 3,000 others seriously wounded, many of them lost limbs, wounds that they will carry for the rest of their lives, not to mention thousands of other lives that have been lost? What could be more important than that?

House committees should be thoroughly investigating, not just our intelligence community's massive failures but how the President and members of his administration used the intelligence that they were given to support their case for making war in Iraq. We should also examine all the other reasons that President Bush and other members of the administration cited to support his war. All of this should be examined carefully and in detail.

House committees should be thoroughly investigating the Pentagon's postwar plans. The guerilla war is continuing despite Saddam Hussein's capture. Civil strife is at an all-time high after today's synchronized bombings of Shiite religious gatherings despite the apparent adoption of an interim constitution. Why did the civilian leadership in the Pentagon ignore Army recommendations for a more comprehensive occupation? Why? House committees should be thoroughly investigating how the administration secretly awarded billions of dollars in no-bid contracts to companies like Halliburton. It is only thanks to the work of Members of the Congress, like the gentleman from California (Mr. WAXMAN) and the gentleman from Michigan (Mr. DINGELL), that we have begun to uncover the scope of some of these massive contracts and that the U.S. taxpayer is actually being overcharged, in fact grossly overcharged, for much of the work that is going on in Iraq by these companies.

House committees should be thoroughly investigating the administration's plan to hand over power in Iraq. How was this hand-over date chosen? It seems conveniently selected to take the upcoming Presidential election into consideration. Why did it take months to get the United Nations involved?

And then there is the whole matter of the case for the war itself. How did we come to go to war in Iraq? How was it that this resolution was presented to the Congress and passed in a very controversial and divisive way? Now that several months of searching have passed without finding any weapons of mass destruction and there remains no evidence whatsoever of a connection between Saddam Hussein, the leader of Iraq, and September 11, one thing is inarguably clear: President Bush and his surrogates intentionally misled the Congress, the American public, and the world about the evidence that such weapons existed in Iraq.

Some may say that this is a premature accusation because it remains possible that some weapons of mass destruction will be found. But such a discovery would not change the indisputable fact that the President, the Vice President, members of the Cabinet, particularly the Secretary of Defense, and other White House advisers were not truthful about the certainty of that evidence. The President would like us to believe that the discrepancies between what the White House said before the war and what we now know to be the truth resulted from failures in our intelligence. He has disingenuously appointed another commission to supposedly study these failures, but he has carefully bounded the commission's scope to prevent scrutiny of his own actions as well as those close to him who were involved in this decision-making process.

Gaps in our intelligence-gathering represent a gravely serious matter that needs to be examined fully. But it is even more important that we scrutinize the discrepancies between what the intelligence agencies told the White House and what the White House told the Congress and the world. If we cannot trust the President to tell us the truth about the need to send our troops into harm's way, then we have lost an essential component of our system of government. Whatever power our leaders have derives from the informed consent of the governed. This President failed to properly inform those we govern.

There are numerous documented examples of the White House's deception in this matter. Part of the administration's method of operation was to take the intelligence community's assessment that a threat may exist and transform that possibility into a certainty in its public statements. For example, United Nations inspectors found that Iraq had failed to account for a quantity of bacterial-growth media. Had this been used, the United Nations inspectors reported, it, and I quote, ''could have produced about three times as much'' anthrax as Iraq admitted to having.

This report was fed into the White House propaganda machine and came out somewhat differently in President Bush's October 7 address. It came out in the following form, and I quote: ''The inspectors, however, concluded that Iraq had likely produced already two to four times that amount. This is a massive stockpile of biological weapons that has never been accounted for and is capable of killing millions.'' The added rhetoric there did not come about by accident. Those words, used the way they are in that sentence, are designed to frighten people. And people who are frightened are more likely to bend to your will, even if your will is warped and taking them in the wrong direction. If you frighten people, they are more likely to follow you. That was the intention of those words and the misleading elements that are inherent in them.

A recent report by the Carnegie Endowment for International Peace described this particular act of trickery this way: ''In two sentences, possibility becomes likelihood, likelihood then subtly becomes fact, and a huge stockpile is created. Finally, biological agent is transformed into weapons, and not just any weapons but extremely sophisticated delivery systems, the only way such weapons could kill 'millions.' Small changes like these can easily transform a threat from minor to dire.''

The Carnegie report has identified 40 distinct caveats or conditions included in the October 2002 national intelligence estimate that White House officials usually left out of their public statements. The Bush administration regularly omitted terms like ''probably'' or ''we suspect'' or ''we cannot exclude'' when telling the world what our intelligence agencies had reported. Sometimes the White House was less subtle. Secretary of State Colin Powell told the United Nations, and I quote, ''Every statement I make today is backed up by sources, solid sources. These are not assertions. What we are giving you are facts and conclusions based on solid evidence.'' That is the end of Mr. Powell's quote. We now

know that what the Bush administration gave us was indeed nothing more than speculation, speculation presented as if it were fact.

Another trick the administration and its advisers employed was the lumping of chemical, biological, and nuclear weapons under the single rubric ''weapons of mass destruction.'' In so doing, the White House could combine the likelihood that Saddam Hussein had chemical weapons, a relatively minor threat, with the potentially catastrophic scenario of an Iraqi nuclear program for which there was never any evidence whatsoever.

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The administration further inflated the threat to the United States by insisting, with absolutely no supporting evidence, that Saddam would give weapons of mass destruction to terrorists. The October 2002 National Intelligence Estimate concluded that this was unlikely. It was unlikely, said our National Intelligence Estimate, except under imminent threat of United States attack. Establishing this nightmare scenario was essential to securing public as well as congressional support for war. Only through terrorists did Saddam pose a threat on American soil. Without that threat, enthusiasm for an attack on Iraq would have been, no doubt, greatly diminished.

Using those methods, the White House presented us with the image of a ''mushroom cloud,'' without which they could not wage the war they had been wanting to wage for years.

Today's synchronized bombing of Shiite Muslim religious ceremonies in Baghdad and in Karbala are tragic reminders that Iraq remains an extremely dangerous place. At least 143 people were killed and thousands more were likely injured just today.

These bombings are just the latest in a series of attacks against Iraqi civilians and against United States soldiers. Five hundred and fifty United States soldiers have died in Iraq, and over 2,700 have been wounded, seriously injured. While there is no accurate figure available for Iraqi casualties, it is reasonable to assume that that number is in the thousands. The vast majority of these deaths occurred after the end of major combat, after the end of those major combat operations was announced by President Bush on May 1 of last year.

It is now conventional wisdom that the President and his administration failed abysmally to plan for the conditions in postwar Iraq. Vice President CHENEY's predictions of a rosy welcome were shattered long ago. Our troops remain engaged in a guerilla war, and Iraq's civilian population lives under constant threat by the same adversary.

Why is the House, this House, ignoring this reality? The CIA, the State Department, the Army, the Marine Corps, the Army War College, and various nongovernmental organizations have produced thousands of pages of recommendations that were ignored. These predictions have proved extremely accurate after the fall of Baghdad. Outside experts are saying that the ongoing financial, diplomatic and human costs of the Iraq occupation are far worse than expected because the administration did not take its own agencies' suggestions.

This is an extremely serious charge, yet no House committee is currently investigating what went wrong with our postwar plans. We are in this House ignoring our responsibilities to oversee the operations of the administration on matters of great and grave seriousness.

Tonight is an opportunity to outline some of the advice that has been ignored by the administration, first with regard to U.S. military recommendations. War games run by the Army and the Pentagon's Joint Staff in preparation for war with Iraq led to very high troop levels. The Army's recommendation for an invasion force was 400,000 troops. Secretary Rumsfeld envisioned the force level of 75,000.

The Army's recommendation took into account the invasion and subsequent occupation. It argued a larger force would actually be more useful after Baghdad fell as opposed to the initial invasion. A large force would allow the Army to restore order quickly and perhaps allow for a much smaller occupation force 6 months or so later.

In Bosnia the Army stationed 200,000 troops to watch over 5 million people. In Iraq, with a population of 25 million, the Army dispatched fewer than 200,000 troops for postwar action. The heart of the Army's argument was that the U.S. would win the war and do so quickly but could be trapped in an untenable occupation if there were too few soldiers.

Marine General Anthony Zinni, who preceded Tommy Franks as CENTCOM Commander, agreed with the Army's recommendation for higher troop levels. The Army had also worked out cost projections prior to the war, despite claims by Secretary Rumsfeld and Deputy Secretary Wolfowitz that it was impossible to produce such numbers.

The State Department's Future of Iraq Project is also important for us to look at. Starting in late 2001, the State Department began contemplating postwar plans and created the Future of Iraq Project. It brought in outside experts and teams of exiles and created 17 working groups designed to systematically cover what would be needed to rebuild Iraq's political and economic infrastructure. Congress authorized $5 million to fund the project's studies in May of 2002. The final report consisted of 13 volumes of recommendations on specific topics. Among the list of recommendations were these:

First, restore electricity and water supplies as soon as possible after regime change by employing Iraqis, thereby creating jobs and engendering goodwill toward the coalition by the indigenous population.

Secondly, they recommended do not disband the entire Iraqi army. The project suggested purging the Iraqi army of its Baathist elements but retaining most members to help restore public order and provide for the country's defense when the U.S. departs. It also stressed, however, that ''all combatants who are included in the demobilization process must be assured by their leaders and the new government of their legal rights and that new prospects for work and education will be provided by the new system.'' The report later detailed steps on how this could be accomplished.

The project went on to stress how disorderly Iraq would be soon after liberation, despite Vice President CHENEY's rosy predictions. The report predicted the power vacuum and the crime and looting that followed Saddam's removal would be extensive, and, of course, they were entirely accurate.

The report also suggested that despite the need for a long United States postwar commitment, instituting a long-term military government would alienate the Iraqi people.

The report also warned against the ill will that would result from Iraqis being seen as working for foreign contractors instead of having foreign contractors be seen as assisting the Iraqi people. We have seen all of that come to pass because the recommendations of that report were ignored.

There were other suggestions that came from the Central Intelligence Agency that were forwarded to the administration. The common theme among all CIA predictions was that disorder would follow the fall of Baghdad. The CIA believed that rivalries in Iraq were so deep that quick transfer of sovereignty would invite chaos. The CIA began running war games to plan for the postwar Iraq. These included representatives from the Defense Department. But when the Secretary of Defense's office heard of this kind of cooperation between Defense and the CIA in the early summer of 2002, the Office of the Secretary of Defense reprimanded the Department of Defense employees who participated and ordered them to stop cooperating with the Central Intelligence Agency. It is astonishing.

These war games were intended to make cost predictions and simulate potential problems. Because of that they were seen as weakening the case for launching this ''war of choice.''

There were also numerous recommendations from nongovernment organizations and the relationship of NGOs and USAID. In the fall of 2002, USAID began planning for postwar Iraq. Since it was the natural contact for nongovernmental organizations, these NGOs were concerned with relief operations in Iraq. At the time most high-ranking officials in the Bush administration were comparing the eventual fall of Iraq to the fall of Germany and Japan. The NGOs strongly disagreed with this assumption and made those views known to USAID.

The NGOs believed Iraq would likely fall into chaos following regime change and requested that sanction restrictions be lifted from them so that they could prepare for postwar Iraq. The NGOs should be allowed to go there and make the arrangements so that postwar Iraq could be organized and people would see that there were organizations that they could relate to and that chaos would not ensue. This request was denied. The NGOs continued to stress the disorder that would follow war, but all they received back from USAID representatives were broad assurances that everything was taken care of.

There was a report from the War College. In January, 2003, the Army War College produced a report that addressed Iraq reconstruction challenges. It predicted long-term gratitude towards the United States was unlikely and that if the United States had to supply the bulk of the occupation force this would lead to many more problems in postwar Iraq. The Army War College report strongly recommended that a large international force would be ideal for postwar occupation. It also provided a 135-item checklist of what tasks would have to be done right after the war and by whom those tasks would have to be accomplished.

According to those involved with this report, the Pentagon paid little attention to any of its postwar recommendations.

There were, of course, unrealistic assumptions. Exaggerations during the buildup for war were not limited to weapons of mass destruction. Administration officials often made widely ridiculed assumptions about postwar Iraq. Here are just a few: Both President Bush and Vice President CHENEY claimed we would be greeted as liberators. USAID Administrator Natsios claimed rebuilding would cost U.S. taxpayers $1.7 billion. Secretary Rumsfeld and Deputy Secretary Wolfowitz repeatedly claimed it was impossible to guess any costs for the war. Secretary Rumsfeld called former Economic Adviser Lawrence Lindsey's claim that the war would cost $200 billion way off. He thought that was a gross exaggeration. Wolfowitz claimed reconstruction would cost U.S. taxpayers very little. What is the record? To date, the United States Government has spent approximately $150 billion in Iraq, and we know that the President has an additional bill of at least $50 billion which he will present to the Congress sometime after the November election. Lawrence Lindsey's recommendation seems quite good now based upon the experience. It is too bad he was not listened to at the time.

The House of Representatives must investigate. These examples are just the tip of the iceberg. There are literally thousands of pages of postwar planning that were prepared and then ignored.

Why was the Defense Department and not the State Department initially put in charge of postwar Iraq? Why were we not more prepared? Why did the administration not take its own recommendations? Why were we told there were no cost estimates when of course there were?

Postwar plans were available and they were ignored. The House of Representatives must investigate this to ensure that legislative remedies are examined and to put in place mechanisms that will prevent another failure of this magnitude.

Just for a moment let us take a look at the no bid contracts. Halliburton and Bechtel already have contracts in Iraq worth $3.14 billion. Those contracts result from the conflict in Iraq and the reconstruction efforts. Yet the gentleman from California (Mr. WAXMAN) and his staff at the Committee on Government Reform have found that the cost of many of the reconstruction projects could be reduced by 90 percent if the projects were awarded to local Iraqi companies rather than contractors like Halliburton and Bechtel. The American people, in other words, could be saving 90 cents on the dollar if this reconstruction activity were done in a way that is not designed to benefit the people who benefit the administration.

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There is ample evidence of overcharging. We have learned that Kellogg Brown & Root, a Halliburton subsidiary, is overcharging the United States for fuel delivered to Baghdad from Kuwait. They are charging as much as three times the amount for gasoline that can be purchased there on the market, inflating the price three times.

We have also learned that Kellogg Brown & Root employees received kickbacks from a Kuwaiti subcontractor in exchange for awarding that subcontractor a reconstruction contract. But that is all. How much of a kickback was there? Who were these people who received the kickback? Who at Halliburton knew about it? Who at the Defense Department may have known about it? Who else in the administration may have known about it? There is an awful lot of information we do not have, and that is why this investigation needs to go forward.

Members of Congress were informed of these sole-source noncompetitive contracts by media reports, by investigative reporters in the media. Despite repeated requests by Members to Federal agencies, the administration has been slow to respond, or simply has declined to provide details about why these large private contracts were awarded on a non-competitive basis.

Here are two brief examples. USAID awarded several contracts worth hundreds of millions of dollars to a few companies it hand-picked to compete against each other, yet repeated inquiries from the minority on the Committee on Government Reform to USAID have been brushed aside, and now USAID has refused to provide copies of the contracts or information on how it chose which companies would bid on these initial contracts.

This is the taxpayers' money. We are spending enormous amounts of money, and it is being spent secretly, and the Congress is not being allowed to look at the contracts or examine how this bidding process went forward.

The administration has also failed to disclose information about its sole-source oil field contract with Halliburton's Kellogg Brown & Root. Kellogg Brown & Root was awarded a no-bid contract on March 8, 2003, but the Defense Department did not disclose until April 8 that this contract has a potential value of $7 billion. Today, despite a recommendation by the Army Corps of Engineers to open this contract to public scrutiny, the Defense Department continues to keep its content classified for allegedly national security reasons. Whose security is at stake, we have cause to wonder.

House committees must investigate. It is clear that Members of Congress are receiving grudging and delayed cooperation, if they receive any cooperation at all, from the administration regarding reconstruction contracts. Only a formal committee investigation will be able to answer the serious questions and allegations that have arisen from these no-bid contracts and this no-bid process.

Ambassador Bremer has set the deadline for transferring power back to the Iraqi people as June 30, 2004. This date falls conveniently close to the beginning of the summer Presidential campaign. The date was set solely by the United States, despite recent events indicating that Iraq will not be able to make a peaceful transition without the United Nations leading negotiations. This begs the question, Was this date set for political purposes?

The House should be asking these questions and demanding clear proof of the reasoning behind this date. Part of the original reasoning was that elections in Iraq would be held shortly after the transition deadline to ensure the legitimacy of the new government. But that is no longer the case. The United States plan for such an election was roundly rejected, and it was the United Nations that had to step in and negotiate a solution to the election question.

Does this administration still believe the United Nations is a ''worthless debating society''? I wonder.

Under the United Nations plan, national elections will take place in the late fall of 2004. Should this new development not affect the transfer date? The Congress and the American people deserve answers to these questions that at this late date still remain unanswered.

So, Mr. Speaker, we have two issues. One is the 9/11 commission and why that commission is not being allowed the time it needs to complete its work comprehensively and completely and provide answers to questions that beg

answers, answers that we need as Representatives and which the administration should have also, if it does not have them already.

The 9/11 commission should be given more time to carry out its work, and the 2-month extension is not too much to ask. Why are we rushing the completion of the work of that commission? That question ought to be on the mind of every Member of this House, and every Member of this House ought to demand an answer. The extension ought to be granted, and it ought to be granted sincerely and accurately so that they have the full time that they need to complete their work.

There, of course, remains all of the questions that I raised, and many, many more. I have just begun to scratch the surface of the questions that remain with regard to what happened prior to our going into Iraq in that war, what has happened during it, and what is continuing to happen and what we will do subsequently with regard to that country. Many questions remain unanswered.

The responsibility to develop those answers lies with this House of Representatives. The leadership of this House should appoint appropriate bipartisan committees to look into these matters. We are derelict in our duty. We are not fulfilling our responsibilities to the American people on an issue that is of paramount importance, an issue that involves thousands of lives, hundreds of billions of dollars in American treasure and the future safety and security of the American people. Those answers should be forthcoming, and there should be no delay in setting up the mechanisms which will allow them to come forward.

POLL SHOWS ENTHUSIASM FOR FREE TRADE FADES

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

Ms. KAPTUR. Mr. Speaker, I wish to place in the RECORD this evening a poll done by the University of Maryland that shows that even high-income Americans, those earning over $100,000 a year, now have lost their enthusiasm for free trade and the loss of jobs in this country as they perceive their jobs are now threatened by white collar workers in China, in India and other countries, and rising anxiety exists across all income bands in our country relative to free trade.

So it is as much of a curiosity as anything that the chairman of the President's Council of Economic Advisers, Mr. Greg Mankiw, caused an uproar recently when he said the practice of shipping out our jobs, outsourcing U.S. jobs, is good for our country.

How can shipping out our jobs be a good thing? Not surprisingly, Mr. Mankiw was forced to backtrack and profess his sympathy for anyone who had lost a job. My goodness, that is the least he could have done. Predictably, Mr. Mankiw was defended by free trade fundamentalists like The Washington Post and some of his fellow economists. But something has changed profoundly in America over the past 10 years, and I would say it is reality. Reality has set in coast to coast.

NAFTA is celebrating its 10th anniversary, and we are seeing the impact of failed NAFTA-style trade policy throughout our country and continent.

It is no longer just in Ohio and Michigan, although the Great Lakes States are undoubtedly the epicenter of the job-loss earthquake. It is not just the Carolinas or Massachusetts, where the job losses have been so staggering. And it is not just vehicles, cars and trucks and the massive auto parts industry. It is not just machining businesses, and it is not just machinery in general.

In fact, the damage to our economy from outsourcing and the doctrine of free trade is no longer confined to just the manufacturing sector.

Something has changed in America, and it will undermine and eventually destroy public support for NAFTA-style trade agreements. Suddenly, it is not only manufacturing jobs that are being outsourced to Mexico, to China and other low-wage platforms. Now outsourcing is beginning to bite into whole new sectors of our economy, where the promise of future job growth once lay. Indeed, the loss of jobs in manufacturing has been dramatic over the past several years.

Look at these sectors: apparel, 37 percent of the jobs lost; textile mills, 34 percent; primary metals, down 25 percent; machinery, down 22 percent.

But the decline in what has been called knowledge-based industries has been dramatic too: computer and peripheral equipment, down 28 percent; communications equipment, down 39 percent; semiconductors and electronic components, down 37 percent; electrical equipment and appliances, down 23 percent; telecommunications, down 19 percent; data processing, down 23 percent.

During the NAFTA debate, the free trade fundamentalists promised that high-wage, high-benefit jobs would be replaced by high-wage jobs in the computer sector. In other words, automotive industry jobs would be replaced by computer jobs.

Wrong. As economist Paul Craig Roberts wrote recently in the Washington Times, ''For years, as U.S. multinationals moved manufacturing offshore, Americans were told their future was in 'knowledge jobs.' Today, knowledge jobs are being moved offshore more rapidly than even manufacturing jobs were moved away.''

The Institute of Electrical and Electronics Engineers said last week that in 2003, the U.S. jobless rate for computer scientists and systems analysts has reached an all-time high of 5.3 percent. That is roughly in line with the national unemployment rate of 5.6 percent. In Ohio, the unemployment rate is 6.2 percent, in my region of Ohio, over 8.4 percent, and in some counties of Ohio as high as 18.5 percent.

But the burden of proof is now in the proponents of NAFTA-style trade agreements. If outsourcing is sending the jobs of highly trained computer scientists, computer programmers and medical diagnosticians overseas, then where are the new jobs supposed to come from?

It is hard to believe, but Vice President CHENEY said, ''If the Democratic policies had been pursued over the last 2 or 3 years, the kind of tax increases that both Messrs. KERRY and EDWARDS have talked about, we would not have had the kind of job growth we have had.''

I would just ask the Vice President, where is the job growth? I do not see any job growth. And that is what the average real American is asking too, where are the good new jobs going to come from? Where?

Mr. Speaker, I include for the RECORD the poll I referred to earlier.

[From USA Today, Feb. 24, 2004]

POLL: ENTHUSIASM FOR FREE TRADE FADES; DIP SHARPEST FOR $100K SET; LOSS OF JOBS CITED

(By Peronet Despeignes)

High-income Americans have lost much of their enthusiasm for free trade as they perceive their own jobs threatened by white-collar workers in China, India and other countries, according to data from a survey of views on trade.

The survey by the University of Maryland's Program on International Policy Attitudes (PIPA) is one of the most comprehensive U.S. polls on trade issues. It found that support for free trade fell in most income groups from 1999 to 2004 but dropped most rapidly among high-income respondents—the group that has registered the strongest support for free trade. ''Free trade'' means the removal of barriers such as tariffs that restrict international trade.

The poll shows that among Americans making more than $100,000 a year, support for actively promoting more free trade collapsed from 57 percent to less than half that, 28 percent. There were smaller drops, averaging less than 7 percentage points, in income brackets below $70,000, where support for free trade was already weaker.

The same poll found that the share of Americans making more than $100,000 who want the push toward free trade slowed or stopped altogether nearly doubled from 17 percent to 33 percent.

Rising anxiety about free trade and shipping out of U.S. jobs could intensify an already fierce political battle this election year.

In the fight for the Democratic presidential nomination, Sen. John Edwards, D-N.C., has gained ground on front-runner Sen. John Kerry, D-Mass., by hitting Kerry's support for free-trade agreements that critics say have cost American jobs. The two have bitterly accused each other of supporting past agreements.

Whoever the Democratic nominee, he is expected to use the trade issue against President Bush, whose administration has generally been supportive of free trade.

The poll was released last month, but breakdowns by income level were performed at the request of USA TODAY. The results

are based on responses from more than 1,800 U.S. residents. The margin of error is ±2.3 to 4 percentage points.

The findings suggest that anxieties about free trade long held by lower-income Americans and blue-collar workers—who have been losing jobs to cheaper labor markets abroad—have spread up the income ladder.

The findings come as the U.S. job market remains sluggish and accounting, computer programming, radiology and other high-end service jobs are being lost to workers abroad.

''This is huge,'' said Steven Kull, director of the Maryland polling unit. He said the PIPA poll shows most Americans remain supportive, or at least tolerant, of free trade, but with big caveats. ''They're not saying, 'put on the brakes,''' he said. ''But they are saying, 'Don't step on the gas. Don't rush. We need to make adjustments. We need more time to adapt to these changes.'''

IN DEFENSE OF ACTIONS TAKEN IN IRAQ AND TEACHING AN APPRECIATION FOR WESTERN CIVILIZATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, as I listened to the comments that preceded me in the Special Order that dealt with our involvement in Iraq, certain thoughts came to mind that I think I would like to present this evening prior to getting involved with the issue of primary importance right now, or, I should say, not primary importance, but the issue I had intended to bring forward. I will do that, but I will do it subsequent to the thoughts I have had listening to our loyal opposition.

We have heard for approximately an hour that there were a number of things wrong with the intelligence reports that we received; that there are problems that we now face in trying to pacify Iraq; and that as a result of these things, there should be investigations. And a lot of people's integrity has been called into question, not the least of which the President of the United States.

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There are many issues that I disagree with the President on, and I have not been hesitant to express my opinions when I do disagree. But on this issue of Iraq, let me just present a few ideas that may I hope stimulate some thinking about whether or not we were right to do what we did in Iraq.

I would ask, Mr. Speaker, for all of us to think about what pundits and political opponents would have said if in some time between, say, 1933, when Hitler took power in Germany, and 1939, when finally the world decided to go to war against Hitler, or at least a good portion of the world decided to go to war, what if at any point in time between 1933 and 1939 the United States and Great Britain and as many other countries as would join us would have taken a very, very bold action? And that action would have been preemptive. It would have been before any sort of aggressive action had been taken by Germany and by Hitler against the West, against the Allies, before Poland had been invaded, even before Czechoslovakia. Could we imagine what would have happened on this floor and throughout the world, really, in terms of the reaction, if America and a group of nations had taken preemptive action and stopped Hitler, if we had gone into Germany, if we had deposed Hitler and attempted to bring about a different and truly democratic regime?

Well, certainly there would have been an awful lot of second guessing. Certainly there would have been people here on the floor of the House talking about the fact that we really do not know for sure whether V–1 and V–2 rockets were being developed. Maybe the hard evidence would not have been available at the time. And so where were we? Why were we doing such things and was it not against all rules of engagement, was it not something that we should be challenging our administration for and saying you did the wrong thing?

We did not have all of the very specific information that we needed to make this decision. Could it be that we would have been questioning whether or not Hitler's intention would have been to, in fact, bring about the ''final solution'' for the Jews in the world?

All these things would have been speculative, certainly. We could not have perhaps proven that that was his intent. We would have been perhaps without all of the hard evidence to bring in front of the world body to prove that the decision we made to preemptively act was right. But if we had done so, just think about what would have been the outcome of that decision and that action. Fifty million people, 50 million people died as a result of our unwillingness to take action. National treasure, untold national treasure had to be expended; and, of course, hundreds of thousands of American lives were lost to try and stop him and stop the Axis powers after they made their intentions perfectly clear.

Now, I think that there is a lesson to be learned here, and it is that at some point in time it is imperative that the civilized world take action and, in fact, take preemptive action to try to prevent an occurrence similar to World War II. If we could have done that now, knowing what was the outcome of World War II, knowing what it took to actually stop him when we chose to finally get involved, who would suggest that we should not have taken preemptive action?

Does anyone really believe that we should have waited knowing now what we know? Does anybody believe that we should have waited for Hitler and the Japanese empire to strike first? Well, we did. That is history. And we know the outcome. So I will suggest to the body that there was a great deal of evidence presented not just to the United States but to many other countries and many other intelligence networks around the world that would lead us to believe that there was a problem in the making in Iraq. No one, not a single person has ever denied the fact that Iraq was in the process of developing nuclear weaponry and weapons of mass destruction; and, of course, we knew that they had used similar weapons in the past. So that was not a question.

The question is would he have, would Saddam Hussein have actually used those weapons had he gotten ahold of them? How long would it have taken for Iraq to actually obtain those weapons? Those are questions we do not know the answer to right now, but we can be fairly sure by all of the empirical evidence that we have in front of us that they have would have developed the weapons and that either he would have used them or think of this, what if, what if those weapons became disposable to the two sons of Saddam Hussein, Uday and Qusay? Does anybody really believe that they would like to live in a world where those two guys would have the ability to push the button?

Well, now they are gone. Saddam is in custody. Uday and Qusay are history. So now we can stand on the floor of the House and we can get on all of the talk shows and say we really did not have all of that to worry about. It really was not worth the expenditure of our resources, both human and financial. Well, maybe not. But I have to say that from everything we know about history and from everything that we know, absolutely, unequivocally know, not the if's, not the ''I wonder if,'' but what we know about the regime in Iraq would lead us to believe that the action we took eventually would end up saving a lot of lives. Not only that, but we are now engaged in a very difficult process and that is to impose democracy, to plant the seeds of democracy in an area of the world in which, of course, it is a very alien idea. And the task is incredible, it is true, but think of the task we have faced when we chose to rebuild Germany and Japan and to rebuild those countries on democratic models. In Japan, of course, where it had never ever existed before, and in Germany, where it had been bastardized, the concept of democracy. We undertook that huge, monumental task; and people could have said in 1946, 1947, 1948, look at the problems we are facing. How come we have not been able to construct these democratic models over there by now? Why are American troops still occupying Germany and Japan? Why are our people still at risk? Why are we spending hundreds of millions of dollars which would equate in today's terms to hundreds of billions of dollars in the rebuilding of both Japan and Germany? Why are we doing it? They would have been there and they may have been here on the floor saying those things at that time. I know that is true.

I am not saying they are not legitimate questions and that they should not be raised. All I am saying to you is that we have history on our side. We know what happens when you do not undertake the task, and we know what happens when you do in fact persevere, when you say we are going to rebuild these countries, it is going to take a lot of money, a lot of time and a lot of effort because they are not used to this concept; but did it work out to the benefit of humanity that we did what we did? Of course it did.

Who argues that we should not have rebuilt Western Europe and even Japan? They became prosperous. They became willing to accept the ideas and ideals of Western civilization, which will get me into my next area of discussion here. But we faced all of these things. We did it. We persevered.

In terms of the time frame that has expired between the ending of major hostility to today, it is a blink of the eye. Think how long it took for the United States of America to perfect this concept of a republic based on democratic ideals. It did not happen overnight. You may recall at the end of our revolution many people went to George Washington with a council, figuratively speaking, a council and said, We want you to be king. And, of course, Washington refused and said that is not why we fought a war against a king. That is not the kind of government we were going to establish. Even then, of course, we did not warm to this concept of a republic very quickly.

The Articles of Confederation were problematic. There were things in them that did not actually address all of the problems that we had in this country trying to pull it together. Just as today we are watching Iraq in this process, and we are saying, gee, whiz, even their constitution, or the lead up to the constitution, even what we have developed in Iraq today is problematic because we still do not know whether or not exactly what the role of religion will be in Iraq.

Well, you may recall that we did not know exactly what the role of slavery would be in the United States and we refused to address it in the Constitutional Convention because we could not come to an agreement. So we put it off and, admittedly, it led to a lot of violence. But the issue was settled. The republic remained and we now still present to the world the best possible hope for stable government and for peace. But it did not come easily. It did not happen when Cornwallis surrendered at Yorktown. Lots of things, even bloodshed followed the surrender of the British.

Peace will not come easily in Iraq. Democracy will not come easily in Iraq. Many trials and tribulations lay ahead, much bloodshed, certainly true. Should we abandon it because there are these obstacles? Shall we walk away because the challenge is very, very difficult? Well, that is the proposition that is put before us. And I suggest to you that planting democracy and the concept of a republic in a part of the world where it had not heretofore existed is a worthy endeavor.

□ 2100

I also suggest to my colleagues that our efforts in Iraq up to this time can be described as noble.

This is an interesting situation that we are in; and this develops into another discussion that I want to have tonight, and that is the value of Western Civilization and what it really means, because tomorrow I am going to introduce a resolution, and I am joined by many of my colleagues, and the resolution is a simple one.

It says that this body, the Congress of the United States, believes that all children graduating from schools in this country should be able to articulate an appreciation for Western Civilization; and it may seem to some at first to be a heavy topic, some amorphous idea, and one might wonder what are its practical implications and why I would be doing that, as I say, and I and my colleagues would be doing this.

I think in a way it is ironic that we are desperately attempting to implant concepts of Western Civilization in a place called Iraq while we, in this country, challenge their relevance in our schools and in our textbooks and certainly in the media in our culture. I believe that we are in a war that can be described as a clash of civilizations. There is a great book by an author by the name of Samuel Huntington called the ''Clash of Civilizations,'' and I remember reading this book, I do not know, maybe 8 years ago and thinking that it was interesting; but I remember going back and reading it again after 9/11 and thinking that it was profound and prophetic.

I believe the United States is in a clash and Western Civilization is in a clash of civilizations. It is a real clash, if you will, a real war. It is bloody. There are times when the clash becomes even more violent and times when it subsides, but the clash is real and it will be here for some time. The clash is with radical Islam. It is with people who have said openly and repeatedly that their desire is to come here and kill you and your children, me and my children, to eradicate us from the planet.

There is an interesting diary, I do not know whether it was on Al Jazeera, but it was published some time ago, and it is a diary of a person who became a suicide bomber. He talks about in this diary why he has to do what he believes he has to do. He says that the ultimate threat to his view of Islam is the West, is the concept of a republic, a democratic republic. He said that this is a threat to the heart; this is a threat to the existence of Islam as he saw it because what the West provided, through democratic principles and free enterprise, was the good life essentially, what it sort of boils down to. It provided the good life. People could achieve more and more; and, yes, they could achieve in monetary ways, but they could also achieve even from the standpoint of advancing oneself and one's self-esteem, and this he said would turn people away from looking to the afterlife as the ultimate goal or as the ultimate glory.

I can tell my colleagues that certainly there are aspects of Judeo-Christian tenets that tell us also that it is what comes next that is important, but Western Civilization has allowed us many things. It has provided a system and a set of ideas and ideals that have served humanity well; and, yes, those ideas and ideals are a threat to other ideas; and, therefore, a clash occurs.

How do we fight this war? How do we deal with this clash? Well, of course, it will require the force of arms at times, and it will require the commitment of resources, and it will require something else. It will require a belief in who we are, which by the way is the title of Samuel Huntington's new book, which I certainly commend to everyone, ''Who We Are.''

We have to know the answer to that question. We have to know who we are. We have to understand that this Nation uniquely was created on the basis of ideas and ideals, all other nations formed for other reasons, but ours started for a brand new reason, ideas. Those ideas were held up to the world, and people came from all over the world to embrace them. Uniquely, we said this old concept that people should be ruled by individuals is not acceptable; it has not worked out well and it does not accrue to the benefit of most human beings. So Western Civilization was based upon a different idea, and it is called the rule of law, not the rule of man, not one person making arbitrary decisions about everything that affects our lives, but the law making those decisions as developed by people who represent all of us, a brand new concept that we put into effect and that I think serves the world well.

Western Civilization was based on other ideals, the ideal of the individual being superior to that of the collective; the idea that humans had inalienable rights. This is a Western concept. No place else does it show its face but in Western Civilization.

Today, in America, however, there is a movement, a philosophy, I call it radical multiculturalism. It has taken hold of our society. It is seeping its way into our public schools and on to our college campuses. This philosophy may be peculiar to most Americans; but it does seem to be taking hold among elites, academics, the media, and certain groups within the political establishment. It is a corrosive movement, and its purveyors are threatening to accomplish in the classrooms what they could not get through elections: one, to erase the notion of citizenship; and, two, to teach young people that there is nothing positive or unique about America and that Western Civilization contributed nothing to

world history but imperialism, slavery, and discord.

Let me emphasize something here. I do not for a moment want to tell the children of America, the citizens of America or the world that we believe that we have never done anything wrong and that Western Civilization is nothing but a set of ideas and principles that have been put into place without problem. Many of those ideals are not yet reached, by the way. So I am totally and completely supportive of the thought that we have to teach our children the truth about who we are, the truth, warts and all; but I have to tell my colleagues I am becoming extremely concerned, as I think many others are, about the fact that we concentrate so much of our effort and time on teaching children and immigrants into this country that there is nothing good about Western Civilization or about the United States as a representation of that civilization.

These are some examples that we have taken, by no means exhaustive. These are just tiny little snippets of some of the things we tell our children in textbooks and some of the things that, in fact, teachers and professors have told our children about America, about the West, all in an attempt to essentially eliminate any concept that there is something good and special about us and who we are, and I will go through them in a minute.

I just want to tell my colleagues about something that happened to me just a short time ago.

I was visiting a high school in my district, and there were probably 150 to 200 students who came into the auditorium to have a discussion with me; and it went on for, as I say, about 60 minutes or so, and at the end, some students were sending up written questions. One of them said, What do you think is the most serious problem facing the country? I said, well, I am going to answer that question with a question, if you do not mind, and that is this, How many people in here believe that we live in the greatest Nation on the Earth or as Michael Medved always says, on God's green Earth? And I looked around. It was fascinating to see what happened out there.

This was a suburban district in Douglas County, Colorado, middle- to higher-income families in the area, predominantly white. If one looked up suburbs in the dictionary, probably a picture of this particular area, and when I asked the question how many of you believe that you live in the best country in the world, about two dozen raised their hands, most of them very sheepishly I should say, and the rest just sat there. Some looked uncomfortable, and I must admit that I thought to myself at the time that some of them looked like they actually wanted to say yes, but they were afraid to. They looked at the teachers who were lined up on the sides of the walls. They were kind of looking at them like, gee, should I actually say this, and more than that I think that they were thinking, if I say yes, if I say yes I believe I live in the best country in the world, someone might challenge me, maybe even he will, and would I be able to defend that principle.

These are high school students; and I said, well, let me ask you about do you realize that we are a product of Western Civilization and that how many of you would agree that this is something again about which you can be proud? Maybe a dozen at that one, and I said, well, this is what I consider to be one of the biggest problems facing America, what is happening to you and what has happened to you as a result of this multiculturalist philosophy that we push in the schools.

□ 2115

This idea that all cultures are at worst the same; at best they are better than ours; and that we cannot make these kinds of statements about what is better or best, about which country is better or best, which civilization is better.

Now, that happened, and I know it is not unique to this little typical suburban school in my district. I could have asked that question in any high school in America and the response would have been similar; tepid, sheepish support, with most people saying, I do not know, I do not care, and what does it matter?

I wonder how this could have happened. How is it that people living here in this country, at this time, can look at the rest of the world and not recognize that every single day millions of people are struggling to get here, if not to America at least to Western Europe; that they are struggling to get to Western civilization? And I have to ask, how many people do you know that are struggling to go the other way? Is that not empirical evidence of some sort that what we have is pretty good; that it is worthy of our allegiance, worthy of continuing?

People ask me why I am so involved with the immigration issue; why I speak on that issue so often. Well, there are a whole bunch of reasons, and they deal with jobs and the environment, and the cost, and all that sort of thing. But after all of that is said and done, I worry about this. I worry about the fact that we are not doing a very good job of creating a society, a cohesive, homogenous society out of all of the disparate parts that make up America. I worry that we are working very hard to divide us, to divide this Nation into camps; into Balkanized areas that are based on linguistic, cultural, or political differences while simultaneously trying to erase anything that smacks of an attempt to bring people together around a set of ideas other than the concept of diversity, which is the only thing that multiculturalists will say is worthy of our allegiance.

I worry about what will happen to us in this clash of civilizations when it is not only the force of arms necessary to win the day but it is the force of ideas. For us to be successful as a people, as a civilization, as a country we have to know who we are, where we came from, and where we are going. We have to believe in who we are, where we came from, and where we are going. And I worry that too few of us know who we are, where we came from or where we are going, and that this in the long run will prove to be our undoing.

So that is why I talk about immigration, and that is why I talk about issues like this. That is why I worry about the fact that in the textbook called Across the Centuries, which is used for 7th grade history, the book defines the word jihad as ''To do one's best to resist temptation and overcome evil.''

Now, maybe that is somebody's interpretation of jihad. But, remember, this was not even suggested as someone's idea, this is presented as the interpretation, the definition of jihad: ''To do one's best to resist temptation and overcome evil.''

I guess we would not want to tell children, would we, that that word implied something quite different? It is a call to arms to those people who believe we should be annihilated, and everything we believe in should be wiped out because it is a threat to fundamentalist Islam. Well, we need to say it, because it is true. We may not like it, we may feel uncomfortable by telling children the truth, but it is imperative that we do so. That is not the only definition of jihad.

In 2002, the New Guidelines for Teaching History in New Jersey's public schools failed to even mention America's Founding Fathers, the pilgrims, or the *Mayflower*. How do you tell the history of the United States, I might ask, without mentioning the Founding Fathers, the pilgrims, or the *Mayflower*?

Maybe it is a good thing that the book did not, because in many textbooks, and certainly out of the mouths of many teachers, the mentioning of these people would be in derogatory terms. The Founding Fathers, all white men, who were slave owners, who came here to pillage and rape and whatever. Columbus came here to destroy paradise. I have seen that.

So maybe it was better that they did not mention it. Do you think at least some reference to the ideas and ideals upon which this Nation was founded should have been made, and the fact that people struggled and died to bring those ideals into fruition? Do you think that was worthy of mentioning?

In a Prentice Hall textbook used by students in Palm Beach County High Schools, titled A World Conflict, the first five pages of the World War II chapter focused almost entirely on topics such as gender roles in the armed forces, racial segregation in the war, internment camps, and women and the war effort.

Do you think I make this stuff up? You can go and look, if you do not believe me, that this is in fact being taught to our children. This is in the textbooks of the schools in this Nation.

By the way, Madam Speaker, if anyone were to be so inclined, they can go to our Web site, www.House.Gov/Tancredo and they can click on a pop-up that says Our Heritage, Our Hope, and they can see what I am talking about here, and they can also sign up to help us in this endeavor to change the situation. And I have some very specific things I would like them to do.

A Washington State teacher substituted the word ''winter'' for the word ''Christmas'' in a carol to be sung at school programs so as not to appear to be favoring one faith over the other. The lyrics in Dale Wood's carol From an Irish Cabin were changed to read ''the harsh wind blows down from the mountains and blows a white winter to me.'' Not ''Christmas.''

I was in a school, again in my district, again a typical public school, and it was right before Christmas. I was talking to a lot of, I think they were in grades 5 and 6 in an elementary school. When I left the room, I said Merry Christmas. Again, there was this kind of an uneasy response, and some kids said okay. And as I was walking out the lady who had invited us to come and speak, who was an aide at the school, said, you know, the principal does not like us using the word ''Christmas'' here. I said what is that, as I pointed to a Christmas tree in the hallway? And she said, that is a seasonal tree. And I said, are you telling me that we cannot use ''Christmas''? And she said, no, the teachers do not.

So I went back and I yelled, as I was leaving and all the kids were coming out, I said, Merry Christmas, and they all said, Merry Christmas. But this is happening, of course, in schools all over the United States. I bet if people go to their own schools and check these things out, they will see what I am saying is not just unique to my little suburban district in Colorado.

In a school district in New Mexico the introduction to a textbook called 500 Years of Chicano History in Pictures states that it was written ''In response to the bicentennial celebration of the 1776 American Revolution and its lies. Its stated purpose is to ''celebrate our resistance to being colonized and absorbed by racist empire builders.'' The book describes defenders of the Alamo as ''slave owners, land speculators, and Indian killers,'' Dave Crockett as a cannibal, and the 1857 ''War on Mexico'' as an unprovoked U.S. invasion. The chapter headings include, Death to the Invader, U.S. Conquest and Betrayal, We Are Now a U.S. Colony, In Occupied America, and They Stole the Land.

Now, again, I certainly do not say that mistakes were not made, that manifest destiny as an idea and an ideal did not have inherent in it problems for other people. I certainly believe that is true, and I believe we should teach our children about those problems. But this is what we call objective history text?

I am going to repeat it. This book, it said, was written ''in response to the bicentennial celebration of the 1776 American Revolution and its lies.'' Its stated purpose is to ''celebrate our resistance to being colonized and absorbed by a racist empire builder.''

Children are often taught only the most negative things about the United States and about Western civilization. And if these efforts go unchecked, children will lose any real connection to the goals and aspirations and ideals of America and the West, the ideals exemplified in the Constitution and articulated by the people who founded the country over 200 years ago. If we fail to instill these values in our children, we risk losing our national identity.

It is not surprising to me that a brand new phenomenon is developing in the United States with regard to the immigrant community. Since about 1947, the United States has allowed people to claim a dual citizenship. Most of this happened in 1947 as a result of the creation of the State of Israel, and to provide Israelis here with the opportunity to travel back and forth and to state their allegiance to Israel by accepting a dual citizenship. But we never had very many people, to tell you the truth, that actually accepted that offer. It numbered in the hundreds of thousands, at the most, at any given time in America.

Today estimates are that there are between, we do not know for sure, 5 and 10 million people in this country who claim a dual citizenship, mostly with Mexico, after Mexico allowed Mexican nationals to keep their citizenship once they came to the United States. This happened a couple of years ago, and the number skyrocketed.

When we tell people that they should keep their political associations, political allegiances to other countries, that they should keep their language of origin, that they should not actually blend into this American mosaic, should we be surprised by the fact that they do not?

□ 2130

McDougal's ''The Americas,'' another textbook, states that the Reagan-Bush conservative agenda limits advances in civil rights for minorities. Again, these are statements of fact by a textbook, not somebody's opinion, and that the conservatives' bid to dismantle the Great Society's social programs could be compared to abandoning the Nation.

It goes on to include a text stating that Communism had potentially totalitarian underpinnings, and contrasts future Taiwan President Chiang Kai-Shek's repressive rule with Communist Chinese Dictator Mao Zedong's benevolence toward peasants in the early 1940s.

Now, if we did not know anything else and read this, why would you not believe it to be true? If the book and your teacher failed to mention the deaths of about 65 million Chinese after Mao came to power in 1949 or Taiwan's peaceful transformation into a thriving, pluralistic multiparty democracy, no one would know this. They would never understand it. They would never truly understand world history. Would we be lying to tell children this was the case? Would it be chauvinistic of us to suggest that it was not just the possibility of some totalitarian underpinnings, but a totalitarian regime, and that Communism could only survive out of terror.

Is it not acceptable for us to tell the truth? That is what I wonder. Why are we so fearful about telling children about who we are really, all of the warts but all of the good things, too.

Here is a study by Philip Sadler, director of science education at the Harvard-Smithsonian Center for Astrophysics, which shows that students who had taken high school physics classes that used textbooks did substantially worse than high school classrooms that used no textbooks at all. I would suggest that if these other textbooks, these history textbooks are an example of what we are doing, it would be better to not use them at all.

Madam Speaker, tomorrow I am going to ask this Congress to pass a simple resolution, and that resolution will state, as I said, that all children graduating from our schools should be able to articulate an appreciation for Western civilization. That is it. No mandate, no textbook mandates, no curriculum change, just whatever you do, this should be an outcome.

Simultaneously we are going to be joined by State representatives all over the country who will be introducing into their representative legislatures a similar resolution, and we are going to be joined by hundreds of Americans, and this is where other people can get involved because we are going to be joined by I hope eventually hundreds of thousands, maybe millions of American citizens who will go to their school board with a resolution that we have on that Website that I mentioned earlier, www.house.gov/trancredo, and go to Our Heritage, Our Hope, and there you will see a copy of a resolution that a person could take to their school board and ask their school board to adopt.

Now, the NEA, the National Education Association, has already attacked this proposal. And I keep thinking to myself, what is there about this? And not just the NEA. Tomorrow is when we are going to actually drop this resolution and announce it, but we have had all kinds of people responding saying that in fact this is a bad idea. Now, please, let us really think about this for a second. They are saying it is a bad idea to teach children facts so that they could articulate an appreciation for Western civilization. I mean, is that not the definition of what would be a good history education, a good

civics education? Should children not be able to articulate those principles?

We can argue whether they are right or wrong, but we should be able to have children who can articulate them, understand who we are, where we come from and where we are going.

I know that this is a stretch for a lot of people. It is hard for a lot of people to get their hands on this because it is not an issue that you can condense into a bumper sticker, but I encourage people to think through this and think about the possibility that it is important for us and for our civilization to actually transmit these goals and ideas to the next generation. We cannot continue to teach only the negative. Doing so contributes to the balkanization of the United States into subgroups, subcategories, and hyphenated Americans.

In Numbers U.S.A., an organization that does a lot of great work and also has a great Website, Numbers U.S.A. talks about the fact that if we continue as we are in terms of population growth and the source of our population growth in this country, being 90 percent from immigrants, that by the year 2100 two-thirds of the people here in the United States will be descendants of people not yet here at the present time. Think about that. In 96 years, two-thirds of the people living in this country will be descendants of people not yet here. Think about that and then think about what we are teaching them, the folks that are coming in and the folks that are here about who we are. How can we expect this new Nation essentially that will be created by 2100 to be steeped in the same goals and principles and ideas?

Again, Madam Speaker, I hope that we will be joined by hundreds of thousands of Americans all over the country who will be willing to say that it is important for their schools, it is important for our civilization that we teach children to appreciate the value of Western civilization and there is something we all can do about it. I am going to do what I can do here, State legislators will do what they can do in their respective bodies, and then it is up to the people of this country to take this on and move it forward. It will determine whether we are a Nation at all in years to come.

PROTECT HAITIAN LIVES

The SPEAKER pro tempore (Mrs. BLACKBURN). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

Mr. CONYERS. Madam Speaker, this Special Order is taken in a spirit of deep sadness and regret about the events that are going on in the nation of Haiti. We have come here this evening to recommit ourselves to the proposition that the United States has a responsibility to prevent the loss of life and the continued deterioration of the nation of Haiti. The present administration's inaction has undermined democracy and security in Haiti, and it is our responsibility to make sure that this does not get any worse.

So we, Members of Congress, call upon the administration to protect Haitian lives by restoring order, upholding the rule of law and disarmament across the country. The current state of affairs in Haiti is chaos. The rebels who were empowered by our inaction must be held accountable and not allowed to benefit from their violence. Humanitarian aid must flow to Haiti immediately. A humanitarian corridor with supplies of food and water and medical equipment must be established to provide assistance to the beleaguered Haitian people. Humanitarian aid must flow to Haiti immediately. We must support the formulation of a donor conference so the people of Haiti can finally get the kind of assistance that they so desperately need and so properly deserve.

This administration is misinterpreting and failing to honor the spirit of the Haitian constitution. Where is Article 149 in the transitional government talks?

So we as Members of Congress call upon this administration to follow the rule of law and the Haitian constitution. In it, Article 149 of the 1987 Haitian constitution clearly outlines the process by which the interim president is appointed and it includes the ratification of the legislature. Due to the unwillingness on the part of the political opposition party's willingness to participate in elections, there is no legislature to confirm the interim president; and, therefore, the recently sworn in president is, unfortunately, regrettably not ruling pursuant to the Haitian constitution.

On Sunday President Bush said, ''The Haitian constitution is working.'' How does he believe just because he said it that that could make it true? The President forgets that when they fail to respond to the opposition's rejection of the U.S. brokered peace plan that they had in fact repudiated their own plan for peace. It was just on Monday of last week that Secretary of State Powell said ''The United States will not support the overthrow of a democratically elected government by thugs and criminals.''

For the administration to remain mute while the constitutional process was thwarted and then to pressure President Aristide, the one who was compromised to resign, is in no way in line or in accordance with Haiti's constitutional process.

Moreover, now that the administration has created this constitutional quagmire in Haiti, it is reprehensible to claim that the constitution is working.

□ 2145

Our administration is jeopardizing the lives of countless numbers of Haitian asylum seekers by enforcing immediate Coast Guard interdiction without an opportunity for a fair asylum hearing.

Members of Congress call on the Bush administration to extend temporary protected status to Haitian asylum seekers because returning to Haiti will pose a serious threat to their personal safety.

To require the Secretary of Homeland Security to designate Haiti under section 244(b) of the Immigration and Nationality Act so that the nationals of Haiti present in the United States or reaching our shores may be granted temporary protected status. This would mean that both Haitians who are present in the United States and those who may be fortunate enough to make it to shore will not arbitrarily be sent back to Haiti until the country is stable.

This administration's neglect of Haiti and the intentional, systematic dismantling of the Haitian social, economic, and political circumstance which culminated in the current political instability and provided the environment for a coup d'etat.

As Members of the Congress, we call on our leaders in Congress to hold joint public hearings between the House Intelligence Committee and the International Relations Committee on the Bush administration's role in undermining a democratically elected government in, of all places, the western hemisphere. The United States should not have allowed the opposition in Haiti without a legislative popular mandate to veto the possibility for peace in Haiti. Now there is mayhem and on-the-spot executions and other atrocities which are taking place daily.

Why did the United States not send in a force to reinforce the police when a political solution was still possible? Why did the United States only act after that possibility, along with President Aristide, was removed? Why have the rebels not been arrested? Were their actions not illegal? How did the leaders of the insurgence, some of whom are the most notorious torturers and death squad members, return to power? Louis Jodel Chamberlain is a former military leader who led a brutal paramilitary group that backed the most recent of Haiti's coup d'etats in 1991. The other, Guy Philippe, is a charismatic former soldier once loyal to President Jean-Bertrand Aristide who fled Haiti 3 years ago after being accused of drug dealing and of treason.

What are we to say to history? How will we account for this tragic set of circumstances that have now surrounded this poor beleaguered nation? As of today, the United States Coast Guard has repatriated 902 Haitian refugees to Port-au-Prince despite the escalating and continuing violence there. A handful of Haitians only have met the ''credible fear'' standard required for asylum. They remain on Coast Guard vessels and are being assessed by asylum officers from the Department of Homeland Security's Bureau of Citizenship and Immigration Services.

Officials from the Department of Homeland Security and Coast Guard

have said that Haitians picked up at sea who indicate that they are afraid of returning to Haiti are given interviews with asylum officers on Coast Guard cutters. Haitians are not individually asked if they have a fear of return, nor are they necessarily spoken to individually where they may have a chance to say why they left. Homeland security says that when people are afraid, they find a way to convey that. I do not know whether any of the Coast Guard officials who first encountered the Haitians speak French or Creole. If Haitians do not express fear somehow, then they are given an interview with asylum officers who either speak French or Creole or have interpreters. Thus far, three Haitians have been found to possibly have a credible fear of persecution. Those who are deemed to be economic migrants have been turned over to the Haitian Coast Guard and were disembarked in Port-au-Prince. The last repatriation was today when 21 refugees returned to the Haitian Coast Guard. No new refugees have been picked up by the United States Coast Guard since Friday; and as far as is known, the repatriations will be ongoing despite the terrible insecurity in Port-au-Prince.

I have been unable to get information on the current control of the Haitian Coast Guard now that the government in effect ceases to exist. It seems that the United States Government is still treating the Haitian Coast Guard as an official agency under legitimate command of the Republic of Haiti.

And so, my colleagues in the Congress, we are now called to an immediate task to make right, to correct the terrible wrong that has been visited much by our inaction upon the 8 million inhabitants of this small country. We have a duty to persist. It is not over. We will investigate, we will protest, we will evaluate, we will persuade, until the majority of the American people are convinced that we cannot leave this wrong, which is a wrong for which we must be responsible, to go uncorrected. That is the pledge I leave my colleagues with on this evening.

I am pleased to yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who serves with great effectiveness on the Committee on the Judiciary of the House of Representatives and is the ranking member on the Subcommittee on Immigration.

Ms. JACKSON-LEE of Texas. I thank the distinguished ranking member of the full committee for yielding.

Madam Speaker, this has been a tumultuous and trying set of days for the members of the Congressional Black Caucus and other Members of this House who have shown their leadership and concern for the Haitian people. I want to thank, particularly, the gentleman from Michigan for an untiring and unrelenting effort as the chair of the Haiti Task Force, a persistent and informed advocate for Haiti over the years, knowledgeable about issues of democracy. I join him tonight because I believe that not only have we tainted the page of democracy but some might say that we have torn it from its book.

As I look over this last weekend and the last couple of days in the meetings that we held or had with both the Secretary of State and the National Security Adviser and, of course, the President of the United States, the Members who were present were there in good faith and they had good intentions to be able to accept or at least to make real democratic principles, and, that is, our plea was at that time to establish a humanitarian corridor, to have an international force of peacekeeping and peace maintenance, and to restore or to have a diplomatic solution once the violence had ended.

Unfortunately, I believe that the direction that was taken was maybe somewhat parallel to what we saw in Iraq. Interestingly enough, the people of Iraq did not call the United States in for a unilateral, preemptive attack against Iraq. We all acknowledge the despotic and heinous acts of Saddam Hussein, but the people did not call us. But yet the people of Haiti begged for our intervention and they asked us to intervene along with the head of state. Unfortunately, they decided to ignore them. And what we have today are the following words, in an article dated March 2, 2004, in the Houston Chronicle. U.S. officials have called for the rebels to lay down their weapons now that Aristide has surrendered power. But the rebels make it clear that disarming is not in their playbook. Philippe, 37, and we know Guy Philippe, a former police chief, has said he has no intention of becoming Haiti's next president; but in the vacuum left by Aristide's departure, Philippe and the other armed rebels have become a force that cannot be ignored.

Tippenhauer, another one of the opposition party leaders, said he and other opposition politicians were not formally cooperating with the rebels before Aristide's resignation, but they would have to deal with them now. Rebels, insurgents, individuals who have criminal records, I happen to believe that all are innocent until proven guilty; but there is a long history of their involvement in violence. And so the question is to the American people and to this government, how could you depose of and remove a duly elected democratic President in the name of Jean-Bertrand Aristide and now place as leaders of the Haitian nation those who have been called many names, rebels and thugs, opposition leaders who are in fear of their lives, and rebels who suggest that they are not about to lay their arms down.

And so, Madam Speaker, I am joining with my colleagues to ask now for full congressional hearings, not next week, not next month or next year, but immediately. President Aristide, who I believe has no reason to misrepresent how he was led away from his nation, his presidency, has indicated now in fear and apprehension that he was swished away from his home against his will. The question is who and why and who directed it. The question is whether or not the United States will abide by the governance of international law and whether or not we will tell the American people the truth.

We now have as my colleague here on the floor of the House has so eloquently put in his statement and joined by the gentleman from Florida (Mr. MEEK) those Haitians who are now in the United States who are in fear of their lives, there needs to be an immediate addressing of the question of temporary protection status. I join with my colleagues in pressing that opportunity and that emergency need. I further press the need for a complete overhaul of the treatment of Haitians in this country and will be pressing for, again, legislation to equate Haitians to Cubans, that when they touch the soil, their status will be able to be adjusted.

I join the gentleman from Michigan in asking the question, how can you interrogate a boatload of Haitians by a global question, looking at them, asking either the leader or whoever is the senior person on board and then determining whether or not there is a credible claim of fear? I believe that the Homeland Security Department has to immediately revise its policies to retrain inspectors and immediately send out a directive that says each individual Haitian and family member must be questioned separately as to whether or not their life has been threatened and that they are in jeopardy upon returning. I have joined my colleagues in sending letters to the Speaker of the House and the leader of the House to ensure that we have these immediate investigations. It is imperative that they be the International Relations Committee, the Permanent Select Committee on Intelligence, and I would offer to say the Select Committee on Homeland Security and the Judiciary Committee. Questions of the violation of law have been raised.

Allow me just to read these words as I come to a close. In 1825, France forced Haiti to assume a debt of $90 million to compensate French plantation slave owners for their financial losses in exchange for France's recognition of Haiti's independence.

My friends, Haiti paid back that debt. It took them 100 years, to 1925, to pay back $90 million. President Aristide, duly restored to power in the 1990s and then stepping down from power, having a duly democratic election for a new president who served 5 years, and then the people of Haiti reelected him, came back and asked France, one of the nations who early on had asked for him to leave or to be deposed, if you will, or to step down and resign, a few years later President Aristide asked for that debt to be repaid to the Haitian people, totaling about $21.7 billion in today's currency.

□ 2200

That amount of money would have restored Haiti to its prominence, would

have provided them with the ability to rebuild its crumbling economy. Restitution, reparations, fair reparations, that this should have occurred. Is it not interesting that as President Aristide tried to hold his nation together, the International Monetary Fund, the World Bank, and the leadership of this Nation refused to release funds that would have helped the agrieconomy and other aspects of its economy be rebuilt, and yet we blame President Aristide in totality for the condition of this nation?

I join the gentleman in asking and demanding an immediate response by this administration that international forces be maintained in Haiti to keep the peace and to hold the peace, that immediate infusion of funds come into that Nation in order to provide a safety net for the people who are now starving without water and good food, and as well that the constitutional premise be adhered to and that is that the transition of government be adhered to under Article 149 where it speaks to the transfer of government. The present leader now admits he is not a politician. I do not even know if he will have the wherewithal to lead Haiti in this time, but what I will say is that the hand of the United States is very much involved in this process. Thugs have said that they are not going to lay their weapons down. What I actually say tonight is that we have a crisis, and I believe, along with the United Nations, this government has a responsibility to stand up and be counted. I am asking the administration now to be counted in this effort to rebuild Haiti. I am also asking for this administration to be accountable for what has happened to President Aristide, a duly-elected President, and I am asking for this Congress to abide by the Constitution for the fact that this Congress is an oversight body and ask the hard questions as to why freedom has seemingly been jeopardized and seemingly been undermined in the last 48 hours.

I thank the gentleman from Michigan (Mr. CONYERS) for allowing us to have an opportunity to be able to challenge both our government and the international arena for what has occurred to an independent people who have sought nothing but freedom in this 200th year of their independence. I will continue to join with the voices of those who will join and stand up with them and be reminded of words heard earlier this evening: Someone said how does one change this government? They said by agitation, agitation, agitation. And I hope tonight will be the beginning of our agitation of change.

Mr. Speaker, I rise this evening to once again ask the Administration to take leadership and responsibility to bring peace and stability to Haiti. We read and hear in all media sources information that suggests that the CIA may have been involved with or had knowledge of the alleged kidnapping of Haitian President Jean-Bertrand Aristide. I have reached out to our leadership to request that they schedule congressional hearings immediately to investigate this matter. One government was supposed to be in Haiti for the specific purpose of helping restore peace, give humanitarian aid, and to uphold the principles of democracy and the rule of law. Apparently, the Administration had another agenda in mind. If the allegations are true, it will be an atrocity, an embarrassment, and a hypocrisy for this Administration to facilitate the commission of a crime against international law and an act that is completely adverse to the principles of democracy.

His Excellency, the Prime Minister of Jamaica, P.J. Patterson, chairman of the Caribbean regional group, CARICOM, has verbally supported the allegations that Aristide had been removed illegally. I question the authority that guided the CIA and the military's involvement in the removal of President Aristide—especially since he has been duly elected under a recognized democracy.

Because there is uncertainty as to what caused President Aristide to depart from or to be removed from Haiti, it is imperative that we hold immediate Congressional hearings to ensure that there has not been a violation of international law. Allowing or facilitating the removal of a democratically elected president in a manner that violates international law sets a dangerous precedent for other established democracies and tarnishes our reputation in the international community.

I rise this evening to once again revisit the escalating political crisis in Haiti. I, along with Members of the Congressional Black Caucus (CBC) met with President George Bush, Secretary of State Colin Powell, and National Security Advisor Dr. Condoleezza Rice to discuss the immediate need for the establishment of a humanitarian zone with foresight in Haiti.

When I, along with my colleagues of the Congressional Black Caucus met with President Bush concerning this situation, we stressed that the United States must support democracy and that the rule of law is paramount. Instead of political ideologies, we need to preserve the innocent lives in the region where over 70 have been killed and dozens wounded to date. Violence, chaos, and anarchy cannot be allowed to oust the democratic government.

The deadly uprisings in this war-torn nation come at the hands of the same factions that ravaged Haiti several years ago. Reports show that two of the rebel leaders are the most notorious torturers of the death squads, having already earned a reputation of infamy in a massacre that took place before Jean-Bertrand Aristide returned to power.

Louis-Jodel Chamblain is a former military leader who once orchestrated the most recent coup d'etat in Haiti in 1991 with a brutal paramilitary group. Guy Phillipe, a charismatic former soldier and loyalist to President Aristide, fled Haiti three years ago in exile to the Dominican Republic to escape charges of drug-dealing and treason. Phillipe and Chamblain crossed the Dominican border back into Haiti a week ago to join their gang of former police and soldiers.

We cannot allow innocent Haitians to die at the hands of thugs who want to thwart the establishment of democracy. We hope that, after our meeting, the President will call for an affirmative plan to respond to the Opposition Party's rejection of peace proposals offered by the Caribbean Community (CARICOM) and the Organization of American States (OAS). Our acquiescence and inaction will soon suggest support of the opposition; therefore, it is time that we acted to demonstrate our strong commitment to democracy, constitutional government, peace, and the rule of law.

Humanitarian aid and military assistance are critical needs for the Haitians given the threat that demonstrators may thwart the delivery of food and other relief items. There has already been a cry for assistance by President Aristide. Haiti, the poorest country in the Western Hemisphere, with only 4,000 police officers for 8 million citizens has formally requested humanitarian aid and security forces.

As we work with the government of Haiti to explore the role of the international community in averting civil war, we must also begin to look beyond the current crisis. For example, Haiti continues to be in dire need of food aid and medical assistance. The current unrest could set off an exodus of refugees. Furthermore, there is an uncertainty as to the timing and fairness of the next elections is promoting suspicions and instability. We must anticipate the work that will have to be done in order to effectively and humanely process the imminent influx of refugees by improving our immigration screening and detention processes.

I do not believe that Haitian refugees receive a fair chance to satisfy the requirements for entitlement to an asylum hearing. Also, I am disturbed by the lack of parity between the Haitian refugees and the Cuban refugees. While Haitian refugees are detained and then removed from the United States, Cuban refugees who reach American soil are welcomed. They are admitted or paroled into the United States, and a year later they are eligible for adjustment of status to that of lawful permanent residents. This difference in treatment is unfair and unjustifiable.

I will support a bill sponsored by our colleague Mr. MEEK of Florida to designate Haiti under Section 244 of the Immigration and Nationality Act to allow Haitian refugees to obtain Temporary Protective Status (TPS). I have signed on to join my brother today in fact to take leadership in this crisis.

Furthermore, I will introduce a piece of legislation, the ''Comprehensive Immigration Reform Act of 2003.'' Section 502 of this bill responds to Attorney General Ashcroft's decision in Matter of D–J–, 23 I&N Dec. 572 (AG 2003), in which he denied bond release to a Haitian on the ground that giving bond to undocumented refugees who come to the United States by sea would cause adverse consequences for national security and sound immigration policy.

This legislation would permit the adjustment of status for Haitians who meet the following categories:

(1) The individual would have to be a native or citizen of Haiti;

(2) The individual would have to have been inspected and admitted or paroled into the United States; and

(3) The individual would have to have been physically present in the United States for at least one year.

The Caucus advocates positive action by the U.S. Government to support peaceful and democratic efforts to alleviate the violent and unsanitary conditions to prevent the spread of diseases such as HIV/AIDS. Collaboration by and assistance from the United Nations will be key in the effort to stimulate the participation

of the international community. The Haitian people must implement the organic constitutional and democratic principles to indicate its contrition and willingness to effect change. With the plan to institute a democratic form of governance must accompany maintenance of the rule of law so as to ensure the development of a framework of fundamental rights. Violence will not bring about peace, but fair and transparent electoral processes will.

Mr. Speaker, I hope that our words are heard and that this nation will move to end this problem before a full-scale civil war results. Action today will translate into an investment that will benefit innocent Haitian lives and the immigration challenges that do not diminish. I urge this Administration to do the right thing and to provide the humanitarian aid and security provisions necessary to save these lives.

Mr. CONYERS. Madam Speaker, I thank the distinguished gentlewoman from Texas for her analysis and her contributions to this discussion.

I yield to, if he desires, the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Madam Speaker, I want to thank the chairman for holding this special order on Haiti tonight. I believe all through the week and next week and the week after that and the month after that that we will continue to raise the issue of the policy decision that the Bush administration has put forth as it relates to Haiti. I must say that it is sad today in this democracy that we celebrate that we are now in the position and seen by the world community as being a country to decide who will lead in a democracy and who will leave a democracy.

Madam Speaker, I just wanted to come down here for a minute. This is the front page of the Washington Post. Mr. Guy Philippe, the rebel leader who went through Haiti, taking cities over and left about 70 people dead in the path of that. Here is the cover of the New York Times. This is Mr. Philippe again, with two armed individuals with AK–47 fully automatic weapons, going through the streets of Port-au-Prince. Mr. Philippe called a meeting today and he said if police chiefs throughout Haiti and also the prime minister, if they did not show up, that he would place them under arrest. He has declared himself as the leader of the Haitian army. He said that he respects democracy and that he would respect the wishes of the now president, who was the supreme court justice, if he asked him to lay his weapons down.

Madam Speaker, I am no great cheerleader, I must add, of President Aristide or the opposition forces, but I am a cheerleader for democracy, and I will tell the Members, regardless of what anyone may say or what they feel, representing south Florida where we have several Haitian Americans, I must add that it is a disappointing day on behalf of democracy. The fact that the President of the United States, along with the Secretary of State, along with Mr. Noriega, who is Assistant Secretary of State, made the singular decision to go visit President Aristide on a Saturday night to give him two options: One, board a plane to save his life or, two, die. I do not consider that an easy and nonpersuasive discussion. I will take that as a very persuasive discussion if someone, just any American, just think about it, if military forces came to one's house representing the United States of America and said they have two options, one, leave with us and live, two, die, we will not stop them from killing them.

Madam Speaker, we have a lot of distinguished Members that are ready to address the House here tonight, but I want to say regardless of how one may feel toward Haiti, the administration, as far as I am concerned, the Bush administration had something personally against President Aristide. It was personal. This was not, well, he is not a great guy, he is not this, that, and the other. Guy Philippe is a murderer. He is a murderer and a thug and still carrying out thuggery on the streets of Haiti. He is willing to arrest the prime minister? He is going to arrest any police chief who did not show up at a meeting, and he is parading around the streets with armed individuals? This does not look like security for Haiti. What this looks like is more difficulty for Haiti. And he says he is interested in politics; so, Madam Speaker, I will say to the other Members the next leader of Haiti is going to be the person with the biggest guns and the most guns and who are willing to do what they have to do. I will tell the Members also as it relates to U.S. forces on the ground, what the Bush administration did on that Saturday night, Sunday morning have endangered the lives of American troops that are there that are trying to restore peace and security there, and international force troops, the President himself has placed their lives in jeopardy. As a member of the Committee on Armed Services, I am very upset about that. We do not go and do this kind of Saturday night visit giving people an ultimatum.

Madam Speaker, I look forward to the hearings that will be hopefully held in the coming days here in this Congress because if we allow this to happen as a U.S. Congress, we are in for a rude awakening from the international community about our integrity as it relates to democracy. I thank the chairman so very much.

Ms. JACKSON-LEE of Texas. Madam Speaker, may I just thank the gentleman for his leadership. He has just heightened the drama and the fear and the crisis that we are in. Coming from south Florida, does it make any sense for this administration not to immediately grant, as the gentleman has requested, temporary protective status to present to those who may be in fear of their lives? When we have just read that we have Guy Philippe who is not laying down his arms, he indicated that he is going to arrest leadership of government if we even have a government, is there any reason for this not to be granted in the next 24 hours to protect the people that the gentleman represents and others around the Nation?

Mr. MEEK of Florida. Madam Speaker, that answer is yes. I just want to say that the President and the Department of Homeland Security can grant temporary protective status as they have done in similar situations in Nicaragua and other places where they had disruption and danger on the streets. But, Madam Speaker, I must say the repatriating of 900-plus individuals seeking safety and refuge and to get a true asylum hearing of being returned back to Haiti, 12 executions, 12, took place on Monday. These are pro-Aristide supporters. Twelve individuals died execution style. So I am going to tell the Members right now that our country, and I will not even say our country, I would say our leadership has placed us in that position. So, once again, we have other Members here. We will be hitting the floor in the coming days and coming hours. It is important that we have leadership in this House that is willing to schedule congressional hearings immediately based on the actions of the executive branch on a Saturday evening to go to a democratically elected president's home and tell him either he gets on a plane or he loses his life.

Mr. CONYERS. Madam Speaker, I want to tell the gentleman from Florida (Mr. MEEK) that as usual his perception about this problem is remarkable. I know that he has not an awful lot of seniority, but he worked on this problem for many years before he became a Member of Congress. He worked in his State legislature as a State senator. He worked alongside with his mother, Ms. Carrie Meek, who held a seat before he did. So it is very important that we seriously analyze the contribution that he has made tonight, and I thank him for it.

I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Madam Speaker, I thank the chairman so much in this late hour.

The die has been cast. Our country's leap year contribution to Haiti's bicentennial celebration is another example of the support of violence over democracy when it suits our national political interests.

There is no doubt that this administration empowered the so-called opposition which consisted of no more than a coterie of wealthy Haitians, CIA operatives, neo-Duvalierists, and drug merchants to inflame a struggling populace. We did this by denying a democratically elected president the support and the resources needed and promised for his people's development.

This rebel opposition is no more than a retread of the same elements traditionally militating against the people's interest ever since the African slaves soundly thrashed the finest of the French and other European legions to reclaim their freedom 200 years ago.

The United States State Department, which ''never negotiates with terrorists,'' had sufficient cozy contact with the Haitian rebels to convince them to delay their onslaught on Port-au-Prince. Even after the rebels rejected terms of settlement acceptable to President Aristide, in a matter of hours the State Department acceded to the rebels' demand, the removal of President Aristide.

There is a distressing school of thought that subscribes to the new official spin that President Aristide has no one but himself to blame for this sordid state of affairs. Maybe Aristide is to blame for not realizing that there was no way that the Haitian elite and their U.S. conservative supporters would allow a government of black ex-slaves to succeed in this hemisphere.

□ 2215

Maybe the priest-turned-politician was too naive in committing his faith and the fate of his people to the tender mercies of the U.S. State Department.

Maybe Father Aristide was so consumed in doing good that he could not recognize the need to play ball with the powers that be, making himself a conduit through which the millions of international aid funds would flow into the greedy hands of the elite who would keep Haiti impoverished while they pranced on the ritzy edges of society.

But whatever the cause, the deed has been done. Regime change has again trumped sovereignty. The first democratically elected president of the first black nation in this hemisphere has, on the last day of Black History Month, 2004, been removed from office and escorted into exile.

Whether Aristide's removal was voluntary, that is, by free will, or voluntary, as in eagerly handing over your wallet to a gunman in the alley, will be resolved, I hope, in time. The question is, where do we go from here?

As legislators, we have a duty to attempt, wherever possible, to snatch victory from the jaws of defeat. So far, the United States has spearheaded the drive to commit peacekeepers on the Haitian scene, to bring back stability to the political environment and to set the stage for prosperity and development. Keeping the peace is the simplest of these missions. You can keep the peace by totally suppressing disorder with overwhelming force, or you can rely on the natural establishment of peace emanating from the application of social justice and economic prosperity.

In Haiti's case, building a solid social and economic structure is more important than building our concept of democratic institutions, and military forces and police law and other actions are only applicable if required in the pursuit of social and economic goals.

Therefore, the size and national composition and duration of deployment of the peacekeeping force should be determined by the extent and the progress of the nation-building force, and not by proposed election schedules. Rather, the question of political elections in Haiti from now on should be determined by the stability and the economic progress achieved and sustained by an interim government replacing the deposed Aristide regime.

This situation proposes that the international community, possibly through the United Nations Development Program, deploy a Haitian Reconstruction Commission, a nation-building force charged with the responsibility for reconstructing the economic and social fabric of Haitian society, and with the employment of the peacekeeping force, constitute the interim government of Haiti.

Any intervention that fails to establish an interim regime strong enough to assert a humane face on the Haitian nation and that lacks the sustained commitment of the U.S. and the international community to Haiti's future well-being can only condemn the millions of that country to the future of neo-slavery from which Dr. Jean-Bertrand Aristide tried to save them.

Madam Speaker, we have much work to do to right an egregious wrong that has been committed by our so-called democratic administration. We must act.

Mr. CONYERS. Madam Speaker, I want to express my appreciation to the gentlewoman from Los Angeles, California, for the work and steadfast commitment she has had to make democracy work in a tiny, impoverished nation, now celebrating its 200th anniversary. I thank the gentlewoman deeply.

I yield now to the distinguished gentleman from New York (Mr. OWENS), who has worked in this as long as anyone I know.

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

Mr. OWENS. Madam Speaker, I want to thank the gentleman for having this Special Order at this critical moment in the history of Haiti and world relations.

First, I would like to salute Jean-Bertrand Aristide, the Father of Democracy in Haiti. In all the years Haiti has existed, it has never had a democracy. Jean-Bertrand Aristide was elected democratically in 1991. He was deposed by a coup d'etat by the army. He was here in this capital for 3 years.

He went back after the Congressional Black Caucus urged President Clinton and worked very closely with President Clinton to restore democracy to Haiti. He went back, and he gave up the fact that he had missed 3 years. He did not insist on serving 5 years, he just completed the term, 2 years. Like George Washington, he stepped down in order to guarantee there would be a constitutional process going on, just as George Washington stepped down. He stepped down and there was another president for 5 years, and then Aristide came back. He was reelected later on for another 5-year term.

It is important for people to know that Jean-Bertrand Aristide was not in charge of Haiti for all these years that you hear talked about, especially the year that the parliamentary elections were questioned. The parliamentary elections that were questioned were held and the irregularities that were charged, which involved six out of 100-some people elected, those irregularities were charged during a period when Jean-Bertrand Aristide was not in power. It is important to get the chronology straight.

There are many people who say that Jean-Bertrand Aristide has only one fault, and some of us might have a tendency to want to agree with that, and the fault is he is not a seasoned politician. He came out of the priesthood. He was a priest. He was almost murdered three times before he was elected president.

This priest, who some say is an inept politician, also was able to maintain influence, to maintain a following for all the years that have gone on since he was first elected. While he was out of office, he had influence and had a following. Does that sound like somebody who is inept and not a person who knows how to organize people?

He has been accused of being a ruthless dictator. I have been trying to find out what the basis of that charge is. What ruthless dictator do we know who would disband his army? What ruthless dictator would not want an army?

One of the most important things that Jean-Bertrand Aristide did when he went back after being deposed by the army was to abolish the army. The army of Haiti has been in charge ever since the United States created the army.

Most people do not know the United States Marines created the army of Haiti. In their long occupation of more than 30 years, they built the Haitian army. After they left, whenever there was somebody not liked by the rich governing families, the oligarchy of Haiti, whenever there was somebody not liked by the United States, the army was used to remove them. He got rid of the army. What ruthless dictator would get rid of the army?

I just want to say that this democratically elected president, this very unusual person of a magnitude you do not see in politics usually, who is accused of so many crimes in general, but when you start asking people specifically what he did, nobody ever has an answer.

Did he go all over the world shopping, like Baby Doc Duvalier and his wife, spending $1 million on a weekend? Did he have palaces built like Saddam Hussein while the population starved? Where is the personal use of government funds to be seen? Nobody can tell me specifically any of that.

But what I do know is because of his antipathy toward violence, because he understood the long history of Haiti and did not have an army, he has been taken advantage of by terrorists. Terrorists. If you look at the fact, this is

a group of terrorists that has taken over Haiti. Terrorists.

Now, we have varying degrees of suspicion about to what degree our own government was involved. We do know certain individuals well known to our government who have cooperated with the CIA in the past have shown up among these terrorists. We do know that they had modern weapons, United States weapons, machine guns, grenade launchers and so forth, that are not made in Haiti.

We do know that our government said to Aristide, we will not accept your agreement. Aristide agreed to the CARICOM agreement, and our government would not support the legitimate government of Haiti, and say, well, you agreed, therefore we will step in and protect you from the violence until there is some kind of settlement. No. They said to Aristide as long as the opposition, as they called it, do not agree, we will not get involved in trying to guarantee the safety of your government.

They empowered the terrorists. Whatever else they did not do, whatever other lack of complicity there is, there is the open complicity of the United States Government in empowering the terrorists, making them equal to Aristide, saying unless they agree, you have a doomed government.

Beyond our own United States of America, the international community went along with all that, unfortunately.

There is a lesson, unfortunately, here, for all the Caribbean nations of this hemisphere and for small nations throughout the world. There is no more gunboat diplomacy. There will not be any obvious takeover that the United Nations can object to, but look forward to a new kind of takeover process; and that is the process with the use of terrorists.

Evidently, some people think there are good terrorists and bad terrorists; there are terrorists you can use and terrorists you have to worry about. But I say that Haiti is a victim of terrorism, and we should bear that in mind as we start sifting out the facts. As we go to our hearings, as we call into account our own elected officials and our appointed officials connected with this, let us remember to ask the question, have we acted in complicity with terrorists?

I thank the gentleman very much for yielding to me, and again congratulate him on this Special Order.

Mr. CONYERS. How profoundly we are in the debt of the gentleman from New York (Mr. OWENS) for his contribution tonight and from across the years around the people and the country and the idea of a democratic process.

Madam Speaker, I yield to the gentlewoman from Florida (Ms. CORRINE BROWN), a strong and dedicated leader and fighter in seeking justice for Haiti.

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Madam Speaker, let me just say that I am sick and tired of being sick and tired.

I think everything goes back for me to the 2000 election when we had our own form of coup d'etat; when in my district alone, over 27,000 votes were stolen, 27,000 votes. So when we think about the domestic issues, I go back and blame that election. But what happened this weekend and last week is just unacceptable.

This administration, the Bush administration, it is clear, if you do not go along with them lockstep, then they will take you out.

□ 2230

Look at Venezuela, look at Iraq, and now Haiti. For the past 3 years, this administration, the Bush administration, along with its leadership have blocked humanitarian assistance to Haiti. And, yes, the Haitian people are suffering. And the words ''corrupt government,'' what do you have to be corrupt with? We block any funds from the international community. The majority of the money that the Haitian people receive is for those people that are working abroad in the United States and sending it back.

I am on the Committee on Transportation and the Infrastructure. I understand something about infrastructure, roads, bridges. They do not have food, water. The people are suffering. But we are responsible for the crumbling of that poor island. And I want to thank the chairman because I have been there on numerous occasions with him. And, of course, he and I and others in the Congressional Black Caucus attended their election. And I can tell you that the people were excited about voting. And I can also tell you that 27,000 votes were not thrown out in Haiti like it was thrown out in Duvall County.

But I have four questions that I would like to just ask the chairman and other Members. The first one, to what extent do you think the role of the United States played in a Haitian coup d'etat? What part did we play?

Mr. CONYERS. Well, apparently there was an American role. The details have not been forthcoming because what actually happened has been covered up with a series of misrepresentations that are clearly not accurate, and that is a challenge that remains for us to uncover. That is our job as legislators. And I think that the gentlewoman's fierce determination to get to the bottom of this will lead this country, this Congress, to an honest evaluation of what has gone down.

Ms. CORRINE BROWN of Florida. Madam Speaker, in talking to other international leaders and, of course, we have to be careful not to call any names because then they will also be put on the hit list, but they were very disappointed with the leadership of the Bush administration. They were willing to act but not only would this Bush administration and its leadership not act; they blocked other nations from acting. So do you think that the State Department has been honest to the American people in regard to Haiti?

Mr. CONYERS. Madam Speaker, it is very clear that what has happened and what has been explained as what has happened are both totally inconsistent and have yet to be reconciled and that this is another responsibility that has added to our duties.

Ms. CORRINE BROWN of Florida. Mr. Chairman, do you believe that if the United States had acted earlier in a more humane way that this crisis could have been averted?

Mr. CONYERS. Now, on that I firmly believe that had we not taken the incredible diplomatic position that we had to resolve a political dispute before security could be brought to the people, that we would not be in the position that we are in.

Just consider, how can you tell people that when the rebels do not want to compromise, do not want to negotiate, do not want to resolve the violence, that unless President Aristide can reach a conclusion with them, they did not even listen to representatives of the United States, much less their own government, because they were determined not to reach a political accord, something that was patently obvious from the very beginning?

Ms. CORRINE BROWN of Florida. Madam Speaker, I would like to thank our troops for preventing further chaos and killing in Haiti. But I would like to know what in the world does the future hold for the Haitian people.

Mr. CONYERS. That is precisely what we are in the process of determining. And I would like to say that my optimism is still on the side of justice, that my conviction that there are enough people in this Federal legislature and in this country to right the terrible wrong that has been visited upon the poor beleaguered citizens of that little tiny nation only miles away from our shore. We can make Haiti better. We can still create a humanitarian corridor to bring in the life-giving supplies without which they will not only perish but the violence will continue.

I again thank the gentlewoman for her perseverance and commitment across the years on this subject.

Ms. CORRINE BROWN of Florida. I once again want to thank the chairman for his leadership. But my mind goes back to our meeting that we had Wednesday at the White House with the Congressional Black Caucus members, with Colin Powell, Secretary of State, and with Condoleezza Rice and with later the President; and I guess I have a little Haitian or a little African in me because I knew then that our government under the leadership of the Bush administration and those Cabinet members were not going to lift their hands to help the poor people of Haiti. They were not going to do one single thing.

We have spent $200 billion of American dollars in Iraq to build up a democracy there, but we deny people less

than 600 miles from our shore any assistance, any intervention. And not only do we deny them; we are prohibiting, prohibiting other countries from going in and assist them.

Shame on this administration. And hopefully we can have a regime change or a change in our government come November.

Ever since I was elected to office, I have advocated on behalf of the Haitian people, and it simply enrages me that Haiti has been nothing more than a stepchild to policymakers in the State Department. While Cubans gain access to U.S. citizenship by merely stepping on land in Florida, Haitian immigrants are not just detained indefinitely when they try to come to the United States, but they are mercilessly sent back to the island.

These groups that refer to themselves as ''the opposition,'' are in reality nothing more than armed gangs often funded by drug lords, that are on the verge of taking power through undemocratic means. I repeat: these are not legitimate political opposition groups, many of them are the same criminals that were in power before Aristide, the same thugs we removed from office just a decade ago. Ex military, ex death squad members, drug and gang members, and members of the wealthy business elite that dislike representative government are their leaders. It is more than ironic that just as the Bush administration admonishes Haiti and other nations for being ''undemocratic,'' they led the way for these armed gangs (the same gangs they criticize in the press) to usurp power.

They did not like the idea of a government that is trying to redistribute money to the poor and provide Haitians with proper education and health care, because they feel threatened that their previous absolute hold on power will dissolve. And since they can't defeat Aristide in a fair election, they resorted to overthrow him militarily.

I have traveled to Haiti numerous times with Members of the Congressional Black Caucus, met with Haitian government officials, opposition groups, and leaders of NGOs, and served the Nation as an election observer, and I will tell you that Aristide won by a landslide. This cannot be denied by anyone. Yet for whatever reason, the Bush administration has been anything but a friend to the Aristide government, and insists ironically that Haiti does not deserve our monetary assistance because their elections were ''unfair.'' It simply mystifies me how President Bush, a President who was selected by the Supreme Court under more than questionable circumstances (in my district alone 27,000 votes were thrown out), is telling another country that their elections were not fair and that they are therefore undeserving of aid or international recognition.

Haiti is a nation that is still in the incipient stages of democracy and is in desperate need of foreign aid, and the Bush administration's economic stranglehold on the island has exacerbated Haiti's already crippled economy. The economic situation in Haiti is dire, yet the Bush administration's State Department apparently does not lend help to nations for humanitarian reasons, only when a precious natural resource such as oil is at stake.

Moreover, I remain outraged that Attorney General John Ashcroft and the Miami INS office is explicitly going after the Haitian refugees. In December, the INS routinely released refugees who passed credible-fear interviews—unless they were deemed special security risks connected to September 11. That is still the case for asylum seekers from Colombia, Venezuela, Cuba and almost any other country—except Haiti. The Miami INS, under orders from the Department of Justice, imprisons Haitians seeking to prove they deserve asylum, while asylum seekers from other countries roam freely within American borders. This unfair discrimination against Haiti has become a common practice under the current administration, and the Congressional Black Caucus is one of the few voices fighting against this outrageous policy.

To conclude: I reiterate my utter disappointment in the events that occurred in Haiti, and my outrage at the Bush administration's contribution to the fall of a democratically elected government.

Mr. CONYERS. I thank all of the Members that have participated in the Special Order.

HELP HAITI

The SPEAKER pro tempore (Mrs. BLACKBURN). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Madam Speaker, first, let me thank Members of Congress tonight, the Congressional Black Caucus, the gentleman from Michigan (Mr. CONYERS) for our focus and for leading this effort not only tonight but over the years with regard to Haiti.

Of course, Haiti tonight is on the minds and in the hearts of the international community, of many of us here in Congress and throughout the country. And tonight I want to first ask and raise concern for the safety and for the security of President Aristide and Mrs. Aristide and for their family. Given the circumstances of their departure, I think it is appropriate that we be concerned about their safety and insist that our government ensure that they not be put in harm's way.

For many years now we have consistently attempted to increase the Congress's role, the administration's role with regard to engagement with Haiti. We have asked over and over again for immediate humanitarian assistance, development assistance, infrastructure assistance. Really, all of those efforts to allow the Haitian people to live, to survive, and to move forward. Yet, repeatedly, over and over and over again, this administration has blocked any type of assistance, has embargoed efforts to ensure that the Haitian people receive the funding that they have negotiated, every single time. This administration went to the international community and blocked from the world the type of aid and assistance and economic development that Haiti needs.

It is unbelievable the type of circling of the wagons that we have seen as it relates to Haiti. Now, unfortunately, our country has helped to ensure that democratically elected president of Haiti was overthrown and this is totally unacceptable. What I have seen in the last few years is that really this country was setting up the situation which has occurred over the last few weeks. It really has helped democracy fail in Haiti, and that to me is a shame and it is a disgrace. Over and over again this administration has undermined and undercut President Aristide's attempts at social and economic development and the political challenges that have devastated his country. Over and over again I witnessed President Aristide comply with all of the requirements of the United States. One month it was this. The next month it was that. The next month it was something else. The Haitian government continually complied, continually stepped up to the plate even when it caused some discussions and some turmoil in their own country as a result of, for instance, having to raise the price of gasoline so that the international banks would be satisfied so that they could get the money that then negotiated for their loans. Outrageous kinds of requirements this country put on the Haitian government. Yet, still President Aristide responded and complied.

So what we have witnessed over the last couple of weeks really was the march to a coup d'etat. We witnessed the execution of a plan that I believe was really developed by, of course, those; and we are having hearings tomorrow so we will begin to expose and at least ask the questions, but it was the execution of a plan that we saw, I remember I think during the 1980s around Nicaragua, around some of the attempts to overthrow governments in Latin America, the U.S. ambassador, Negroponte, and Noriega who then was Senator Helm's person. We see many of the same kinds of players in place. And so, unfortunately, I am seeing an updated repeated performance of what we saw in the 1980s in Latin America. And, yes, this country has said that central to its foreign policy is regime change. That is a public kind of policy. And regime change manifests itself in many, many ways.

If I were Venezuela or Brazil, not to mention Cuba, I would be a bit concerned with what we know now and what we see taking place in terms of how the execution of a regime change, foreign policy takes place.

Finally, let me just say, when Secretary Powell says, it is nonsense and we are engaged in conspiracy theories, I would ask people to look at the ''U.S. War Against Haiti, Hidden From the Headlines.'' These are the facts. We will begin to expose it tomorrow.

AMERICAN REGIME CHANGE IN NOVEMBER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Speaker, there is a president in the western

hemisphere who was chosen in what many voters believe is a flawed 2000 election. Many people in his country and around the world believe that this president misled his people into a violent conflict in which many lives were lost. Revelations of corruption including falsifying documents, financial mismanagement, gross overcharging by well-connected corporations, kickbacks to politically allied organizations continue to accumulate. What is the proper response of the people of that country who no longer wish to be led by that president? Because it is a democracy, the answer is clear: vote him out at the next election.

I speak of President George W. Bush, not President Jean-Bertrand Aristide of Haiti.

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Those of us who do not support President Bush will work to remove and replace him in the November 2 election. That is the way we do it in our democracy. In a democracy, one does not take up arms against an elected President. We do not threaten his life nor is he forced out of the country nor are convicted murderers and drug dealers and armed thugs welcomed in to do the dirty work. In a democracy, one goes from elected President to elected President and not coup d'etat to coup d'etat.

So this is a very, very sad time for those of us who believe in democracy. The Bush administration had the choice of defending the democratically-elected government in Haiti or supporting its overthrow. It chose the latter. Jean-Bertrand Aristide was the first democratically-elected President of Haiti, his successor due to be chosen in the next presidential election in 2005.

Over the last several weeks, an armed insurrection was organized by former death squad leaders, convicted murderers and drug dealers. They used terrorist tactics to take over police stations and then cities which were protected by only a very small government police force.

The New York Times describes these so-called rebels: ''The public face of the rebel army is the smile of Mr. Guy Phillipe. He is suspected by both Haitian and United States officials of cocaine trafficking. Mr. Phillipe has few democratic credentials. In 2001 he stood accused of planning a coup. Government said he masterminded a raid on the Presidential palace that left seven dead. He is joined in this rebellion by Louis Jodel Chamblain, the convicted assassin from FRAPH.''

The New York Times described FRAPH as ''an instrument of terror wielded by the military junta that overthrew Haiti's embattled Jean-Bertrand Aristide in 1991. It killed thousands over the next 3 years.''

Rather than coming to the defense of the democratically-elected government of Haiti, the Bush administration joined with the anti-democratic forces in the country to call for the President's ouster.

The administration, our administration, the Bush administration has consistently supported a small, elite group in Haiti whose principal economic interests is working with multinational corporations to exploit Haiti's vast pool of cheap labor. It is not a pretty history.

Last weekend, the United States and the international community met with President Aristide, at which time he agreed to a power-sharing proposal made by CARICOM and supported by the United States and France. He agreed but the opposition refused. Colin Powell extended the deadline, but the opposition stood by its insistence that Aristide step down, essentially dead or alive.

So, in the end, the Bush administration sided with the murderers, with the terrorists. While it is unclear exactly what happened early Sunday morning, the message from the U.S. to President Aristide was crystal clear, the United States will not protect you from being cleared by the assassins that are on your doorstep.

So President Aristide has gone. People are dead. The brutal former dictator Duvalier is on TV saying he wants to come back. Guy Phillipe wants to reinstate the brutal army. Chaos reigns in Haiti.

Where do we go from here? Clearly, we need to be part of this international force to establish security, but it would be shameful if we do not look back and figure out how we got into this mess, that is, to have a full investigation of every taxpayer dollar that was spent in Haiti and find out whether it was involved in the destabilization of Haiti. We have to assure the security of the Aristides so that they can go to a country where they can be safe, and we have to help the refugees. We need that full investigation, and we will be pushing for it, starting tomorrow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal business.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of personal business.

Mr. HINOJOSA (at the request of Ms. PELOSI) for today through March 10 on account of business in the district.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of personal reasons.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today on account of personal business.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today on account of official business.

Ms. WOOLSEY (at the request of Ms. PELOSI) for today on account of the California primary.

Mr. CASTLE (at the request of Mr. DELAY) for today and March 3 on account of a death in the family.

Mr. CHOCOLA (at the request of Mr. DELAY) for today and March 3 on account of official travel to Libya.

Mr. KING of Iowa (at the request of Mr. DELAY) for today on account of illness.

Mr. PENCE (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

Mr. ROYCE (at the request of Mr. DELAY) for today on account of personal reasons.

Mr. SMITH of Michigan (at the request of Mr. DELAY) for today and March 3 on account of official travel to Libya.

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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

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

Mr. SOUDER, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and March 3 and 4.

Mr. GINGREY, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, March 3.

Mr. OSBORNE, for 5 minutes, March 3.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. LEE, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 714. An act to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 3, 2004, 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:

6879. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99-09A, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6880. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6881. A letter from the Assistant Secretary, Department of Defense, transmitting the National Guard ChalleNGe Program Annual Report for Fiscal Year 2003, required under section 509(k) of title 32, United States Code; to the Committee on Armed Services.

6882. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of December 31, 2003, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account'' as well as a report on the value of personal property that foreign nations have provided the United States for the Global War on Terrorism, Operation Enduring Freedom, and Operation Iraqi Freedom for the period October 1, 2003 through December 31, 2003, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

6883. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

6884. A letter from the Director, Office of Legislative Affairs, Federal Communications Commission, transmitting the Commission's final rule — Section 257 Triennial Report to Congress Indentifying and Eliminating Market Entry Barriers For Entrepreneurs and Other Small Businesses — received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6885. 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 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Hart, Pentwater and Coopersville, Michigan) [MB Docket No. 02-335; RM-10545] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6886. 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 73.202(b), Table of Allotments, FM Broadcast Stations (Dos Palos, Chualar, and Big Sur, California) [MM Docket No. 01-248; RM-10241; RM-10342] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6887. 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 73.202(b), Table of Allotments, FM Broadcast Stations. (Saluda and Irmo, South Carolina) [MB Docket No. 03-8; RM-10625] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6888. 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 73.202(b), Table of Allotments, FM Broadcst Stations. (Muleshoe, Texas) [MB Docket No. 02-251; RM-10315] (Big Lake, Texas) [MB Docket No. 02-254; RM-10550] (Turkey, Texas)[MB Docket No. 02-370; RM-10612] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6889. 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 73.2029b0, Table of Allotments, FM Broadcast Stations. (Charlotte Amalie, Frederiksted, and Christiansted, Virgin Islands0 [MM Docket No. 00-102; RM-9888] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6890. 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 73.202(b), Table of Allotments, FM Broadcast Stations. (Amherst and Lynchburg, Virginia) [MM Docket No. 96-100; RM-9963] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6891. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Shawnee and Topeka, Kansas) [MB Docket No. 03-26; RM-10638] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6892. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Park City, Montana) [MB Docket No. 02-79; RM-10424] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6893. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.600(b), Table of Allotment Digital Television Broadcast Stations. (Knoxville, Tennessee) [MB Docket No. 03-224; RM-10801] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6894. A letter from the Senior Legal Advisor to 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. (Hobbs, New Mexico) [MB Docket No. 03-193; RM-10768] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6895. A letter from the Senior Legal Advisor to 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. (Portland, Maine) [MM Docket No. 00-133; RM-9895] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6896. A communication from the President of the United States, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case -Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

6897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed issuance of export licenses to Australia and Singapore (Transmittal No. DDTC 126-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6898. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6899. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6900. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual inventory of U.S. Government-sponsored international exhanges and training programs, as well as the FY 2003 report on the activities of the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG), pursuant to 22 U.S.C. 2460(f) and (g); to the Committee on International Relations.

6901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibtion against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, and accompanying Memorandum of Justification; to the Committee on International Relations.

6902. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: United States Munitions List (RIN: 1400-ZA06) received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6903. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting a copy of the Department's commercial and inherently governmental activities inventory, pursuant to Public Law 105—270; to the Committee on Government Reform.

6904. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting Pursuant to the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's Inventory for FY 2003; to the Committee on Government Reform.

6905. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Department of State Acquisition Regulation (DOSAR) (RIN: 1400-AB06) received February 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6906. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Fiscal Year 2003 Annual Performance Report; to the Committee on Government Reform.

6907. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar Year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6908. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6909. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the fourth quarter of FY 2003, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

6910. A letter from the Assistant Administrator for Fisheries, NOAA, Department of Commerce, transmitting the annual report entitled the ''Northeast Multispecies Harvest Capacity and Impact of Northeast Fishing Capacity Reduction'' covering the period December 1, 2002 through November 30, 2003, as pursuant to Section 308(d)(7) of the Interjurisdictional Fisheries Act, as amended; to the Committee on Resources.

6911. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of the Bureau of Justice Assistance Fiscal Year 2002 Annual Report entitled, ''Promoting Partnerships for Public Safety Partnerships,'' pursuant to 42 U.S.C. 3711; to the Committee on the Judiciary.

6912. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made under the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106-561) to improve forensic science services, pursuant to Public Law 106—561, section 2806(b); to the Committee on the Judiciary.

6913. A letter from the Secretary, Department of Homeland Security, transmitting a report on the extent to which the implementation by the United State Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to Public Law 104—55, Public Law 104—324, section 1130(b); to the Committee on Transportation and Infrastructure.

6914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-V Series Airplanes [Docket No. 2003-NM-275-AD; Amendment 39-13436; AD 2004-02-01] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-330-AD; Amendment 39-13437; AD 2004-02-02] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-262-AD; Amendment 39-13442; AD 2004-02-07] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 900EX Series Airplanes [Docket No. 2003-NM-276-AD; Amendment 39-13439; AD 2004-02-04] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2003-SW-28-AD; Amendment 39-13438; AD 2004-02-03] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-152-AD; Amendment 39-13415; AD 2004-01-02] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-7R4 Series Turbofan Engines [Docket No. 2003-NE-01-AD; Amendment 39-13422; AD 2004-01-08] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Series Airplanes [Docket No. 2002-NM-144-AD; Amendment 39-13421; AD 2004-01-07] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6922. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kidde Aerospace Part Number (P/N) 898052 Hand-held Halon Fire Extinguishers [Docket No. 2003-CE-19-AD; Amendment 39-13413; AD 2003-26-14] (RIN: 1220-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2002-NM-112-AD; Amendment 39-13414; AD 2004-01-01] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6924. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2002-NM-252-AD; Amendment 39-13420; AD 2004-01-06] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6925. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2001-NM-120-AD; Amendment 39-13416; AD 2004-01-03] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6926. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes [Docket No. 2001-NM-267-AD; Amendment 39-13417; AD 97-24-02 R1] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6927. A letter from the Program Analsyt, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2002-NM-87-AD; Amendment 39-13418; AD 2004-01-04] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6928. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Public Law 101-576, and the Government Performance and Results Act of 1993, the Corporation's 2003 Annual Report; jointly to the Committees on Financial Services and Government Reform.

6929. A letter from the Executive Director, Office of Compliance, transmitting the annual report on the use of the Office of Compliance by covered employees for calendar year 2003, pursuant to section 301(h) of the Congressional Accountability Act; jointly to the Committees on House Administration and Education and the Workforce.

6930. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a two-part report to the Congress on various conditions in Bosnia-Herzegovina. Part I responds to the requirements of section 7 of Pub. L. 105-174 (1998 Supplemental Appropriations and Rescissions Act) and outlines the latest developments in our continuing efforts to achieve a sustainable peace in Bosnia-Herzegovina. Part II responds to the supplementary reporting requirements contained in section 1203(a) of Pub. L. 105-261 (Strom Thurmond National Defense Authorization Act for FY 1999), covering the period from July 1 to December 31, 2003; jointly to the Committees on International Relations, Armed Services, and Appropriations.

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. REYNOLDS: Committee on Rules. House Resolution 546. Resolution providing for consideration of the bill (H.R. 3752) to promote the development of the emerging

commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes (Rept. 108–430). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 547. Resolution providing for consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes (Rept. 108–431). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey:

H.R. 3868. A bill to amend the Internal Revenue Code of 1986 to phaseout the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. KELLER:

H.R. 3869. A bill to provide for the expanded use of technology and information management systems in the administration of the school lunch and breakfast programs; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself and Mr. STRICKLAND):

H.R. 3870. A bill to amend the Public Health Service Act, the Federal Food, Drug, and Cosmetic Act, and the Controlled Substances Import and Export Act to provide grants to States to establish prescription drug monitoring programs, to impose requirements respecting Internet pharmacies, to require manufacturers to implement chain-of-custody procedures, to restrict an exemption respecting the importation of controlled substances for personal use, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TURNER of Texas (for himself and Mr. WELDON of Pennsylvania):

H.R. 3871. A bill to establish the Unites States-Israel Homeland Security Foundation to make grants to joint business ventures between United States and Israeli private corporate entities to develop products and services with applications related to homeland security, and for other purposes; to the Committee on Science, and in addition to the Committee on Homeland Security (Select), 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. STEARNS (for himself, Ms. SCHAKOWSKY, Mr. BOUCHER, Mr. UPTON, Mr. DINGELL, Mr. SHADEGG, Mr. MARKEY, Mr. PICKERING, Mr. DEUTSCH, Mr. TERRY, Mr. TOWNS, Mr. ISSA, Mr. GORDON, Mr. RUSH, Ms. ESHOO, Mr. GREEN of Texas, Ms. MCCARTHY of Missouri, Ms. SOLIS, and Mr. GONZALEZ):

H.R. 3872. A bill to prohibit the misappropriation of databases while ensuring consumer access to factual information; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. UPTON, Mr. EHLERS, Mr. KELLER, Mr. WILSON of South Carolina, Mr. PORTER, Mr. CARTER, Mr. CASE, Mr. PEARCE, Mr. SIMMONS, Ms. WATSON, Mr. PETERSON of Minnesota, and Ms. KILPATRICK):

H.R. 3873. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. BONO (for herself and Mrs. DAVIS of California):

H.R. 3874. A bill to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal; to the Committee on Resources.

By Mr. COLLINS (for himself and Mr. BECERRA):

H.R. 3875. A bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. WEXLER, Mr. DAVIS of Florida, Mr. BOYD, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, and Mr. DEUTSCH):

H.R. 3876. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Florida; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. OTTER:

H.R. 3877. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for an election by individuals eligible for old-age insurance benefits under such title to waive payment of benefits based on their work record, to provide for income tax deductions based on the actuarial present value of benefits foregone by reason of such an election, and to provide that special Government obligations issued exclusively for purchase by the Social Security Trust Funds shall bear interest at the average market yield then prevailing for comparable obligations issued in the private sector; to the Committee on Ways and Means.

By Ms. WATERS:

H.R. 3878. A bill to establish the Commission on American Jobs; to the Committee on Education and the Workforce.

By Mr. HOYER (for himself, Mr. WOLF, Ms. NORTON, Mr. WYNN, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H. Con. Res. 376. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO (for himself, Mr. GOODE, Mr. AKIN, Mr. ADERHOLT, Mr. PENCE, Mr. PITTS, Mr. SMITH of Texas, Mr. DEAL of Georgia, Mr. KELLER, Mr. KINGSTON, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. JONES of North Carolina, and Ms. GINNY BROWN-WAITE of Florida):

H. Con. Res. 377. Concurrent resolution recognizing the importance of Western civilization; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H. Res. 548. A resolution recognizing the contributions of environmental systems and the technicians who install and maintain them to our quality of life; to the Committee on Energy and Commerce.

By Ms. PELOSI (for herself and Mr. GEORGE MILLER of California):

H. Res. 549. A resolution encouraging the President of the United States to designate a ''Read Across America Day''; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mrs. CUBIN.
H.R. 308: Mr. BISHOP of New York.
H.R. 339: Mr. FERGUSON.
H.R. 463: Mr. MILLER of North Carolina and Mr. VAN HOLLEN.
H.R. 466A: Mr. NETHERCUTT.
H.R. 503: Mr. UDALL of New Mexico.
H.R. 566: Mr. COLE.
H.R. 677: Mr. PETERSON of Minnesota and Mr. SHIMKUS.
H.R. 814: Mr. STUPAK.
H.R. 847: Ms. MCCOLLUM.
H.R. 871: Mr. ISAKSON and Mrs. MUSGRAVE.
H.R. 891: Mr. GRIJALVA, Mr. WAXMAN, and Ms. MCCARTHY of Missouri.
H.R. 931: Ms. GINNY BROWN-WAITE of Florida.
H.R. 935: Mr. BRADY of Pennsylvania.
H.R. 970: Mr. LANGEVIN.
H.R. 972: Ms. JACKSON-LEE of Texas.
H.R. 1005: Mr. JENKINS.
H.R. 1043: Mr. BOUCHER and Mr. NEAL of Massachusetts.
H.R. 1051: Mr. MOORE.
H.R. 1083: Mr. WAMP, Mr. DELAHUNT, Mrs. MCCARTHY of New York, and Mr. HINCHEY.
H.R. 1098: Mr. ENGLISH, Mr. BARTLETT of Maryland, and Mr. PAUL.
H.R. 1105: Mr. LATOURETTE.
H.R. 1117: Mr. MCINNIS.
H.R. 1258: Mr. GORDON, Mr. STRICKLAND, and Mr. LAMPSON.
H.R. 1264: Ms. ESHOO and Mr. STARK.
H.R. 1345: Mrs. MCCARTHY of New York and Mr. MICHAUD.
H.R. 1421: Mr. PALLONE.
H.R. 1478: Mr. SESSIONS.
H.R. 1519: Mr. MCDERMOTT.
H.R. 1582: Mr. PORTER, Ms. JACKSON-LEE of Texas, Mr. BONILLA, and Mr. SANDERS.
H.R. 1608: Mr. CANTOR and Mr. BARTLETT of Maryland.
H.R. 1716: Ms. MILLENDER-MCDONALD.
H.R. 1734: Mr. WEXLER.
H.R. 1811: Mr. VAN HOLLEN, Mr. DOGGETT, Ms. DELAURO, Mr. SMITH of Washington, and Mr. FORD.
H.R. 1873: Mrs. MUSGRAVE.
H.R. 1930: Mr. MARKEY.
H.R. 2052: Mr. RENZI.
H.R. 2217: Mr. VISCLOSKY.
H.R. 2239: Mr. SERRANO, Mr. CROWLEY, Mrs. DAVIS of California, Mr. THOMPSON of California, Mr. INSLEE, Mr. RUSH, and Mr. ACKERMAN.
H.R. 2256: Mr. SABO.
H.R. 2262: Mr. TIERNEY.
H.R. 2322: Mr. WEXLER.
H.R. 2323: Mr. WOLF.
H.R. 2569: Mr. NADLER.
H.R. 2582: Mr. OWENS and Ms. CARSON of Indiana.
H.R. 2626: Mr. KUCINICH.
H.R. 2627: Mr. GERLACH.
H.R. 2699: Mr. MORAN of Virginia, Mr. ENGLISH, and Mr. TIBERI.
H.R. 2727: Ms. MAJETTE, Mr. RUPPERSBERGER, and Mr. SCHIFF.
H.R. 2771: Mr. RANGEL.
H.R. 2863: Mr. THOMPSON of Mississippi and Mr. WU.
H.R. 2932: Ms. NORTON.
H.R. 2946: Mr. KIRK.
H.R. 2999: Mr. BURR and Mr. GARY G. MILLER of California.
H.R. 3015: Mr. PITTS.
H.R. 3069: Mr. HOSTETTLER.
H.R. 3158: Ms. VELAZQUEZ and Mr. BOSWELL.
H.R. 3226: Mr. CONYERS and Mr. RODRIGUEZ.
H.R. 3243: Mr. KING of New York and Mr. DAVIS of Illinois.
H.R. 3266: Mr. CALVERT.

H.R. 3344: Mr. MCDERMOTT and Mr. PALLONE.
H.R. 3397: Mr. PAUL.
H.R. 3416: Mr. RUSH.
H.R. 3429: Mr. BURNS and Mrs. BIGGERT.
H.R. 3438: Mr. MCGOVERN, Mr. ALLEN, and Ms. BERKLEY.
H.R. 3441: Mr. RUSH, Mr. DAVIS of Alabama, Ms. MILLENDER-MCDONALD, Mr. QUINN, Mr. EMANUEL, and Mr. ABERCROMBIE.
H.R. 3458: Mr. WAMP, Mr. BOUCHER, and Mr. BISHOP of Georgia.
H.R. 3474: Mr. BLUMENAUER, Mr. PORTER, and Mr. BERMAN.
H.R. 3480: Mr. CALVERT.
H.R. 3488: Mr. GONZALEZ.
H.R. 3528: Mrs. DAVIS of California.
H.R. 3543: Mr. MICHAUD, Mr. DOYLE, and Mr. BRADLEY of New Hampshire.
H.R. 3550: Ms. LINDA T. SANCHEZ of California and Mr. WATT.
H.R. 3567: Ms. MCCOLLUM, Mr. MCNULTY, Mr. RUSH, Mr. RYAN of Ohio, Mr. HINCHEY, Mr. CARDOZA, Ms. MAJETTE, and Mr. WEXLER.
H.R. 3574: Mr. GRIJALVA, Ms. HARRIS, Mr. BLUNT, Mr. MENENDEZ, Ms. PELOSI, Mr. ROYCE, Mr. CARSON of Oklahoma, Mr. MEEKS of New York, Mr. SCOTT of Georgia, Mr. OTTER, Mr. ISAKSON, Mr. REYNOLDS, and Mr. WU.
H.R. 3582: Mr. KILDEE.
H.R. 3619: Mr. EDWARDS and Mr. GONZALEZ.
H.R. 3643: Mr. SMITH of New Jersey.
H.R. 3656: Ms. NORTON, Mr. MCINTYRE, Mr. NEAL of Massachusetts, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. KAPTUR, and Mr. PALLONE.
H.R. 3658: Mr. BOEHLERT.
H.R. 3693: Mr. WAXMAN.
H.R. 3714: Mr. MCDERMOTT.
H.R. 3717: Mr. OTTER, Mr. NORWOOD, Mr. PICKERING, Mr. SHAYS, Mr. SIMPSON, Mr. MANZULLO, and Mr. BOYD.
H.R. 3755: Mr. OWENS, Ms. HARRIS, and Mr. PALLONE.
H.R. 3763: Mr. HOLT, Ms. DEGETTE, Mr. CRENSHAW, Mr. SIMPSON, Mr. HEFLEY, and Mr. DAVIS of Florida.
H.R. 3771: Mrs. MCCARTHY of New York and Mr. STARK.
H.R. 3777: Mr. EDWARDS, Mr. OTTER, and Mr. ROSS.
H.R. 3793: Mr. WU, Mr. SOUDER, Mr. ORTIZ, Mr. SHIMKUS, Mr. SCOTT of Georgia, Mr. HONDA, Mr. ISAKSON, Mr. KENNEDY of Rhode Island, Mr. BAKER, Mr. DAVIS of Florida, and Mr. STARK.
H.R. 3801: Mr. HERGER, Mr. CALVERT, Mr. SOUDER, Mr. FRANKS of Arizona, and Mrs. MYRICK.
H.R. 3804: Mr. ENGLISH.
H.R. 3815: Mr. VAN HOLLEN.
H.R. 3818: Mrs. JO ANN DAVIS of Virginia, Mr. HOUGHTON, Mr. DAVIS of Florida, Mr. MCDERMOTT, Mr. EDWARDS, Mr. ROTHMAN, Ms. MCCOLLUM, Mr. BERMAN, Mrs. TAUSCHER, Mr. UDALL of New Mexico, Ms. LEE, Mr. INSLEE, Mr. MORAN of Virginia, and Mr. BLUMENAUER.
H.R. 3833: Mr. SERRANO and Mr. PALLONE.
H.R. 3848: Mr. MCKEON.
H.R. 3857: Mr. FOLEY and Mr. MCINNIS.
H.R. 3860: Mr. MORAN of Virginia, Mr. UPTON, Mr. SENSENBRENNER, Mr. MICHAUD, and Mr. TURNER of Ohio.
H.R. 3867: Mr. BROWN of Ohio, Mr. CONYERS, Mr. ENGEL, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. OWENS, Mr. NADLER, Ms. NORTON, Ms. SCHAKOWSKY, Mr. WEINER, Mr. KUCINICH, Mr. DAVIS of Florida, and Mr. PAYNE.
H.J. Res. 48: Mr. JEFFERSON.
H.J. Res. 56: Mr. SANDLIN.
H. Con. Res. 37: Mr. WELLER.
H. Con. Res. 47: Mr. MENENDEZ.
H. Con. Res. 332: Mr. CHANDLER, Mr. CARDIN, Mr. STEARNS, Mr. SHAYS, Mr. LARSEN of Washington, Mr. REYNOLDS, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. NADLER, Mr. BACA, Mr. UPTON, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. MENENDEZ.
H. Con. Res. 356: Mr. CROWLEY, Mr. LEVIN, Mr. MICHAUD, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. FROST, Mr. FARR, Mr. WAXMAN, Mr. DAVIS of Illionis, Mr. RUSH, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. KILDEE, Mr. STENHOLM, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. LARSEN of Washington, Mr. HINCHEY, Mr. ANDREWS, Mr. GEORGE MILLER of California, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, Ms. MCCOLLUM, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Ms. CARSON of Indiana, Mr. CARDOZA, Mr. MOORE, Mr. OBERSTAR, Mr. OWENS, Mr. ACEVEDO-VILA, and Mr. HOLT.
H. Con. Res. 366: Ms. KAPTUR, Ms. CARSON of Indiana, Mr. STRICKLAND, Mr. FRANK of Massachusetts, and Mr. FILNER.
H. Con. Res. 367: Mr. PALLONE.
H. Con. Res. 371: Mr. BAKER, Mr. ISTOOK, Mrs. NORTHUP, Mr. ENGEL, Mr. GINGREY, and Mr. COLE.
H. Con. Res. 375: Mr. CASTLE.
H. Res. 144: Mr. CARSON of Oklahoma.
H. Res. 167: Mr. MCDERMOTT.
H. Res. 402: Mrs. NORTHUP.
H. Res. 481: Mr. POMBO.
H. Res. 482: Mr. FORBES.
H. Res. 485: Mr. SCHIFF and Mr. BISHOP of New York.
H. Res. 501: Mr. ENGLISH and Mr. WEXLER.
H. Res. 522: Ms. JACKSON-LEE of Texas, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. HOEFFEL, Ms. SCHAKOWSKY, Mr. WU, Ms. SOLIS, Mr. UDALL of New Mexico, and Mr. PASCRELL.
H. Res. 530: Mr. ENGEL, Mr. MCCOTTER, Ms. BERKLEY, and Mr. PRICE of North Carolina.
H. Res. 540: Mr. TOM DAVIS of Virginia, Mr. ENGEL, Mr. PENCE, Mr. WEXLER, Mr. KIRK, Mr. BURTON of Indiana, Mr. FLAKE, and Mr. KING of New York.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3752

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 1: In section 3(c)(5), strike ''by striking'' and all that follows through '', and the item'' and insert ''by striking '**License applications**' and inserting '**Applications**', and the item''.

In section 3(c)(12), strike ''is amended'' and all that follows through ''by adding'' and insert ''is amended by adding''.

In section 3(c)(17)—

(1) in subparagraph (A)—

(A) strike ''crew,''; and

(B) strike ''and'';

(2) in subparagraph (B), strike ''employees,'.'' and insert ''employees'; and''; and

(3) add at the end the following new subparagraph:

(C) by adding at the end the following: ''The requirement for space flight participants to make a reciprocal waiver of claims with the licensee or transferee shall expire 3 years after the first licensed launch of a launch vehicle carrying a space flight participant.''.

In section 3(c)(18)(B), strike ''employees,'' and insert ''employees''.

In section 3(c)(19)—

(1) insert ''(1)'' after ''70113(a)''; and

(2) strike '', but not'' and insert ''but not''.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, MARCH 2, 2004 No. 25

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Majestic and merciful God, You and You alone have brought us to this moment. Thank you for the beauty of the Earth and the glory of the skies. Help us to know that You often speak to us in whispers. May we hear Your still small voice in the despair of those who lack the means to help themselves.

Speak to us also in the difficult issues that confront our leaders and may they choose right over political expediency. Give us the ability to shut out yesterday's disappointments and tomorrow's fears. Teach us, Lord, to count our blessings that we might cultivate an attitude of gratitude. Help us to cherish the freedom of this land but emancipate us from the slavery of sin. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, under the order from last week, the Senate will resume consideration of the gun manufacturers liability bill for the final amendments and debate. This morning until 11:35 the remaining amendments enumerated in the list will be offered in the debate time and the time will be equally divided.

At 11:35 this morning, the Senate will begin a series of stacked rollcall votes. I would expect approximately seven votes to occur, including final passage in this series of votes. Both parties do have their weekly policy luncheons and therefore I expect we will pause after the third vote or so and recess to allow those meetings to occur.

When the Senate reconvenes at 2:15, we will resume the voting sequence until we vote on final passage of the pending gun manufacturers liability legislation. It will, thus, be a busy morning and afternoon.

I encourage Members to remain on the floor or in close proximity to avoid missing any votes.

ORDER OF PROCEDURE

Mr. FRIST. I ask unanimous consent that following the first vote the remaining votes in the sequence prior to the luncheon be limited to 10 minutes each. I further ask that when the Senate reconvenes at 2:15, the first vote be 15 minutes under the standing order, with all remaining votes in the sequence limited to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. As I indicated last week, following the conclusion of this bill, the Senate will next take up consideration of the jumpstart jobs bill, also known as FSC/ETI. I will have more to say on that and the schedule later today, following the completion of the gun manufacturers bill. I thank everyone for their attention.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. It is my understanding that following the first votes we will have our usual weekly conferences, is that true?

Mr. FRIST. That is correct. We will do three votes under the time agreement we just agreed to. We may adjust that as the day goes on, but that would be the plan.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

YIELDING OF TIME

Mr. DASCHLE. Mr. President, as the majority leader has indicated, the time is allocated now for the debate on the amendments that are pending. At 11:15, I will yield 5 minutes of my time to Senator KERRY and yield 10 minutes each to Senators JACK REED, MCCAIN, and FEINSTEIN, with the remainder of the time outside of that allocation to Senator HARRY REID for his own managerial decisions with regard to the allocation of the balance of the time.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1805, which the clerk will report.

The assistant journal clerk read as follows:

A bill (S. 1805) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Pending:

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

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Hatch (for Campbell) amendment No. 2623, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Kennedy amendment No. 2619, to expand the definition of armor piercing ammunition and to require the Attorney General to promulgate standards for the uniform testing of projectiles against body armor.

Craig (for Frist/Craig) amendment No. 2625, to regulate the sale and possession of armor piercing ammunition.

Levin amendment No. 2631, to exempt any civil action against a person from the provisions of the bill if the gross negligence or reckless conduct of the person proximately caused death or injury.

Warner amendment No. 2624, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

Lautenberg amendment No. 2632, to require that certain notifications occur whenever a query to the National Instant Criminal Background Check System reveals that a person listed in the Violent Gang and Terrorist Organization File is attempting to purchase a firearm.

Lautenberg amendment No. 2633, to exempt lawsuits involving injuries to children from the definition of qualified civil liability action.

The PRESIDENT pro tempore. Under the previous order, the time between 9:30 a.m. and 11:15 a.m. will be equally divided between the two leaders or their designees.

Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, Senator MCCAIN is not in the Chamber. We are ready to proceed on our side. I think we should do the time proportionately, so that it will be equal, proponents and opponents of the legislation, when going into a quorum call.

The PRESIDENT pro tempore. Is there objection? Without objection, the time will be equally charged.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 2636

Mr. MCCAIN. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The assistant journal clerk read as follows:

The Senator from Arizona, [Mr. MCCAIN], for himself, Mr. REED, Mr. DEWINE, Mr. LIEBERMAN, Mr. CHAFEE, Mr. CORZINE, Mr. DODD, and Mr. DURBIN, proposes an amendment numbered 2636.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCAIN. Mr. President, as a strong defender of law-abiding Americans' second amendments rights, today I join my colleagues, Senators REED, DEWINE, LIEBERMAN, CHAFEE, and DODD to offer a bipartisan compromise amendment to address what has become known as the gun show loophole.

Currently an individual can walk into a gun show and purchase a firearm from either a federally licensed dealer or an unlicensed dealer. A background check is only performed on that individual if he or she buys a gun from a licensed dealer. There is no requirement—I repeat, no requirement—for a background check of any kind when purchasing a firearm from an unlicensed dealer. This is a very dangerous loophole in the law and we are doing a disservice to the American people if we allow it to remain open.

This amendment would close this dangerous loophole in our gun safety laws in a way that is respectful of the rights of gunshop operators, gun show vendors, and gun show enthusiasts. It defines gun shows in a reasonable manner to cover only public events where at least 75 firearms are offered for sale. It specifically exempts from regulation any private sale from the home, such as yard sales or estate sales. Additionally, it exempts sales between members of hunt clubs, an exception that I know is important to a number of our colleagues who represent hunting and sporting clubs that occasionally sell, trade, or raffle firearms between club members.

The amendment would also create a new category of licensees who can become deputized to perform background checks for unlicensed sellers at gun shows. This licensee, who could even be a gun show employee, would enable any unlicensed vendor to conveniently have an instant background check performed when selling a firearm. In addition, this amendment would allow States to graduate to an even faster instant check once they have sufficiently automated the records necessary to ensure that a faster check does not sacrifice accuracy.

Why do we need this amendment? Some might point to tragedies such as Columbine, but as horrific as the massacre at Columbine was, where 11 young people needlessly lost their lives, that is not what drives the need to close the gun show loophole. We need this amendment because criminals and terrorists have exploited and are exploiting this very obvious loophole in our gun safety laws. We need this amendment because our second amendment rights do not extend to criminals who violate our laws and terrorists who hate this country.

We need this amendment because, according to the NRA, ''hundreds of thousands'' of unlicensed firearms sales occur at gun shows each year. We need this amendment because ATF has identified gun shows as the second leading source of firearms recovered from illegal gun trafficking investigations.

We also need this amendment because my law-abiding constituents who attend gun shows in Arizona should not have to rub shoulders with the scum of the Earth who use this loophole to evade background checks to buy firearms to peddle to God knows who. We need this because every one of the 15 leading gun trafficking States in America has not taken action to close the gun show loophole. Conversely, 11 of the 15 States with the lowest level of interstate gun trafficking have taken action to close the gun show loophole.

When discussing the topic of gun safety, I often hear my colleagues say things such as, let's enforce existing law before we make new ones. I completely agree and that is exactly what we are seeking to do today. We are seeking to strengthen existing laws by closing an enormous, dangerous loophole.

I offer this amendment as one who counts himself as a strong supporter of the underlying legislation to protect the gun industry from frivolous lawsuits. I plan to vote for the underlying bill because it is fundamentally unfair to blame a firearms manufacturer when a criminal misuses a gun. But it is also unfair to the American people to knowingly leave open a gaping hole in our gun safety laws that criminals and terrorists can and do easily exploit.

The last time the Senate considered similar legislation was in 1999, following the school shootings at Columbine High School. Two amendments were proposed to close the gun show loophole. One amendment received 51 votes with then-Vice President Gore casting his deciding vote. I opposed that amendment because, frankly, I thought it defined gun shows too broadly, covering certain private sales from the home, at yard sales, estate sales, and between members of private hunt clubs, places that obviously are not gun shows.

The second amendment which I supported also passed the Senate. Unfortunately, opponents of that amendment said it weakened the Brady law for licensed dealers and created new loopholes.

Today we offer a compromise proposal that is a reasonable, responsible consensus. I urge this body not to let this opportunity slip by.

Opponents of today's amendment will make several arguments. I would like to take a few moments to address them head on. It is important to point out that this amendment is a modification of the legislation we introduced last fall. This amendment contains none of the vendor notification requirements contained in that bill. The vender notification requirements in this amendment are the same as those that passed the Senate in 1999. Let me state that again for clarity. This amendment does not contain the vendor notification provisions contained in S. 1807. They are gone.

We still hear that criminals don't obtain guns from gun shows and we will

hear about a survey of State and Federal inmates conducted by the Justice Department showing that about 3 percent of prisoners obtained their guns from gun shows. Let me make a couple of points.

First, the survey was conducted in 1997. The gun show loophole didn't exist until December of 1993, so any criminal in prison for more than 3 years or any criminal who had a firearm for at least 3 years would not have had a reason to exploit this loophole.

Second, let's be clear to quote ATF field agent Jeff Fulton: ''Crime guns do originate at gun shows. That's been documented.'' In fact, the ATF says gun shows are the second leading source of guns recovered in illegal trafficking investigations.

Some opponents of this amendment will say that background checks take too long for weekend gun shows. That may have been the case in 1999, but today, thanks to the diligence of the Department of Justice, 91 percent of criminal background checks are completed within several minutes and over 95 percent of background checks are completed within 2 hours.

For 19 out of 20 background checks, instant check has lived up to its name. For the 1 out of 20 checks that take more than 2 hours, these applicants are 20 times more likely to be unlawful than the rest of the applicants. Additionally, this amendment encourages States to improve their records, making them eligible for even faster background checks.

I point out again that 91 percent of criminal background checks are completed within several minutes; 95 percent, within 2 hours.

Opponents say the background check requirements would put gun shows out of business. That is not true. According to the Krause Gun/Knife Show Calendar, the definitive source of gun show information in the Nation, in 2003, the 17 States that have closed the gun show loophole have hosted, on average, more gun shows than the 33 States that have not closed the loophole.

I repeat, the 17 States that have taken action to close the gun show loophole hosted, on average, 45 gun shows in 2003. The other 33 States, on average, 41 gun shows.

I am a gun show supporter. Arizona is a big gun show State. This amendment will have zero effect on legitimate gun show businesses.

This amendment has been endorsed by the International Association of Chiefs of Police, Major Cities Chiefs of Police, the Conference Of Mayors—the list goes on and on with those who have to deal with the results of guns obtained illegally.

Let me say that the administration has said they want a ''clean bill.'' The administration has supported closing the gun show loophole but now they want a ''clean bill.'' Wink-wink, nod-nod. It is remarkable. It is remarkable. This loophole needs to be closed. The administration has had the position that it needs to be closed. We all know it needs to be closed.

There were two State referendums in the 2002 election, in Colorado, not notoriously a liberal State, and Oregon, not notoriously a conservative State. Both of those ballot initiatives carried overwhelmingly when taken to the people instead of the incredible influence of the NRA over this process.

I hope my friends will stand with the police chiefs and mayors and those who are required to enforce the law and vote for this amendment.

I reserve the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. REID. Mr. President, the Senator from Rhode Island has agreed to give 2 minutes to Senator LAUTENBERG, and on the time I control I will give him 2 minutes for a total of 4 minutes.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 4 minutes.

Mr. LAUTENBERG. Mr. President, I thank my colleagues on both sides who support this gun show loophole amendment.

We have just heard Senator MCCAIN make a case to close this loophole. There doesn't seem to be any reason on Earth that this loophole should exist. We are talking about allowing felons, criminals generally, and terrorists to buy guns without any identification. It is hard to understand why something such as this can occur.

Back in 1999, I authored the original gun show loophole closure to require that sales at gun shows require the same background checks that licensed gun dealers are required to perform under the Brady law. The bill passed in 1999 after Vice President Gore cast the deciding vote to break a 50–50 vote on the measure. Unfortunately, those who want to buy guns—who might be criminals, and again terrorists—decided to kill this bill in conference. This loophole has continued to exist.

I am sure the American people will not be able to understand in general what this loophole is about. Why do we want to protect the rights of those who would evade the law to get guns? As long as this loophole is around, our other gun laws mean virtually nothing. Does it matter if there are background checks by licensed gun dealers if the convicted felon can walk into a gun show and get a weapon with no questions asked? Right now, gun shows are cash and carry for firearms. Terrorists, criminals, and the mentally unstable can get anything they want at a gun show from one of these unlicensed dealers. It has to stop. For the life of me, I cannot understand why those who want to see guns generally available under their interpretation of what the second amendment means would resist this. It is not understandable by any measure.

We know the people who got the guns for the Columbine massacre got a weapon which was a measure of an assault weapon illegally from a nonlicensed dealer.

When firearms are available to terrorists with instructions from their headquarters in Afghanistan to go to the United States; you can buy guns at a gun show; never tell who you are and never identify yourself, doesn't make any sense at all.

I hope my colleagues will take a second look at this and say: OK, this one we have got to patch up. But we do not hear that from those who would defend this arcane and ridiculous process.

I yield the floor.

Mr. KENNEDY. Mr. President, I strongly support this bipartisan amendment to close the gun show loophole.

Americans overwhelmingly favor responsible gun safety measures. They want effective background checks for firearm purchases, whether the purchases take place at a gun store, a gun show, or any other large gathering.

The gun show loophole allows firearms to be purchased illegally at gun shows—no questions asked. The result has been the sale of massive numbers of firearms to terrorists, criminals, juveniles, and other prohibited purchasers without background checks.

In 2001, Attorney General Ashcroft appeared at an oversight hearing of the Senate Judiciary Committee. He held up an al-Qaida terrorist manual, to make the point that terrorists were being trained on ''how to use America's freedom as a weapon against us.''

When I questioned the Attorney General at the hearing, I held up a different terrorist training manual entitled, ''How Can I Train Myself for Jihad,'' which had been found in a house in Afghanistan that November. As the manual stated:

> In other countries, e.g. some states of USA . . . it is perfectly legal for members of the public to own certain types of firearms. If you live in such a country, obtain an assault rifle legally . . . learn how to use it properly and go and practice in the areas allowed for such training.

There is a long list of examples of terrorists exploiting weaknesses and loopholes in the Nation's gun laws. In 2000, a member of the terrorist group Hezbollah in the Middle East was convicted in Detroit on weapons charges and conspiracy to ship weapons and ammunition to Lebanon. He had bought many of those weapons at gun shows in Michigan.

In 1999, only a lack of cash prevented two persons from purchasing a grenade launcher at a gun show, in a plot to blow up two large propane tanks in suburban Sacramento.

Enough is enough. Since the atrocities of September 11, Congress has acted with strong bipartisan support to win the war on terrorism and protect the country from future attacks. We have improved the security of our airports and borders. We have strengthened our defenses against bioterrorism. We have given law enforcement new powers to investigate and prevent terrorism.

Clearly, we need to strengthen our defenses against gun violence. The best way to start is by closing the gaping loopholes in our gun laws that allow rogue gun dealers to sell guns to criminals, terrorists, and other prohibited purchasers. According to the ATF, gun shows are now the second leading source of firearms confiscated in illegal gun trafficking investigations. Gun shows accounted for nearly 31 percent of the 84,000 guns illegally diverted during one 30-month period. Even the strongest opponents of gun control understand the need to confront this rampant law-breaking. Closing the gun show loophole will strengthen the safety and security of all Americans.

This amendment will not shut down gun shows. It will not prevent gun enthusiasts and other lawful purchasers from buying and selling guns.

Instead, it requires background checks to take place at any event where more than 75 guns are offered for sale. These checks can be conducted by licensed sellers or by gun show operators or their employees who have been certified by the Justice Department. This this certification option, background checks can be completed quickly and accurately.

Since its enactment in 1994, the Brady law's background check system has truly become an ''instant'' check system. According to the Attorney General, 91 percent of background checks are completed in 3 minutes or less. A 3-minute wait is not a significant inconvenience for a gun purchase. And 95 percent of all background checks are completed within 2 hours. The maximum amount a buyer can be forced to wait is 3 business days. Under this amendment, the period will be reduced to 24 hours for States with sufficiently automated background check records.

I commend my colleagues, Senator MCCAIN, Senator REED, Senator DEWINE, and Senator LIEBERMAN, for their leadership on this important issue, and I urge all my colleagues to do now what we should have done years ago. It is time to put the interest of law enforcement and public safety above the interests of the gun lobby. Let's close the gun show loophole, once and for all.

Mr. LIEBERMAN. Mr. President, I am very proud to join Senators MCCAIN, REED, DEWINE and our other cosponsors in proposing and supporting this critical amendment. Too often gun legislation has divided Members of Congress. This is a proposal that should not do that. This is a proposal that builds on common values we all share as Americans. As citizens of this great Republic, we all recognize that we have rights and we have responsibilities. Among our rights is the right to own guns. Among our responsibilities are the responsibilities to use those guns safely and to make sure that those who are neither law-abiding nor peaceful are permitted access to deadly force.

For several decades, our Nation has had a clear policy against allowing convicted felons to buy guns, because we know that mixing criminals and firearms far too often yields violent results. That same insight has caused us to agree that it causes too great a risk to society for a number of other groups of people to buy guns—those under felony indictments, who are fugitives from justice, who are subject to restraining orders and who are convicted spouse abusers.

Through the Brady law, we established what seems like an obvious corollary to that policy a requirement that those selling guns first determine whether someone trying to buy a firearm isn't supposed to get one. The Brady law has been an enormous success. Since its enactment, background checks have stopped almost one million gun sales to those who by law aren't allowed to own guns. The majority of stopped sales involve convicted criminals or those under felony indictment. Stopping these nearly one million transactions has saved an untold number of our citizens from the violence, injury or death the sale of many of these guns would have brought.

Importantly, this life-saving legislation has brought its benefits with the most minimal of impact on the law-abiding citizens who have the right to buy guns. Over 90 percent of background checks are completed immediately; 95 percent within 2 hours. In other words, the vast, vast majority of those seeking to buy guns suffer no inconvenience whatsoever from these virtually instant background checks. But, again, the benefits to the rest of us, to those who have been saved from the violence that could have resulted from just a fraction of those nearly one million sales stopped by the Brady law—those benefits are incalculable.

Unfortunately, the Brady law contained a loophole that has since been exploited to allow criminals and others who aren't legally allowed to buy guns to evade the background check requirement by buying their guns at gun shows. The problem is that Brady applies only to Federal Firearms Licensees, so-called FFLs—people who are in the business of selling guns. Brady explicitly exempts from the background check requirement anyone ''who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.'' As a result, any person selling guns as a hobby or only occasionally, whether at a gun show, flea market or elsewhere, need not obtain a Federal license and therefore has no obligation to conduct a background check. This means that any person wanting to avoid a background check can go to a gun show, find out which vendors are not FFLs, and buy a gun. This situation is dangerous not only because it allows convicted felons and other prohibited persons to buy guns, but also because—in contrast to FFLs—non-FFLs have no obligation to keep records of the transaction, thereby depriving law enforcement of the ability to trace the gun if it later turns up at a crime scene.

Now I know that some argue that there is no gun show loophole, or that if there is one, it has little or no consequence. That's just wrong. But don't just believe me on this—listen to a report by the government agency charged with investigating gun trafficking. In June 2000, the Bureau of Alcohol, Tobacco and Firearms issued a report in which they stated: ''The access to anonymous sales and large numbers of secondhand firearms makes gun shows attractive to criminals. . . . [G]unshows were associated with the diversion of approximately 26,000 firearms.'' The report went on to describe an ATF review of gun show investigations, which it said:

> shows that prohibited persons, such as convicted felons and juveniles, do personally buy firearms at gun shows and gun shows are sources of firearms that are trafficked to such prohibited persons. The gun show review found that firearms were diverted at and through gun shows by straw purchasers, unregulated private sellers, and licensed dealers. Felons were associated with selling or purchasing firearms in 46 percent of the gun show investigations. Firearms that were illegally diverted at or through gun shows were recovered in subsequent crimes, including homicide and robbery, in more than a third of the gun show investigations.

Our amendment will change that. We will make sure that no one will be able to buy a gun at a gun show without it first being determined whether that person is a convicted felon, a spouse abuser or a member of one of the other categories of people we all agree should not be allowed to buy guns.

Our bill does this, though, by respecting the rights of law-abiding gun owners and taking into account some of the concerns that were expressed about previous efforts to close this loophole. At the outset, let me emphasize that background checks at gun shows will be no more burdensome than those that so successfully and efficiently have been conducted over the past decade, with minimal intrusion on the rights of law abiding citizens. Again, over 90 percent of checks produce immediate answers and 95 percent yield results in under two hours. Just as importantly, there's nothing in the experience of those states that have already closed the gun show loophole to suggest that gun shows will suffer as a result of closing this dangerous loophole. According to the Americans for Gun Safety, gun shows are thriving in the States where background checks are required. Pennsylvania, which closed the loophole in 1995, hosts the second most gun shows of any State in the country. And of the top 5 gun show States, three Pennsylvania, Illinois and California—require background checks or a firearms ID card for gun purchases.

But we understand the concerns some have expressed—that a bill closing the

gun show loophole will somehow extend beyond gun shows into small private sales from someone's home or will create a barrier so high that gun shows won't be able to operate. We've made sure that won't happen. First, our bill has a simple definition of a gun show—an event where 75 or more guns are offered or exhibited for sale—and we make clear that that definition doesn't include sales from a private collection by nonlicensed sellers out of their homes.

Second, to respond to the argument that previous proposals made it too difficult for nonlicensed sellers to fulfill the background check requirement, our bill makes sure that nonlicensed sellers will have easy access to someone who can initiate background checks for them, by creating a new class of licensee whose sole purpose will be to initiate background checks at gun shows.

Third, we have tried to respond to those who say that a three-day check is too long for gun shows, because those events only last a couple of days. It is worth noting yet again that the length allowed for the check doesn't affect the overwhelming majority of gun purchasers, because over 90 percent of checks are completed almost instantly. But to allay the concerns that have been expressed, we have come up with a compromise that authorizes a State to move to a 24-hour check for nonlicensed dealers at gun shows when the State can prove that a 24-hour check is feasible. A State can prove that by showing that 95 percent of the records that would disqualify people in that State from buying guns are computerized and searchable by the NICS system. And, because of the particular need to keep guns out of the hands of spouse abusers, the bill specifically provides that a State must have computerized 95 percent of its domestic violence misdemeanor and restraining order records dating back 30 years before it is eligible to go to a 24-hour check at gun shows.

Putting all of these provisions together, I frankly cannot understand why reasonable people would oppose this amendment. If we all agree that criminals, spouse abusers and the like shouldn't be able to buy guns, why in the world aren't we doing a very simple thing and saying that just like the person who sells at a gun store has to do a background check, the person who sells at a gun show does too. All this bill does is make sure that we have an effective means to implement something upon which there has been a national consensus for decades—that criminals and other people we all agree shouldn't own guns can't buy them.

Now I know that there are many who argue that what we need to solve the gun violence problem are not new laws, but the enforcement of existing ones. I agree with part of that statement, and firmly support efforts to crack down on those who violate our gun laws. But I believe we must go farther than that, because we will never be able to enforce existing laws unless we close the loopholes in them that criminals exploit. And we all know that there is a big loophole in the provision saying that felons and spouse abusers aren't supposed to buy guns, and that is that criminals know that if they go to a gun show, they will be able to avoid the background check that was set up to keep them from getting guns.

Gun crime remains a critical public safety problem. For too long, differences over finding a solution to that problem have unnecessarily divided the Congress, and the American people have been left to suffer the violent consequences. But the reality is that most of us agree on most of the critical questions. We agree that the laws on the books should be enforced, that the rights of law-abiding gun owners should be protected, and that convicted felons and spouse abusers shouldn't be able to get guns. Again, I believe law abiding citizens have every right to own guns, but we also all share in the responsibility of keeping our society safe and keeping guns out of the hands of those who shouldn't have them. This amendment would write those principles into law. I hope all of my colleagues support it.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from California is now on the floor to offer her amendment. So we can expedite matters, under the unanimous consent agreement, the McCain-Reed amendment is to be set aside for the purposes of the introduction of an amendment by the Senator from California.

The PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 2637

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The clerk will report.

The assistant journal clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. DODD, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, Mr. REED, Mr. LAUTENBERG, and Ms. MIKULSKI, proposes an amendment numbered 2637.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a 10-year extension of the assault weapons ban)

On page 11, after line 19, add the following:

SEC. 5. ASSAULT WEAPONS BAN REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''Assault Weapons Ban Reauthorization Act of 2004''.

(b) 10-YEAR EXTENSION OF ASSAULT WEAPONS BAN.—Section 110105 of the Public Safety and Recreational Firearms Use Protection Act (18 U.S.C. 921 note) is amended to read as follows:

''SEC. 110105. SUNSET PROVISION.

''This subtitle and the amendments made by this subtitle are repealed September 13, 2014.''.

Mrs. FEINSTEIN. Mr. President, it is my understanding that I have 10 minutes to speak on the amendment. I ask the Chair to alert me when 5 minutes have passed. I will then cede time to Senator WARNER for 2 minutes and to Senator SCHUMER for 2 minutes.

The PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mrs. FEINSTEIN. Mr. President, this amendment is offered on behalf of Senators WARNER, SCHUMER, DEWINE, LEVIN, CHAFEE, DODD, JEFFORDS, BOXER, CLINTON, REED, LAUTENBERG, and MIKULSKI.

This is an ad from this morning's Washington Post. It says:

Senators, if police officers sat in your seats today, do you think they'd vote to put Uzi's and AK–47's back on the streets?

That clearly is the question before the Senate this morning.

It is going to be a very close vote. However, that is the issue. That will be the result, if this legislation is not reauthorized for another 10 years.

The legislation has the support of 77 percent of the American people, and 66 percent of gun owners. It does not remove a legal gun owner from his weapon, and it has reduced traces of assault weapons to crimes by two-thirds in the last 10 years. I stand by those figures.

We believe the assault weapons legislation should be reauthorized. It was enacted in 1994 for 10 years. That 10 years is up on September 13.

There is a broad coalition of organizations including every single law enforcement organization in this country supporting it, from the International Chiefs of Police to the Fraternal Order of Police, to virtually every civic group supporting reauthorization of this legislation.

I very much hope the votes are present in the Senate this morning.

Another interesting note is that on the one hand we are accused, well, it is just cosmetic; it doesn't work. If it is just cosmetic and it doesn't work, then why this enormous effort to prevent the bill from being reauthorized?

Additionally, the legislation contains a written exemption by name for 670 weapons. So no one in the United States who legally possessed one of these assault weapons has had those assault weapons taken away. But what we believe is the legislation which stops the manufacture and the sale of semiautomatic assault weapons has been effective. It also stops the domestic manufacture of clips, drums, or strips of more than 10 bullets. No hunter needs more than 10 bullets. No person for defense needs more.

I am very hopeful this morning we will in a sense look to the law enforcement community and sustain a vote to reauthorize the assault weapons legislation for another 10 years.

I now yield 2 minutes of my time to the distinguished senior Senator from Virginia, Mr. JOHN WARNER.

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank our distinguished colleague from California. I salute her leadership on this measure.

I am very hopeful we can persuade the Senate this morning to continue this legislation.

Might I say that when first introduced, it was somewhat different than what the President indicated he would support. At my request, the Senator conformed her bill so it is precisely the legislative measure to which the President of the United States has indicated he would lend his support.

I could say many things about this bill. But in the time constraints we have, law enforcement was the pivotal decision which switched me from 10 years ago voting against this measure, to today not only standing here to vote for it but joining in the leadership of the Senator from California to get it passed. Law enforcement has shown it has reduced the use of these weapons in crime.

My words pale in significance to the law enforcement officers from the four corners of the Commonwealth of Virginia.

The sheriff of Amherst County, the chief of police of Blacksburg, the chief of police of the town of Vienna, the chief of police of Waynesboro, the acting chief of police of Fairfax County, the sheriff of the city of Alexandria, the chief of police of Roanoke, the chief of police of Virginia Beach, the chief of police of Chesapeake, the chief of police of Portsmouth, the sheriff of Roanoke City, the chief of police of Newport News, the chief of police of Winchester, the chief of police of the city of Alexandria, the chief of police of Arlington County, the chief of police of Staunton, the chief of police of Salem, the sheriff of Rockingham County, and the chief of police of Norfolk—the four corners of the Commonwealth of Virginia. These law enforcement officers come forward to support this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator has used 2 minutes of the time.

Mrs. FEINSTEIN. I thank the distinguished Senator from Virginia for his leadership on this issue. We are delighted he is a major sponsor of this bill.

Mr. President, inadvertently the name of the Senator from Illinois, Mr. DURBIN, was left off the bill as a cosponsor. I ask unanimous consent it be added.

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

Mrs. FEINSTEIN. I yield 2 minutes of my time to the distinguished Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. Senator SCHUMER is recognized for 2 minutes.

Mr. SCHUMER. I, too, salute both my colleagues for their superb leadership on this issue. This bill, the assault weapons ban, is hanging by a thread. There is no good reason on God's green Earth why. It has been a success in preventing crimes. It has not hurt a single law-abiding gun owner. Yet we are here today at the eleventh hour worrying and wondering whether this legislation will be renewed. If it is not renewed, it is a giant step backwards, I say to my colleagues.

How can we take it in the light of 10 years of experience which shows how successful the legislation is? The number of guns, assault weapons, 19 banned weapons, used in crimes has dramatically declined—by 300 percent. The number of individuals who have been hurt by this—hunters, small businesspeople, homeowners who want to protect themselves by having a gun—have not been hurt at all.

These are weapons of war. They are designed to kill a whole lot of people quickly. They are not designed for hunting. They are not designed for self-defense of a homeowner or a store owner. The only reason we are here today is politics.

I plead with our President—he has said he is for the legislation after the modification the good Senator from California made, so it is exactly the same as the bill we have had in effect—I plead to not just simply state once or twice he is for this. One phone call, Mr. President, can pass this bill. Please, we need this legislation. I urge my colleagues to reach into their consciences and pass it.

Mr. KENNEDY. Mr. President, I strongly support this bipartisan amendment to continue the Federal ban on assault weapons. The ban is now scheduled to expire on September 13, 2004.

The fact that this common-sense and necessary ban requires any debate at all shows how misplaced and misguided our priorities on domestic safety and security have become.

Even before 9/11, renewal of the assault weapons ban should have been a no-brainer. After 9/11, to even consider letting the ban expire is absurd.

Semi-automatic assault weapons are killing machines—nothing more, nothing less. They are intentionally designed to maximize their killing power by a rapid rate of fire. They are intended to be spray-fired from the hip, so that the killer can fire many rounds in rapid succession.

Civilians have no need whatever for such military-style killing machines. They are of no use for hunting, unless the goal is to obliterate the duck or deer being hunted. They are unnecessary and impractical for self-defense, and they have no recreational value.

The purpose of these weapons is to facilitate crime. By the late 1980s, assault weapons had become the weapon of choice for drug traffickers, gangs, and other criminal organizations. Their high firepower and ability to penetrate body armor exposed the police officers to increased danger, and innocent bystanders were killed in indiscriminate assault-weapon shootouts in the streets.

Assault weapons have been used in a series of massacres:

In 1989, in an attack at Cleveland Elementary School in Stockton, CA, Patrick Purdy used an assault weapon to kill five small children and wound 29 others. Purdy fired off 106 rounds in less than two minutes.

In 1993, two CIA employees were killed outside the entrance to CIA headquarters by a Pakistani national using an AK–47 assault rifle equipped with a 30-round magazine.

Also in 1993, eight persons were killed and six others were wounded at a San Francisco law firm by an assailant using two assault pistols with 50-round magazines.

That's the kind of world we'll return to if Congress allows the current ban on assault weapons to expire.

In fact, the ban contributed to a dramatic decrease in violent crime in the 1990s. Many of us remember the dire ''juvenile superpredator'' predictions that were in vogue before that reduction took place. In 1996, William Bennett and John Walters had written that America was a ''ticking crime bomb,'' faced with the ''youngest, biggest, and baddest generation'' of juvenile offenders that our country had ever known.

Fortunately, these predictions were wrong. From 1993 to 2001, arrest rates for violent juvenile crime declined by more than two-thirds. We're still enjoying the benefits of this low crime rate today.

The decrease in crime is explained in large part by the sensible measures that Congress took on gun safety in the early 1990s, including the ban on assault weapons. In 1999, the National Center for Juvenile Justice concluded that all of the increase in homicides by juveniles between the mid-1980s and mid-1990s was firearm-related. The U.S. Surgeon General concluded that guns were responsible for both the epidemic in juvenile violence in the late 1980s and the decrease in violence after 1993. ''It is now clear,'' the Surgeon General wrote, ''that the violence epidemic was caused largely by an upsurge in the use of firearms by young people. . . . Today's youth violence is less lethal, largely because of a decline in the use of firearms.''

After Congress passed the assault weapons ban in 1994, fewer criminals used assault weapons to kill and commit other crimes. According to the National Institute of Justice, requests to trace assault weapons—one of the best indicators of gun use in crimes—declined 20 percent in the first calendar year after the ban took effect. In 1995 and 1996, the number of assault weapons used in crime in Boston declined by 24 percent. In St. Louis, it declined by 29 percent.

With these proven results, why would anyone vote against reauthorization of the current assault weapons ban?

It's no surprise that the law enforcement community strongly supports the

ban. The amendment now before us is supported by: The International Association of Chiefs of Police; the National Association of Police Organizations; the National Organization of Black Police Officials; the International Brotherhood of Police Officers; the Hispanic American Police Command Officers Association; the American Probation and Parole Association; the United States Conference of Mayors; and countless other religious, public health, and domestic violence organizations.

Congress needs to do more than renew the ban on assault weapons now in effect. We should make clear that the definition of assault weapons includes ''copycat'' guns made by the gun industry with devious cosmetic changes to evade the 1994 law. We should ban parts kits that can be bought through the mail and used to build assault weapons. We should regulate the transfer of ''grandfathered'' assault weapons and facilitate their tracing. We should ban high-capacity ammunition magazines, and prohibit juveniles from buying or possessing assault rifles and shotguns. Senator LAUTENBERG has introduced a bill that would do all of these things, and I commend him for his leadership.

What we absolutely cannot do is let the current ban on assault weapons expire. Such a failure would drastically undermine the safety of our streets, neighborhoods, and schools, and strengthen the hand of terrorists and other criminals.

We know that terrorists are now exploiting the weaknesses and loopholes in our gun laws. A terrorist training manual discovered by American soldiers in Afghanistan in 2001 advised al Qaeda operatives to buy assault weapons in the United States and use them against us. Terrorists are bent on exploiting weaknesses in our gun laws. Americans will be at much greater risk if Congress fails to renew the ban on assault weapons.

We can't let that happen. I urge my colleagues to vote for this essential protection against crime and terrorism.

Mr. DODD. Mr. President, I strongly support the extension of the assault weapons ban. I want to commend Senators FEINSTEIN and SCHUMER for championing this important legislation for many years.

We need to close a number of loopholes in the current assault weapons ban that have allowed gun manufacturers to make minor design changes to evade the law. One gun maker in my State has skirted the ban by replacing the prohibited flash suppressor on one of its assault weapons with non-prohibited muzzle breaks or compensators, which ironically reduce ''muzzle climb'' during rapid firing.

The actual functional elements of this assault weapon, however, have remained the same. The gun still fires a high volume of bullets over a large area. Such loopholes need to be closed, and I am pleased to co-sponsor legislation authored by Senator LAUNTENBERG to further strengthen the existing assault weapons ban.

The current assault weapons ban will expire in September. There are many powerful reasons why extending the assault weapons ban must be a top priority for the Congress this year.

First, assault weapon bans do work. According to the Department of Justice, the proportion of assault weapons traced to crimes has dropped by nearly two-thirds since 1995, the first year that the Federal ban went into effect.

Between 1988 and 1991, assault weapons accounted for nearly 8 percent of guns used in crimes. In 1995, it plummeted to 3.6 percent. In 2002, it dropped even further to 1.2 percent. The ban on assault weapons is therefore clearly making a difference in reducing crime and saving lives.

Second, assault weapons have a devastating impact on people's lives and on the safety of their communities. These aren't hunting weapons we are talking about. Nor are they for recreational or sporting use. We have heard it said before that one does not need an AK–47 or an Uzi for duck hunting.

Quite simply, assault weapons are weapons of war. They are designed with one purpose in mind—for slaughtering human beings over a wide area. They belong on a faraway battlefield, not on our Nation's streets. However one feels about the Second Amendment, assault weapons have no place in a civilized society.

If assault weapons end up in the wrong hands, the results can be horrific. The increased firepower of these weapons has a particularly devastating impact on its victims, who often suffer multiple gunshot wounds and severe penetrating trauma. It often takes longer for victims to recover from such injuries, placing significant burdens on scarce medical resources.

Law enforcement officers are particularly vulnerable to assault weapons fire, since they are on the front lines protecting our communities from those gangs, drug traffickers, and even terrorist groups who have made such firearms their weapons of choice. In the years leading up to the enactment of the Federal ban, assault weapons accounted for 8 percent of all guns traced to crime, although they comprised only 1 percent of privately owned guns in America.

Even with the Federal ban in place over the last decade, assault weapons have been implicated in the death of one in five police officers killed in the line of duty between 1998 and 2001. It is no coincidence then that numerous law enforcement organizations, including groups devoted to protecting children's rights and stopping domestic violence, support extending the ban on these deadly weapons.

In fact, it is really a matter of homeland security that these weapons must be taken out of the hands of criminals. A May 2003 editorial in The San Antonio Express News had it right when it said that just as it is a priority for allied officials in Iraq to get AK–47s out of the hands of Iraqi civilians, Congress shouldn't let such military-type weapons back on the streets of American cities by failing to extend the assault weapons ban. If terrorists can turn a jet aircraft into instruments to kill Americans, does anyone think they would hesitate for even one second to use an assault weapon for the same purposes?

In addition to police officers being vulnerable to assault weapons, so are our children. These firearms were used to kill 5 children and wound 29 others in a Stockton, CA, schoolyard in 1989. The AK–47 used in this incident held a staggering 75 bullets. A TEC–9 assault weapon was also used in the 1999 killing of a teacher, 12 students, and the wounding of more than 20 others at Columbine High School.

Connecticut was the fourth State in the Nation to ban assault weapons, after California, New Jersey and Hawaii. The National Rifle Association challenged the ban in Connecticut State court and it was upheld as constitutional in 1994. Federal courts have upheld the constitutionality of the Federal ban on assault weapons as well. Extending the ban for another 10 years will save lives, prevent serious injuries and make our communities safer from the tragic consequences of gun violence. I urge my colleagues to support this legislation.

One more point, one of the most surprising things I have learned in this debate is that firearms, which are responsible for 29,000 deaths a year, are specifically exempt from regulation under the Consumer Product Safety Act.

Section 3(a)(1)(E) of the Act exempts firearms and ammunitions from the definition of ''consumer products.'' This provision was inserted into the Act in 1972 at the behest of the gun lobby. As a result, guns are among the only consumer products, along with tobacco, exempt from Federal health and safety regulations.

This fact is shocking. Even more shocking is the fact that firearms cause more deaths a year than the 15,000 consumer products regulated under the Act combined.

Other potentially dangerous products—from cars to lawnmowers to household products to medicines—are regulated to protect the health of the American public. The fact that guns are already specifically exempt from the oversight of the Consumer Product Safety Commission is reason enough why we cannot afford to grant the firearm industry legal immunity.

Strangely enough, toy guns are more heavily regulated than real guns, despite the fact that toy guns do not kill or maim. There are over 140 pages in the Code of Federal Regulations that apply to toys, but only one paragraph devoted to guns, and that paragraph exempts guns from the Consumer Product Safety Act.

Under the Act, toy guns fall under the standard for toys. At least four types of Federal safety standards cover toys: if they have sharp edges and points, small parts, contain hazardous materials, and are flammable. The regulations even say that toy guns should have a bright orange tip at the end of the barrel to distinguish them from real guns.

The lack of Federal health and safety regulations for guns has a number of serious consequences. It means that there is no way to recall defective firearms. Guns that are manufactured poorly and pose a serious threat to gun owners and the public would remain in circulation, with the government essentially unable to do anything about it.

The lack of Federal regulation of firearms also means that there is no way to mandate the use of safety devices. And it means that there is no detailed data collection on deaths and injuries from guns.

Gun violence has a devastating impact on people's lives and their communities. The fact that toy guns are regulated and real guns are not makes little sense, and I urge the Senate to eventually rectify it.

Mrs. FEINSTEIN. How much time remains?

The PRESIDING OFFICER. The Senator from California has 1 minute 10 seconds.

Mrs. FEINSTEIN. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator reserves her time and yields the floor.

The Senator from Idaho.

Mr. CRAIG. Mr. President, under the unanimous consent request, this amendment currently before the Senate, the Feinstein amendment, would be set aside for the purposes of the introduction by our leader, Senator FRIST, of the DC gun ban repeal. That amendment will not be offered today, so we are now on full debate for the balance of time until votes start at 11:30 on the two issues before the Senate and the balance of the whole bill.

Certainly, there are other amendments besides the assault weapons ban introduced by the Senator from California, the gun show loophole by Senators REED and MCCAIN. Also, we will have votes today, and it is critical for Senators who want to debate on armor piercing by KENNEDY and the Frist-Craig alternative, also on conceal and carry, offered in behalf of Senator BEN CAMPBELL, that some have debated.

For a few moments, let me debate one general topic. The clock has started for all of us on the 2-hour balance of time equally divided between us on this issue.

For a moment today, I will talk about attitudes of the American public as it relates to the second amendment in the Senate today. The Senator from New York talked about why we are at the eleventh hour debating the gun show loophole. We are because he and his colleagues introduced it, obviously, believing it was a timely topic to debate at a time when we have a very narrowly prescribed bill to deal with the legitimacy of law-abiding citizens in the manufacture of firearms. He has decided to add or attempt to add this to the bill. Our President has asked for a clean bill.

Let me talk about where the American people are. Once again, we find ourselves in a political season. And once again, we find ourselves debating and arguing about gun ownership in America. The second amendment is clear. Many who are strong advocates of that amendment believe it is extremely clear.

We have heard over the last several days Senators with honest differences of opinion take to the Senate floor and claim their vows to represent the folks back in their home States.

Let's take a few minutes to look at some of the relevant research from respected polling from the firm Zogby International. Zogby recently surveyed 1,200 voters nationwide on firearms issues. As a conservative, I don't view Zogby as a conservative pollster; some call him middle of the road, some call him middle left. I guess what I am saying is Zogby and his polling are largely respected by many across the country. The Zogby International group, working with the John Goodwin Tower Center for political science at Southern Methodist University, looked at and decided to poll in a unique way. They said: Let's examine the difference between the George Bush States in 2000, the red States, and the Al Gore States, the blue States. For the balance of my comment, think red and think blue and remember that map we saw after the last Presidential election when the vast majority of America was red except for a few blue strips along the west coast line and the east coast line.

Here were the questions asked of 1,200 voters—not citizens, voters; those who said they voted in the last election—as to the attitude of Americans on firearms. They asked: Do you agree or disagree that American firearm manufacturers that sell a legal product which is not defective—meaning a quality product used for the intent of its manufacture—should be allowed to be sued if a criminal used their product in a crime.

What are the answers? The answers are, there were enough laws on the books. In the Bush States, 69 percent agreed they should not be sued; in the Gore States, 63 percent agreed they should not be sued and they ought not be sued; military people in those States, 70 percent; veterans, 71 percent; nonmilitary, on the average 66 percent. A very strong majority of the American people made it very clear. The answer came back loudly, from every demographic group opposed to these kinds of lawsuits.

That is why we have S. 1805 before the Senate. American minds are made up. These are junk and frivolous lawsuits. They ought not be filed. They also said a manufacturer of a product ought to be held liable if that product is defective, if it malfunctions, and if that defectiveness or that malfunction might create an injury. That is exactly what we continue to allow to happen.

Opposition in the Bush States on that issue, 74 percent; while 72 percent of the voters in the Al Gore States voiced opposition. Interestingly, across the board those most strongly opposed to these lawsuits against the firearms industry are current members of the military and their family. Their opposition collectively measured at 83 percent. This is not from a conservative right-wing pollster. This is from Zogby himself.

When certain gun organizations heard about this, they called the Zogby polling group and asked, Are these valid? The answer from Zogby: Yes, we ran them again. We were not so sure, and we believe they are accurate and valid.

Which of the following two statements regarding gun control comes closer to your own opinion? Of course, those were the figures we showed in the first chart. There needs to be new and tougher gun law legislation to help fight against crime. That is what we are debating now in the Senate. That was question A: There are enough laws on the books. What is needed is better law enforcement of current laws regarding gun control, by a better than 2 to 1, 66 to 31.

In essence, the American people are saying no new gun laws; we have plenty of them on the books. That is not about laws but going after criminals. That is common sense in America, and we never want to doubt the common sense of the average American when they are well informed about an issue or when they just suggest that somebody is playing politics with an issue and it really does not make any sense.

Sixty-nine percent in the Bush States; 63 percent in the Gore States; and those numbers are extremely strong.

So what are we saying? We are saying that moderates solidly favor better law enforcement—62 percent to 34 percent. They are saying: Leave the gun owner alone. Gun control laws do not work.

Somehow, the American people have settled into understanding what most people understand, with common sense: If you do not use the laws to go after the criminal element in our country, if you try to blame their problem on somebody else or their malfunctioning in society, and you try to reach through and sue somebody else, the American people are saying: No, we don't go there anymore and we won't tolerate that.

Those are the issues at hand. That is the underlying purpose for why we are here today debating S. 1805. We think it is fundamental to the American people to allow them to speak and say: Enough is enough; 30-plus lawsuits by

municipalities or political jurisdictions, and 21 of them already thrown out of the courts. Our courts are now full of many of these. Hundreds of millions of dollars have been spent in defense of law-abiding manufacturers and licensed firearms dealers. It is time we say, no, if that third party is trying to be held unaccountable by going after somebody else who is a law-abiding, legitimate citizen. Let's return to old, historic, fundamental tort law. It is the individual who is responsible for their actions, not someone else.

I think we were all taught that as a child. If we were not taught that by our parents, then I guess I have to say shame on our parents because that is pretty fundamental. You are responsible for your actions. If you misact, you might be punished for it. In society, if you misuse a gun, you ought to be punished for it instead of trying to pass it on to somebody else who is a law-abiding citizen playing by the rules that society has laid down and of which our Constitution so clearly speaks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield 2 minutes to the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 minutes.

Mr. CARPER. Mr. President, I thank the Senator for yielding.

Most Senators have already made up their minds on how they are going to vote on the proposal by Senator MCCAIN and Senator REED on closing the gun show loophole. A few have not. What I would like to do is direct my comments to them.

During my first term as Governor of Delaware, I remember a meeting I had with law enforcement officers who came to see me. They wanted to talk with me about something called the gun show loopholes.

As they went through their explanation, I said: Do I understand correctly, that if I happen to be a licensed gun dealer at a gun show in my State, and let's say Senator REED over here is an unlicensed gun dealer at the same gun show, that I have to do an instant background check on the folks who want to buy a weapon from me, and if they do not pass that instant background check, they can go over and buy the same weapon from my competitor?

They said: That's right.

For the life of me, at that time that made no sense, and for the life of me, it still does not make any sense.

I mentioned yesterday on the floor that my dad, who is now deceased, was a gun collector. He had rifles and shotguns, a musket or two, pistols of all kinds. He would buy weapons from guys he would hunt with. They had an informal hunt club. He would buy weapons from relatives, members of our family. He might go to a yard sale in the neighborhood where they lived in Florida and buy a weapon. He ought to have been able to do that, and under the law, under this amendment that is offered today, he could still do those things, were he alive.

Let me close with this: Technology is going to help us solve this problem. Technology can be a great way to solve this problem. Instant background checks make feasible what 10 years ago was not feasible and the right thing to do.

I yield back my time.

The PRESIDING OFFICER. The Senator yields the floor.

Who seeks recognition?

The Senator from Rhode Island.

Mr. REED. Mr. President, I yield myself such time as I may consume from my time.

I rise to support the McCain-Reed amendment and also the Feinstein amendment. I am a cosponsor, obviously, of both amendments.

I wish to talk, for a moment, about the gun show loophole. It is clear and obvious to anyone—at least I believe it is—that we should not have two different standards at a public gun show. We should not have a situation where you can approach one seller who is a licensed firearms dealer and in that transaction have to undergo a background check, and then, 5 feet away, have an unlicensed seller and be able to purchase a weapon without any type of background check.

These are public functions. Thousands of people stream through these gun shows. This is not a private sale where the seller and the buyer know each other, have an association to each other, and essentially do not need any kind of a background check. In order to prevent these gun shows from being exploited by criminals and terrorists, there has to be a common standard. Every transaction should be governed by a background check at a public gun show.

We know these unlicensed dealers and these gun shows have been exploited by criminals. I have mentioned, over the course of the last several days of debate, numerous examples. Let me return to one.

Nigel Bostic and two accomplices were arrested for buying 239 firearms at 11 Ohio gun shows and reselling them to criminals in Buffalo, NY.

It is a very obvious scheme. You go to a place, if you are a felon or a criminal, that requires no background checks, that are publicly advertised, that are easily accessible, you buy the weapons, take them to another State that has very tough laws, and you sell them to criminals.

One of these weapons was recovered in a homicide. It has been reported that Bostic purchased 45 firearms at one of these sales; his accomplices, 85 guns.

These are the examples that will continue to take place unless we close this gun show loophole. Indeed, it is obvious to gun owners it should be closed. More than 80 percent of gun owners surveyed indicated they support closing the gun show loophole. President Bush repeatedly, in the campaign of 2000, said he was for closing the gun show loophole.

The legislation that we present imposes no great burden on any participant at a gun show. Because of the National Instant Check System, 91 percent of these background checks are accomplished in less than 5 minutes; 95 percent are accomplished in less than 2 hours. The remaining checks reveal, in many cases, prohibitive purchases. That is the purpose of the check.

I think we can do something logical that is supported by the broad majority of Americans, including gun owners, by closing this gun show loophole. I hope we can do it today.

But let me, before I conclude, make a general comment on the underlying bill. We have heard the proponents of the bill talk a lot about responsibility, that we have all been taught as children that if we misuse a gun, we should be responsible for that.

Well, the underlying legislation is a license for irresponsibility. The most salient example is Bull's Eye Shooter Supply gun store up in Washington State, the source of the weapons for the snipers who were plaguing this Washington metropolitan area.

There, the individual gun dealer apparently let weapons lay around. He could not account for over 238 weapons. He did not inventory his weapons. That is what I call a misuse of a weapon. People were harmed by that misuse, but we are insulating that individual from any serious liability because there is no Federal law—and my colleagues on the other side are not likely to propose it—for strict control of the security of weapons.

I am amazed about the statistics my colleague from Idaho cited about the military support for no new weapons, et cetera. I tell you what. I served for 12 years in the U.S. Army. If you told an Army officer there was someone with hundreds of weapons, unsecured, lying around, subject to being shoplifted by teenagers, they would be appalled. Because the first thing you learn in the military is that you better secure those weapons, you better lock them up, you better inventory them, and do all the things you have to do, not only to protect yourself but to ensure those weapons do not fall into the wrong hands. This legislation, if passed, will be a license for irresponsible behavior, unconstrained by any civil suit that could not only compensate the victims but suggest a higher level of care. So I hope that not only we support these amendments but look seriously at the underlying bill.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, the gun show loophole bill now being introduced by Senator MCCAIN and Senator REED is before us for full debate at this moment. Let me talk for a few moments about this issue and what it is

and what it is not, and what has been done and what has not been done.

I believe some of the language used on the floor deserves to be clarified for the Members who might be looking in. The Senator from Rhode Island said yesterday that a good many States have already closed the loophole. I think he meant that 15 States have preexisting processes. Long before you go to a gun show, if in fact you are in the market to purchase a gun, you pick up a permit by which to purchase. States do backgrounds and have backgrounds and do that kind of thing.

He did mention, though, North Carolina and spoke greatly about how North Carolina had closed the loophole, and then gun shows flourished. Well, numbers are not any different in the number of gun shows. North Carolina requires a handgun permit to purchase a handgun. So they do a check, a normal check, the kind you would normally do. You have to have that going in or coming out of a gun show to acquire from any activity, other than a one-on-one private sale. So to examine all of those issues, none of the States have the kind of regulatory structure that is being asked to be imposed on all gun shows in all States by the McCain-Reed gun show amendment. Clearly, what we have is an effort to create a blanket Federal policy across 1,000 gun shows, attended by millions of people annually, which is legal, responsible commerce.

Well, it has also been argued that gun shows are now the venue by which terrorists acquire firearms. It is interesting that the reason they suggest that is because the terrorists who acquired a firearm through a gun show, or through a straw dealer who bought a firearm at a gun show, are arrested and in jail. Somehow the law must have worked. It did work because if you are an illegal alien in this country, you cannot acquire a firearm. If you are a felon, you cannot acquire a firearm. It catches up with you if you are a law breaker.

In this instance, those they know of are three. There were three they can talk about. Does a purchase of three make the gun show venue a wide open market for terrorist activities? Absolutely not. It never has and it never will.

What we know, what the statistics show from the Department of Justice, is that the reality would suggest there are possibly a couple of percentage points, 1.5, 2 percentage points, that we can actually understand as it relates to firearms obtained through gun shows, used in criminal activity.

The Bureau of Justice Statistics is, I believe, by far the most reputable accumulator of this kind of information. They suggest that it has been a constant, all the way through, possibly about 1 percent. So that is the reality we deal with on this issue.

Let me put forth another scenario. This is a question they cannot answer because they have set up a major, new tripwire for an individual.

Let's say an individual goes to a gun show. He or she looks around and they find a particular gun in which they are interested. It is not being offered by a licensed Federal firearms dealer; it is being offered by a collector or an individual who bought a table and has two or three firearms to sell. He likes it. The dealer or the person says, take my card.

So he takes his or her card and he goes home and talks to his spouse; the spouse says, you have enough guns, you don't need another gun. That conversation goes on for quite a while. Finally, they agree that maybe for the collection, or for whatever purpose this citizen would want to own that gun, that they will buy it. They call the fellow on the business card. The purchase goes about.

Now, has that gun been purchased illegally? I do believe under the Reed-McCain amendment you have set up a major new tripwire for innocent, law-abiding citizens who, after the fact of a gun show, purchase the gun.

It can be argued that it was outside the gun show, but the point of contact was inside the room, inside the organized gun show.

What if 2 or 3 years later you realize that particular collector, who you met at the gun show and visited with and you saw his particular collection at the gun show, has that one firearm that you want to add to your collection? Does that point of contact, therefore, require, under Reed-McCain, a background check? I believe it is a phenomenally gray area and a critical area for an awful lot of law-abiding citizens who, once again, out of a desire to put up a law that doesn't work, when you create a Federal bureaucracy, you throw them into the middle of the bureaucracy when they in every way have been law-abiding citizens. I believe that is a phenomenal risk to place on our citizens, and that is exactly what we are doing—placing a risk on a citizen when we have never before said that this was a problem.

The ATF did research a few years ago and found out that less than 2 percent—1.7 percent—of firearms involved in criminal activity came from a gun show and they said, oh, there is a loophole. If there is a loophole in a gun show, there is one outside of a gun show. The laws that pertain to every citizen outside the gun show today pertain inside the gun show as well.

Yet McCain-Reed says that is not good enough. This is a special activity—1,000 legal activities that go on across our Nation a year, and millions of people attend them not just to acquire a gun but to get information, to collect, do all kinds of things you do at normal shows.

So our Federal Government is going to decide to regulate one more activity of commerce out there in the free marketplace. Why? To set up a charade that hasn't worked and won't work any differently than it has outside the gun show.

Let's stay with the laws we have. Let's go after the criminal element. Let's keep S. 1805 a clean bill so we can get it to the President for his signature.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAIG. Mr. President, I yield 5 minutes to the Senator from Colorado. He has worked with us and has the concealed-carry bill we will be voting on later today.

Mr. CAMPBELL. I thank my colleague.

Mr. President, before I make some comments on the amendment, No. 2623, which we discussed Thursday, listening to the Senator's comments about the so-called gun show loopholes and the point of contact, I might ask, what if a person goes to a gun show and sees something he might like and forgets about it and months later he sees it in a classified ad of a newspaper and buys it through the classified ad in the paper from the man who originally had it at a gun show the year before? Does that make the person liable who had the booth at a gun show? I think this amendment complicates things rather than answers things.

Mr. CRAIG. I think the Senator sees it clearly, as I see it. That has established a very big gray area. Of course, if that weapon fell into the hands of a criminal who misused it, and if that trace came back, that is a field day for a lawyer inside a court saying, you bet, that contact was made, that sale was initiated at a gun show, when the scenario could have been just as the Senator explained it.

Mr. CAMPBELL. Mr. President, I rise to comment on amendment No. 2623 of S. 1805, the Protection of Lawful Commerce and Arms Act, which was offered on my behalf by my colleague and friend Senator CRAIG from Idaho last Thursday.

This amendment is based on a bill I worked on for a number of years. I am pleased to say it has the broad bipartisan support of my colleagues. In fact, it has 67 cosponsors. It enjoys the support of numerous local law enforcement agencies, including the Fraternal Order of Police. I am delighted to have Senators HATCH, LEAHY, and REED joining me as original cosponsors of this amendment.

I was particularly pleased that last Thursday, a second-degree amendment was adopted naming this bill to honor Steve Young, the recently retired president of the 300,000-member Fraternal Order of Police.

This amendment, which is identical to my bill which was introduced as S. 253 and was reported out of the Judiciary Committee in March 2003, would permit qualified former and current law enforcement officers who are employed by or retired from a local, State, or Federal law enforcement agency to carry concealed weapons across jurisdictions.

A ''qualified law enforcement officer'' is any individual who has retired

in good standing from service of a government agency as a law enforcement officer for a total of 15 years or more. The only exception is if the officer was separated from duty by a duty-related injury. Officers will be required to carry photographic identification issued by the agency for which they are or were employed. It is an extremely important measure.

With specific regard to retired officers, this amendment requires them to meet annually and at their own expense the very same standards that active officers must meet in the State where they reside. Thus, there should be no question as to the qualifications of either active or retired officers.

There are several important benefits to this amendment. First, the American public will undoubtedly be safer as off-duty and retired law enforcement officers are allowed to carry concealed weapons as they travel across jurisdictions. If enacted into law, the basic net effect will be thousands of additional police officers on the streets at zero taxpayer expense. Criminals and terrorists certainly will not be happy when this bill is passed. They would not be sure whether or not seemingly average citizens are actually off-duty or retired law enforcement officers who are armed, trained, and ready to deal with whatever situation may arise. I certainly believe that this type of knowledge should act as a major deterrent for anyone dumb enough to be contemplating crime.

Now there may be some who question whether or not this is a States rights issue. Let me address that for a moment. In this instance, it is exactly the wide and vast variety of different State gun laws that make this type of Federal legislation necessary. The result is this amazing maze of different laws in the States and other jurisdictions which results in a paradox for officers, and sometimes places them in extreme jeopardy.

Congress has the authority, under the ''full faith and credit'' clause of the Constitution, to extend full faith and credit to qualified active and retired officers who have met the criteria to carry firearms set by one State, and make those credentials applicable and recognized in the States and territories of the United States. My legislation maintains the State's power to set these requirements and determine whether or not an active or retired office is qualified to use the firearm, and it would only allow this vary narrow group of people to carry their firearms when traveling outside their immediate jurisdiction.

In the most simplistic terms, it is like a driver's license. Each State issues their own version and gives their own test, yet although the standards may differ from State to State, all drivers can still cross lines, as they have been recognized and certified to operate a motor vehicle on public roadways.

Congress has the authority to preempt state and local prohibitions on the carrying of concealed weapons and has done so in the past on the basis of employment for other professions.

To do the same for law enforcement just makes good sense.

This amendment will also help off-duty and retired law enforcement officers protect themselves and their families. All too often, after they are released from prison, violent criminals seek revenge against the law enforcement officers who helped lock them away. While at a minimum this legislation will even out the playing field for off-duty and retired law enforcement officers, I hope that it will go further and actually give them an advantage. This isn't a ''firearms issue''—it is an officer safety issue. And without a doubt, on September 11, 2001, it became a critical public safety and homeland security issue.

This important law enforcement amendment is especially meaningful to me for a number of reasons. First of all, through 6 years of service as a deputy sheriff with Sacramento County, CA, I was able to get first-hand experience with the challenges facing our Nation's law enforcement officers. While in that position, I personally patrolled the streets and encountered some dangerous characters. I also clearly learned that a law enforcement officer's job does not necessarily end when he or she is off duty since you never know when you may come face-to-face with violent criminals.

Now is the time to clearly demonstrate the Senate's strong support for our Nation's men and women serving on the front lines of law enforcement. Law enforcement officers are a dedicated and trained body of men and women who are sworn to uphold the law and keep the peace. Unlike many other professions, a police officer is rarely ''off duty.'' When there is a threat to the peace or to public safety, officers are sworn to answer the call of duty. Officers who are traveling from one jurisdiction to another don't leave their instincts or training behind them, but without being able to carry their weapon, all of that training and knowledge is basically useless.

This amendment will help officers protect themselves, their families, and their fellow Americans by harmonizing our Nation's conceal-carry laws for qualified off-duty and retired law enforcement officers.

More now than ever before, we all realize Homeland Security is vital to protecting our Nation, and this amendment will enhance the ability of our valuable law enforcement officers to do their job—to protect and serve.

One of the problems we have now, of course, is with multiple jurisdictions in multiple States. A good example is where I live in southwest Colorado, a law enforcement officer who lives, say, in Durango, only 30 miles from New Mexico, is duly authorized to carry a weapon on or off duty in Colorado. But if he goes to New Mexico, he is in violation if he has a concealed weapon. It seems to me we need some kind of blanket protection for law enforcement officers when they cross State lines.

Also, there is another factor involved in this issue, and that is we are in a new kind of war, one in which the Geneva Convention rules of engagement and distinguishing between an armed soldier or armed opponent and an innocent child is simply no longer a consideration. ''Kill all Americans'' seems to be the credo of terrorists, and because of that, American policemen, firemen, and EMTs have become frontline warriors.

I know some question that this is a States rights issue. As I explained, there is a patchwork, a crazy quilt of different jurisdictions, and we need some kind of Federal recognition of that. Congress certainly has this authority under the full faith and credit clause of the Constitution to extend full faith and credit to qualified and active retired officers who have met the criteria to carry firearms set by one State and to make those credentials applicable and recognized in all States and territories in the United States.

This legislation maintains State power to set these requirements and to determine whether or not an active or retired officer is qualified for continued use of a firearm. It would only allow, to a narrow group of people, the authority to carry firearms when traveling outside their immediate jurisdiction. I think this is very good. We have already done this in one case by allowing airline pilots to arm, and that bill did pass and was incorporated in H.R. 5005, which is now a public law. So this is not the first time we have done this.

I hope my colleagues will support this amendment when it comes up for a vote because I think it is going to be beneficial, not only to law enforcement officers, but certainly to people who rely on law enforcement officers who are off duty but still trained in the use of firearms and trained in the rule of law to protect us in this new kind of war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CAMPBELL. I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAIG. Mr. President, I thank my colleague from Colorado for his excellent amendment and for his willingness to stand up and speak out on these critical issues.

I now yield 10 minutes of my time to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, Senators CAMPBELL, LEAHY, REID and I have offered as an amendment to S. 1805 the ''Law Enforcement Officers Safety Act of 2003'' which was favorably reported out of the Judiciary Committee with strong bi-partisan support during last session. This amendment, which permits qualified current and retired law enforcement officers to carry a concealed firearm in any jurisdiction, will

help protect the American public, our Nation's officers, and their families. I note that this bill has the overwhelming support of the Fraternal Order of Police and other law enforcement associations, which have vigorously worked in support of this measure.

The amendment allows qualified law enforcement officers and retired officers to carry, with appropriate identification, a concealed firearm that has been shipped or transported in interstate or foreign commerce regardless of State or local laws. Importantly, this legislation does not supersede any State law that permits private persons to prohibit or restrict the possession of firearms on private property or any State law that prohibits possession on State or local government properties, installations, buildings, bases or parks. Additionally, this amendment clearly defines what is meant by ''qualified law enforcement officer'' and ''qualified retired [or former] law enforcement officer'' to ensure that those individuals permitted to carry concealed firearms are highly trained professionals.

There are approximately 740,000 sworn law enforcement officers currently serving in the United States. Since the first recorded police death in 1792, there have been more than 16,300 law enforcement officers killed in the line of duty. A total of 1,800 law enforcement officers died in the line of duty over the last decade, an average of 180 deaths per year. In 2001 alone, there were 232 police deaths, representing a 49 percent increase from the 156 officers who died in 2000. Roughly 5 percent of officers who die are killed while taking law enforcement action in an off-duty capacity.

While a police officer may not remember the name and face of every criminal he or she has locked behind bars, criminals often have long and exacting memories. A law enforcement officer is a target in uniform and out; active or retired; on duty or off.

Because law enforcement officers are, in reality, never ''off-duty,'' this amendment will not only provide law enforcement officers with a legal means to protect themselves and their families when they travel interstate, it will also enhance the security of the American public. By enabling qualified active duty and retired law enforcement officers to carry firearms, even when not on the clock, more trained law enforcement officers will be on the street to enforce the law and to respond to crises.

The idea that a police officer is never really off-duty is not some abstract concept. Let me share a real life off-duty example. Not long ago in Arlington, TX, Bradley Merreighn, a serial bank robber, walked into a bank, pulled out and pointed a gun at a young woman employee of the bank and demanded the bank's money. Unbeknownst to Merreighn, off-duty Arlington Police Sergeant John Gonzales was standing directly behind him with his two small children.

Merrieghn took the bank's money from the young woman and left the bank. Sergeant Gonzales instinctively identified himself to the bank's employees as an off-duty police officer, asked the bank employees to watch his children and, although unarmed, followed Merrieghn as he fled from the bank.

Sergeant Gonzales' police instincts were to try to tail Merrieghn to prevent him from hurting someone and to assist on duty police officers in apprehending him. Sergeant Gonzales commandeered a car outside the bank and followed Merrieghn. During the pursuit, Sergeant Gonzales fortunately avoided being shot and killed when Merrieghn unleashed a torrent of gunfire in an attempt to stop Sergeant Gonzales from following him. Ultimately, because of Sergeant Gonzales' instincts and efforts, other police officers were able to respond and, after a standoff, arrest Merrieghn before he harmed anyone.

The FOP has shared with Members of this body another example of the need for this legislation. Two Maryland police officers and their families were camping in Harpers Ferry, WV. While packing up their campsite following a 3-day camping trip, a gunman opened fire on another camper, wounding him in the lower leg. Two police officers instinctively directed their families away from the scene and retrieved their firearms.

They confronted the gunman with their weapons and ordered the gunman to the ground. After searching the gunman, the off-duty officers discovered that the man had several more live rounds for his shotgun in his possession. These officers held the gunman until West Virginia authorities could arrive. It was later discovered that the gunman had an extensive criminal history—including a murder conviction. The Jefferson County Sheriff's Department remarked that there was no way to know how many lives the off-duty officers saved that day.

Although they were certainly heroes, they were also in violation of West Virginia law because they possessed firearms. These brave officers—who prevented a massacre that day, on their day off and outside of their jurisdiction—were not charged, but they were in technical violation of the law. No one can argue that allowing officers to carry firearms off-duty and outside of their jurisdiction did not save lives that day.

These are but a few of the many examples of law enforcement officers acting on instinct to protect the public and thwart violent crime, even though they are not armed and face life threatening circumstances.

We should adopt this amendment because this important piece of legislation will provide that extra layer of protection to current and retired law enforcement officers and their families who have ably served our communities across the country.

I yield the floor.

AMENDMENT NO. 2637

Mr. HATCH. Mr. President, I am compelled to speak out against continuing this assault weapons ban proposed by Senator FEINSTEIN. An assault weapon is a military firearm which can be fired either automatically or semiautomatically with the flip of a switch. In other words, a true assault weapon is a machine gun, which is a gun already regulated by Federal law.

The firearms covered by the so-called ''assault weapons'' laws are semiautomatic handguns, rifles, and shotguns. Some of these firearms are made to look like a military-style weapon but are mechanically indistinguishable from any true traditional-looking deer rifle.

According to the FBI, in 2001, nearly five times as many individuals were murdered at the hands of criminals wielding knives than were murdered by criminals using rifles. I might add, only a fraction of those rifles were the semiautomatic rifles that were banned by the so-called assault weapons ban. What I think is most interesting and telling about this statistic is that the proportion is nearly identical to what it was 10 years ago; that is, according to the FBI, in 1991, 3 years before the assault weapons ban passed, nearly five times as many murders were committed with knives than rifles—exactly the same proportion as exists today.

The so-called assault weapons ban has succeeded in only one thing: law-abiding men and women, precisely because they abide by the law, were stripped of some of their second amendment rights. We cannot make the same mistake this body made 10 years ago.

The number of murders committed with different weapons has decreased in all areas, proportionally, over the last 10 years. The suggestion that the assault weapons ban is responsible for this decrease is as preposterous as it is misleading. There is no more evidence that the ban on semiautomatic weapons has had a positive impact on crime than there is that the setting Sun is responsible for street lights turning on.

The fact is, just as we feared 10 years ago, the only impact the ban on semiautomatic weapons has had has been on law-abiding citizens. I would like, therefore, to take a few minutes about how we ought to address gun violence. Instead of banning certain firearms for merely political reasons, we need to continue aggressively prosecuting criminals.

Rather than focusing on crafting and enacting more laws that erode law-abiding citizens' constitutionally protected rights, we ought to channel our efforts towards enforcing our current laws and punishing those who choose to abuse those rights and commit crimes with guns.

For example, President Bush has made a commitment to reduce gun crime by getting armed criminals off the streets through his initiative,

Project Safe Neighborhoods. In contrast to the 10-year assault weapons ban and its ineffectiveness in combating gun violence is the overwhelming success of Project Safe Neighborhoods. Project Safe Neighborhoods, announced by the President and the Attorney General in 2001, is a comprehensive strategy that brings together Federal, State, and local agencies to reduce violent crime in our communities.

I might add that we have had a 68-percent reduction in violent crime since that came into being. And I might also add that the only way to keep this under control is to get tough on those who abuse the right to have guns and who abuse the use of guns.

The President is on the right track. We do not need this particular amendment. I hope my colleagues will not accept it.

This ought to be our approach. Not simply saying all guns of a certain appearance are banned. We must continue to vigorously pursue those who abuse the right to own a firearm—not stripping away law-abiding individuals' rights to own and possess firearms. Especially when, other than their appearance, those firearms are no different than thousands of other firearms that are considered legitimate. In fact, in May of last year, I held a hearing for the purpose of determining the effectiveness of Project Safe Neighborhoods. The results are in, and they are impressive.

The number of Federal firearms prosecutions has increased significantly every year under Project Safe Neighborhoods. Specifically, prosecutions have increased 68 percent in the past 3 years. In 2003, the Department of Justice filed over 10,500 Federal firearms cases—the highest number ever recorded by the Department.

Federal offenders are being sentenced to significant jail time. In 2003, approximately 72 percent of offenders were sentenced to prison terms greater than 3 years.

The per capita number of violent crimes involving firearms has dropped 14 percent since the start of the Bush administration. This has translated into an average of over 32,000 fewer gun crimes annually in each of the first 2 years of the Bush administration.

There were nearly 130,000 fewer victims of gun crime in 2001–2002 than in 1999–2000.

The President has been and Congress should be making America's neighborhoods safer by vigorously enforcing gun laws and preventing and deterring gun crime. Arbitrarily taking guns away from law-abiding citizens does not assist the President in making the neighborhoods of America safer.

Inthe course of the debate over gun liability my colleague, Senator DURBIN, spoke of Korean-American victims in Illinois. Let me tell you about Korean-American victims in California.

Many of the guns which current assault weapons bans are targeting—including the Federal ban enacted in 1994—are the very guns with which the Korean-American merchants used to defend themselves during the 1992 Los Angeles riots. For those of you who may not recall the Los Angeles Riots, let me tell you about this tragedy. On April 29, 1992, African Americans, upset over the verdict in the Rodney King case, took to the streets of Korea Town in downtown Los Angeles. Although these innocent Korean-Americans had nothing to do with the police brutality inflicted upon Rodney King, their businesses were singled out. Calls for help came in to 911 by the hundreds. but citizens were informed that no assistance was available. Order had broken down. People were on their own.

As a result of one night of violence, 55 people died, over 2,300 were injured and one billion dollars of property damage was sustained according to the Christian Science Monitor. Gunfire killed 35 people. Six died in arson fires. Attackers used sticks or boards to kill two people. Two other were stabbed to death. Six died in car accidents, two in hit-and-runs, and one person was strangled. The violence crossed racial and ethnic lines.

Seventy-five percent of the businesses destroyed belonged to Korean Americans. Those Korean-American merchants who possessed assault weapons and used them to defend themselves, would likely have a different story about gun control laws and how they help victims. The Korean-American merchants would agree that when one is facing mob violence and the police are unable to respond, one may need a gun that shoots more than just six bullets or has a menacing appearance. A ban on large capacity semi-automatic firearms will only harm one's ability to defend himself and his family rather than deter crime.

While most American spend little time thinking of what the police can do to protect them during times of domestic tranquility, there is no guarantee that this will always be the case. Citizens, like the police, have a right, and some would say a duty, to defend themselves and their families against deadly threats.

The assault weapons ban is a measure entirely devoid of rational thought. It is not based upon compelling factual data or civil necessity, but of political strategy and the machinations of overreactive, quick-fix ideologues. This amendment addresses neither the problem nor the solution, when it comes to gun crime. And because the amendment serves only the political agenda of the few and not the convictions and rights of the many, I strongly oppose the amendment.

AMENDMENT NO. 2636

Mr. HATCH. Mr. President, another issue I would like to talk about is the amendment sponsored by my colleague, Senator MCCAIN, the so-called gun show loophole.

Based on some of the arguments I hear made by Senator MCCAIN and his cosponsors, it is apparent there are some misunderstandings about what gun shows are, how they operate, and existing applicable laws.

Gun shows are large events that are open to the public. These events attract a broad range of people. They include collectors, hunters, target shooters, police officers, and those who serve in the Armed Forces.

Gun shows are an opportunity for Americans—fathers and mothers and their sons and daughters—to pass along a family tradition. Exhibitors at these gun shows include gun dealers who are all federally licensed, as well as gun collectors, hunting guides, target shooting clubs, and vendors of books, clothing, hunting accessories, and so on.

What Federal laws currently apply to gun shows? Contrary to popular opinion, there are no special exemptions for gun shows. Anyone who engages in the business of selling firearms must be licensed, regardless of where he or she does business.

More specifically, there is simply no such thing as an unlicensed dealer. In fact, dealing in guns without a license is a Federal felony, punishable by up to 5 years in prison and a substantial fine. Congress authorized licensed firearms dealers to conduct business at gun shows in 1986 under the Firearms Owner Protection Act.

So what happens when these dealers sell guns at gun shows? Have these dealers applied for and received Federal firearms licenses from the Bureau of Alcohol, Tobacco, Firearms, and Explosives? The answer is a simple yes.

Dealers are required by Federal law to conduct a criminal background check. They must conduct a check through the national instant check system at gun shows just as they would have had to do in any other location. So if we adopt this amendment, who will it affect? The answer is not surprisingly, but unfortunately ignored by the proponents of this amendment. The answer is it would affect law-abiding citizens who are out to hurt no one.

It would drive out and shut down the gun collectors who buy and trade some of their guns at gun shows. They represent a fraction of the exhibitors at gun shows.

Remember, gun collectors are not gun dealers and may not engage in the business of dealing firearms without a firearms license.

I would like to touch on an issue that many Utahns and I find particularly troublesome. If we adopt this amendment, it will effectively create gun owner registration.

I want to make sure my colleagues understand how this legislation, if it became law, would work. Under the amendment, special firearms event operators would have to verify the identity of all participating vendors and have those vendors sign a ledger saying they were there selling firearms, whether or not any of the vendors actually sold a firearm. This requirement is

a modest improvement of the original bill, which, as introduced, would have required vendors to submit to the Attorney General the names of all vendors slated to participate in the Gun Show. Regardless of the slight change, it is clear what the sponsors of this amendment intend. That is, to track and register law abiding citizens who merely want to exercise their constitutionally protected Second Amendment rights.

So suppose a private, law-abiding citizen enters a gun show hoping to sale or trade a firearm, but that person does not make a deal and leaves with his own firearm. This person, this private law-abiding citizen, would be on file and in a ledger forever as a special firearms event vendor, copies of the ledgers to be used for any future purpose.

This amendment also purports to provide for instant background checks. Now, anyone who knows anything about the national instant criminal check system knows that they do not turn around such inquiries in 24 hours. In fact, currently, the national instant criminal check system has 3 days to turn around a request for a background check.

The amendment before us provides that the wait may be reduced to 24 hours if a State applies for the privilege of improving its records. With a 3-business-day period still allowed to check out-of-State records, a few large States will drag down the whole scheme for all transfers across the Nation.

Again, what is the practical effect? Gun collectors who occasionally attend gun shows for a day or two on a weekend will be shut down because they will not be able to have the national instant criminal check system run the required check on a prospective buyer and make such a transaction in that day.

There are two more important points that I think many of the Members in this body may have overlooked. First, in November of 2001, the Bureau of Justice Statistics released a report on imprisoned felons and where they obtained their firearms. Fewer than 1 percent obtained the guns they used to commit their crimes at gun shows. Of that 1 percent, only a fraction obtained weapons through collectors.

What does this tell us? The idea that shutting down collectors at gun shows will affect crime in any appreciable way is dramatically overstated, if not preposterous.

Criminals are getting their guns on the street or from the residential burglaries, but not from heavily police-attended gun shows.

Second, and I want my colleagues to hear this: Law enforcement and Federal prosecutors continue to use gun shows to weed out corrupt gun dealers. In fact, Federal prosecutors stress to me that passing this amendment would serve only to drive those few who would unlawfully deal in firearms without a license into the black market, into the back alleyways, and into the hidden areas of our communities, making it nearly impossible to locate and prosecute such criminals.

So not only will this amendment fail to address the true nature of the problem, but it will punish law-abiding collectors who choose to publicly trade their firearms.

I submit that adopting this politically driven, knee-jerk amendment, which only injects partisanship into a bill that otherwise enjoys broad bipartisan support, will have two effects: One, it will shut down lawful gun collectors who attend and trade guns at gun shows; and two, if it has any effect on crime, it will affect it negatively by driving the few dealers who are unlawful into the black market where it is exorbitantly more difficult for them to be located and prosecuted.

I urge my colleagues on other side of the aisle to re-examine their analysis, put politics aside, and reject this amendment.

It will serve no purpose in pursuing our common goal of fighting crime, but instead will only hurt innocent law-abiding citizens.

Let us not be distracted from the issue at hand.

We have legislation before us that enjoys broad bipartisan support and that deserves our attention. That should be the focus of our efforts, not passage of this unwise amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the chairman of the Judiciary Committee for his comments and the work that he has done to keep the gun laws in this Nation clean, appropriate where necessary, and enforceable without the entrapment of law-abiding citizens. I thank him for that work, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Rhode Island.

Mr. REED. Mr. President, I initially want to respond to some of the comments made by the Senator from Utah. I believe he read a legislative proposal that Senator MCCAIN and I submitted last fall, not the amendment that is before us today because we specifically removed from the amendment today any requirement for the turning in of lists of vendors at gun shows to the Attorney General of the United States. That is not in this amendment.

There is no requirement for unlicensed sellers to execute any paperwork. That requirement will be undertaken by a special licensee, presumably the gun show sponsor and operator, not the unlicensed gun dealer. Furthermore, there is no requirement to seek permission from the Attorney General or any Federal authority to conduct a gun show. So I think the comments of the Senator from Utah reflect not this amendment but previous proposals. This amendment has been specifically modified to make it as easy, as efficient, and as effective as possible to conduct these background checks.

The Federal authorities have a 3-day period of time in which to execute a gun show background check, but, frankly, with the National Instant Criminal Background System, we all know the facts are clear. Ninety-one percent of these checks are accomplished in less than 5 minutes; 95 percent in less than 2 hours. If the check is not completed in 3 days, then the transaction goes through. That is just a backstop in case there is information that these Federal authorities cannot obtain.

So, frankly, the suggestion that gun shows will be put out of business is quite wrong. Those places which have even tougher standards than those suggested by the McCain-Reed bill still have gun shows, and they are still highly popular and highly successful.

I thank the Senator from Idaho for his comments about North Carolina. My comments generally talked about closing the gun show loophole. As he points out, North Carolina requires everyone who is buying a firearm at a gun show to have a North Carolina firearm permit, which is probably a more demanding standard than we are suggesting in our amendment, and we would not suggest that. That is a State prerogative. Technically, they do not require all the background checks on licensees and unlicensees, but they do in fact require any purchaser to have a permit. That is a very stringent standard.

Now, there has also been some discussion today about the fact that this is going to cause tremendous chaos because what if someone saw a weapon at a gun show and then later called a private dealer. Well, that is why the amendment clearly defines activities that are not part of a gun show subject to this amendment.

The language states:

> does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923 or 932.

For example, if someone is a private collector, if they have some guns in their home and they are selling those weapons from their home, then they are not subject to this provision.

It is as clear as we can make it to exempt the many people who are private collectors and the many people who, indeed, should not be subject to this license requirement.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

The Senator from Nevada.

Mr. REID. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for an additional 2 minutes.

Mr. REED. Mr. President, I want to thank my colleague, Senator REID from Nevada, for the 2 minutes.

In summary, this amendment that Senator MCCAIN and I proposed is as sensible as I think one can ever fashion a law. When someone walks into a gun show with thousands of individuals, hundreds of booths, it makes no sense to the average person why one individual should require a background check and another does not have to conduct a background check in the sale of a firearm. It makes sense to have an even playing field.

These are public events. It is virtually impossible for a seller at a major gun show to know the background of all the potential purchasers. We know these gun shows are exploited. This is not hypothetical. They are exploited by criminals. Goodness gracious, it makes perfect sense why they would be. It is a supermarket where a person can obtain firearms without any background check. It is like a neon sign that says: Come here if you are looking to get weapons and you cannot buy them legally.

We know what happens. We also know because of the threat of terrorists that terrorists have looked at these gun shows as possible ways to obtain firearms. Frankly, I think the American public would demand, as they have in the past, anything we can do that would curtail access to dangerous weapons to terrorists.

So I hope we support closing the gun show loophole. I also hope we support the assault weapons ban. Finally, I think we have to carefully look at the underlying legislation as a severe encroachment on hundreds and hundreds of years—indeed, many years—of common law tradition.

The PRESIDING OFFICER. The Senator has used his 2 minutes.

Mr. REED. I yield the floor.

Mr. REID. Mr. President, I yield 3 minutes to the Senator from New Jersey, Mr. LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Nevada.

This bill, which has been in place since 1994, held back on the availability of assault weapons, those holding more than 10 rounds in their cartridge holder.

The assault weapons ban amendment would simply extend the current ban on these deadly weapons for another 10 years, with no other changes in current law. It is hard to understand why we would not go ahead and simply extend this. The President of the United States said at one point that this ban should continue to exist. Assault weapons are intended for one purpose and one purpose only, and that is to kill as many people as possible in the shortest amount of time.

We should never forget that ill-fated day of April 20, 1999, in Littleton, CO, when Eric Harris and Dylan Klebold opened fire on teachers and fellow students at Columbine High School. They were armed with a TEC–DC9 assault weapon. When the shooting was over, 15 people, including the gunmen, were dead and 23 wounded. We can never forget the picture of those youngsters hanging out the window, pleading for help, pleading for safety, trying to protect themselves.

These assault weapons have no place in a civilized society. According to FBI data, one in five law enforcement officers who were killed in the line of duty between 1998 and 2001 were killed with assault weapons.

Even terrorists have identified our gun laws as a point of vulnerability. Found among the rubble at a terrorist training camp in Afghanistan was a manual called ''How I Can Train Myself for Jihad.'' The manual stipulates that terrorists living in the United States should ''obtain an assault weapon legally, preferably AK–47 or variations.''

It also advises would-be terrorists on how they should conduct themselves in order to avoid arousing suspicion as they amass and transport firearms. It defies logic to understand why it is that we have to protect those who want to have assault weapons.

I was in the Army during the war. I carried a carbine. Assault weapons were available for those in the infantry—sometimes—so they could kill as many of the enemy as possible. Who is the enemy here?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. I am happy to yield an additional minute to the Senator.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. LAUTENBERG. Mr. President, who would be the enemy in this case? More law enforcement officers? More kids in a school? More people in an office where a disgruntled employee took out his rage by pointing a rapid-fire weapon at fellow workers?

No, this amendment makes all the sense in the world. Ban these weapons. Don't let them continue to be available in our society—assault weapons, weapons of war.

Why is it necessary to ensure that the rights of those who would carry that lethal a weapon be protected? I see no sense in it, and I hope my colleagues will take a second look. I hope those who support the gun immunity bill will take a second look and say: You know what, this is not a fight worth having. We don't need these weapons in our society, and we ought to continue this ban as it is.

I would have preferred something stronger, and I think people here know that, but let's at least continue the ban as it exists, as the Senator from California presented it.

I thank my colleague from Nevada and yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Idaho.

Mr. CRAIG. Mr. President, would you notify me when I have used 5 minutes of my remaining time?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. CRAIG. Mr. President, why are we on the floor today debating a law, not debating a proposed law? We are debating this law because some years ago, when the Congress put it in place, they said, let's sunset it to force Congress to come back and look at it to see whether or not it worked. Because at that time there was a concern and somebody sought a political placebo to go home to their constituents and say, look what I did for you to protect you and therefore the world is safer. But many of us said, wait a moment, let's watch the law and see if it works. Let's put a sunset in it and come back and revisit it. That is what we are doing today.

In September of 2004, the assault weapons ban expires and the great debate is whether we ought to extend it for another period of time or whether we should not. The rationale to extend it is based on the fact it worked.

If it is a good law in place, it ought to be extended. I think the argument today is, fundamentally, did it or did it not work? That is the business of statistics and polling and data. The Senator from California, who offered the extension, used tracing data. I am using data that has been put forward by the Justice Department. Let's compare the two.

I am not saying the Senator from California's data is wrong. What she presented to the Congress, and to the Senate, is an accurate presentation. But let's put it into the context of how it was intended to be used because I don't believe it was intended to be used for this debate.

What is tracing data from BATF? This is a phrase to remember when you are talking about tracing data: Not all crime guns are traced—period. Not all gun traces are of crime weapons. Not all traces are of crime weapons.

For example, if you get a search warrant and you go into a house and you find firearms and the police department wants to know from whence they came, you do a trace. Were they used in the commission of a crime? No. In other words, it is an intelligence-gathering piece of information for the law enforcement community.

In 1994, in the passage of the assault weapon ban, there was this bubble of public interest because there was a lot of accusation out there that semiautos and assault weapons were the common weapon of the criminal. A lot of traces were done during that period of time. It tapered off over time. So if you argue it worked, the law worked—it didn't. It was simply reassessing the value of the trace at that time and the need to trace.

Back to the same premise: Not all crime guns are traced and not all gun traces are of crime guns. It is an information-gathering tool by BATF.

Let's turn to this statistic. Let's turn to the 2 percent of semi-autos used in the commission of a crime pre-1991;

same difference after the passage of the bill and the implementation of the bill.

Where do my figures come from? My figures come from the Justice Department, from extensive surveys of criminals now in prison as to how they gained their gun, and through additional information and polling data; a different purpose and a different educational informational flow.

The Senator from California, BATF, mine, the Justice Department—are they inaccurate? No. But, if you are really talking about a reason, a basis from which to extend the current law, and you look at this and some people stand on the floor and say, oh, you have to stop this because this is the weapon of choice of criminals and they are using it all the time, that simply is not true. Those facts do not bear out. That is not a valid basis from which to argue the extension of the semiauto ban.

The Senator from California said ''all'' law enforcement—and she went through several. Many law enforcement groups have said: Extend it. Why? I guess it is logical. I will tell you one that didn't, though, the Western States Sheriffs' Association. The elected sheriffs of the Western States of this Nation, when the Brady Center brought them a resolution and said, here, we want you to pass this supporting the extension of the semiauto ban, they voted on it and voted it down by a very large margin.

Why? They looked at the statistics and saw that this bill would have more to do with stopping law-abiding citizens from owning the gun of their choice and very little to do with the crime element.

Let us return to the weapon that is the choice of the criminal. It is not packing around a rifle. Somehow they are just visible on the street. It is the handgun. It always has been the handgun. It is the choice, tragically enough, of most of the criminal element. Sure, there is a small percentage—less than 2 percent. Pictures have been shown graphically about the assault weapon and what it is.

Well, what is a semiauto rifle? I went through that argument yesterday. A semiauto rifle, semiauto shotgun, a semiauto pistol is one that you pull shot by shot, trigger by trigger. You do not depress the trigger and rapid-fire your entire amount of ammunition within the weapon itself.

The PRESIDING OFFICER. If the Senator will suspend, the Senator has used 5 minutes.

Mr. CRAIG. I thank you, Mr. President. I allot myself 2 more minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CRAIG. Machine guns: Fully automatic—the kind that is already banned. You can acquire them by permit from BATF to put in your collections, but you can't go to the street and buy them unless you buy them illegally and you buy them in the black market. You don't buy them at gun shows. That is the reality of what we are talking about.

Where lies the burden of proof to renew or re-up a law that has restricted the ability of law-abiding citizens, created another tripwire, and denied them what is a legitimate ownership right in this country? Less than 2 percent. I believe those are fully verifiable statistics when we are examining this. That is why the House and many others have said, no, let's not go there. Let this law expire. It may have been necessary at the time largely for political purposes only. Many of us opposed it then, saying it wouldn't work and it wasn't necessary. It didn't work and it isn't necessary. That is the reality of what we are doing.

Let us take this law from the books. Let us make sure we go after the criminal who misuses the gun—who uses a gun in the commission of a crime. That is where we get law enforcement. That is how we protect law-abiding citizens in this country and we don't thereby deny them their constitutional right.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. Mr. President, I have 7 minutes under my control. It is my understanding that the Senator from Arizona wishes to speak for 2 minutes. I yield the Senator from Arizona 2 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. MCCAIN. Mr. President, let me just for a minute put a practical face on the issue we are talking about this morning. These are just a few examples of the criminals who are exploiting this loophole.

Ali Boumelhem, a Lebanese national, member of the terrorist group Hezbollah, arrested and convicted for attempting to smuggle firearms bought from Michigan gun shows to Lebanon; Muhammad Asrar, a Pakistani national in this country on an expired visa who admitted to buying and selling firearms at Texas gun shows. Asrar is a suspected al-Qaida member who obtained a pilot's license and had photos of tall buildings in American cities and, though seemingly impoverished, purchased a time-share for a Lear jet. And Conor Claxton, an admitted member of the Irish Republican Army, spent over $100,000 at Florida gun shows and through other private dealers to obtain firearms to smuggle into Ireland.

We are talking about the ability of terrorists—the proven record of terrorists exploiting the gun show loophole for the purpose of obtaining weapons that could be used against the United States of America.

This is a serious amendment and a serious issue. I want my colleagues to understand when voting on this amendment that there have already been cases where members of known terrorist organizations have exploited the gun show loophole and purchased weapons with which to eventually commit acts of terror against the United States of America. This is not an issue that should be in any way dismissed. There are many others.

Mr. Thomas Timms was arrested October 2003 with 147 guns and 66,000 rounds.

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

Mr. MCCAIN. Mr. President, do I have time remaining on my time?

The PRESIDING OFFICER. The Senator has used his time.

Mr. REID. Mr. President, I yield 2 minutes to the Senator from New Jersey. I would like to reserve the last 3 minutes for the Senator from Rhode Island, Mr. REED, on this matter.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. LAUTENBERG. Mr. President, I don't know what we are talking about when I listen to the speeches. I hear it said that these aren't necessarily the guns of criminals.

By the way, I asked the question whether the two kids who killed their classmates and others in Columbine High School, were they criminals before they started to shoot that gun? I don't think so. The question is, how does the gun get into their hands? It was an assault weapon, and we ought to ban these weapons. The President of the United States even said so.

I heard reference to the fact there were organizations that said this ban should be removed. I want to talk about those who want to support the ban. For instance, the Fraternal Order of Police, the world's largest organization of sworn law enforcement officers; the International Brotherhood of Police Officers; the Major Cities Chiefs of Police; the International Association of Chiefs of Police; the Hispanic American Police Command Officers Association—and the list goes on.

Let us listen to what the people are saying. Who are we protecting? Are we protecting the average citizen? Are we protecting the worker who has a disgruntled fellow employee pull the trigger? I don't think so.

We ought to continue this ban.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

Mr. CRAIG. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. Five minutes 30 seconds.

Mr. CRAIG. Mr. President, we are within a short time of beginning three very critical votes today starting at 11:30 on three very important items.

First, let me start with the underlying bill, S. 1805. The Statement of Administration Policy is to keep the bill clean. Don't add all of these other amendments to it. It is a clean, well-drafted, narrow provision that says we are going to exempt law-abiding gun manufacturers and dealers who play by the rules from third party suits of those who might take a law-abiding object and turn it into a criminal weapon; and that action should not be allowed to reach back through the court

system and go after law-abiding gun manufacturers and licensed dealers.

Product liability: Don't change that law. Standard tort law: Don't change that law. But we narrow and we define so that all of these new creative arguments that the trial bar is trying to bring up in the 30-plus lawsuits they have brought don't fit anymore.

It is plain and simple. We go back to old tort in this country that says the individual is responsible for their actions. The individual is responsible for their actions. That is the underlying premise of S. 1805.

Added to that, certainly the Senator from California will attempt to extend the assault weapon ban.

A few moments ago I argued that there is no clear evidence, and the Justice Department's own statistics would argue that it really doesn't make a lot of sense.

The Senator from Arizona talked about the gun show loophole and mentioned that it is now accessed by terrorists for their weapons of choice. He also didn't mention that all of those terrorists were arrested. Somehow the law worked. They were caught. They were illegal. They may have made the point of contact and they may have lied and they may have acquired a firearm which they could have acquired outside of a gun show, but they were caught. They were arrested. They were trafficking in guns. And darn it, that is illegal in this country. We have well established that.

Do you create a whole new bureaucracy and a whole new hurdle over which the law-abiding citizen has to jump? I don't think so. I hope not. Or do you really create that gray area that I talked about earlier?

What if I go to the gun show and see the gun I like, but it is a licensed dealer, it is a collector, and months later I have his card? I call him up and I say, I visited with you at the gun show. I have decided to buy your weapon, the firearm. I want to add it to my collection. I want to add it to my personal inventory.

A legal action, it is today a legal action. If the gun show loophole bill passes, I think it is a phenomenally gray area. We set up another tripwire for the law-abiding citizen.

The Senator from Arizona and I know how creative the trial bar is. Let's at least argue that they discussed it and that they avoided the background check at that time by buying it outside the gun show. The point of contact was the gun show. The point of contact for millions of Americans who legally buy firearms is the gun show, with 1,000 gun shows a year, millions of people attending them. So now we overlay that with the Federal bureaucracy.

Yes, States do shape gun shows in their own likeness, and I don't object to that. Permits are required in some instances. Twelve States have done so. Have they plugged a loop hole? They have required that on all gun sales in their State, whether they are done inside of a gun show or outside of a gun show. Is that plugging a loophole or is that standardizing a law that fits that given State and the population of that State? That is 12 or 15, at the most. The rest have not. We had those kinds of requirements in the State of New York in 1911 and Congress did not speak to it. It was not called a loophole then. It was called a loophole only when the BATF, in their survey, said there might be a loophole through which some might be acquiring guns. One percent, 2 percent, 20 percent—how about 1.7 percent? It was true before the law; it is now true after the law.

Did the law work? In the case of assault weapons, it did not work. We have denied it before, but what the Senator is going to say, let's plug the loophole in the gun shows and then later on let's reach outside the gun shows and do the same thing, by gosh, that is called gun control. When the right of a free citizen to engage with his neighbor, which they have exempted now, and they have trimmed it down a bit—and I don't argue that—that is a new Federal law over all of our citizens. I question the need and I question the responsible act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, let me first indicate that this legislation already includes an amendment by Senator BOXER on child safety locks, so the bill is not clean.

The question today is, Will we add additional sensible gun safety measures? One of them is the assault weapons ban. That is something that is entirely appropriate, one that has been supported by vast numbers of the American public, that we should continue.

The idea we are suddenly going to open up, once again, access to assault weapons across this country is difficult to bear, particularly by police officers. That is why they are so committed to this extension of the assault weapons ban because they are the individuals who have to face these weapons on the street.

There is another amendment which I cosponsored with Senator MCCAIN that will close the gun show loophole. Senator MCCAIN pointed out quite clearly the terrorists who have already been identified as exploiting this loophole or attempting to exploit it. Indeed, I suspect there are others because the nature of terrorists is that they do not go around advertising themselves too much. The loophole is there. They know it is there. They will exploit it to our detriment. It is our responsibility to do everything we can to prohibit, preempt terrorists from attacking us within the United States.

My colleague from Idaho conjured up this fear that this legislation is creeping gun control; this amendment will interfere with private sales. That is why the McCain-Reed amendment clearly specified that it does not apply to the sale, exchange, or transfer by an individual from the personal collection of that individual at the private residence of that individual. That is a private transaction unaffected by this legislation.

We know this loophole is being exploited. We know guns are going into the hands of criminal elements, perhaps terrorist elements, through the gun show, and we also know it makes no sense to anyone—forget legislative, forget advocates, the common person—to walk into a gun show and understand some people have to do background checks and others do not because those weapons are equally dangerous. The potential customers of these shows could be terrorists, could be criminals. We have to be responsible and reasonable. That is exactly what this amendment does.

This amendment does not create any new Federal bureaucracy. It does not require a gun show operator to report vendors to the Attorney General. It does not require that the Attorney General approve a gun show. It places no administrative burden practically at all on an unlicensed vendor.

Just remember, 5 years ago, two young men went into a high school and killed 13 people because they were able to exploit the gun show loophole.

The PRESIDING OFFICER. Under the previous order, the time from 11:15 a.m. to 11:25 a.m. is under the control of the Democratic leader or his designee.

Mr. REID. Mr. President, I yield 6 minutes to the Senator from Massachusetts, Mr. KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, the issue before the Senate today can really be summed up in one word: Responsibility. I first started hunting with my cousins when I was a kid, and I still enjoy hunting today. I believe strongly in the second amendment. I believe in the right to bear arms as it has been interpreted in our country.

But I also believe that with our rights come fundamental, commonsense responsibilities. The right to bear arms is a right that should be protected for law-abiding Americans who want to protect themselves and their families.

There is, however, no right to place military-style assault weapons into the hands of terrorists and/or criminals who wish to cause American families harm. There is no right to have access to the weapons of war in the streets of America. For those who want to wield those weapons, we have a place for them. It is the U.S. military. And we welcome them.

If we do not act today to continue the ban on these deadly weapons, then our families in America, our police officers in America, are more threatened than they ought to be. For 10 years, the assault weapons ban has stopped fugitives, rapists, and murderers from purchasing weapons such as AK–47s. And

for 10 years, not one honest, responsible American has had their guns taken away because of this law.

It is interesting that a few months ago I was actually hunting in Iowa with the sheriff and with some of his deputies. As we walked through a field with the dogs, hunting pheasant, he pointed out a house in back of me, a house they had raided only a few weeks earlier, where meth and crack were being sold. On the morning when they went in to arrest this alleged criminal, there was an assault weapon on the floor lying beside that individual.

That sheriff and others across this country do not believe we should be selling these weapons or allowing them to be more easily available to criminals in our country. That is why gun owners across America support renewing the assault weapons ban. They support also closing the gun show loophole so that gun shows can continue uninterrupted without being magnets for criminals and/or terrorists who try to get around the law.

If there is a gun show loophole, a terrorist could simply go to one State, go into the gun show, buy a gun without the kind of ground check normal in the process, leave that gun show, travel to another State, and engage in either criminal or terrorist activity or both.

Let's be honest about what we are facing today. The opposition to this commonsense gun safety law is being driven by the powerful NRA special interest leadership and by lobbyists in Washington. I don't believe this is the voice of responsible gun owners across America.

Gun owners in America want to defend their families, and I believe the NRA leadership is defending the indefensible. There is a gap between America's ''Field & Stream'' gun owners and the NRA's ''Soldier of Fortune'' leaders.

When he ran for President in 2000, President Bush promised the American people he would work to renew the assault weapons ban. But now, under pressure, he is walking away from that commitment, as he has from so many other promises—from education, to the environment, to the economy. This President says he will sign this giveaway to the gun industry, but he is refusing to sign the assault weapons ban he told America he would support.

I believe gun owners have a responsibility, and so does the President of the United States—a responsibility to keep his word, a responsibility to do what he says he will do, a responsibility to protect Americans from danger, and to provide for the common defense.

There is a reason every major law enforcement and police group in America supports this ban. They know no police officer should ever have to face the prospect of being outgunned by the military-style assault weapons. No American citizen should have to live in fear of being gunned down by snipers, gang members, or even terrorists who wield assault weapons.

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

Mr. REID. Mr. President, is there any time left on our side?

The PRESIDING OFFICER. Four minutes.

Mr. REID. Mr. President, I yield the remaining time to the Senator from Massachusetts.

Mr. KERRY. I thank the distinguished leader.

President Bush needs to tell America's police officers why he is not standing on their side.

Today George Bush will celebrate the anniversary of the creation of the Department of Homeland Security, and I am glad the President joined us in that effort. But it will take more than a big, new bureaucracy to make America safer. Today airport screeners are being cut, air marshals are not getting trained, fire departments only have enough radios for about 50 percent of the firefighters, and almost two-thirds of our firehouses are shortchanged. The COPS funds have been eliminated in order to fund the President's tax cuts for the wealthiest few. By taking cops off our streets with one hand, and allowing military-style assault weapons back on them with the other, this President is jeopardizing the safety of our communities. It is wrong to do so, to pay for more tax breaks for billionaires and pay back more favors to a special interest lobbying group.

Let me just say one word quickly about the overall issue of liability itself. I am not for, and I do not think any reasonable person is for, a gun manufacturer being held liable for a murder that takes place in the life of America, unfortunately too often. But what we do know is about 1.2 percent or so of gun dealers and wholesalers are responsible for about 57 percent of the weapons that wind up in the hands of criminals. There are many ''straw'' transactions that take place in situations where manufacturers know who the problem dealers are.

To not have a wanton-and-reckless-conduct standard for liability is to avoid responsibility; it is to allow people to look the other way, as they have in the past, when we demand responsible actions in the communities of America.

I believe American gun owners are right to act responsibly and to live by common sense, and I am proud to stand with those gun owners today. I hope President Bush, the NRA leadership, and other lobby groups will reverse course and join the millions of Americans who know gun rights and gun responsibilities are mainstream American values, and that is what we should vote for in the Senate.

I thank the leader for the extra time.

Mr. FEINGOLD. Mr. President, I wish to speak today on the bill before us, S. 1805, and some of the amendments relating to firearms that have been offered to it.

Listening to the debate on this issue, the American people might get the impression that there are just two sides to the gun debate: On one side are those who view the right to bear arms as absolute and oppose any proposals that could remotely be considered as restrictions on that right. On the other side are those who view gun use as an evil in our society that must be limited in any way possible. Sometimes the rhetoric gets turned up so high that reasoned analysis and debate is obscured. That is unfortunate.

I have never accepted the proposition that the gun debate is a black and white issue, a matter of ''you're with us, or you're against us.'' Instead, I have followed what I believe is a moderate course, faithful to the Constitution and to the realities of modern society. I believe that the Second Amendment was not an afterthought, that it has meaning today and must be respected. I support the right to bear arms for lawful purposes—for hunting and sport and for self-protection. Millions of Americans own firearms legally and we should not take action that tells them that they are second-class citizens or that their constitutional rights are under attack. At the same time, there are actions we can and should take to protect public safety that do not infringe on constitutional rights.

I supported the Brady bill requiring background checks of gun purchasers. I have voted in favor of closing the gun show loophole that unacceptably increases the danger that a gun will fall into the hands of a criminal. And I support child safety locks and other measures to make firearms less dangerous to gun owners and their families. These are reasonable measures that do not infringe on the rights of law-abiding citizens to own and use guns.

On the other hand, I have long opposed banning handguns, requiring national gun registration, and restricting the rights of young adults to own guns even if they are well trained and operating under adult supervision. I believe that prohibiting certain types of weapons is problematic as well. Although I voted for the ban on certain kinds of semi-automatic weapons in 1994, I have come to believe that it is a largely arbitrary and symbolic measure. Citizens see it as a first step towards confiscating their firearms. I will, therefore, vote against its reauthorization.

Finally, on the bill before us, I do not believe that granting special liability protection to the gun industry is necessary to protect the right to bear arms. There is no evidence that liability lawsuits threaten the existence of the gun industry in America. I believe it would be a mistake to impose a nationwide standard of tort liability on this industry that is more lenient than the standard that applies to the manufacturers or suppliers of any other product. The gun industry, like other industries, owes a duty to consumers of reasonable care, and juries of citizens are best able to define that standard as they do in tort cases of every imaginable type every day in this country.

Giving sweeping liability protection will cut off the rights of those injured by negligence and set a very dangerous precedent for how Congress treats corporate wrongdoers. I will, therefore, vote against S. 1805.

I realize that many have very strong feelings about gun issues. But I also believe that most Americans favor a moderate approach. That is the approach I intend to follow. My votes will not satisfy those on the extremes of this debate, but I believe they reflect the commonsense views of reasonable Americans who regret that this issue has become the subject of such overheated rhetoric.

Mr. BIDEN. Mr. President, I rise today to make plain my strong opposition to the bill under consideration today, S. 1805, the ''Protection of Lawful Commerce in Arms Act.'' Let me state at the outset, I support the rights of law-abiding citizens to own and appropriately use firearms. But this bill has nothing to do with protecting those citizens' rights. Instead, this bill is about protecting rogue gun manufacturers that sell defective products and rogue gun dealers who turn a blind eye to suspicious sales and thefts.

The shorthand title for the bill is accurate, the Gun Industry Immunity Act. I won't mince words, this bill gives an entire industry a free pass. In exchange for that free pass, hundreds of thousands of victims across the county will confront closed doors at the courthouse. While I recognize that the bill carves out a set of exceptions of permissible law suits, this is cold comfort. The exceptions are extremely narrow and do not provide reasonable opportunities for legitimate lawsuits to proceed. I am deeply troubled by the fact that this bill will stop pending and future civil lawsuits against the gun industry, including those filed in the wake of the DC Sniper shootings.

As the American public well knows, prior to their killing spree, John Muhammad and Lee Malvo allegedly obtained a Bushmaster rifle from a store in Tacoma, Washington, the infamous Bull's Eye Shooter Supply Shop. This rifle was one of 238 weapons that disappeared from the store's inventory over a three year period. More than fifty of those same ''missing'' firearms turned up in crime traces. Civil suits have been filed against Bull's Eye alleging that the store was negligent by failing to keep track of its weapons, and against the gun manufacturer alleging that continuing to supply such dangerous weapons to a store that cannot maintain accurate track is also negligent conduct. But under today's bill, these allegations do not fit the narrow exceptions of permissible suits. Legal experts David Boies and Lloyd N. Cutler, as well as the Congressional Research Service, opine that these sniper suits will be dismissed immediately if the President signs the gun industry immunity act. In real terms this means that the snipers' victims, including Denise Johnson, widow of the Montgomery County bus driver Conrad Johnson, and the family of James ''Sonny'' Buchanan, who was gunned down while mowing the lawn, will have no remedies.

Another lawsuit that will be derailed if the gun industry immunity bill passes is a 1999 case against a gun dealer who repeatedly supplied a so-called ''straw purchaser'' with handguns, one of which killed 9-year old Nafis Jefferson in Philadelphia, PA. I was struck by what Nafis' mother said when advised that her lawsuit may be dismissed. She stated, ''Before this happened, I believed in the American dream. You work hard, you have a family, you have a good life. This—this has devastated me. I understand commerce, but there also has to be common sense.''

Under the gun industry immunity bill it is quite likely that a pending suit filed by the families of two New Jersey police officers will be dismissed. The officers' families have sued the gun dealer who sold the gun used to shoot them, one of twelve guns the dealer sold in one transaction, in cash, in circumstances so suspicious that the dealer subsequently called to alert the Bureau of Alcohol, Tobacco and Firearms. Yet rather than having the careful consideration of the facts by judge and jury, today, Congress will decide that Mr. McGuire's and Mr. Lemongello's families cannot pursue any remedies in civil court.

A family in Massachusetts will also be denied a right to sue should the Gun Industry Immunity Bill pass. Twenty-six year old Danny Guzman was killed with a 9 mm Kahr Arms gun. The gun was one of a dozen taken from Kahr's unsecured factory, some by the manufacturer's own employee with a criminal record and history of drug abuse. The guns were taken before serial numbers had been stamped on them, making them very difficult to trace. Eventually, a young child found the gun used in Mr. Guzman's death behind an apartment building close to the scene of the shooting. A Massachusetts court found that the suit alleges valid negligence and public nuisance claims against the gun manufacturer and it is set for trial. Yet today's bill would deny Mr. Guzman's family their day in court.

Some have characterized the lawsuits against the gun manufacturers and dealers as ''junk'' suits that are cluttering our court houses and bankrupting the industry and thus, justifying this extraordinary solution of blanket civil immunity. But our local, State and Federal judges and court personnel are no where to be found in this debate. No letters or reports document an inundation of firearm lawsuits plugging up the halls of justice. Furthermore, there is no evidence that our State and Federal courts cannot efficiently and effectively manage the pending forearm lawsuits. Indeed, the opposite is true. Look no further than a recently issued opinion by the U.S. Court of Appeals for the Second Circuit in which the court addressed the certified question on whether state law created a duty to protect victims of handgun violence from injury caused by illegal gun trafficking. This Court wrote a careful and balanced opinion that fully addressed the issue. As a former Chairman of the Judiciary Committee, I am well aware of the complicated and deliberate process courts follow to develop tort law. I am not persuaded that Congress should tread into these waters so adeptly managed by our nation's judges and juries.

Gun manufacturers and dealers are not above the law. The gun industry Immunity bill is a radical and unprecedented attempt to undercut common tort law, usurp the responsibilities of judges and juries and most importantly, deny worthy victims of their day in court. I urge my colleagues to vote against S. 1805, and thank the distinguished Senator from Rhode Island for his hard work fighting this bill.

Mrs. CLINTON. Mr. President, I rise to join many of my colleagues, led by Senator REED of Rhode Island, to express the strongest opposition that I possibly can to the legislation before the Senate. I want to say, Mr. President, that enough is enough.

In doing so I am proud to not only stand with many of my colleagues but many of my fellow Americans who are on the front lines trying to keep our communities safe, such as our chiefs of police, other law enforcement, and mayors from around the country, as well as the tens of thousands of victims of gun violence, including my friends Jim and Sarah Brady.

Here in Washington, there is a lot of talk about responsibility and accountability. Yet, this legislation does just the opposite. It does nothing but shield irresponsible gun makers and gun sellers from accountability.

Gun owners are asked to act responsibly and the vast majority of them do. Gun makers and gun sellers should be held to the same standard. And yet, the legislation before us—the gun immunity bill—says to gun makers and gun sellers that they don't need to meet the same standards as every as other business is required to meet, and that is to conduct one's business in a reasonable and non-negligent manner.

No other industry has the kind of protection that the NRA is seeking on behalf the gun industry with respect to a relatively small number of lawsuits that have been filed or may be filed in the future. I simply cannot understand why the Congress would give this extraordinary and unprecedented liability protection to the gun industry.

Mr. President, we must do all we can to defeat the gun immunity bill which, among many other things, will give legal protection to the gun dealer—Bull's Eye Shooter Supply—who armed the D.C. area snipers and will take away the right to sue from the victims.

What an injustice to the DC sniper victims and the American people. What a real shame.

Let me be clear, Mr. President. Despite protestations and suggestions to the contrary, this bill isn't about helping people. This bill is not about the rights of hunters.

Not one single gun owner will be helped by this immunity legislation. This bill is also not about jobs. This is about serving the will of the gun industry first, and the interest of the American people a distant second.

As noted by Mayor Bloomberg of New York City, Mayor Daley of Chicago, Mayor Kahn of Los Angeles, and Mayor King of Gary, in an op-ed in the New York Times opposing this bill, federal data from 2000 shows that a little more than 1 percent of dealers account for 57 percent of all guns recovered in criminal investigations.

Responsible gun sellers should be angry about this. They should demand action to clean up their industry. Yet, the legislation the Senate is considering now would say to the small group of irresponsible gun dealers, ''don't bother running a responsible business,'' and ''you are not responsible for your actions no matter how reckless or negligent they may be.''

Before addressing the specifics of this legislation, let me clear up some other misinformation about how criminals get their guns. Many falsely believe that criminals and drug dealers steal most of their guns and that gun dealers are not responsible in any way for the vast majority of guns that end up being used in violent crime, that it is the fault of criminals. This is simply not true.

In 1998, a Northwestern University study of records maintained by the Bureau of Alcohol, Tobacco, and Firearms demonstrated that more criminals buy their guns new than steal them. Specifically, the ATF determined that while more than 11,000 of the weapons traced were stolen from licensed gun dealers or residences, almost four times as many—more than 40,000—were sold by licensed dealers. This number is astounding.

Almost four times as many guns recovered from criminals by the ATF were gained through licensed traffickers and not through theft.

This is an important point to note because if most guns used in crimes in our country are not stolen but in fact are purchased, manufacturers and sellers of guns and ammunition can greatly influence the degree to which guns flow get in the hands of criminals.

Gun dealers hold an enormous and unparreled power over the supply of guns in America. While most gun dealers who wield this power act responsibly, the negligence and irresponsibility of a few bad seeds, like the Bull's Eye Shooter Supply in Tacoma, WA, are the cause of the problem. These bad gun dealers, the 1 percent of dealers who account for 57 percent of all guns recovered in criminal investigations, need to be held accountable. Yet this bill removes that accountability.

This legislation removes that accountability through section 3 of the bill, which precludes even the bringing of civil actions against gun manufacturers, gun dealers, distributors, sellers of ammunition, and even trade associations in any Federal or State court.

By the way, the prohibition on commencing an action applies not just to individuals, but to states, local governments, and, incredibly, even the federal government.

Section 3 also states that pending civil actions ''shall be immediately dismissed'' by the court in which the action was brought.

This bill is particularly disturbing to me because it directly and significantly affects New Yorkers. Currently, the City of New York has a suit pending—initially commenced by Rudy Giuliani when he served as Mayor of New York. Given that bill proponents have argued that this legislation is needed to protect against frivolous lawsuits, are they suggesting that Rudy Giuliani would file such a lawsuit against the gun industry. I don't think so.

It would be a shame if New York City's suit were to be dismissed because New York City—under the Giuliani administration—filed suit to try and protect the health and safety of New Yorkers by getting the gun industry to change its practices.

Indeed, a New York federal court has already found in another case that gun manufacturers improper sales and distribution practices contribute to the illegal gun market in NY State, and there is ample evidence, including a study conducted by the National Economic Research Associates, that if gun manufacturers and sellers change their practices and use care and act responsible in their selling practices, many fewer guns wind up in the hands of criminals and used in committing crimes.

And the New York Police Department—the largest and one of the finest law enforcement agencies in the world—has had to expend enormous resources to control gun-trafficking. I don't want their work—none of us should want their work—to be conducted in vain by failing to hold accountable irresponsible gun dealers.

As New York Attorney General Eliot Spitzer has said: ''The nation's law enforcement officials struggle every day against the scourge of gun crimes, and we look to Congress to assist us in that fight, not make our jobs harder. By providing broad immunity to the gun industry, this bill will endanger the very police officers who place their lives on the line to protect all Americans.''

In addition to New York City, a small number of New Yorkers who have been severely injured because of the negligence of others have also commenced actions against certain gun manufactures and gun dealers. I am not going to prejudge the merits of these cases, but the bottom line is that they deserve their day in court. This law would deny them that basic right.

One of these suits arose out of what has been referred to as the ''Wendy's Massacre.''

In May of 2001, two criminals armed with an allegedly illegally acquired semi-automatic pistol went into a Wendy's restaurant, ordered all of the employees into the basement, marched them single file into a walk-in refrigerator, duct taped their mouths, tied them up, covered their heads with plastic bags, and one by one, shot them execution style in the back of the head. These workers were brutally gunned down for a total of $2,400.

One of those injured individuals fortunate enough to have survived the tragedy was Jaquione Johnson, who now has a suit pending against Bryco Arms. Johnson sustained serious injuries including brain damage and paralysis.

Jaquione contends that the defendant's distribution practices created, contributed to, and maintained the illegal secondary gun market through which the handgun passed until it did its deadly work. This underground market, the complaint asserts, depended upon defendants' irresponsible business practices, such as multiple firearms sales and straw purchases.

The complaint further asserts that because the gun dealers could gain significant revenue from illegal firearms sales, they failed to adopt basic policies and practices that would greatly decrease the number of guns reaching criminals despite the knowledge that it was reasonably foreseeable that individuals like the plaintiff and the public at large would be harmed.

No one in the Wendy's case is arguing that the defendant gun manufacturer and dealer pulled the trigger that killed and maimed the Wendy's workers. Instead, the victim is simply seeking to be compensated for serious injuries that were caused by the negligence of another.

If the defendants were not negligent in distributing the deadly weapon used here, they will not be held liable by the court. However, if the defendant gun dealers were negligent in their distribution of the guns and that negligence helped cause the plaintiff' harm, then they will be held accountable.

A suit like Jacquoine's, despite what others would have you believe, is not frivolous. This is a meritorious suit that must be heard in our courts to ensure accountability.

In fact, just a few weeks ago, on February 3, a Federal judge in New York denied the defendant's motion to dismiss Jaquione's suit, making clear that Jaquione claim is anything but frivolous. Yet, the NRA believes that it, by legislative fiat, should pre-ordain the result in Jaquione's case.

This New York case and the case commenced by the City of New York

under the Giuliani administration are not outliers. Gary, IN has a suit pending and the Supreme Court of Indiana has held that city had a valid legal claim. The Illinois Court of Appeal held similar with respect to a case brought by the city of Chicago. The bill before us, however, would override the decisions of these appellate State courts.

Similarly, in New Mexico, a teenager who was shot in the face has brought suit against Bryco Arms alleging that the pistol's design was defective and unreasonably dangerous for its failure to incorporate safety devices like a loaded chamber indicator and a magazine disconnect safety that would prevent a pistol from being fired with the magazine removed.

The New Mexico Court of Appeals held that the suit stated a valid legal claim and should go to trial. Further, the court stated, ''application of our tort law can be expected to enhance [gun] ownership by tending to increase the safety of guns.'' This legitimate and worthy claim would be in danger of dismissal if this bill is passed.

There are a number of other suits just like the ones I have just mentioned and they are before our State and Federal courts. That Congress, rather than these courts, would make the decision by legislative fiat to dismiss these cases, regardless of the facts and the law, is extraordinary and unprecedented and a real shame. It should not be countenanced.

The proponents of this legislation point to the exceptions contained in section 4 of the bill and have argued that the exceptions are sufficient to allow non-frivolous lawsuits to be maintained.

First of all, despite all the talk of frivolous suits, the proponents point to not one court that has deemed any lawsuit brought in any federal or state court against a manufacturer or gun dealer as frivolous. The proponents of this special interest legislation cannot point to such a decision because there is none. No frivolous lawsuits have been filed. That assertion is simply devoid of merit.

As to the purported exceptions in the bill, they are so narrowly crafted as to be illusory.

The first exception provides that a lawsuit can be brought by the party ''directly harmed'' against a defendant who has been convicted of the crime of ''knowingly'' transferring a firearm ''knowing'' that the guns would be used to commit a crime of violence or a drug trafficking crime.

In other words, this exception would not apply to a dealer who is extraordinarily reckless or negligent as to how it markets or sells its guns unless the dealer knew it was selling a gun to someone who would commit a violent crime.

This is an extraordinarily high burden because it says that you can only sue a dealer if the dealer engaged in a criminal act—if the dealer is, in affect, an accomplice to a violent or drug trafficking crime.

The second exception provides that an action may be brought ''against a seller for negligent entrustment or negligence per se.''

''Negligent entrustment'' is defined in the bill to mean ''the supplying of a qualified product by a seller for use by another person when the seller knows, or should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.''

In other words, according to the Congressional Research Service, this exception would appear to allow a suit to be maintained against an entity that supplied a firearm or ammunition to a person who, because of age, mental disability, intoxication, or violent propensity, seems likely to use the product in a dangerous manner.

That may be all well and good, but I wondered why the crafters of the bill went to the trouble of defining ''negligent entrustment,'' when such a cause of action is defined by state law.

Well, it's because ''negligent entrustment'' has been defined in this legislation much more narrowly than how it has been defined by many states under state law.

In fact, in the case brought by the victims of the DC snipers against Bull's Eye Shooter Supply, the Washington state court held that ''negligent entrustment'' also occurs when a firearms manufacturer sells firearms to a retail store that it ''knew or should have known . . . was operating its store in a reckless or incompetent manner, creating an unreasonable risk of harm.''

Indeed, one of the allegations in the complaint brought by victims of the DC sniper against the manufacturer of the gun used by the DC snipers was that the manufacturer knew or should have known that the retailer—Bull's Eye—had a ''history of a large number of weapons for which it could not account.''

The Washington state court found that if the plaintiff could prove this, then the manufacturer ''may be liable for plaintiff's injuries under the theory of negligent entrustment.'' The court, therefore, denied the defendant manufacturer's motion to dismiss.

So the bottom line is that this supposed ''exception'' in the bill is not really an exception because it dramatically narrows the State law definition of negligent entrustment.

To make matters even worse, the exception does not cover manufacturers; it only covers ''sellers,'' such as gun dealers. So even if there were a broader definition of negligent entrustment in this exception, it would still prohibit such a cause of action from ever being brought against a manufacturer. This is one of the major objections to the bill made by New York Attorney General Eliot Spitzer.

Lastly, as to this second exception in section 4 of the bill, including ''negligence per se'' doesn't add much because the common law definition of ''negligence per se'' means that a person or entity is negligent per se, 1, if the party violated a state or federal statute; 2, if it demonstrated that the person bringing the action was the member of the class of persons that the statute was intended to protect, and 3, that the party's injuries suffered were the kind that the statute was enacted to prevent.

But the bottom line is that violation of a statute is required. That's not very much of an exception to the gun immunity's general provision that no civil action can be brought in any federal or state court and that all pending cases must be dismissed.

There has been much discussion about the third exception because it was recently added to this legislation, but this exception, like the others in the bill, is extraordinarily narrow as to be almost meaningless.

The third exception provides that an action may be brought in which a manufacturer or a seller of a gun violated state or federal law concerning the sale or marketing of guns or ammunition and the violation of the statute was the proximate cause of the harm for which relief is sought, including, 1, any case in which the manufacturer or seller knowingly made a false entry in, or failed to make an appropriate entry in, any record required to be kept under federal or state law; 2, any case in which the manufacturer or seller aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any material factor concerning the lawfulness of the sale; or 3, any case in which the manufacturer or seller aided, abetted, or conspired with some to sell or otherwise dispose of a gun or ammunition, knowing, or having reasonable cause to believe, that the actual buyer of the gun or ammunition was prohibited from possessing or receiving a firearm or ammunition under subsections (g) or (n) of section 922 of title 18.

I know this section has already been discussed at some length, but I want to underscore that two esteemed lawyers, Lloyd Cutler and David Boies, after reviewing this language extensively and the complaint filed by the DC sniper victims against Bull's Eye Shooter Supply, stated that in two separate legal opinions that this suit could not be maintained under this exception and would have to be dismissed.

The fourth exception is an action for breach of contract or warranty in the connection with the purchase of a gun.

This exception is also of no moment, however, because as troubling and out of the mainstream as this legislation is, one would hope that the United States Congress would not seek to render null and void contracts and warranty agreements entered into between the sellers and purchasers of guns.

The fifth and final exception to the general provision requiring the dismissal of pending cases and the prohibition on bringing any future cases is

an exception for ''an action for physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a manner that is reasonably foreseeable.''

''Reasonably foreseeable'', however, is defined to exclude any criminal or unlawful misuse—violation of a statute, ordinance, or regulation—of a gun or ammunition, other than possessory offenses. What does this mean?

Contrary to what some of my colleagues have said during this floor debate, it does not mean that all design or manufacturing defect cases can be brought or maintained.

This is so for a number of reasons. First, the product would have to be used as intended. If there is a defect in the gun, for example, but an unintended use is that a child uses the gun and accidently maims or kills himself, this legislation would prevent the child or his parents from even filing a lawsuit against the manufacturer to seek recovery and, equally important, from trying to hold the manufacturer accountable so that the defect could be fixed and such injuries to other children could be prevented.

This exception is also extraordinarily narrow in that even if there is a design or manufacturing defect and even if someone is harmed because of the defect, no recovery can even be sought if the gun was used in any criminal activity or misused in any way.

I know I have taken a fair amount of time to talk about the exceptions contained in section 4 of this bill, but I felt it important because proponents of this legislation have constantly said ''look to section 4,'' suggesting that these exceptions will enable legitimate cases to be brought and/or maintained against negligent manufacturers and gun dealers.

As I have laid out in great detail, the assertion made by the proponents of this legislation is unequivocally—simply—not true. And I want to make sure that the American people who are watching and listening to this debate understand that.

I also want to take a moment to correct some other misstatements that have been statements in support of this bill.

As noted above, one of the assertions is that there are thousands of frivolous lawsuits—including I guess the one filed by former New York Mayor Rudy Giuliani—that have been filed. Well, as we now know, that statement is simply not true because not one court has deemed any case filed to be frivolous.

In fact, a respected senior Federal judge in New York, Judge Jack Weinstein, actually dismissed a case brought by the NAACP because he held that the NAACP wasn't the proper plaintiff. However, in his 178-page ruling, Judge Weinstein found that gun manufacturer's improper sales and distribution practices contribute to the illegal gun market in New York State. His conclusion was based on previously unavailable data from the ATF and from the gun industry that established a connection between the gun industry's marketing practices and access to guns by criminals.

He also found that the data demonstrated that a ''handful of 'bad apple' retailers in the industry supply a disproportionate share of guns used in crimes.''

Indeed, according to Robert Haas, the former Senior Vice President for marketing and sales for defendant Smith & Wesson, the gun industry knows that the criminal market is fueled by the industry's distribution practices, but does nothing.

Haas has said: ''The company and the industry as a whole are fully aware of the extent of the criminal misuse of firearms.''

''The company and the industry are also aware that the black market in firearms is not simply the result of stolen guns but is due to the seepage of guns into the illicit market from multiple thousands of unsupervised federal firearms licensees. In spite of their knowledge, however, the industry's position has consistently been to take no independent action to insure responsible distribution practices.''

This failure to take action is particularly disturbing because the problem can be fixed. If all gun manufacturers took reasonable measures in distributing their guns, then there would be significantly fewer guns in the hands of criminals.

This is consistent with Judge Weinstein's finding that the data in the case before him showed that the handgun industry could have done something about these dealers, including implementing obvious common sense solutions such as data gathering and monitoring regulations, but chose not to do so.

Another assertion by proponents of this legislation is that these lawsuits—less than 100 of them—are bankrupting the industry. Well, from what I can tell, the gun industry is doing anything but hurting. That's not my view, but the view of gun manufacturers that have filed reports with the Securities and Exchange Commission.

Manufacturer after manufacturer has reported to the SEC that it is financially stable and that ''it is not probable and is unlikely that litigation, including punitive damage claims, will have a material adverse effect on the financial position of the Company.''

Another claim made is that these suits are going to cause jobs to go overseas. Now, I would love it, and more important, the American people would greatly appreciate it, if instead of considering this bill, the Senate was seeking to address in a comprehensive way the more than 3 million jobs lost in the past 3 years. But the Senate has chosen not to do so.

I have worked hard to support the development of jobs in my state and appreciate that there are New Yorkers in my state who help to manufacture guns at Remington Arms.

But the truth is that Remington Arms is not in financial trouble based on this litigation. Remington Arms produces long guns primarily and the vast majority of the victims of gun violence and crime are shot by hand guns, not long guns, such as rifles and shotguns. Remington Arms does not need this protection; it is financially strong. Instead, it is the victims of gun violence that need protection from this legislation.

In short, these suits are not about putting the gun industry out of business. They are about responsible business practices, they are about keeping the guns out of the wrong hands through responsible distribution practices.

In fact, it is because of some of the lawsuits that have been filed that some gun manufacturers have improved their marketing and distribution practices.

In March of 2000, for example, the gun manufacturer Smith & Wesson reached a settlement with a number of government entities, including the State of New York.

This settlement demonstrates why the gun immunity bill will actually make guns less safe.

As part of the agreement, Smith & Wesson agreed to change the ways it distributes guns it manufacturers. It promised to sell only to authorized distributors and dealers who adhere to a stringent code of conduct and it agreed to terminate sales to any dealer who sells a disproportionate number of guns used in crime. The settlement makes us safer because it helps to ensure that guns won't end up in the hands of criminals.

Smith & Wesson also agreed that their guns will be shipped with external safety locks, that all pistols will have a chamber loaded indicator, that new gun designs will include smart gun technology, and that all guns must pass performance tests to ensure safety and quality.

These are reasonable agreements that all gun manufacturers should follow. They make guns safer for everyone, especially those who own and operate them, especially for the children of gun owners. This settlement demonstrates the great possibilities that exist to improve the safety of guns.

This settlement underscores how much manufacturers and dealers can do to keep Americans safer without unduly affecting the bottom business line.

If the bill before us becomes law, however, don't expect to see any similar settlements in the future. If gun makers cannot be held liable, they will have no incentive to enter into a settlement. If they cannot be held liable, gun makers will have absolutely no financial incentive to make their guns safer. Indeed, they will actually have a financial disincentive to develop new safety mechanisms and distribution practices.

As a Senator from a State with millions of law abiding gun owners, I want

guns to be as safe as possible. I want new safety features and improvements developed. And I want—we should all want—the victims who are injured or killed because of defective guns or bad marketing and sales practices to not have the courthouse doors slammed in their faces.

Gun violence is a dangerous threat throughout our nation claiming the lives of thousands of people every year across America and New York State.

In 2001, the number of deaths in the U.S. from firearms was 29,573. In addition, for every firearm fatality in the U.S., there are two non-fatal firearm injuries.

A study of all direct and indirect costs of gun violence estimates that gun violence costs the nation $100 billion a year.

In 1999, New Yorkers suffered 1,652 hospitalizations and 965 deaths at the hands of gun violence. 291 of those deaths were individuals below the age of 24.

In 2000, there were 1,093 deaths in New York State from firearms.

We should be talking about how we can reduce gun violence and prevent deaths of American men, women, and children, not how to slam the courthouse door shut to gun victims and while at the same time giving bad gun dealers blanket immunity from irresponsibly and negligent conduct.

Although this very bad bill is currently before the U.S. Senate, all of my colleagues, including the bill's proponents, have an opportunity to help make our communities safer by supporting a number of amendments currently pending, including the amendment offered by Senators FEINSTEIN, WARNER, and SCHUMER that reauthorizes the assault weapons ban and the amendment offered by Senators MCCAIN and REED that seeks to close what has been called the ''gun show loophole.''

I must say that it is astonishing to me that we even need to debate the reauthorization of the assault weapons ban because there is no reasonable argument that can be made against it. People do not hunt with assault weapons. Instead, assault weapons are designed for one purpose and for one purpose only and that is to kill people.

Extending and improving upon the assault weapons ban is essential because assault weapons are a clear threat to law enforcement. Assault weapons kill police officers.

One in five law enforcement officers slain in the line of duty is killed with an assault weapon. I would hope that everyone would agree that we need to put the interests of law enforcement officers far ahead of the interests of the NRA. If we are to remain true to our support for law enforcement officials, we need to extend and improve the assault weapons ban because it is our duty to protect those who risk their lives to protect us.

In addition, a report released yesterday by the Brady Center to Prevent Gun Violence, ''On Target: The Impact of the 1994 Federal Assault Weapons Act,'' demonstrates that the assault weapons ban passed 10 years ago has been working. The report shows that the assault weapons banned by name in the Act have declined substantially, 66 percent, as a percentage of overall crime gun traces since the assault weapons ban was enacted in 1994. The study concludes that the ban has contributed to a substantial reduction in the use of assault weapons in crime, despite the industry's efforts to evade the law through the sale of copycat guns.

The assault weapons ban has been successful keeping these killing machines off our streets but it is set to expire later this year. To protect our law enforcement officials, to protect our safety, we cannot let this law expire. We must reauthorize the ban on assault weapons.

We must also do all we can to close the ''gun show loophole'' because the loophole enables those who are otherwise prohibited from purchasing firearms under federal law to easily obtain guns.

Terrorists, criminals and other people prohibited from buying or possessing guns seek out unlicensed sellers at gun shows because they know that they can simply put down their money and walk away with deadly weapons. Additionally, because these unlicensed sellers are not well-regulated and do not keep records, criminals exploit gun shows to sell firearms and law enforcement has difficulty tracing gun-show firearms that turn up at crime scenes. Gun shows are now the second leading source of firearms recovered in illegal gun trafficking investigations.

The gun show loopholes in our laws allow individuals otherwise prohibited from legally purchasing firearms to easily gain access to potentially deadly weapons. Both the City and State of New York have enacted laws regulating gun sales and the possession of guns within the City and State. Yet, because of the gun show loophole, these laws have been unable to stop guns from coming into New York. Expert studies by Dr. Howard Andrews of Columbia University show almost 90 percent of guns recovered at crime scenes in NY were purchased out state.

If our background checks on gun purchases are going to have meaning and value, we must close the gun show loopholes and that is why I support the McCain-Reed-DeWine-Lieberman amendment and I hope the entire Senate will do the same.

In closing, Mr. President, I want to implore my colleagues to examine the legislation before us that will give blanket immunity to bad gun manufacturers and dealers and to support the amendments designed to make our country safer.

I can't even begin to imagine what this nation will be like at the end of this September if the assault weapons ban is not renewed, the gun show loophole is not closed, and the gun immunity bill becomes law.

Unscrupulous and negligent gun manufacturers and dealers—both licensed and unlicensed—will be able to sell guns of all kinds, including assault weapons, and incredibly, no matter what happens, no matter how many Americans will be maimed and killed, they will be immune from liability.

I implore my colleagues to do all we can to make sure that doesn't happen.

The PRESIDING OFFICER. There is still 1 minute remaining of the minority's time.

Under the previous order, the time until 11:35 is under the control of the majority leader or his designee.

Mr. CRAIG. Mr. President, I might ask the other side how they want to deal with their 1 minute remaining prior to my closing statement.

Mr. REID. I yield it back.

Mr. CRAIG. Mr. President, I have been granted the time of the leader to close out this debate before we start votes at 11:35.

I must tell you, I am honored by the presence of the Senator from Massachusetts today on the floor to debate this critical issue. I am honored we have lifted the gun debate, on a fundamentally important bill for the average American, to Presidential politics. So let's go to where the average American is, by a Zogby poll taken some months ago, and this is: The red States versus the blue States, the Bush States versus the Gore States, in 2000.

When the average American, by the Zogby International polling group—certainly no rightwing polling group—did their work with Southern Methodists, here is what they got. For the statement: ''There are enough laws on the books. What is needed is better law enforcement for current laws regarding gun control.''—69 percent in the Bush States agreed, 63 percent in the Gore States; for the military, the veterans, and the nonmilitary—all of them well above a majority of 50 percent. When it comes to the underlying bill, that number jumps into the 70s.

Americans are fed up with the politics and the placebos to put a law on the books and somehow you have made the world safer. What they want is the cop on the beat arresting the bad guy or gal, and the courts not summarily putting them back on the streets. And when you use a gun in the commission of a crime, I suggest, and we suggest, and the American people suggest, you do the time. You don't plea-bargain them back to the streets out of a liberal court system.

That is the reality. That is what is important about this underlying debate. I am proud we have elevated it to the stature it is today.

I yield 5 minutes of my remaining time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I thank Senator CRAIG.

Mr. President, I want to address this bill generally but then close my comments on the so-called gun show loophole amendment.

I believe there are those who benefit from the job-destroying lawsuit lottery in this country, and there are those who seek to restrict the rights of law-abiding citizens to use firearms for legitimate purposes.

On the job-destroying lawsuit lottery, let me just mention one company in Texas, Maverick Arms, located in Eagle Pass, where 140 dedicated people work to assemble Mossberg and Maverick guns, high-quality firearms for shooting sports, military, and law enforcement communities. Maverick's ability to continue providing good jobs to the citizens of Texas is in jeopardy. It is in jeopardy because of junk lawsuits filed by trial lawyers, and the politicians who support their right to terrorize a legal employer providing a legal product, as opposed to focusing our efforts on the criminals and those who illegally use firearms who should be punished for doing so.

I believe it is absolutely imperative that, rather than focusing on and punishing law-abiding citizens who want nothing more than to provide for their families by engaging in a lawful enterprise and producing a legal product, we ought to focus our law enforcement efforts on the criminals. Indeed, we have found through programs such as Project Exile in Richmond, VA, and Texas Exile in my own State, we can have a real impact by punishing the convicted felons who illegally possess firearms and those who use firearms illegally to jeopardize our communities and threaten our communities, and that there is absolutely no benefit to be gained by passing additional laws, as the proponents of these amendments would do, that limit the rights of law-abiding citizens.

I would like to just mention in closing why I believe we do need to expand the role of instant background checks to all commercial gun sales, no matter where they occur. But as well-intentioned as the amendments proposed by Senator MCCAIN and Senator REED and Senator LIEBERMAN and others are, the so-called closing the gun show loophole bill—as well-intentioned as they are, I think it misses the mark. I would like to work with them to try to bring the instant background check to all commercial gun sales in this country.

The problem is this amendment, as well-intentioned as it is, will have the effect, should there be a State attorney general who doesn't seek a 24-hour instant background check period, that there will be a default through a 3-day check period, which will essentially obliterate gun show sales.

It is important to point out that, currently, everybody who is a dealer in firearms is subject to the Federal firearms license. Indeed, there is no such thing as an unlicensed dealer. But what this amendment would seek to do would be to affect people who are not dealers in firearms, but are collectors, people who engage in sales to friends and family and others, and these are. As long as they are lawful possessors of these firearms, I don't believe the full apparatus of the Federal Government ought to intrude on that ability to conduct a sale that is no threat to the people of this country.

So S. 1706, which Senator CRAIG and others have cosponsored, which currently sits in the Judiciary Committee, I suggest is an appropriate vehicle. Senator MCCAIN and others are cosponsors of that bill. I think it will ultimately accomplish the goal of this gun show amendment. I cannot support that amendment as it is written now, but I look forward to working with them to write a bill that would address the real problem, and that is a need for instant background checks across the board to make sure guns are not sold to common criminals, and make sure that we do not unnecessarily interfere with the rights of law-abiding citizens.

With that, I yield back the remaining time to the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Texas for his debate and leadership on these issues. He has been a statewide law enforcement officer. He knows what laws are all about. He knows how the public reacts to them, and he knows that laws have to be enforced.

We are minutes away from starting a very critical vote process on three amendments before we break for lunch. We will vote on the Feinstein, McCain, and Campbell amendments. There will be time allotted for each one as we get to them. In the minute that remains, I will say this has been a very positive debate. At the same time, I think there is a common sense and a reality that stacking up gun laws on the Federal books of the U.S. Code doesn't work, unless they are effectively enforced on the ground and the criminal element who may violate these laws knows there is a bite in the law; that somehow if they use a gun in the commission of a crime, they are going to do the time.

Everywhere that principle has been applied, crime has gone down, the use of a gun by a criminal has gone down. There have been arguments about keeping guns out of the hands of terrorists. They have not made their case because every example they use was a terrorist who had been arrested, stopped. The guns, strangely, were to be exported out of the country by the terrorist. So they placed themselves in double jeopardy. Now they are doing the time. Somehow, in that portion of the law it worked well. But the vote we are going to take is over whether to extend the law for another period of time that Congress said some years ago they wanted to look at. Therefore, we would sunset it and reconsider it. That is what we are doing and will do by a vote on the extension of the assault weapons ban, the extension of a law that hasn't worked.

All of the statistics are in. The numbers have not changed. Is the assault weapon, or a weapon of similar appearance, misused on occasion? Yes, it is, but by less than 2 percent in participating in a crime. Is that a justification for, again, establishing a tripwire? The Senator from Massachusetts said you are going to unleash AK–47s back on the streets. Well, the law that bans them is still in place. It doesn't fall out with the assault weapons ban going away. That and the Uzi law are in place.

Senators will now come to the Chamber for a vote in a few moments on these critical issues. I hope they have been engaged. The debate has been very civil over a very important part of what we do in the Senate.

Mr. REID. 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. REID. Mr. President, the first vote will be 15 minutes, and for the second two there is an order that they be 10 minutes.

The PRESIDING OFFICER. Also, there are 2 minutes of debate equally divided before each of the amendments. The first amendment is the Feinstein assault weapons amendment.

Who yields time? If no one yields time, time will be charged equally.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I understand we are about to vote on the Feinstein amendment. On behalf of Senator FEINSTEIN, I urge all colleagues to support this amendment. This amendment would continue a ban on assault weapons that has been in place for 10 years. It has ensured that military weapons will not be on the streets of America, will not be used in crimes, will not be accessible to terrorists, which will not force our police officers to confront these weapons.

I urge my colleagues to support this amendment. It is a continuation of present law. It is not a new law. I think the American public has come to understand this law and appreciate it and support it. I think they would urge its adoption and its continuation. Again, I urge a favorable vote on the Feinstein amendment.

Mr. CRAIG. Mr. President, I ask my colleagues to let the assault weapons ban die in peace. It expires in September of 2004. Statistics show it has not changed the method of operation of criminals in this country. The assault weapons or the definition to which we prescribe in the law is not a weapon of choice of the criminal on the streets of America. It has simply set up the tripwires for law-abiding citizens who may choose to have this type of gun in their collection. By definition, that means that gun doesn't get misused. The stolen weapon, the one trafficked in the black market, is the one that is misused. That is why I believe—and many colleagues agree with me—when you sunset a law, you do so for the purpose of reexamining it to see whether it is worthy of staying on the books of

this country. It is not. It is time for it to go away. I ask my colleagues to vote no on this amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2637.

The yeas and nays are ordered and the clerk will call the roll.

The assistant journal clerk called the roll.

Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—52

Akaka	Dorgan	Lincoln
Bayh	Durbin	Lugar
Biden	Edwards	Mikulski
Bingaman	Feinstein	Murray
Boxer	Fitzgerald	Nelson (FL)
Breaux	Graham (FL)	Pryor
Byrd	Gregg	Reed
Cantwell	Harkin	Rockefeller
Carper	Hollings	Sarbanes
Chafee	Inouye	Schumer
Clinton	Jeffords	Smith
Collins	Kennedy	Snowe
Conrad	Kerry	Stabenow
Corzine	Kohl	Voinovich
Daschle	Lautenberg	Warner
Dayton	Leahy	Wyden
DeWine	Levin	
Dodd	Lieberman	

NAYS—47

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Baucus	Enzi	Nelson (NE)
Bennett	Feingold	Nickles
Bond	Frist	Reid
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chambliss	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Kyl	Sununu
Cornyn	Landrieu	Talent
Craig	Lott	Thomas
Crapo	McCain	

NOT VOTING—1

Johnson

The amendment was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2636

Mr. CRAIG. Following this is the debate on the gun show loophole. There are 2 minutes of debate and a 10-minute vote to follow. I wish my colleagues would cease conversation so they can hear the proponent of the amendment.

The PRESIDING OFFICER. The Senate will please come to order. Will the Senators in the well please cease their conversations so we can continue with the debate. We will now proceed with debate on amendment No. 2636. Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, if I could have the attention of my colleagues, another critical vote is at hand.

To my colleagues, envision a door. If you walk through the door, the Federal Government takes over. If you stay outside the door, the current laws are in authority. It is called the gun show loophole. We have an amendment here that puts a whole new tripwire in front of the law-abiding citizen. It does not go after the criminal element. We know less than 2 percent of guns that are used in the commission of a crime are gotten through a gun show. Most of them are obtained in the back streets.

Let's talk about law enforcement and the argument about terrorists gaining their guns through gun shows. The reason they arrested the terrorists is the current laws work. There are 1,000 gun shows for law-abiding citizens. Let's not create a Federal bureaucracy that will begin to govern and control what is the right of free commerce in this country. Let the current Federal law work.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Arizona.

Mr. MCCAIN. I remind my colleagues all reference to the Attorney General has been removed from this amendment. There is no Department of Justice oversight of the gun shows in this amendment.

Ali Boumelhem, a Lebanese national and a member of the terrorist group Hezbollah, was arrested and convicted for attempting to smuggle firearms he bought from Michigan gun shows to Lebanon.

Muhammed Asrar, a Pakistani national, in this country on an expired visa, who admitted to buying and selling firearms at Texas gun shows. Asrar is a suspected al-Qaida member who had obtained a pilot's license, had photos of tall buildings.

Connor Claxton, an admitted member of the Irish Republican Army, spent over $100,000 at Florida gun shows and through other private dealers to obtain firearms to smuggle to Ireland.

They were arrested. How many were not arrested? This is the most curious logic I have ever heard. They were arrested. Who wasn't arrested? A loophole exists. If we are interested in the security of this Nation, we will close it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CRAIG. 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.

Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—53

Akaka	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Lugar
Bingaman	Feinstein	McCain
Boxer	Fitzgerald	Mikulski
Breaux	Graham (FL)	Murray
Byrd	Hagel	Nelson (FL)
Cantwell	Harkin	Pryor
Carper	Hollings	Reed
Chafee	Inouye	Reid
Clinton	Jeffords	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Daschle	Kohl	Stabenow
Dayton	Landrieu	Voinovich
DeWine	Lautenberg	Warner
Dodd	Leahy	Wyden
Dorgan	Levin	

NAYS—46

Alexander	Crapo	Murkowski
Allard	Dole	Nelson (NE)
Allen	Domenici	Nickles
Baucus	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham (SC)	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Campbell	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	McConnell	
Craig	Miller	

NOT VOTING—1

Johnson

The amendment (No. 2636) was agreed to.

Mr. REED. I move to lay that motion on the table.

Mr. CRAIG. I move to reconsider the vote.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2623

The PRESIDING OFFICER. The next amendment is amendment No. 2623, the Campbell-Leahy amendment. There are 2 minutes of debate equally divided.

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, this amendment has 67 cosponsors. I am proud to say Senator LEAHY and Senator REID of Nevada are original cosponsors.

This is the No. 1 priority for the 300,000-member Fraternal Order of Police, and has been endorsed by literally every major police organization in the country, giving off-duty and retired policemen authority to carry concealed weapons interstate with proper training.

We already have a similar law in place for airline pilots. Certainly law enforcement is kind of the front line of new defense in the war on terrorism as well as the work they do with traditional law enforcement.

It defies common sense that trained policemen cannot carry interstate when we all know criminals and terrorists do outside of the law. I want to make sure we give America's policemen the same protection.

I yield to Senator LEAHY.

Mr. LEAHY. Mr. President, Senator CAMPBELL and I have worked on this for some time. I serve in the Judiciary Committee where it passed nearly unanimously. Having served in law enforcement, I know what it is like.

Our bipartisan amendment will establish national standards for law enforcement officers to carry concealed firearms so that they may respond immediately to crimes across State and other jurisdictional lines, as well as protect themselves and their families from vindictive criminals.

I look forward to the Senate approving our bipartisan amendment today to make our communities safer and to better protect law enforcement officers and their families.

Ms. CANTWELL. Mr. President, I am pleased to rise today as a cosponsor of the amendment offered by Senators CAMPBELL and LEAHY, the Law Enforcement Safety Act. This legislation will take sensible steps to improve public safety by allowing trained active and retired law enforcement officers to carry their service weapons across State lines without needless bureaucratic hurdles.

In my State of Washington, all law enforcement officers are permitted to carry concealed weapons, and many jurisdictions require officers to do so. In addition, all retired officers can obtain concealed weapons permits, and my State grants reciprocal privileges to any law enforcement officer visiting the State. This allows officers to continue to play a role in maintaining public safety wherever they may be. I believe that the successful example set by officers in my State shows that this legislation warrants the support of this body. I believe that this is solid policy and that extending a similar policy across the country will have beneficial public safety effects.

I fully support aspects of this bill that are stronger than the current policy in my State: Requiring retired officers to maintain their firearms skills, and preserving local laws barring firearms in specific locations, like churches and schools.

Police officers are entrusted by the public with an important responsibility. Since the events of September 11, we have placed new burdens of our Federal, local, and State officers. We have often done so without providing them the resources they need to do the job. This amendment is a step to correcting that oversight by allowing the people who are the most well-trained in how and when to use firearms to avoid outdated restrictions on carrying and traveling with firearms.

I urge my colleagues to support this legislation, and to provide additional support to our law enforcement officers across the country. I look forward to working with the amendments sponsors to ensure its adoption.

Mrs. BOXER. Mr. President, as we all know, law enforcement officers are never ''off duty.'' They are dedicated public servants who are sworn to protect public safety at any time and place that the peace is threatened. They need all the help that they can get.

That is why I am so proud to cosponsor this bipartisan amendment to allow off-duty and retired law enforcement officers to carry a firearm if they meet the same state firearms training and qualifications as an active officer.

Today, there is a complex patchwork of Federal, State, and local laws that govern whether current and retired law enforcement officers can carry concealed firearms. This patchwork approach is confusing and ineffective. This amendment will establish a measure of uniformity and consistency across the country.

Over 740,000 sworn law enforcement officers serve in this country. In the last decade alone, more than 1,700 law enforcement officers have been killed in the line of duty. That's an average of 170 deaths per year. And, roughly 5 percent of these were killed while taking law enforcement action in an off-duty capacity.

Even the death of one police officer is unacceptable. We can and must do more to protect them, and that is why I support this amendment. It will increase the ability of law enforcement officers to protect themselves, their families, and our communities.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am under no illusion what the outcome of this vote is going to be. But this is gun legislation run amok. This is demonstrating that the Senate is more interested in the profits of the gun industry than protecting the citizens.

This legislation will override every mayor's decision that has ruled that they do not want concealable weapons in the bars and the churches or on the playgrounds of the schools of their district. This legislation will override every Governor's decision to protect local citizens by prohibiting concealable weapons in bars and churches and schoolyards across the country.

The mayors have made the decision. The States have made the decision. Now in the Senate of the United States we say it does not make any difference if the local community is making a judgment to protect their local citizens; we know better in the Senate.

I don't want to hear from the other side anymore about one size fits all. This is it. Override the States, override the local communities, that is what this does with concealable weapons which are deadly to the children and the people of this Nation.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2623.

Mr. CRAIG. 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 bill clerk called the roll.

Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

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

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—91

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bayh	Edwards	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Frist	Pryor
Breaux	Graham (FL)	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carper	Hollings	Shelby
Chafee	Hutchison	Smith
Chambliss	Inhofe	Snowe
Clinton	Jeffords	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Leahy	Thomas
Corzine	Levin	Voinovich
Craig	Lieberman	Warner
Crapo	Lincoln	Wyden
Daschle	Lott	
Dayton	Lugar	

NAYS—8

Akaka	Fitzgerald	Lautenberg
Dodd	Inouye	Sarbanes
Durbin	Kennedy	

NOT VOTING—1

Johnson

The amendment (No. 2623) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, we will now adjourn for lunch. When we return at 2:15, we will have under consideration the Frist-Craig amendment on armor piercing, the Kennedy amendment on the armor-piercing gun ban, and a Levin amendment to be tabled, and final passage. We will reconvene at 2:15.

RECESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m. for the weekly party lunches.

There being no objection, the Senate, at 12:46 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. BUNNING).

UNANIMOUS CONSENT AGREEMENT—S. 1637

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 381, S. 1637, at 10:30 a.m. on Wednesday, March 3, 2004.

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

The Senator from Nevada.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—Continued

Mr. REID. Mr. President, I ask unanimous consent that instead of 1 minute on each side between votes, there be 2 minutes on each side.

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

AMENDMENT NO. 2625

The PRESIDING OFFICER (Mr. VOINVOICH). Who yields time on the Frist amendment No. 2625? The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent that we proceed with 2 minutes of debate prior to the vote. The Frist-Craig amendment is the pending amendment. I would like to close. I ask the Senator to proceed.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am glad if Senator CRAIG wishes to close on this amendment. I would like to close on the next amendment, if that is agreeable.

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

Mr. KENNEDY. Mr. President, I have seen a lot of phony amendments around here in the 42 years I have been here, and this is about as phony an amendment as one could possibly imagine.

We have to ask ourselves, What is the problem? The problem has been 17 law enforcement officers have been killed, according to the FBI, from armor-piercing bullets. Deer and ducks do not wear armor vests. Police officers wear armor vests. What do police officers do? They try and protect the public interest.

What is out there now on the Internet? I have four different charts that show what is out on the Internet selling this armor-piercing ammunition. Let's just take a look at what the armor-piercing ammunition does.

Armor-piercing projectiles contain a core of hardened steel or tungsten carbide which allows it to penetrate metal objects. That is what our police officers are up against.

The Craig amendment does what? It asks whether we ought to have a study of this kind of problem. In the meantime, if we accept that and oppose my amendment, we know there will be law enforcement officials who will be killed, shot, with these armor-piercing bullets.

What in the world justification is there for hunters to use armor-piercing bullets? Perhaps that can be answered. I have not heard it, but the Senator wants to have a study.

What else will they do? They will increase the penalties. That will be fine. Tell that to the families after these police officers have been killed. What is going to happen after that? They will even provide the death penalty in some instances. This does not protect law enforcement officials, and I hope the Senate will support my amendment later.

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

The Senator from Idaho.

Mr. CRAIG. Mr. President, the Fraternal Order of Police, 311,000 police, oppose what the Senator from Massachusetts has just said. Their official organization says this is nothing more than a smokescreen to ban about 30 percent of ammunition that is currently in the market for the purpose of hunting, for the purpose of using in it a law-abiding way by sportsmen.

Can a piece of ammunition, shot in a 30.06, that will kill a deer or an elk pierce certain types of armor? The answer is, yes, it can. The Senator from Massachusetts is truthful in that. But do we want to now summarily erase all of that from the market or do we want to do an official bona fide ballistic study, directed by the Department of Justice, to have a clear and clean understanding of what is, in fact, armor piercing and what is, in fact, a legitimate piece of ammunition that is used by marksmen, that is used by sportsmen, that is used in the legitimate business of hunting that we have longtime said is a great tradition in this country?

Anti-gunners have always said, if you can't get the gun, go after the ammo—if you can't get the gun, go after the ammo. Clearly, the underlying amendment that we will debate next goes after the ammo. The Frist-Craig amendment says, whoa, wait a minute, let's make darn sure what we are doing is the right thing before we go there.

No one is in favor of a cop-killer bullet. Shame on anybody who would accuse any Senator on this floor for being in favor of a cop-killer bullet. What we are in favor of is legitimate ammunition and its use, not its misuse, and not the ability to say, well, that is a good bullet but it was used badly; therefore, it ought to be eliminated.

Mr. HATCH. Mr. President, I urge my colleagues to vote in favor of the Frist-Craig amendment relating to armor piercing ammunition. The Frist-Craig amendment restates existing law which prohibits the manufacture, import, or sale of armor piercing ammunition except for use by the United States Government or for export. Additionally, the Frist-Craig amendment requires the Department of Justice to study and report to Congress whether a uniform standard for the testing of projectiles against body armor is feasible.

The Department would include in its study the standards which Senator KENNEDY seeks in his proposed amendment. Ideally, this report will confirm or put to rest the issue of whether the amendment proposed by Senator KENNEDY would have the effect of banning standard hunting information. This is a sensible approach to an issue which has so many legitimate hunters and other gun owners concerned. Finally, and importantly, the Frist-Craig amendment does something about SENATOR KENNEDY's concerns in a way that his amendment does not. Specifically, the Frist-Craig amendment imposes serious penalties on those who use and carry armor piercing ammunition during and in relation to crimes of violence and drug trafficking crimes.

The Frist-Craig amendment sends a clear message that those criminals who use this type of ammunition in their crimes that they will face significant punishment. Additionally, if the criminals murder someone with armor piercing ammunition in the course of a drug trafficking crime or crime of violence, they will face the full range of punishment, including the death penalty.

The Frist-Craig amendment would therefore punish those who use armor piercing ammunition to carry out illegal activities while permitting those who intend to legitimately use ammunition with common and conventional hunting or sporting rifles to do so.

It is through the Frist-Craig amendment that we would preserve what is the classic first deer rifle given to millions of Americans; that is, the 30-30 Winchester deer rifle. Finally, it is important to note that the Fraternal Order of Police, representing over 311,000 police officers nationwide, supports the Frist-Craig amendment.

A difficulty many have with Senator KENNEDY's amendment is the definition of body armor, which is directed at the minimum standard for protection of law enforcement officers. According to the Department of Justice, the minimum standard is level 1 body armor which is designed to resist bullets fired from various low caliber handguns, such as .22s or .380s. Therefore, under this amendment common handgun ammunition for other handguns, including .44 calibers and 9 mm, would be banned. Additionally, neither level 1 nor level 2 body armor is designed to prevent penetration by rifles. Therefore, to ban all ammunition that may penetrate level 1 body armor, or level 2 body armor for that matter, would in effect ban all rifle ammunition.

I am troubled by this issue because I remember the draft AFT report issued in 1997 by ATF's career personnel that concluded that there was no need for new legislation. Unfortunately, those in that administration's political positions whose agenda was to push gun control legislation reversed those findings.

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

Mr. CRAIG. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2625.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South

Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—85

Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham (FL)	Pryor
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Schumer
Campbell	Hatch	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Craig	Leahy	Thomas
Crapo	Lieberman	Voinovich
Daschle	Lincoln	Warner
Dayton	Lott	
DeWine	Lugar	

NAYS—12

Akaka	Feingold	Levin
Cantwell	Hollings	Reed
Carper	Kennedy	Sarbanes
Corzine	Lautenberg	Wyden

NOT VOTING—3

Domenici	Edwards	Johnson

The amendment (No. 2625) was agreed to.

AMENDMENT NO. 2619

The PRESIDING OFFICER. There will be 4 minutes of debate evenly divided before the vote on the Kennedy amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I believe the Kennedy amendment is now up. Both the Senator from Massachusetts and I agree, this being his amendment, he should be able to close the debate.

Let me suggest as clearly as I can to all of our colleagues, if you just voted yes on the immediate past amendment that passed by a very large margin, 85 to 12, then you would vote no on Kennedy. It is quite simple why.

He sets a new ballistic standard. He does not allow the professional to determine what is or is not armor piercing. I don't believe a Senator wants to ban from the marketplace potentially 30 percent of the kind of ammunition that is now used in legitimate hunting.

That is fundamentally the issue that is at hand, to reach out into the marketplace and arbitrarily draw a line when we all know that hunting weapons, when misdirected, have the potential of penetrating soft armor and other types of armor. Are they armor piercing? No. But they have the capability of phenomenal penetration. That is why they are hunting ammunition. That is why our sportsmen use them.

It is not the role of the Senate to draw that kind of line and determine what is hunting and what is not in respect to this amendment. I believe that is the underlying basis of the Kennedy amendment.

I ask that the Senate oppose it and vote no.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the current cop-killer bullets that we have accepted now took 5 years to pass in the Senate. We heard the same arguments. I was part of that whole effort. It took us 5 years to provide it. We have made very marginal progress on it.

I raise this: Law enforcement officers killed and assaulted, on page 17, law enforcement officers killed by firearms while wearing body armor. There it is, page 17: 17 law enforcement officers were killed while wearing body armor by armor-piercing bullets.

Don't worry about this amendment. The only people who have to worry about this amendment are people who use sniper rifles and assault weapons and use armor-piercing bullets.

That is the record. The FBI has stated that. We have a chance to make a difference. We have had a study. I can understand some people want a study. You can vote for this amendment.

Let me finally say this has the support of the International Association of Chiefs of Police, International Brotherhood of Police Officers, City Chiefs Association, National Organization of Black Law Enforcement, National Association of School Reserve Officers.

This applies to sniper rifles and assault weapons. Some of these bullets can travel as far as a mile. Some of them have incendiary tips with electronic scopes. We are talking about homeland security and we are not even prepared to do something about armor-piercing bullets that can go through police officers' vests. It is as simple as that.

If we care about our law enforcement officers trying to protect our people, we will at least resist letting snipers have armor-piercing bullets.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2619.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON), are necessarily absent.

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

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—34

Akaka	Durbin	Lieberman
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Byrd	Harkin	Reed
Cantwell	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Stabenow
Corzine	Kohl	Wyden
Dayton	Lautenberg	
Dodd	Levin	

NAYS—63

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Dorgan	Miller
Baucus	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bingaman	Fitzgerald	Nickles
Bond	Frist	Pryor
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chambliss	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Jeffords	Specter
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Leahy	Talent
Craig	Lincoln	Thomas
Crapo	Lott	Voinovich
Daschle	Lugar	Warner

NOT VOTING—3

Domenici	Edwards	Johnson

The amendment (No. 2619) was rejected.

AMENDMENT NO. 2631

The PRESIDING OFFICER. There will now be 4 minutes equally divided on the Levin amendment.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, if I could have the attention of our colleagues, this is a key amendment to the underlying S. 1805.

I yield to the Senator from Arizona.

Mr. KYL. Mr. President, I went to law school and studied the concepts of gross negligence and reckless conduct. There are thousands, in fact probably millions, of pages of case law trying to define those legal terms.

The reality is no judge or lawyer can tell you today what they mean. They say it all depends. This amendment does not clear that up. In fact, it only adds to the confusion, because it statutorily creates a standard of care when there is no underlying cause of action, no basis for liability against the defendant. There will still be lawsuits to defend and lawyers to pay even if you win. I guess that may be the whole point of the proponents—create a requirement for manufacturers to defend themselves in court even though there is no legitimate cause of action against them. They pay more insurance, more lawyers, so even if they win, they lose.

This bill is all about ensuring there is no cause of action against a manufacturer which makes a legal, nondefective product. It makes no sense to say unless he is grossly negligent. He is already liable if he is grossly negligent. Say the gun blows up and kills somebody; that standard applies already if there is a legal cause of action against

him—in other words, a legal basis for holding him liable. It adds nothing but confusion when there is no underlying cause of action.

Here is an example: You get yourself rear-ended by the guy behind you, and I am not that guy. You have no right to sue me. It doesn't change anything if we say in the law ''unless KYL is grossly negligent;'' KYL wasn't even there. All we are doing is adding confusion to this by adding this gross negligence language which, unfortunately, will cause a lot of people to have to defend themselves in court, pay lawyer fees, and at the end of the day we are trying to avoid that here.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the purpose of this bill is said to be that you want to make sure you do not hold people accountable for the actions of others. That is what we have been told the purpose of this bill is. That is what the stated purpose of this bill is. This amendment says we surely should hold people accountable for their own actions. That is the difference. Are people going to be held accountable for their own reckless and grossly negligent conduct? The way this bill is written, the only grossly negligent conduct or reckless conduct somebody is held accountable for is if that conduct is also illegal.

What if the conduct is not illegal but is grossly negligent and reckless and causes the death or injury of somebody else? Should that manufacturer or that dealer be immunized if his own reckless or grossly negligent conduct is a proximate cause of death or injury? It is a simple provision. I am going to read it, if I have 20 seconds left:

> None of the provisions in the act shall be construed to prohibit a civil liability action from being brought or continued against the person if that person's own gross negligence or reckless conduct was a proximate cause of death or injury.

The key word in this whole sentence is ''own.'' The key argument that the opponents of the amendment make is that you only should be responsible for your own actions, and I agree. The NRA has a point. You should be responsible for your own actions. This amendment says if your actions are reckless or grossly negligent, then you are not going to be immunized. This is not someone else's conduct. It is your own.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Idaho.

Mr. CRAIG. Mr. President, I move to table the Levin amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—56

Alexander	Dole	Murkowski
Allard	Dorgan	Nelson (NE)
Allen	Ensign	Nickles
Baucus	Enzi	Pryor
Bennett	Frist	Reid
Bond	Graham (SC)	Roberts
Breaux	Grassley	Rockefeller
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Hutchison	Smith
Chambliss	Inhofe	Snowe
Cochran	Kyl	Specter
Coleman	Landrieu	Stevens
Collins	Lincoln	Sununu
Cornyn	Lott	Talent
Craig	McCain	Thomas
Crapo	McConnell	Voinovich
Daschle	Miller	

NAYS—41

Akaka	Dodd	Leahy
Bayh	Durbin	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Lugar
Boxer	Fitzgerald	Mikulski
Byrd	Graham (FL)	Murray
Cantwell	Harkin	Nelson (FL)
Carper	Hollings	Reed
Chafee	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kerry	Warner
Dayton	Kohl	Wyden
DeWine	Lautenberg	

NOT VOTING—3

Domenici	Edwards	Johnson

The motion was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. CRAIG. Mr. President, I believe the order at hand is final passage on S. 1805, as amended. I turn to my colleague, Senator REED, for any closing comments he would like to make.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, despite the passage of three very important amendments for gun safety—one that closed the gun show loophole, another that extended the assault weapons ban, and a third to require child safety locks with all handguns sold in this country—the underlying bill still represents a fundamental undermining of a principle of law that has lasted for centuries, and that principle is that an individual is not just responsible to follow the statutes of this country, that individual is responsible to act reasonably. Even the most elaborate construct of statutes will never reach all the variations of human behavior. That is why this fundamental principle of responsible conduct must by maintained.

This bill turns it on its head. This bill, if enacted, will be a license to be irresponsible, and there is no more graphic example than Bull's Eye Shooter Supply in Washington State, the source of the weapons for the snipers who terrorized Washington, DC. The individual could not account for 238 weapons, had numerous citations by ATF, and was unaware that a weapon was shoplifted and had fallen into the hands of assassins. That is irresponsible conduct. That conduct would be immunized by this legislation.

I urge all my colleagues to vote no, against this legislation. We have made progress on important gun safety measures, but the underlying legislation would say to gun manufacturers: You can be irresponsible through your distribution network to whom you sell; to dealers, you can be irresponsible to the customer to whom you sell. We don't want that. The peace, security, and safety of all of us cannot tolerate that, and I urge defeat of this measure.

Mr. CRAIG. Mr. President, we are about to vote on S. 1805, as amended. The House passed a clean S. 1805 with over a 2-to-1 margin. The President has asked for a clean bill. But in the process of the last 5 days we have added a great deal to this bill that makes it much less than clean.

We have added back the assault weapons ban. We have added trigger locks. We put a new tripwire in gun shows that will allow law-abiding citizens to be at risk.

I don't think we can go there, nor do I believe we should go there. I, and certainly my colleagues, have worked in good will, as have all who have come to the floor to debate this issue. There has been a real difference of opinion.

I am now told even if we passed it, it would never get to conference. If you can't work the process and get to conference, how can you complete the legislative process for which the House and the Senate have always historically been known? To simply have someone say no to allow the difference between the House and the Senate to be worked out is the very clear message I am hearing at this moment. That is a message that doesn't work. If that is the strategy here, that we move legislation by offering amendments by working in a bipartisan fashion only to say no at the end, how can we accept the process and simply say, well, let us vote it out, anyway?

This is a very important bill. There is no question about that. It was a substantial move in tort reform. It enshrined once again the historic tort belief that you as an individual are responsible for your own actions. If

somebody acts criminally down the line and you have been law abiding and you are at risk, that is what the bill said. It wasn't convoluted. It was clear and it was clean. I worked on it a long while, as have many others.

I am proud of our work product, and I would love to see this bill pass. But I now believe it is so dramatically wounded that it should not pass. I urge my colleagues to vote against it.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CHAFEE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 8, nays 90, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—8

Breaux	Lincoln	Pryor
Daschle	Lugar	Voinovich
Lieberman	McCain	

NAYS—90

Akaka	DeWine	Leahy
Alexander	Dodd	Levin
Allard	Dole	Lott
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Brownback	Frist	Reed
Bunning	Graham (FL)	Reid
Burns	Graham (SC)	Roberts
Byrd	Grassley	Rockefeller
Campbell	Gregg	Santorum
Cantwell	Hagel	Sarbanes
Carper	Harkin	Schumer
Chafee	Hatch	Sessions
Chambliss	Hollings	Shelby
Clinton	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Specter
Collins	Jeffords	Stabenow
Conrad	Kennedy	Stevens
Cornyn	Kerry	Sununu
Corzine	Kohl	Talent
Craig	Kyl	Thomas
Crapo	Landrieu	Warner
Dayton	Lautenberg	Wyden

NOT VOTING—2

Edwards	Johnson

The bill (S. 1805), as amended, was rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield to the Senator from Arizona.

MORNING BUSINESS

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DODD. Mr. President, may I inquire, what sort of time—I want to get a few minutes in morning business, myself.

Mr. CRAIG. Mr. President, I would like only to thank all who were involved in the legislation.

Mr. KYL. Mr. President, I have a presentation I would like to make in morning business.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. While the Senator from Idaho is speaking, I will be happy to speak to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Idaho.

CONSIDERATION OF S. 1805

Mr. CRAIG. Mr. President, we have just had 5 days of very important debate. I think all who entered the debate entered it with good will in mind. There have been different points of view, very strongly held different points of view. As a result of that, the final passage of S. 1805 was not possible, and the Senate defeated it. That is all I will say about that process.

I wish to thank so many people who have been tremendously helpful on my staff: Brooke Roberts, Lisa McGrath, and Doug Lucke, who worked extremely hard with me to perfect S. 1805 and bring it to the floor; Chairman HATCH and his staff of the Judiciary Committee: Ted Lehman, Brett Tolman, and Reed O'Connor; the leadership staff in the cloakroom; and the 55 cosponsors of S. 1805.

Certainly, there was a strong effort on the part of all to get this legislation to the floor, to get clean votes on it. We even, of course, had the effort of the House, with a better than two-to-one majority in the House, on a clean bill. The President asked that a clean bill be received at the White House.

None of that, in the final hours, appeared to be possible. Clearly, we were not going to be allowed to go to conference. The minority saw no advantage in allowing the process that is historical and responsible in the Senate to move forward because that, of course, takes unanimous consent or prolonged effort and votes to get there.

It is a very short timeline for this year, and we clearly need to move the process forward. We will look now to bring the House bill forward in a clean way. Ultimately, we hope we might get a cloture vote. This issue will not go away. It deserves to be voted on, up or down, by the Senate. Clearly, it is the will of the American people and, ultimately, we will have that day and that opportunity. That day was not today, as much as I wished it could be.

At the same time, when you have a bad bill that is created by the amendment process, it sometimes is difficult, if not impossible, to make it better or to make it acceptable. I would not send to this President or any President a bad bill of the kind that was crafted in the Senate through the amendment process over the last several days.

But, again, I thank so many who were involved in this effort. It is greatly appreciated.

With that, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Connecticut, Mr. DODD, be recognized for up to 30 minutes—we are in a period of morning business—and following that, the floor return to Senator KYL.

Mr. KYL. Reserving the right to object; 20 minutes, yes, 30 minutes, no.

Mr. REID. I would say, no, he asked for 20 minutes.

Mr. KYL. Sorry. I say to the Senator from Nevada, is 20 minutes all right, then?

Mr. REID. Could we give him 25? Twenty minutes is fine. Twenty minutes is fine. Then the floor would return to Senator KYL.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, first, I thank the distinguished Senator from Nevada and the Senator from Arizona for their courtesies. I appreciate that very much.

HAITI

Mr. DODD. Mr. President, I wish to address, if I may, the subject matter of Haiti and the events that have occurred there over the last several days, now going back a week or more, in that country, that beleaguered nation only a few hundred miles off the southern coast of Florida.

On Sunday morning, as we now all know, the democratically elected government, the President of Haiti, was forced out of office. The armed insurrection, led by former members of the disbanded Haitian Army, and its paramilitary wing called FRAPH, made it impossible for the Aristide government to maintain public order, without assistance from the international community—international assistance that was consciously withheld, in my view.

President Aristide left Haiti on Sunday morning aboard an American aircraft. President Aristide reportedly has

gone into exile in the Central African Republic, where I am now being told he is not allowed to communicate with others outside of that country.

Members of the Black Caucus of the other body, and others who had an opportunity to speak with President Aristide yesterday, have publicly restated his claim that he was forcibly removed from Haiti by U.S. officials.

I quickly point out that Secretary of State Colin Powell and others have emphatically denied that charge. Such an allegation, if true, is extremely troubling and would be a gross violation of the laws of the U.S. and international law. Only time will tell. I presume there will be a thorough investigation to determine exactly what occurred from late Saturday night and early Sunday morning, regarding the departure and ouster of the President of Haiti, President Aristide.

Over the coming days, I believe an effort should be made to reconstruct what happened in the final 24 or 48 hours leading up to President Aristide's departure so we can resolve questions of the U.S. participation in the ouster of a democratically elected leader in this hemisphere.

Let's be clear that whether U.S. officials forcibly removed Aristide from Haiti, as he has charged, or he left voluntarily, as Secretary of Powell and others have stated, it is indisputable, based on everything we know, that the U.S. played a very direct and public role in pressuring him to leave office by making it clear that the United States would do nothing to protect him from the armed thugs who are threatening to kill him. His choice was simple: Stay in Haiti with no protection from the international community, including the U.S., and be killed or you can leave the country. That is hardly what I would call a voluntary decision to leave.

I will point out as well, if I can—and I know that international agreements are not always thought of as being terribly important in some people's minds. But in 1991, President Bush, the 41st President, along with other nations in this hemisphere, had signed the Santiago Declaration of 1991. That declaration, authored by the Organization of American States, said that any nation, democratically elected in this hemisphere, that seeks the help of others when they are threatened with an overthrow should be able to get that support.

Ten years later, the Inter-American Charter on Democracy was signed into law, a far more comprehensive proposal, again authored by the Organization of American States, the U.S. supporting. The present President Bush and our administration supported that. That charter on democracy stated that when asked for help by a democratically elected government being threatened with overthrow, we should respond.

President Aristide, a democratically elected President made that request and, of course, not only did we not provide assistance, in fact we sat back and watched as he left the country, offering assistance for him to depart.

I cite those international agreements because we think of our Nation as being a nation of laws, not of men. These agreements either meant something or they didn't. The Santiago Declaration and the Inter-American Charter on Democracy, apparently both documents mean little or nothing when it comes to supporting democratically elected governments in this hemisphere—not ones that you necessarily like or agree with or find everything they do is in your interest, but we do adhere to the notion that democratically elected governments are what we support in this hemisphere.

When they are challenged by violent thugs, people with records of violent human rights violations, engaged in death squad activity, in the very country they are now moving back into and threatened, of course, successfully the elected government of President Aristide, then I think it is worthy of note that we have walked away from these international documents signed only 3 years ago and 10 years ago.

There is no doubt, I add, that President Aristide has made significant mistakes during his 3 years in office—these last 3 years. He allowed his supporters to use violence as a means of controlling a growing opposition movement against his government. The Haitian police were ill trained and ill equipped to maintain public order in the face of violent demonstrations by progovernment and antigovernment activists. Poverty, desperation, and opportunism led to wide government corruption.

President Aristide, in my view, must assume responsibility for these things. But did the cumulative effect of these failures amount to a decision that we thought we could no longer support this democratically elected government? If that becomes the standard in this hemisphere, we are going to find ourselves sitting by and watching one democratically elected government after another fall to those that breed chaos and remove governments with which they don't agree. They are being told by the Bush administration now that the Haitian Government was a government of failed leadership. That is a whole new standard when it comes to engaging in the kind of activity we have seen over the last several days.

Having been critical of President Aristide, I point out that he was elected twice overwhelmingly in his country. He was thrown out of office in a coup in the early 1990s. Through the efforts of the U.S. Government and others, he was brought back to power in Haiti. Then he gave up power when the government of President Preval was elected. During those 4 years, President Aristide supported that transitional government. He ran again himself, as the Haitian Constitution allowed, and was elected overwhelmingly again, despite the fact the opposition posed little or no efforts to stand against him.

There was a very bad election that occurred in the spring of 2000, in which eight members of the Haitian Senate were elected by fraud. Those Senators were removed from office. Six months later, President Aristide was elected overwhelmingly again. It is the first time I know of in the 200-year history of Haiti as an independent nation where a President turned over power transitionally peacefully to another democratically elected government. Whatever other complaints there are—and they are not illegitimate about the Aristide government—there was a peaceful transition of democratically elected governments in Haiti. That never, ever happened before. What has happened there repeatedly is one coup after another—33 over the 200-year history of that nation.

Whatever shortcomings they may have had, President Aristide provided for the first time in Haiti's history a democratically elected government transitioning power to other people peacefully. I will also point out that he abolished the military and the army, an institution that did nothing but drain the feeble economy of Haiti of necessary resources.

Haiti did not have a need for an army. There were no threats to Haiti. In retrospect, he may regret that. But the army, in my view, was a waste of money in Haiti, served no legitimate purpose, and President Aristide should be commended for abolishing an institution that had been the source of constant corruption and difficulty on that nation.

Blame for the chaos does not rest solely on the shoulders of President Aristide. The so-called democratic opposition bears a share of the responsibility for the death and destruction that has wreaked havoc throughout Haiti over the past several weeks.

The members of CARICOM, with U.S. backing, put on the table a plan calling for the establishment of a unity government to defuse the political crisis. The opposition rejected this proposal on three different occasions, despite the fact that President Aristide said he was willing to have a government of unity, to give up power, to share governmental functions with the opposition. The opposition said no on three different occasions, despite the fact that the nations of the Caribbean region urged the opposition to avoid the kind of transition that we have seen over the last several days.

A hundred or more Haitians already have lost their lives. Property damage may be in the millions. Given the direct role the U.S. played in the removal of the Aristide government, it is now President Bush's responsibility, in my view, and moral obligation to take charge of this situation. That means more than sending a couple hundred marines for 90 days or so into Haiti. Rather, it means a sustained commitment of personnel and resources for the

foreseeable future by the U.S. and other members of the international community that called for the removal of the elected government.

If the Bush administration and others inside and outside of Haiti had been at all concerned over the last 3 weeks about the fate of the Haitian people, perhaps the situation would not have deteriorated into near anarchy, nor would the obligation of the U.S. to clean up this mess now loom so large.

We are now reaping what we have sown. Three years of a hands-off policy left Haiti unstable, with a power vacuum that will be filled in one way or another. Will that vacuum be filled by individuals such as Guy Philippe, a former member of the disbanded Haitian Army, a notorious human rights abuser and drug trafficker, or is the administration prepared to take action against him and his followers, based upon a long record of criminal behavior?

It is rather amazing to this Senator that the administration has said little or nothing about its plans for cracking down on the armed thugs who have terrorized Haiti since February 5.

Only with careful attention by the United States and the international community does Haiti have a fighting chance to break from its tragic history. In the best of circumstances, it is never easy to build and nurture democratic institutions where they are weak and nonexistent. When ignorance, intolerance, and poverty are part of the very fabric of a nation, as is the case in Haiti, it is Herculean.

Given the mentality of the political elites in Haiti—one of winner take all—I, frankly, believe it is going to be extremely difficult to form a unity government that has any likelihood of being able to govern for any period of time without resorting to repressive measures against those who have been excluded from the process.

It brings me no pleasure to say at this juncture that Haiti is failing, if not a failed state. The United Nations Security Council has authorized the deployment of peacekeepers to Haiti to stabilize the situation. I would go a step further and urge the Haitian authorities to consider sharing authority with an international administration authorized by the United Nations in order to create the conditions necessary to give any future Government of Haiti a fighting chance at succeeding. The United States must lead in this multinational initiative, as Australia did, I might point out, in the case of East Timor; not as Secretary Defense Rumsfeld suggested yesterday: Wait for someone else to step up to the plate to take the lead. It will require substantial, sustained commitment of resources by the United States and the international community if we are to be successful.

The jury is out as to whether the Bush administration is prepared to remain engaged in Haiti. Only in the eleventh hour did Secretary of State Colin Powell focus his attention on Haiti as he personally organized the pressure which led to President Aristide's resignation on Sunday. Unless Secretary Powell is equally committed to remaining engaged in the rebuilding of that country, then I see little likelihood that anything is going to change for the Haitian people. The coming days and weeks will tell whether the Bush administration is as concerned about strengthening and supporting democracy in our own hemisphere as it claims to be in other more distant places around the globe. The people of this hemisphere are watching and waiting.

I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Arizona.

Mr. REID. Mr. President, will my friend yield for a question?

Mr. KYL. Yes.

Mr. REID. Mr. President, we have people on both sides trying to determine what their schedules will be tonight. It is my understanding the Senator from Arizona would like to speak for an extended period of time or have someone on his side speak. We certainly think that is appropriate. We would, however, like to see what we can do to determine how much time would be used on each side. I ask my distinguished friend from Arizona, through the Chair, if he believes they can do their speeches in 2 hours.

Mr. KYL. If I can answer the question of the Senator from Nevada this way, I know that we have 2 hours. I just asked the staff on the schedule they have if it goes beyond that. They are checking that right now. I say to my friend from Nevada, if there are no people beyond that time, then 2 hours, and then if there are, then whatever the Senator is willing to agree to we will be happy to enter an agreement on.

Mr. REID. Mr. President, I ask unanimous consent that during this period for morning business, that I be in control of 2½ hours and that the majority be in control of 2½ hours, with the time starting from the time Senator KYL starts his speech.

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

IRAQ

Mr. KYL. Mr. President, I rise today to discuss the subject of the removal of Saddam Hussein's regime in Iraq and to address some of the recent criticism regarding whether, given that large stockpiles of weapons of mass destruction have not been found, action by the United States was justified. When I have concluded, I know there are some colleagues who will want to address this same question from slightly different perspectives.

The tragic events of September 11, 2001, demonstrated with great clarity that we can no longer afford to wait for threats to fully emerge before we deal with them. We paid a heavy price that day for our previous half-measures against those who hate us and want to destroy us.

By definition, intelligence is imprecise, and no matter what reforms we implement in our intelligence community, the fact is, at least to some degree, it will always be uncertain. This is precisely why intelligence information is just part of a larger puzzle, as it was in the case of Iraq, that we used to determine the direction of U.S. policy.

So given the uncertainty about weapons of mass destruction stockpiles, were our actions in Iraq justified? The answer to that question is most certainly yes. There is no doubt that the United States, the Iraqi people, and the international community are far better off today without Saddam Hussein in power.

The inability to find weapons of mass destruction stockpiles now does not mean that Iraq did not have access to such weapons, and that under Saddam Hussein Iraq was not a grave and gathering danger. In fact, the overwhelming body of evidence, including most recently that from the Iraq Survey Group, indicates that his regime did, indeed, pose a threat, and that its removal will aid in our overall aid against terror.

Some of our colleagues have charged that the President led the American people to war under false pretenses; that the case for removing Saddam Hussein's regime was supposedly based on an imminent threat posed by that regime because of its arsenals of weapons of mass destruction which now cannot be found. This assertion is categorically false, and today I intend to explain why.

Let's briefly review how we arrived at the decision to authorize force against Iraq in October of 2002.

Contrary to what some would have us believe, the Bush administration did not fundamentally change U.S. policy with Iraq from that of the Clinton administration. Upon entering office in January 2001, President Bush inherited from the Clinton administration a policy of regime change. I repeat, the Bush administration pursued the same Iraqi policy as the Clinton administration. That policy was based on the 1998 Iraq Liberation Act which stated:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power and to promote the emergence of a democratic government to replace that regime.

This policy was unanimously approved by this Senate. This legislation and, thus, the shift in U.S. policy from containment to regime change reflected an acknowledgment that diplomatic solutions for dealing with Saddam's intransigence were being exhausted.

Even before that shift, however, the Clinton administration was clear about the nature and capabilities of Saddam

Hussein's regime and, moreover, believed that if left unchecked, the regime would pose a serious threat in the future.

On February 17, 1998, as he prepared for war against Iraq, President Clinton stated the following:

> Now let's imagine the future. What if [Saddam Hussein] fails to comply and we fail to act or we take some ambiguous third route, which gives him yet more opportunities to develop this program of weapons of mass destruction and continue to press for the release of the sanctions and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you he will use that arsenal. . . . In the next century, the community of nations may see more and more of the very kind of threat Iraq poses now—a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals who travel the world among us unnoticed.

That quote was from President Clinton's remarks in 1998 as he prepared for war against Iraq. He pointed out that the arsenal which Iraq possessed—''a rogue state with weapons of mass destruction'' were his exact words—will pose a threat because he can provide them to terrorists, drug traffickers, or organized criminals who travel the world among us unnoticed.

Note that he talked about weapons of mass destruction which Saddam Hussein possessed.

I have noted no objections or caveats on these warnings by Democratic Members of the Senate.

Later that year, not 2 months after President Clinton signed the Iraqi Liberation Act into law, he delivered an address to the Nation explaining his decision to order air strikes against Iraqi military targets. He discussed the potential long-term threat posed by Saddam Hussein. Again, I quote President Clinton:

> The hard fact is that so long as Saddam Hussein remains in power he threatens the well-being of his people, the peace of his region, the security of the world. The best way to end that threat once and for all is with a new Iraqi government, a government ready to live in peace with its neighbors, a government that respects the right of its people.
>
> . . . Heavy as they are, the costs of inaction must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors; he will make war on his own people. Mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

Again, I note no dissent from Democratic Senators to these comments of President Clinton.

Consider the striking similarity between these statements by President Clinton and the statements Bush administration officials made about Iraq during the leadup to Operation Iraqi Freedom. In the first statement I cited from February of 1998, President Clinton discussed the consequences of inaction in the face of continued noncompliance by Saddam Hussein, noting that inaction would lead the dictator to conclude the international community had lost its will.

Consider the statements of President George W. Bush to the United Nations General Assembly in September 2002:

> The conduct of the Iraqi regime is a threat to the authority of the United Nations. Iraq has answered a decade of U.N. demands with a decade of defiance. . . . The United Nations [faces] a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?

I point out the focus of President Clinton's statements was on the totality of our knowledge about Saddam Hussein's history, his defiance of the United Nations, use of chemical weapons, aggression against his neighbors, savage treatment of his own people.

This is what we had to gauge his intentions by. This broad focus on Saddam's past actions and known capabilities, not any particular piece of intelligence, was also what prompted many Members of this body to authorize force against Iraq in October 2002. Consider some of the statements made in 2002 by my colleagues. First I quote Senator DASCHLE, majority and minority leader:

> Iraq's actions pose a serious and continued threat to international peace and security. It is a threat we must address. Saddam is a proven aggressor who has time and again turned his wrath on his neighbors and on his own people. Iraq is not the only nation in the world to possess weapons of mass destruction, but it is the only nation with a leader who has used them against his own people . . .

Note: 2002, Saddam Hussein possesses weapons of mass destruction, no qualifications except he is not the only country to do so. No expression of doubts or caveats. As minority leader or majority leader, Senator DASCHLE has access to all of the intelligence that is available to anybody in this body.

Now I quote Senator BIDEN, whose comments I quote not just because he is one of the more thoughtful Members of this body and ranking member of the Foreign Relations Committee, but also because they happen to be very close to the views I expressed on this issue. I quote Senator BIDEN in his colorful way of putting it:

> There is a guy named Saddam Hussein who, in the early 1990s broke international law, invaded another country, violating every rule of international law. The world, under the leadership of a President named Bush, united and expelled him from that country. Upon expulsion, he said a condition for your being able to remain in power, Saddam Hussein, is you sue for peace and you agree to the following terms of surrender . . . If the world decides it must use force for his failure to abide by the terms of surrender, then it is not preempting, it is enforcing. It is enforcing, it is finishing a war he reignited, because the only reason the war stopped is he sued for peace.

That is exactly true. That is precisely what happened.

Now let me quote another leader in the Senate, Senator KERRY, who said this:

> It would be naive, to the point of grave danger, not to believe that, left to his own devices, Saddam Hussein will provoke, misjudge, or stumble into a future, more dangerous confrontation with the civilized world. . . .

So this was the backdrop against which we all had voted to authorize the President to act and upon which he acted. I should not say we all voted to authorize the President because there were a few who did not, but the vast majority of the House of Representatives and the Senate voted to authorize the President to take appropriate action.

Some now are voicing second thoughts. Since our successful removal of Saddam Hussein from power, it emerges that some of the intelligence regarding the regime's weapons of mass destruction capabilities may have been wrong, because most notably large stockpiles of chemical and biological weapons have yet to be found.

I feel compelled to point out three obvious facts: One, an intelligence failure is not synonomous with a misuse of intelligence. Two, this intelligence issue does not fundamentally change the case against Saddam Hussein. Three, since Iraq itself had provided documentation to the United Nations on its production of chemical and biological agents, the question is not whether but what happened to the stockpiles.

Let's take the first, the misuse of intelligence. The fact remains the Bush administration relied largely on the same intelligence information used by the Clinton administration during the late 1990s, the same information that was available to Senators and about which they spoke on this floor, some of which I have quoted.

President Clinton's CIA Director was retained by President Bush. By and large, the intelligence information was also the same as that of the other allied intelligence services, with a primary source being the two U.N. inspection bodies UNSCOM and UNMOVIC, the initials of which are U-N-S-C-O-M and U-N-M-O-V-I-C, which were led by non-Americans, such as Rolf Ekeus and Richard Butler. That Saddam had weapons of mass destruction capabilities was widely accepted, even by those who vehemently opposed the war. As French President Jacques Chirac commented during an interview with ''Time'' Magazine in February of 2004:

> There is a problem—The probable possession of weapons of mass destruction by an uncontrollable country, Iraq. The international community is right to be disturbed by this situation, and it's right in having decided Iraq should be disarmed.

I would note, if he does not have any weapons of mass destruction, there is no point in talking about disarming him. The entire world community believed he possessed these weapons, among other things because he himself had said he did.

So given the information the international community had at the time, the conclusions about Iraq's capabilities seemed clear. As former head of the Iraqi Survey Group David Kay recently stated in his testimony to the Senate Armed Services Committee:

. . . All I can say is if you read the total body of intelligence in the last 12 to 15 years that flowed on Iraq, I quite frankly think it would be hard to come to a conclusion other than Iraq was a gathering, serious threat to the world with regard to WMD.

I might add, that is exactly what President Bush said. That is obviously a big-picture view.

It seems opponents of the President, in charging the administration misled the American people, preferred to point to specific intelligence. So let's take a closer look at a couple of those examples. First, that the President's reference in his State of the Union Address regarding Iraq's attempts to purchase uranium and, second, that the administration presented intelligence community information on Iraq's WMD capabilities as though it were an undeniable fact rather than qualifying it properly with caveats.

First, there were the following 16 words in the President's State of the Union Address:

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

Major newspapers, the Democratic National Committee, and some policymakers claim this is one of the top examples of the Bush administration knowingly misleading the American people and presenting false intelligence information. As the DNC chairman Terry McAuliffe stated:

This may be the first time in recent history that a President knowingly misled the American people during a State of the Union Address. . . . this was not a mistake. It was no oversight and it was no error.

That is a grave charge. Charges that the administration purposely included false information in the President's speech I deem despicable, an attempt to create a scandal where one does not exist. The President had every reason to believe the information in his speech was true. It had been vetted by the CIA Director and it was consistent with the judgment of the intelligence community in October 2002. The National Intelligence Estimate at that time said Iraq was ''vigorously trying to procure uranium ore'' from several African countries.

The British government, which the President cited, included a judgment in its dossier similar to that of the intelligence community's majority judgment on this point.

In retrospect, Director Tenet stated this phrase, though factually correct and approved in the interagency process, should not have been included in the President's speech because it was not central to the intelligence community's judgment that Iraq was reconstituting its nuclear weapons program. In other words, it was just a piece of evidence, not important enough to include in a speech like the State of the Union speech, and certainly not what we relied upon for our conclusion Iraq was trying to reconstitute its nuclear weapons program. In any event, it does not suggest in any way that the President was at fault for including the information, or that he had any intention of misleading the American people. The President believed the text was sound. It was not in error. If there was an error, it was simply including a piece of information which really wasn't central to making the case, but not misleading the American people.

Second, the President's critics argue he failed to mention caveats in the intelligence community's assessment of Iraqi capability. This criticism is highly misleading. According to the 2002 National Intelligence Estimate, and I have an unclassified copy of it here, the intelligence community had ''high confidence'' in the following statements:

Iraq is continuing, and in some areas expanding, its chemical, biological, nuclear, and missile programs contrary to U.N. Resolutions.

Iraq possesses proscribed chemical and biological weapons and missiles.

Iraq could make a nuclear weapon in months to a year once it acquires sufficient weapons-grade material.

So the National Intelligence Estimate, prepared by the entire intelligence community, led by the CIA Director George Tenet, had high confidence, among other things, in the fact that Iraq possessed proscribed biological and chemical weapons and missiles. After the fact we found some of the missiles. We found the programs to make chemical and biological weapons. But we don't find the big stockpile of those weapons. It turns out the intelligence community's high confidence in this statement was either misplaced or we simply haven't found the material yet, or it went somewhere else. We don't know the answers to those questions.

As to this, the only dissent came from the State Department. But even in its alternate view it said Saddam continues to want nuclear weapons and available evidence suggests Baghdad is pursuing a limited effort to maintain and acquire nuclear weapons capabilities.

Moreover, it appears the State Department did not have significant objections to the key judgments related to chemical, biological, and missile programs.

So it is clear, it is fair to say, we had a general opinion of Saddam's capabilities, that that is what the President addressed.

I want to also make it clear the President and the administration never claimed Iraq posed an imminent threat, as some have said. To the contrary, administration officials said the United States and the international community needed to act before it became imminent. Indeed, President Bush challenged those who wanted to wait until the threat was imminent in his 2003 State of the Union Address, saying the following:

Some have said that we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

So said President Bush.

Administration officials did use words like ''immediate'' and ''urgent'' but more to convey the importance of dealing with the threat they judged to be growing; that they did not imply or state was imminent, in other words, that the attack was about to occur. They did not say that.

Indeed, that the threat was not yet imminent was well understood on both sides of the aisle. As Senator DASCHLE, whom I quoted earlier, stated in explaining his support for the resolution authorizing the use of force against Iraq:

The threat posed by Saddam Hussein may not be imminent, but it is real, it is growing, and it cannot be ignored.

I submit he was correct. One can argue, and indeed some of my colleagues have argued, administration officials were at times too certain in the way they said it, too certain in their statements using phrases like ''we know.'' But given all the information we had about Saddam's history of using and producing weapons of mass destruction, his aggressive intentions, and the intelligence community's high confidence in the key areas of assessment, it is difficult to imagine how the administration could have determined Iraq was not a threat that needed to be dealt with immediately.

So, no, there may have been mistakes in intelligence. We have yet to find that out. But there was not a misleading—an attempt to mislead by the administration.

The second point is the larger point, that whatever deficiencies there may have been about the stockpiles of weapons of mass destruction, it doesn't change the basic case against Saddam Hussein. Some of what I have quoted earlier makes that point. While it is troubling our intelligence cannot tell us where these stockpiles are, the larger case remains. The Bush administration, supported by a large coalition, pursued a responsible policy, given all of the pieces of the puzzle it had. As I said, there was Saddam's previously known missile capabilities and chemical and biological weapons programs; his desire to acquire a nuclear weapon; his continuing flagrant violation of numerous Security Council resolutions; his history of aggression including, I might add, shooting at American airplanes constantly in the no-fly zone while we were trying to enforce that, if you will recall; and even an attempt to assassinate former President Bush. Add to this the regime's vast human rights

abuses which really only came to light after we were able to liberate Iraq.

In other words, absent any statement or specific piece of intelligence, the case against Saddam Hussein was already made by Saddam Hussein himself and this was before, as I said, we found the mass graves of hundreds of thousands of Iraqis.

Our colleague Senator KERRY summed it up well at the time. He said this:

> I believe the record of Saddam Hussein's ruthless, reckless breach of international values and standards of behavior is cause enough for the world community to hold him accountable by the use of force, if necessary.

I want to quote that again:

> I believe the record of Saddam Hussein's ruthless, reckless breach of international values and standards of behavior is cause enough for the world community to hold him accountable by use of force, if necessary.

There is no suggestion here we had to find weapons of mass destruction, or even necessarily that we had to believe those weapons existed at the time, even though, as I said, we all did, based upon the intelligence at the time, but that this gross violation of human rights was, in and of itself, a sufficient casus belli.

Given the same causes and information, what then accounts for the differences between the actions of the Bush and Clinton administrations? Very simply, the Bush administration made a decision that, post 9/11, it was too dangerous to allow American security to rest in the hands of an international organization that, after 12 years, had failed to enforce its own resolutions demanding Iraqi compliance with the 1991 Gulf war cease-fire. It was too dangerous to allow a regime to stay in place which had demonstrated a clear intent to develop weapons of mass destruction, had ongoing ties to terrorist organizations, and whose leader made it abundantly and routinely clear the United States was his enemy.

We needed to begin the process of changing the facts on ground in the Middle East.

In fact, it was, in part, the very uncertainty that made dealing with Saddam Hussein an urgent matter.

As Senator KERRY explained before his vote in favor of the authorization to use force:

> In the wake of September 11, who among us can say, with any certainty, to anybody, that those weapons might not be used against our troops or against allies in the region? Who can say that this master of miscalculation will not develop a weapon of mass destruction even greater—a nuclear weapon—then reinvade Kuwait, push the Kurds out, attack Israel, any number of scenarios to try to further his ambition to be the pan-Arab leader or simply to confront in the region, once again miscalculate the response, to believe he is stronger than those weapons?
>
> And while the administration has failed to provide any direct link between Iraq and September 11, can we afford to ignore the possibility that Saddam might accidentally, as well as purposely, allow those weapons to slide off to one group or other in a region where weapons are the currency of trade? How do we leave that to chance?

While we have not and may not find these weapons stockpiles, the case against Saddam Hussein is not diminished. His was a threat that needed to be dealt with.

The third and final point, the jury is still out as to what happened to Iraq's weapons of mass destruction and when. It is an intelligence failure—a lack of knowledge, not an attempt to mislead people—that we don't know the answer to that question. Presumably, some day we will find out or at least come closer to the resolution of the issue. Perhaps some day we will find some of the weapons, or maybe we will find evidence they were destroyed or removed before the war. There is no way now to know.

But one fact is certain. What we know is that at one time Saddam Hussein had chemical and biological weapons. Saddam Hussein admitted it and the entire world believed it. What is more, that Saddam used those weapons against Iran and against the Iraqi Kurds will remain forever etched in our minds.

I point to simply one picture among many which we can present to remind us of the fact that Saddam Hussein had weapons of mass destruction and used them—in this case, against his own people. Who will forget the picture of this Kurdish mother with arms wrapped around baby, both dead, as a result of Saddam Hussein's perfidy—the use of his chemical weapons.

Mr. MCCONNELL. Mr. President, will the Senator yield for a question?

Mr. KYL. I am happy to yield for a question.

Mr. MCCONNELL. Is it not correct that was one issue upon which everyone was in agreement prior to the Iraq war, the French, the Germans, the Russians, the British, ourselves, the United Nations, the world in its entirety? The one thing they agreed on prior to the Iraq war was the point the Senator from Arizona was just making.

Mr. KYL. Mr. President, if we didn't agree on anything else—and there were some issues we agreed on—all of the countries mentioned, all of the intelligence services mentioned by the Senator from Kentucky, in fact agreed on that point.

Among other things, they agreed because they read the documentation provided to the United Nations by Saddam Hussein in which he admitted he had biological and chemical weapons stockpiles. We knew he had used them. He said he had them. The question now is, What happened to them between sometime in the late 1990s, maybe right up to a week or two before the Iraqi war, and the time we were able to go in after the Iraqi war in search of them since we haven't yet found large stockpiles? We found some things. We certainly found missiles. We have found the programs to reconstitute the chemical weapons program and the biological weapons program. But what we thought we were going to find was a lot of artillery shells filled with chemical munitions and some mortars and things of that sort. We thought they were going to be used against our troops. That we haven't yet found. That is a mystery. You can say it is an intelligence failure, but as the Senator from Kentucky pointed out, nobody disagreed with the proposition that at one time he had those weapons. There is a lot of evidence to that fact.

Mr. MCCONNELL. So if there were any effort to mislead the public, an awful lot of countries were complicit in this effort, were they not?

Mr. KYL. If there was an effort to mislead, there would have been a lot of countries complicit and a lot of Senators complicit. I don't believe for a minute that, in fact, any of us attempted to mislead; that Jacques Chirac attempted to mislead, that the United Nations, or President Bush attempted to mislead. We were all going forth with the same intelligence. We all reached the same conclusion.

Maybe we don't know yet, but at some point in the last few months or years Saddam Hussein buried, sent to Syria, blew up, or otherwise got rid of those weapons. We just do not know. But about their existence at one time, there can be no doubt.

Mr. MCCONNELL. I thank my friend from Arizona.

Mr. KYL. I thank the Senator very much. The Senator made the last point I wanted to make in this regard, and then I will conclude my remarks.

We were briefed every day of the war at 9 o'clock in an area here in which we can receive classified briefings by the general in charge of the operation at the Pentagon and representatives of the CIA, the Defense Department, State Department, and others. Every morning they checked several boxes to remind us of the status of the open relationship.

Before the operation started, they told us about their belief that Saddam Hussein would lob artillery shells with chemical munitions at our troops. They pointed out that they were going to make efforts to try to prevent this from happening. They called it the ''red line'' around Baghdad. When we got that close, then there would be this threat of chemical weapons fired against our troops—maybe biological.

So before the war, they began the bombardment on the command and control systems that would send the orders out to the generals in the field. They bombed artillery sites hoping to destroy their artillery weapons. They bombed the warehouses where they thought the munitions might be stored. They dropped millions of leaflets warning that if any officer carried out an order to use these weapons against the allied forces we would hold them accountable as war crime criminals.

As our troops got closer to that red line, they had to don the equipment

that would protect them against these munitions. It was not easy to fight under those conditions, but we believed this attack could very well occur.

We got to the Baghdad Airport. By that briefing, the generals were scratching their heads saying: We are not sure why, but we haven't been attacked with these artillery shells. Yet maybe it is because we destroyed the artillery units that would have fired them. Maybe they just got scared because of our leaflets or they couldn't issue the orders. We are not sure. But for some reason they didn't fire them. For several days, they continued to wonder about that.

My point is this: At the highest levels, our troops and our leaders at the Department of Defense all believed this was a threat that could well materialize against our troops. They went to great lengths to try to protect against it. This was not a matter of somebody misleading the American people. We believed it, our troops believed it, the generals believed it, and the Defense Department believed it. And, yes, the President believed it. Nobody was trying to mislead anyone. We based a lot of our actions on this belief.

Let me conclude my remarks by saying this: Much has been made of David Kay's acknowledgment that all of the intelligence agencies apparently were wrong about the weapons stockpiles. But listen to what David Kay said as he reflected on the decision to go to war:

> I think at the end of the inspection process we'll paint a picture of Iraq that was far more dangerous than even we thought it was before the war. It was a system collapsing. It was a country that had the capability in weapons of mass destruction areas and in which terrorists, likes ants to honey, were going after it.

Kay stated on numerous occasions that Saddam Hussein was in clear material breach of Security Council Resolution 1441. The Iraq Survey Group, of which he was head, discovered hundreds of cases of activities that were prohibited under the original United Nations cease-fire resolution and that should have been but were not reported under Resolution 1441.

The group found a prison laboratory complex which may have been used in human testing of biological agents. It found ''reference strains'' of biological organisms which can be used to produce biological weapons. It found new research on agents applicable to biological weapons, including the Congo-Crimean hemorrhagic fever. It found continuing research on ricin and aflatoxin. It also found plants and advanced design work on new missiles with ranges well beyond what was permitted.

Not just the words of Resolution 1441 but the entire credibility of the U.N. was at stake. The years of Iraqi violations had to come to an end. Now that awful and bloody regime has come to an end.

In the final analysis, whatever the inaccuracies of specific pieces of intelligence, that Saddam Hussein continued to harbor intentions for the development and use of WMD remains true. The observations of David Kay, once again, showed this. He reported earlier this year that Iraq ''was in the early stages of renovating the nuclear program, building new buildings.'' This is the regime that, as I said, David Kay called ''far more dangerous than even we thought. To wait any longer to remove it would have been a gamble not worth taking.''

I yield to the Senator from Kentucky.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Kentucky.

Mr. MCCONNELL. I thank the Senator from Arizona and appreciate so much his contribution to this important discussion about the war in Iraq and how we got into it and what people understood at the time.

It has occurred to me there is a criminal analogy that summarizes the debate we seem to be having. So let's pose a hypothetical question to all of our fellow Senators. Say the FBI has received a credible tip that a domestic terrorist group is planning to bomb the Capitol. This group is responsible for previous deadly terrorist attacks, we know that, but has been able so far to avoid capture. When the FBI breaks down the door to the group's rural compound, they find all sorts of prohibited weapons—machine guns, sawed-off shotguns, and grenade launchers. They also find detailed plans to gun down lawmakers, diagrams of the Capitol, and information on how to construct a large bomb capable of destroying the Capitol Building. But they do not find the bomb itself or any grenades or the grenade launchers. They found all of the other things, but they did not find the bombs themselves or the grenade launchers.

Should the FBI apologize to the terrorists and offer to replace their door, even though they just caused the apprehension of the terrorists? Since they had yet to construct the bomb, should the terrorists go free? Should we fret that we acted before the bomb was ready, even though the terrorists' intent to attack the Capitol was absolutely clear?

The answer is obviously and definitely no; we should not wait until terrorists roam our streets before responding. We should not wait until the planes have been hijacked or until the bombs have been assembled. We should not have waited until Hussein's army once again stood ready at the border. We should not have waited until the threat he posed to the United States and its allies was imminent. We should not have waited for the French to say it was OK to act to defend the free world.

Some seem to suggest that even though we know Saddam Hussein continued to develop ballistic missiles prohibited by the U.N., our military effort was illegitimate because we have not yet found WMD warheads or the missiles. I can confidently state that Saddam's ballistic missiles were not for the Iraqi space program.

On another note, I am fairly confident that the Iraqi people do not believe for a minute that their liberation is any less legitimate because we have yet to find stockpiles of WMD. I raise this simple analogy because the fundamental questions about our policy in Iraq are fairly basic. The crux of the matter is that Saddam Hussein posed a growing threat to the United States, to our allies, and to his own people. There is no doubt that Iraqis and Americans alike are better off now that Saddam Hussein is in prison and his evil sons have met their end.

Now it occurs to me, we have also lost sight of the moral dimension that accompanied our liberation of Iraq. I represent in my State Fort Campbell, KY, the home of the 101st Airborne. I followed their efforts in that country very closely. This is the unit whose brave soldiers brought to justice Usay and Quday Hussein. The 101st Airborne got them. My colleagues are surely not unaware of how vile these two murderers were and how deserving they were of the tow missiles that ended their brutish lives.

In case we have forgotten that, let me recount a little bit of their evil legacy. According to many reports, Usay Hussein routinely ordered his bodyguards to snatch young women off the streets so that he could rape them. He also ordered political prisoners to be dropped into tubs of acid to punish them. Usay was also in charge of Iraq's olympic committee where he oversaw the training of that country's professional athletes. Usay's training regimen included torturing and jailing athletes for poor performance. Usay would sometimes force Iraq's track stars to crawl along a strip of newly poured asphalt, and once required soccer kickers to kick a concrete ball until their feet were broken after they failed to reach the 1994 World Cup finals. This was Usay Hussein.

Although it is difficult to think of an individual more brutal and evil than Usay Hussein, his brother, Quday, who was known by many Iraqis as ''the snake'' for his blood thirsty manner, surely comes close. Quday was responsible for the massacre of tens of thousands of Shiite Muslims in the wake of the first gulf war. Maybe some of our colleagues have forgotten about the marsh Arabs who live in southern Iraq. These Iraqis used to live in the Iraqi wetlands that covered nearly 3,200 square miles. They had lived in these marshes for hundreds and perhaps thousands of years until Quday ordered them drained in a massive ethnic cleansing operation. Quday was also responsible for horrible cleansings of Hussein's prisons.

When Hussein's prisons became overcrowded, the regime did not build more jails or let prisoners go. Instead, Quday ordered mass executions in order to reduce overcrowding. A London-based

human rights group reports that these unlucky prisoners were sometimes put feet first into massive shredders at Quday's request.

We do not hear much about these awful crimes anymore, so maybe some of our colleagues have forgotten, if they ever knew, about the extent of the Hussein family's brutality. I highlight their brutality in order to ask a serious question about the reality of the international system in the absence of American action. Does anybody seriously believe that had the 101st Airborne not banged down their door, Usay and Quday would have been brought to justice? Of course they would not have. Without the 101st Airborne going after them, they would not have been brought to justice. Absent U.S. leadership, I cannot imagine a situation in which the U.N. would have been able to arrange for the apprehension and trial of the Hussein family.

Had the United States not acted in Iraq, who could say with any confidence that Usay and Quday would not this very day be raping young Iraqi girls and torturing Iraqi dissidents. Of course they would still be doing that. That is what they did.

Had the United States not acted in Iraq, could anyone say with any confidence that Saddam would not be plotting our doom, that his sons would not be torturing the Iraqi people, and that his regime would not be preparing to rebuild the WMD infrastructure we all have agreed Hussein once had?

In conclusion, Madam President, it is more than enough to justify the war in Iraq and the liberation of the Iraqi people.

I yield the floor.

Mr. KYL. Madam President, I know the majority leader wishes to speak next; and then I know the distinguished chairman of the Judiciary Committee is here as well. I now yield to Majority Leader FRIST.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, I just want to share with my colleagues some recent experiences I had in meeting with Kurdish physicians not too long ago in my office, not too far from here, because it relates so dramatically to the debate and to the unfolding of many of the questions that seem to be raised today.

I should really begin by saying in my home State of Tennessee there are a number of Kurdish residents who live, who reside particularly in the area of Nashville where I am from. I have had the opportunity to meet with them and to listen to their concerns and have had the opportunity to support a project called the Health Partnerships With Northern Iraq, which is a project that is sponsored by the Meridian International Center here in the District, with the support of the State Department. It is a fantastic program, it is a great program, the purpose of which is to train Kurdish doctors in northern Iraq to do primary care; that is, basic care. It is probably 90 percent of health care in terms of responding to individual needs of families and individuals.

What is interesting is these doctors, for a period of time, spent a few weeks, and then months, of their training in this country in primary care, and part of that time was spent in Tennessee at East Tennessee State University.

Last January, I met with this group of Kurdish doctors in my office, just down the hall. They came to me as a physician, as a doctor, and also as majority leader, but they came to me with very specific concerns. They shared with me that they knew the war to topple Saddam Hussein was near, and they were concerned—these are Iraqi physicians—that they would be attacked with chemical and biological weapons. Their concern, as I will share with my colleagues shortly, was based on practical experience, experiences they have firsthand knowledge of, in terms of being with people who had suffered from attacks.

But at the time when they were in my office, they came to me because they said: We are simply unprepared to be practicing primary care in our homeland in northern Iraq. They were in a region of about 6 million individuals, which had 240 primary care centers, but they had very few supplies. They had only the very most rudimentary needs in terms of treatment. They had no personal protective equipment in terms of biological contaminants or chemical weapons. They had no ability to contain or even treat victims of a chemical or biological attack. They had little time for the intensive training they knew they would need in order to respond to such a biological or chemical attack. Yet they came to my office very specifically asking for help.

Dr. Ali Sindi, the delegation leader, asked for basic supplies. He asked for medical supplies and some help with acquiring medical supplies, coming to the majority leader, but also coming to a physician. He asked for hydrogen peroxide. He asked for bleach. Hydrogen peroxide and bleach, as most people know today, are used to decontaminate affected areas from biological or chemical weapons. He asked for gas masks. He asked for chemical suits. He asked for antibiotics in the event there was a biological attack.

He noted—and, again, it was a group of Kurdish physicians—he told me the Kurdish water systems are generally open to the air and, a lot of times, sitting on the rooftops of the villages there. So he, concerned about chemical and biological attacks, said: And in addition, what I need is some kind of protection for these rooftop water systems.

Their fear—these doctors' fear, the doctors from Iraq—was not based on intelligence briefings. Their fear was based on experience. Their fear was based on reality. Their fear was based on what they had seen, and their fear was based on what they had actually treated; that is, chemical weapons, weapons of mass destruction.

As the Senator from Arizona knows, the Kurds had been attacked by chemical weapons before, most notably in the city of Halabja. There, thousands of innocent Kurds were killed with weapons of mass destruction, these chemical weapons. These doctors from that region had come to see me. They had treated victims of that particular attack. They know from that direct experience what chemical weapons, weapons of mass destruction, can do. These doctors believed, obviously, the Kurds were going to be attacked with chemical weapons once again. They asked from me and from our Government, through me, for that help to be prepared.

At this juncture, I ask the Senator from Arizona, in light of these doctors' past, direct experience with weapons of mass destruction—these chemical weapons—does the Senator agree the Kurds were acting reasonably when they, with this direct experience, believed Saddam Hussein possessed and intended to use weapons of mass destruction; namely, the chemical weapons they had seen and had experience with being used before?

Mr. KYL. Madam President, I would answer the question this way: It is easy for us, in this sort of antiseptic environment of the Senate, to talk about these matters. But I was moved by the story of these Kurdish doctors, who saw it with their own eyes. I cannot imagine how they would not believe, and why we should not think it reasonable they would believe, Saddam Hussein would do this again, that he had every intention to, every capability of doing it again.

When I look at this picture, I think of the words of Secretary Powell when he visited Halabja and saw what occurred there and basically vowed the United States would never, ever again allow something like that to happen if he could do anything about it. It made me proud. It made me recommitted to the proposition that when we know something like that is going on, or we believe it to be the case, like these Kurdish doctors did, we have a duty to do something about it.

I absolutely agree with the Senator.

Mr. FRIST. I thank the Senator from Arizona.

Again, these physicians who came to see me from Iraq had seen with their own eyes these chemical weapons having been used before. They had come—and this is just last January—to me to say: We need help to protect ourselves and our communities from the use of these biological and chemical weapons.

Is the Senator aware many of the critics of the war to topple Saddam Hussein seem to suggest there was never cause to be concerned with Saddam Hussein? In fact, if you listen closely to the critics, they go so far as to imply there was never a threat at all.

Is the Senator from Arizona familiar with the details of one of the most horrendous examples of Saddam's brutality, the 1988 massacre of Kurdish civilians in the village of Halabja? Indeed, at the time, 50,000 Kurds lived in the village of Halabja, a city that is very close to the Iranian border. They had already suffered immeasurably from the 8 years of conventional war between Iraq and Iran. But for Saddam Hussein, that was not enough.

On March 16, 1988, the Iraqi regime launched an artillery attack against Halabja, driving the residents of the city there underground. They went to these underground shelters and to the basements for protection from this overhead attack. But that is when the real, true terror began. Iraqi helicopters then came in with planes, and they came back once again, but this time with chemical weapons. The chemical weapons were all carefully documented—nerve gas, VX, mustard gas—all weapons of mass destruction, which were aimed at these buildings, these cellars, all of a sudden turning these cellars in which the Kurds were hiding into gas chambers. They fled, of course, gathering their families, exposed, running for their lives.

Graphic evidence showed the results of Saddam's use of weapons of mass destruction. The Senator from Arizona just showed that picture with the question: No weapons of mass destruction?

It reminds me so dramatically of what one survivor relayed at the scene:

> People were dying all around. When a child could not go on, the parents, becoming hysterical with fear, abandoned him. Many children were left on the ground by the side of the road. Old people as well. They were running. Then they would stop breathing and die.

Experts agree over 5,000 innocent citizens died as a result of the chemical weapons attack. These were weapons of mass destruction used on Halabja. Again, those physicians in my office told me these stories. Other survivors had scarring of the lungs, something called fibrosis of the lung, where the lung becomes nothing but a fibrous scar. Others were blinded permanently. The consequences of this cruelty continue to this day, and indeed these physicians continue to treat the residual effects of people in that Kurdish community. Chemicals contaminated the food and water supply. The chemicals caused cancer. The chemicals caused those respiratory diseases like fibrosis. They caused infertility and high levels of severe abnormalities in Halabja's children.

Christine Gosden, a British professor of medical genetics, traveled to northern Iraq in 1998 to study the effects on the Kurdish population of the poison gas unleashed on them. She founded the Halabja Medical Institute and discovered the consequences of the chemical weapons attack were even more damaging than she expected. She wrote in the Washington Post:

> What I found was far worse than anything I had suspected—devastating problems occurring 10 years after the attack. These chemicals seriously affected people's eyes and respiratory and neurological systems. Many became blind. Skin disorders, which involve severe scarring are frequent, and many progress to skin cancer. An increasing number of children are dying each year of leukemias and lymphomas.

The Halabja Medical Institute, in its research on the attacks, discovered something even more vicious. Its conclusions noted:

> While these weapons had many terrible direct effects, such as immediate death, or skin and eye burns, Iraqi government documents indicate they were used deliberately for known long-term effects, including cancers, birth defects, neurological problems, and infertility. Inexpensive in terms of death per unit cost, there is evidence that these weapons were used in different combinations by Baath forces attempting to discern their effectiveness as weapons of terror and war.

Yes, Saddam's regime conducted experiments using chemical weapons on innocent Kurdish civilians. These are Kurdish civilians in his own country. Experimenting. The Kurdish physicians told me—it is to vivid in my mind—that in buildings like hotels with different wings, single floors, people would be herded and placed into these rooms; one wing would be to test VX gas on humans, killing them, and another wing would be mustard gas, and there would be another gas in a third wing, to see which was more effective.

Iraqi soldiers even went so far as to return to the town after that attack in Halabja to study how efficient, how effective those chemicals weapons were, using the number of people who died as a measure of success.

I want to ask the Senator from Arizona another question. Does the Senator from Arizona have any doubt in his mind that Saddam would continue to develop and use such weapons at the first possible opportunity?

Mr. KYL. Madam President, I will answer in a couple of different ways. First of all, I served on the Intelligence Committee for 8 years, and I was convinced, based upon the intelligence estimates provided to us over that period of time, these weapons were possessed, they had been used, and they would likely be used again if he had the opportunity to do so, and that there were weapons programs ongoing within the country of Iraq. So I don't have any doubt, as the Senator has so eloquently pointed out here, that the Kurds, who he referred to and spoke with, were absolutely right that these kinds of attacks would occur again.

I wondered whether I was alone in this and, of course, in looking, I found that I was not. Let me note two or three things colleagues have said. Then I will turn to Senator HATCH. But I note that in 1998, long before President Bush came to town, President Clinton had come to the same conclusion, based upon the intelligence that had been provided to him by the intelligence agencies. A couple things struck me and then I will move on. He said:

> Other countries possess weapons of mass destruction and ballistic missiles. With Saddam, there is one big difference: he has used them, not once but repeatedly.

That is the point the leader made.

> Unleashing chemical weapons against Iranian troops . . . against civilians, firing Scud missiles at the citizens of Israel, Saudi Arabia, Bahrain, and Iran . . . even against his own people, gassing Kurdish civilians in Northern Iraq.

I also found it interesting that in December of 1998, in an Oval Office address, President Clinton said this, and I take just one sentence:

> I have no doubt today that, left unchecked, Saddam Hussein will use these terrible weapons again.

That was the President of the United States responding to the intelligence he was given. I know some colleagues have said the current administration hasn't qualified the intelligence enough. They have not said we think or we judge. They said we are pretty sure. Here is President Clinton staying, ''I have no doubt today.'' That is not caveated or qualified.

Then several members of his cabinet—I looked at what they had to say. Madeleine Albright, the distinguished Secretary of State, said:

> I think the record will show that Saddam Hussein has produced weapons of mass destruction, which he's clearly not collecting for his own personal pleasure, but in order to use. Therefore, he is qualitatively and quantitatively different from every brutal dictator that has appeared recently.

That is her judgment.

Secretary of Defense William Cohen talked about Secretary Albright, indicating Saddam Hussein has ''developed an arsenal of deadly chemical and biological weapons. He has used these weapons repeatedly against his own people as well as Iran.''

We are talking about an arsenal of weapons here. Here is the former Secretary of Defense in the Clinton administration talking about that. He went on to say in this particular interview, which occurred at Ohio State University:

> I have a picture which I believe CNN can show on its cameras, but here's a picture taken of an Iraqi mother and child killed by Iraqi nerve gas. This is what I would call Madonna and child Saddam Hussein-style.

That is the picture Secretary Cohen at that time displayed on the screen. He said:

> Now, the United Nations believes that he still has very large quantities of VX.

VX is the nerve agent which is so deadly. As Dr. FRIST knows, a single drop can kill you within a couple of minutes.

Here is Secretary Cohen and Secretary Albright referring to the United Nations believing that he still has a large quantity of this product, the point being that everybody thought he had it.

The United Nations thought he had it, Secretary Cohen thought he had it, Secretary Albright thought he had it, and President Clinton thought he had it.

I found it interesting that Senator LEAHY, the distinguished ranking member on the Judiciary Committee, said in 1988—and he is right on target:

If Saddam Hussein had nothing to hide, why would he have gone to great lengths to prevent U.N. inspectors from doing their job?

That is a question we all asked.

There is no doubt that since 1991, Saddam Hussein has squandered his country's resources to maintain his capacity to produce and stockpile chemical and biological weapons.

The point is, a lot of our colleagues had no doubt and they said they had no doubt.

Senator KERRY—I will make this the last quotation—in 1998 said:

We do know that he had them—

Referring to WMD—

in his inventory, and the means of delivering them. We do know that his chemical, biological, and nuclear weapons development programs were proceeding with his active support.

The bottom line is the distinguished majority leader is absolutely correct. But not only do we have reason, not only did those Kurdish physicians have reason to believe he had these horrible weapons and would use them again, so did the leaders of our country, including the leaders of the United Nations all throughout this period of time of 1996, 1998, right on up forward.

Unless the distinguished majority leader has anything else, I yield at this point to the distinguished chairman of the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask my colleagues on the floor just to think this through. I have been watching this debate about the threat of Iraq, frankly, since the early 1990s. I have been privileged to serve in this body since 1977, which means I have been here long enough to see the evolving trends in terrorism, from the Iranian revolution to the perversion of the Islamic faith and advent of fundamentalism. I also have been here through all the stages of relations with Iraq since the rise of Saddam Hussein.

I recall the debate prior to the first gulf war. While certainly not absolutely partisan, that debate in 1990 was the last time we had a very partisan debate on foreign policy. Through the 1990s, while I had many disputes with the Clinton administration over various aspects of foreign policy, I seemed to recall that partisanship on the question of Iraq had diminished. In fact, the Iraq Liberation Act of 1998 was passed in this body unanimously and in the House overwhelmingly and was signed into law by President Clinton.

I think my colleagues would have to agree with this. I would like to ask my colleagues if they agree with the following assessment: Since the fall of 2002, the debate over Iraq policy has become more and more partisan and more and more bitter. While the authorization to use force was passed by a large majority—I believe it was 77 to 23—and with the support of many of my Democratic colleagues, including some not present today, the debate since then has been troubling to me.

You would think that Congress could maintain our proper role of oversight without descending into partisan attacks. You would think that with our military in the midst of a historic mission and over 500 American families grieving because their loved ones paid the ultimate sacrifice, that legitimate criticism could be expressed without partisan rancor or misleading rhetoric. You would think so.

One of the most troubling aspects of the criticism of our President and his policy was the suggestion, deceivingly made, that the threat of Saddam Hussein was not imminent. I believe these criticisms beginning last year deliberately tried to confuse the American public. The threat was not imminent, the critics said, implying the response to go to war was not required.

Yet I have reviewed most of the President's rhetoric, and I have concluded that he made numerous honest statements that declared that after the historic attacks of September 11, we would not be defining our response by outdated measures of imminence. I went back and read a key quote from the President's State of the Union Address in 2003 in which he declared to us, the American people, and to the world:

Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions politely, putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late.

That is what he said, and it was right then, and it is right today. So will my colleagues recall this extremely clear statement? Do they think his words were casually stated? Give me a break.

I have given a lot of thought to the concept of imminence since September 11, and as we debated our response to Iraq, I recognized that the definition of ''imminence'' is necessary to support a doctrine of preemption. I wonder what our various Senators' views about this are since the definition of ''imminence'' is different in the 21st century than it was in the 19th or the 20th centuries.

During the debate over authorization of the use of force last year, I made the following points:

Osama bin Laden launched an attack that changed the way America sees the world. We had to recognize that the concept of imminence was not an abstract idea as we contemplated preemptive use of force. Preemption is not a new concept in international law, despite what many of the President's critics suggest. It is as old as Grotius, the founder of modern international law.

Contrary to critics' misinformed assertions, the U.S. has never foresworn the use of preemption, not since the U.N. charter and not under either Democratic or Republican administrations.

Preemption has always been conditioned on the idea of imminent threat. In the prenuclear era, we could see conventional armies amassing on a border and base imminence on that measure. But in the nuclear era, the idea of imminence grew quite a bit murkier.

Was it the fueling of an enemy ICBM? Was it the glare on the rocket as it left the launch pad? Was it the warheads' return through the atmosphere? Because we raised these questions, by the way, was the reason the U.S. rejected a ''no first use'' policy during the era of strategic competition with the Soviet Union. Was that the reason we did that? You bet your life.

Imminence becomes even murkier in an era of terrorism and weapons of mass destruction. When did the threat of al-Qaida become imminent? I know when it became manifest. Not, by the way, on September 11. Osama bin Laden had struck many times before then. On September 11, the threat became catastrophic. It was well beyond manifest. It was well beyond imminent.

Today, most people agree the threat of Bin Laden should have been considered imminent well back into the 1990s. I first started speaking of this threat in 1996, but I now believe this threat could have been considered imminent even before that.

Do my colleagues agree we had to reconsider the definition of ''imminence'' after September 11, that the threat of terrorism forces us to redefine threats to our national security, that it would have been irresponsible for any administration entrusted with national security to avoid doing so? Does anybody disagree with that?

Would my colleagues allow me just a few more questions which I would like to ask everybody in this body, please? I wonder if my colleagues would agree with this assessment about the threat that Iraq poses.

I had to make, for my own conscience and to present to my constituents, my own assessment of the threat posed by Iraq. The threats Saddam Hussein posed to his own people were clear. Free Iraqis today will be undertaking the grim task of exhuming mass graves for a long time. Saddam's threat to his neighbors and our friends in the gulf and Middle East are also well established. But all of us had to determine what threat was posed to the United States.

I feared a nexus between weapons of mass destruction and a terrorism-sponsoring state, and we feared they had weapons of mass destruction. The U.N. confirmed they had had weapons of mass destruction. They used weapons of mass destruction against their own people and threatened the use of them against others. They used them against others, as well, in the Iranian war.

On weapons of mass destruction, we know that we have not discovered any weapons of mass destruction so far. This debate has been joined on a number of levels. I fully support the chairman of the Senate Select Committee

on Intelligence in his determined efforts to learn about the failures of our intelligence, if there were, in fact, failures.

We still have not even looked at the vast majority of sites in Iraq where weapons of mass destruction may still lie. I know that every intelligence community professional agrees with our need to learn from many errors because all of us know the value of accurate intelligence, while all of us recognize the limits to perfectibility.

On another level, both in the Intelligence Committee and in the public arena, the debate has become more partisan, acrimonious and, once again, deceptive.

Will my colleagues agree with me that the cost of making intelligence oversight partisan is not worth the devaluation of a tool that we need more than at any other time in our history?

I would like to know if my colleagues would agree with the following conclusion about Saddam Hussein's weapons of mass destruction. We faced a weapons of mass destruction gap.

This gap was the difference between the chemical and biological stockpiles we had confirmed existed until the late 1990s and the lack of evidence regarding their status or destruction in 2002—their status, their destruction, or their removal someplace else. The gap was significant. No other Western government or intelligence government could explain it, nor could the United States verify that the gap had been closed by the cooperation of the Iraqi regime in proving the destruction of these weapons.

This was a requirement, by the way, under international law, made to the international community, a requirement that was the result of the cessation of hostilities at the end of the first gulf war; a requirement that unmet left that war unresolved, unconcluded, and therefore without a promise of peace.

The attempts at denial and deception by the Iraqi regime were blatant. The refusal to cooperate with the international community was obstinate. The potential threat posed by a regime violently hostile to the United States was grave. I hope my colleagues will agree that it would have been irresponsible for any administration entrusted with the national security to avoid reaching similar conclusions.

There was the threat of terrorism. For well over a decade, Iraq was on our list of state sponsors of terrorism. Every Member in this body had ample opportunities to review the evidence supporting this claim—this verified knowledge, by the way.

To my knowledge, no Member on either side of the aisle questioned the President's determination, or this determination.

Now, of course, we have not proven a link to September 11, and ultimately there will likely not be a causal link. Perhaps Saddam was directly involved. Perhaps we will learn more.

Association is not causation, as every logic professor would say. Caution in leaping to conclusions is in order. Associating with terrorist groups, as we know Saddam Hussein has done and had done, training them, giving them moral and financial support, is different than directing them. Nevertheless, his links to terrorism had been evident for a long time.

The President has made it clear, since his first speech before the Congress days after September 11, that associating with terrorist groups would no longer be responded to with apathy. The previous administration did so, there is no question about that, and America's security was gravely compromised.

Do my colleagues remember the President's speech to the Congress after September 11, 2001? Do they recall, as I do, the public's overwhelming support for what the President said that day?

Certainly the evidence of Al-Zurqawi whose documents were captured and released a few weeks ago, as well as the reports in the press suggesting links with the Ansar-al-Islam indicated a troubling link between Iraq and al-Qaida.

I am waiting for some of the administration's critics to suggest that these two terrorist elements were caused by our intervention in Afghanistan and that had we supported the status quo there we would not be facing the terrorists of the jihadists and Ansar-al-Islam. That would have been another very specious analysis.

It is true that Al-Zarqawi and Ansar became more active as a result of our intervention in Afghanistan, when we deposed the Taliban and al-Qaida and fled from that country to hide in Pakistan or to get safe passage from Iran to travel to Iraq. In my estimation, if Saddam Hussein was not involved in September 11, his regime certainly became more dangerous to us as a result of our attack on the Taliban in Afghanistan.

I hope my colleagues can imagine that this President or any President would not have had to respond similarly to the way President Bush responded to the Taliban's protection of al-Qaida after September 11, 2001. That is, of course, unless a President had judged the threat of al-Qaida imminent before that fateful day.

Finally, I would like my colleagues to allow me a question or two on the responses we have heard from David Kay's testimonies. The response to the Kay testimonies has also been very troubling to me because the testimonies of an honest and substantive man have been subject to partisan rancor over the President's difficult decision to go to war.

Listening to some commentators, one would think Kay's honest assessment that weapons of mass destruction will not be found, an assessment that I believe may still be premature, could be interpreted into a challenge to the sincerity of the administration's estimate of the Iraqi threat.

As I have said, I believe we need to investigate any flaws in our intelligence that David Kay or any other serious professional exposes. Yet this is what David Kay told us. In an interview earlier this month, he said: I certainly believe that Iraq was a gathering threat. In fact, in many ways, it will probably turn out that Saddam and that regime were more dangerous than we anticipated because, in fact, it was falling apart into unbelievable depravity and corruption.

Where is that quote among all of our liberal commentators in this country today? Where is that quote? That was one of the most important quotes he made.

The week before, Kay told the public, in responding to a question of whether the decision to go to war was prudent: I think it was absolutely prudent. He said: I think it was absolutely prudent. In fact, I think at the end of the inspection process we will paint a picture of Iraq that was far more dangerous than even we thought it was before the war. It was of a system collapsing. It was a country that had the capability and weapons of mass destruction areas and in which terrorists, like ants to honey, were going after it.

The fact is, it took guts for the President to do what he did. He was right, and history will prove him to be right.

When I hear these testimonies of David Kay, I become concerned of yet another intelligence failure: We did not adequately assess the political degradation of the Saddam Hussein regime, the political degradation of a regime that killed 300,000-plus of its own citizens, men, women, and children, and buried them in mass graves, and helped to kill a million others in its war with Iran. We did not adequately assess the political depravity and degradation of Saddam Hussein's regime. Iraq had become a gangster state.

It was, according to David Kay, and all the reports we are now getting from free Iraq, more dangerous than we thought. Yet some criticize the President's decision? Give me a break. They ought to be criticized. The critics know these facts as well as I do, and ignoring them is a terrible thing.

I would just like to ask my colleagues whether the assessment by David Kay should not support the President's brave decision to address the threat of the Hussein regime by implementing a policy of regime change—a policy that had been nearly unanimously supported in our Government for 4 years?

Was Iraq a grave and gathering threat, as the President said? I ask my colleagues, especially those who have been so critical of the President, would it have been responsible for any administration entrusted with the national security to avoid reaching similar conclusions? I think Senator KERRY was right when he said this:

> I believe the record of Saddam Hussein's ruthless, reckless breach of international

values and standards of behavior, which is at the core of the cease-fire agreement, with no reach, no stretch, is cause enough for the world community to hold him accountable by use of force, if necessary.

The ranking member of the Senate Intelligence Committee said, back in 2002:

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. We also should remember we have always underestimated the progress Saddam has made in the development of weapons of mass destruction.

That was said in the CONGRESSIONAL RECORD. Why the difference today? Let's go back to my friend, Senator KERRY, the Senator from Massachusetts, again. Back in 1990 he said:

Today, we are confronted by a regional power, Iraq, which has attacked a weaker State, Kuwait. . . . The crisis is even more threatening by virtue of the fact that Iraq has developed a chemical weapons capability, and is pursuing a nuclear weapons development program. And Saddam Hussein has demonstrated a willingness to use such weapons of mass destruction in the past, whether in his war against Iran or against his own Kurdish population.

My gosh, that was said in the CONGRESSIONAL RECORD on October 2, 1990.

On November 9, 1990, the distinguished Senator from Massachusetts said this:

[Saddam Hussein] cannot be permitted to go unobserved and unimpeded towards his horrific objective of amassing a stockpile of weapons of mass destruction. This is not a matter about which there should be any debate whatsoever in the Security Council, or, certainly, in this Nation.

All I can say is why did he say that then, and why, as a candidate, is he saying the things he is saying today?

The distinguished Senator from Massachusetts said:

[W]hile we should always seek to take significant international actions on a multilateral rather than a unilateral basis whenever that is possible, if in the final analysis we face what we truly believe to be a grave threat to the well-being of our Nation or the entire world and it cannot be removed peacefully, we must have the courage to do what we believe is right and wise.

That is in the CONGRESSIONAL RECORD on November 9, 1997.

I think the distinguished Senator from Massachusetts deserves credit for those statements. He was warning America during the Clinton years of how terrible the Saddam Hussein regime really was. He deserves credit for that.

On November 9, 1997, the distinguished Senator from Massachusetts was right again. He said:

It is not possible to overstate the ominous implications for the Middle East if Saddam were to develop and successfully develop and deploy potent biological weapons. We can all imagine the consequences. Extremely small quantities of several known biological weapons have the capability to exterminate the entire populations of cities the size of Tel Aviv or Jerusalem. These could be delivered by ballistic missile, but they also could be delivered by much more pedestrian means; aerosol applicators on commercial trucks easily could suffice. If Saddam were to develop and then deploy usable atomic weapons, the same holds true.

He was warning the nation and he deserves credit for having done so then.

On February 23, 1998, the distinguished Senator from Massachusetts said this:

There are a set of principles here that are very large, larger in some measure than I think has been adequately conveyed, both internationally and certainly to the American people. Saddam Hussein has already used these weapons and has made it clear that he has intent to continue to try, by virtue of his duplicity and secrecy, to continue to do so. That is a threat to the stability of the Middle East. It is a threat with respect to the potential of terrorist activities on a global basis. It is a threat even to regions near but not exactly in the Middle East.

I am hooked. Incredible. I am proud of the distinguished Senator from Massachusetts for having said that during the Clinton years. I just wish he would acknowledge that he said that during the Bush years.

There are other distinguished Senators who knew of this threat and who made statements on what we should do back during the Clinton years, and even during the Bush years.

It bothers me that this President has been so viciously attacked by people who know the facts and who knew them back during the Clinton years and spoke out about them during the Clinton years, who are so willing to demean this President during the years of George W. Bush as President. It never ceases to amaze me how out of tune we become when Presidential years come along. I think it happens to both sides. I really believe that. I believe there are partisans on both sides. But I have never seen it like it is today.

It used to be that we supported whoever was President in foreign matters. We stand together. I guess this partisanship really began during the Vietnam war. But it has reached a pitch today that is unseemly.

Mr. KYL. Mr. President, I yield to the other Senator from Utah, Mr. BENNETT.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my colleague from Arizona for the time and for the opportunity to address this issue. Let me make one statement at the beginning that I think needs to be made on the political rhetoric that is surrounding this issue. I am not questioning the patriotism of those who are complaining about, disagreeing with, or even attacking the President. I question their accuracy. I question their wisdom. But I am not questioning their patriotism. I think that needs to be made clear because in the debate over this war, there has been rhetoric that, in my opinion, has gone over the top.

The former Vice President with the blood rushing to his face and the veins standing out on his neck screeched before a crowd which has been repeated on the television that the President has betrayed this country. You can disagree with George W. Bush. That is legitimate and proper and in an election year expected. But you should not accuse him of being a traitor. You should not accuse him of treason.

I want to make it clear again that as I disagree with those who are attacking the President, I am not attacking their patriotism or their love of this country. But I do disagree with their wisdom and with their accuracy.

In the speeches that have just been given, we have had a lot of conversation about what I would consider past history. I am not going to get into that; that is, what did we know about weapons of mass destruction? What did the inspectors know? What should we have done here? What should we have interpreted there? I will leave that to the historians themselves to sort out. A debate on those issues becomes an attempt simply to bash the President and avoid the fundamental issue.

The fundamental issue that we have to face as Senators, as policymakers, is what do we do now? We are in Iraq whether you voted for the resolution, as Senator KERRY and Senator EDWARDS did and as I did, or whether you voted against it, as Senator DURBIN did. Debating the wisdom of that at this point is merely an exercise in avoiding the reality of the situation with which we find ourselves faced now. What do we do now?

The large majority of this body along with a large majority of the Members of the House of Representatives, and the unanimous vote in the Security Council of the United Nations took us to war. What do we do now?

That is the fundamental question that we should be addressing and that we should be facing.

Oh, say some, no, no. The fundamental question is whether or not there were weapons of mass destruction. And, since there were not, the real question is, Did the President lie?

Well, let us look at the situation we are facing now with respect to weapons of mass destruction. The question is not are there weapons of mass destruction in Iraq and did the President lie? The question is, What happened to the weapons that everybody knew were in Iraq, and has the President taken proper steps to protect us from them?

When I say the weapons that everybody knew were in Iraq, whom do I include in that? The first person to convince me there were weapons of mass destruction in Iraq was Madeleine Albright, Secretary of State to President Clinton. She met with us here in the secure room of the Capitol; the room where we get top secret briefings from the highest possible level. It was in that room that Madeleine Albright sat down with the Members of the Senate and laid out the irrefutable evidence that Saddam Hussein had weapons of mass destruction and justified to

us the Clinton administration's determination that they would go to war, and they did.

Bombing another country is an act of war, and the Clinton administration, in 1998, in response to the irrefutable evidence that Saddam Hussein had weapons of mass destruction, took the United States to war. We did not invade Iraq with troops, but certainly dropping bombs in the quantity and regularity with which we dropped them in 1998 is an act of war. We did it unilaterally. We did it without consulting the United Nations. We did it without talking to the French or the Germans in the way that some of the President's critics say we must. We did it because we knew Saddam Hussein had weapons of mass destruction.

David Kay and his inspectors have been to Iraq, and they say they cannot find warehouses full of weapons of mass destruction, which raises the fundamental question that most people are not addressing. What happened to them? Where are they? We know he had them. We went to war to deal with them. What happened to them?

I think there are four possible answers to that question.

First, one that has been raised by President Clinton himself, we got them all in the bombing. President Clinton said we didn't know how many we got. We could have gotten all of them. We could have gotten none. But we did our best to try to destroy them.

One answer to the question of why David Kay was unable to find weapons of mass destruction when he got into Iraq with his inspectors is the possibility that we got them all in the bombing and had no way of knowing that.

No. 2, the second possibility raised by David Kay and others is that they were trucked out of the country. They went off the border to Syria or someplace else. They are still in existence. They just aren't still in Iraq. We don't know the answer to that. But that is a possibility.

Possibility No. 3, they were destroyed by Saddam Hussein himself. Someone would ask why would he want to do that. Look at the man. Look at what he did. Look at his record. He believed that the United States would, in fact, not invade. We had bombed in the first gulf war. We had bombed in 1998. He believed we would bomb again but that we would not invade, or, if we did invade, we would not topple him. After all, we didn't topple him last time.

Pressure from the French, pressure from the Germans, said don't go ahead with this. He could very well have believed that the international community would put enough pressure on President Bush that the United States ultimately would stop short of removing him, particularly if inspectors from the U.N. got into Iraq and discovered there were no weapons of mass destruction. Therefore, he could have destroyed them himself on the assumption that he would stay in power and then, as soon as the inspectors were gone, he could reconstruct his weapons program, reestablish weapons of mass destruction, and be right back where he was before we took the action in 1998. That is the third possibility.

The fourth possibility is that they are still there. There is the possibility that we haven't been able to find them but they are still there. That is a very serious question, one that is being ignored by everybody who is debating the question of whether Bush went to the United Nations the right way, or whether he said the right things, or whether he read the right intelligence. Those questions are minor compared to the consequences of answering this question.

Let me pose it again and go through the four possibilities and give you my answer.

What happened to the weapons of mass destruction that everybody in the world knew he had? We destroyed them in the bombing, or they were taken over the border to someplace else, or Saddam Hussein himself destroyed them in order to fool the inspectors, or they are still there.

My answer is I believe all four. I believe we destroyed some in the bombing. I believe some got over the border. I believe he dismantled some of his programs, and I believe there are some still to be found.

That means, if I am right, there is work to be done to help make the world safer that is not being done while we are being distracted by an irrelevant debate that is best left to historians.

There is possibly still a threat out there that we are not addressing because we are paying so much attention to the questions of what kind of intelligence did he read and did he have the right 16 words in the State of the Union Message. We waste our time on that when we are facing this far more serious and obvious question.

What happened to the weapons that we knew he had? We should not rest easy until we have an answer to that question.

Which of the four or combination of the four possibilities really applies? The real question we are facing as we look ahead to November—and make no mistake, this debate is all about looking ahead to November—is what will the United States do after the Presidential election is over?

How will we proceed in Iraq once the determination has been made as to who will control our foreign policy for the next 4 years? That is the fundamental question the American voters need to be debating. That is the question they need to pay attention to as they make up their minds as to whom they will support in this election.

The choice is fairly clear. We can only guess about the future, but the best indication of the future lies in the actions of the past. President Bush has made it pretty clear what the future would be with respect to Iraq if he prevails in November. President Bush has made it clear if he prevails in November, we will stay the course in Iraq. We will stay in Iraq until we have succeeded in our goal, which is to plant in Iraq a self-governing, westward-looking, open society where private property rights are respected, where the rights of individuals to vote and control their destiny are preserved, and where free market principles will prevail; an Iraq that will stand as an example to the rest of the Middle East that freedom, democracy and capitalism can indeed thrive there. President Bush is an optimist who believes those things are so fundamental in the human spirit that they can survive in an Islamic background.

There are pessimists around who say no, the Muslims can never live in democracy. The Muslims can never live in freedom. President Bush is an optimist who says, I don't believe that—without trying to change their religion or attack their culture. I believe they will respond to freedom and the Americans will stay there until we have achieved the goal of planting freedom there.

That is the answer to the question of what will happen in Iraq if George W. Bush wins this election. That is an easy answer to give because his past resolve and his past determination have been very clear.

The second question, of course, is what will happen in Iraq if President Bush loses the election and we get a new steward in charge of our foreign affairs. That question is a little harder to answer because we do not have as clear a track record. On the assumption that the junior Senator from Massachusetts will become the President if President Bush loses the election, we do have the signposts indicating what he would do if he inherited the situation we now have. He said on ''Face the Nation,'' the first thing he would do is go to the United Nations and apologize. I am not quite sure for what he would apologize, but he has indicated the first thing he would do is to go to the United Nations and apologize.

If I may quote the columnist for the New York Times, Tom Friedman, who spoke to a group in Europe. They turned to him after the weapons of mass destruction question arose and asked, Are you now prepared to apologize for your defense of Bush and your support for this war? He said something like this: Well, let me see. We have removed Saddam Hussein, one of the most brutal dictators of the world, found in the process that he had slaughtered at least 300,000 of his own people whom he had buried in mass graves. We know he is responsible for a million more deaths in the two wars he started with his neighbors over the last 12 years. We know he supported terrorism, down to the detail of paying $25,000 to anyone who would wrap himself in dynamite and blow himself up just so long as he could take another human being with him, and that he

kept his people in absolute degradation and subjugation for 38 years. Now he is gone with his torture chambers and his secret police and his brutality, and I am supposed to apologize for that?

I am not quite sure what Senator KERRY might say to the U.N. when he goes to apologize, but apparently what he will say, as I try to gather from the speeches he has given, is the United States should no longer act unilaterally, that we should get international support before we go forward in an event like this, and presumably he would then say to the U.N. we are where we are, the responsibility now of building the kind of Iraq George W. Bush envisioned—I give Senator KERRY the credit of assuming he is in favor of that kind of Iraq—the responsibility for building that kind of Iraq now lies with you, United Nations. We in America are going to show a little humility—that is another word he used—show a little humility on this issue and turn it over to you and let you take over the responsibility of producing the results we all want in Iraq.

If that is, indeed, his program—and I assume we will find that out as the election goes forward—I make these observations. Number one, the United Nations has no force with which it can provide security to the Iraqis. There is no United Nations army. There is no United Nations police force. There are no United Nations federal marshals or any other kind of enforcement facility you might think of. The only force the United Nations can ever use is the force that would be provided to it by its member states. The United Nations can pass resolutions, the United Nations can threaten people, but the threats carry no force unless the member states of the United Nations respond to the U.N. resolutions and can go forward.

That is the point President Bush made when he spoke to the United Nations and said to them, if you won't enforce your resolutions, we will. I don't think we need to apologize to the United Nations for enforcing their resolution 1441 that passed by a unanimous vote in the Security Council and which David Kay has now said Saddam Hussein was in complete violation of. That is something we should remember as we have this debate.

The history is not all that comforting to me. Koffi Annan sent a group of U.N. folk into Iraq to help with the nation building and here is the series of events that occurred. The head of the U.N. mission showed up and took possession of a building where he was going to operate. The Americans showed up and put their armored vehicles around the building. He came out and said, No, that is too militaristic. You Americans are too quick to show force. We are the United Nations. We come in peace. Get rid of the armored vehicles.

The American commander, after arguing with this fellow, said all right, and he got rid of the armored vehicles, but he spread concertina wire through the courtyard, and the U.N. head of the group came out and said, get rid of that. You are too militaristic. We are the United Nations. We are not the United States. We are not here to show military force. We are here to help build the country.

Finally, the Americans took away the concertina wire and the next day a truck bomb drove across the courtyard, blew up the building and killed the man who had said, I don't need this kind of protection. After this, Koffi Annan said, get them out of there. We can't provide their security. We can't keep them safe.

I welcome the United Nations involvement. I hope we get the United Nations involvement, but I don't think that track record speaks very well for the idea that the first thing we should do about dealing with the problem in Iraq is to go to the United Nations and show some humility and apologize. The number one civil right which all of us desire more than anything else and that is most essential in Iraq is the right to walk down the street without being shot, the right to walk out in public without being beaten over the head. To establish security is the first responsibility of civilization. Security in Iraq is being provided by the American military and its allies in the Iraqi forces.

George W. Bush, for all of the mistakes that have been made, and all of the difficulties that have been encountered, has demonstrated America's resolve to provide this civil right to Iraqis. The United Nations has fallen short in this category.

This is the fundamental question all of us should look at: Instead of debating whether the President looked at the right piece of intelligence, whether the committees had the right information, whether this or that or the other was looked at and was not, the real question is, where do we go from here. We are where we are, regardless of how we got here. Where do we go from here—the question the American people will decide in November.

I close with this anecdote or comment from Bernard Lewis. Bernard Lewis probably knows more about this region than any other academic in America. He has spent more time studying it, and has written books on it. He spoke to a group of us, and he was an optimist. He agreed with President Bush that democracy could be planted in the region and we should stay the course until we do it. He made this comment. He said: Listen to the jokes. In the Middle East, the only form of expression that is not censored is the jokes. And this is the joke that is going around in Iran, right next to Iraq. Two Iranians are talking. The first Iranian is complaining about how bad the government is, how bad things are. The second Iranian says: Yeah. They go back and forth, saying: What are we going to do? Where are we going to turn? Finally, the second Iranian says: I know. What we need is an Osama bin Laden. The first Iranian says: Are you crazy? That would make things that much worse, and the second Iranian says: Nope. If we had an Osama bin Laden, then the Americans would come and save us.

There are hundreds of thousands, if not millions, of people in the Middle East who are watching what we are doing in Iraq in the hope that, in the words of the joke, the Americans will ''come and save us.''

We have set our hand to the plow to that particular assignment. We should not turn back now. We should back our President and his resolve to see this through until freedom, prosperity, and self-determination are established in Iraq, from which it will then spread, change the Middle East, and ultimately transform the world.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Utah for an incredibly fine speech. I appreciate the remarks he gave tonight very much, and I am sure the President does, as well.

At this time, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the Senator from Arizona for yielding, as well as for his leadership on this issue. He has provided strong and forceful leadership in support of the war on terrorism. It is vitally important that all of us, not just as Members of the Senate, but as Americans, support this administration and support our troops in making sure we win this war on terrorism.

I would like to start by saying I have spent the last 3 years working on intelligence issues, first in the House and now in the Senate Intelligence Committees, and have learned some things that are very relevant to this discussion.

First, many across the aisle supported massive cuts to the intelligence community budget throughout the 1990s. Between 1992 and 1998, in fact, the Central Intelligence Agency closed one-third of its overseas field stations, lost one-quarter of its clandestine service case officers, lost 40 percent of its recruited spies, and CIA intelligence reports declined by nearly one-half.

The Clinton administration, supported by many Democrats in this Chamber today, decided from the outset that the end of the cold war meant we no longer needed intelligence on national security threats. The end of the cold war divide in actual fact made the world a much more complex place, with a host of new, unconventional, and asymmetric threats to our security we were not well prepared to address. Instead of dismantling our intelligence apparatus in the 1990s, recent history has proved beyond a shadow of doubt we should have been expanding and enhancing the quality of those capabilities so we could better understand and

counter the new nature of the threat. The record will show many on our side of the aisle were making this very point throughout the 1990s.

It is absurd to argue, as some in the other party appear to have suggested over the years, that by emasculating the CIA and our other intelligence agencies, our Nation's security would not be affected, or even would be enhanced.

I would just add that penetrating terrorist groups and rogue states, so-called hard targets, is a difficult and dangerous business. It requires a robust overseas intelligence presence, adequate and sustained resources, a wide-ranging stable of recruited and vetted spies, strong bipartisan support from Congress and the White House, and a willingness to take calculated risks. I submit the facts of the 1990s strongly suggest we had none of these.

In addition, it is apparent to me the intelligence community during the 1990s was skewed far too heavily in favor of technical collection of intelligence over what is the cornerstone of the business: human intelligence gathering or HUMINT, i.e., using spies to acquire information on the plans and intentions of our adversaries.

When my House Intelligence Subcommittee on Terrorism and Homeland Security took a hard look at the erosion of our intelligence capabilities in the 1990s, right after 9/11, it became clear to me our human spies were almost considered to be obsolete by the Clinton administration and its appointed intelligence community leadership.

When David Kay spoke about his experiences searching for WMD in Iraq on the ''Jim Lehrer News Hour'' last month, he said:

> We are not very good as a nation in our intelligence capability at reading the most fundamental secrets of a society, what are its capabilities, what are its intentions? We can't photograph those. You need Americans on the ground penetrating those societies and people who are speaking their languages.

I fully agree with Dr. Kay, and would just note it takes a long time and a great deal of effort to build such human espionage capabilities. Yet our colleagues across the aisle proved in the 1990s that such capabilities, however imperfect, could be torn down quickly and with ease.

In July of 1997, Congresswoman MAXINE WATERS, over in the House, said:

> I think the day for the CIA has come and gone.

I cite the CONGRESSIONAL RECORD, dated July 9, 1997. In that same debate, then-Congressman David Bonior commented:

> [W]e are spending, according to the New York Times, over $30 billion on intelligence, and the cold war is what? Nine years, seven years, eight years over with?

I cite again the CONGRESSIONAL RECORD, dated July 9, 1997. That same year, here in the Senate, the junior Senator from Massachusetts questioned: ''Why is it that our vast intelligence apparatus continues to grow . . .'' now that the cold war struggle is over?

I cite the CONGRESSIONAL RECORD, dated May 1, 1997. Two years before that, the same Senator proposed we cut the intelligence budget by $1.5 billion, not for specific programs but across the board. In 1994, that same Senator wanted to cut the intelligence budget by $1 billion and to freeze intelligence spending. That is the record.

Now, it is going to be awfully hard for certain individuals in the other party to justify their actions on national security matters during the near decade-long period of neglect and erosion of our intelligence capabilities of which they were directly complicit. It is stunning—although not surprising—that such individuals are now seeking to rewrite their own history.

I add that the junior Senator from Massachusetts in 1995 proposed to cut $1.5 billion from the intelligence community. That bill he introduced would have exacted cuts of $300 million in each of the fiscal years 1996, 1997, 1998, 1999, and again in the year 2000. The proposal was so out of line with reality that there were no cosponsors on the bill and, thank goodness, it never made it to the floor.

I ask the question, Why is it that an atmosphere of extreme risk aversion pervaded the intelligence community during the 1990s and lasts even to the present day in some respects?

There are two particular events that bother me. First, when I chaired the House Intelligence Subcommittee on Terrorism and Homeland Security in 2001 and 2002, I was particularly struck by the internal CIA guidelines promulgated in 1995 by then-Director of CIA, John Deutch, that severely limited the ability of CIA case officers to meet with, develop, and recruit foreign nationals who may have been involved in dubious activities or have blood on their hands.

We found, through extensive oversight work and dialog with CIA field officers, that these so-called Deutch guidelines had a significant chilling effect on our ability to operate against terrorist and rogue state ''hard targets.'' After all, how can one penetrate a terrorist organization or Saddam's brutal regime, for that matter, without dealing with unsavory people?

The guidelines were, in my view, a primary cause of the risk aversion to which I refer in my question, and they actually stayed in effect through July of 2002, when we finally succeeded after many efforts to compel the DCI to repeal them.

The second event concerns Mr. Deutch's decision during his mercifully short tenure as DCI to conduct a CIA-wide ''asset scrub,'' which applied an inflexible reporting standard to all CIA spies that, if not met, resulted in their automatic firing.

The fact is, the spying business is a lot different than a simple calculation of profit and loss. Spies are human beings who put their lives on the line to spy for us. We have a special responsibility to them and their families. Just because a spy's access may have dried up for a time, that doesn't mean they won't prove useful later on on other issues. Moreover, since we have had many gaps in our clandestine coverage of key issues at the time of the scrub, termination of spies was done without regard to how we might otherwise cover a subject by other means. Thus, our gaps were further exacerbated.

In my opinion, the Deutch guidelines and Deutch asset scrub are two of the major driving forces behind the risk aversion to which I referred in my question.

Mr. President, that is a direct byproduct of those years of neglect and resource starvation during the previous administration.

I want to first make it clear that it has been my experience that the stifling problem of risk aversion went from Washington to the field, and not vice versa. I know that the young, often idealistic, aggressive CIA case officers out on the front lines are not the problem.

Risk aversion starts when elected officials, on whose support CIA depends in the face of failure as well as success, abandons the discipline. The ''end of the cold war'' and ''peace dividend'' type arguments of those in the other party during the 1990s clearly manifested themselves in the form of political abandonment of our intelligence community.

During those years of Democratic control of Congress, Hill support for the intelligence mission was also questionable. I refer back to my previous remarks about what the junior Senator from Massachusetts and others tried to do to further reduce the intelligence community during the 1990s as a case in point.

Moreover, the record will clearly show that during the periods of Republican control of the House and Senate, significant efforts were made to increase the top line of President Clinton's annual intelligence budget requests. Some of these Republican efforts were successful; others were not. But for the most part, we brought the previous administration along kicking and screaming.

It should not be surprising that when the politicians turn their back on the intelligence community, politically appointed intelligence seniors start to become more reluctant to approve operations that might result in some sort of political flap because they know they won't be supported.

When such intelligence seniors start to become overly conservative, the managers below them follow suit. After a while, bureaucratic obstacles, and other hoops through which field officers must jump before getting operations approved, start to appear. That is where you get the Deutch guidelines and the Deutch asset scrub.

Now we have to figure out how to undo the bureaucratic risk averse mindset that has taken a decade to spread across the intelligence community like a cancer and, like a cancer, radical treatment with often painful side effects may very well be required.

That is what happens when national security becomes relegated to the bottom of our Nation's priorities. Fortunately, we have a President now who is anything but risk averse and who puts the long-term security interests and safety of all Americans at the top of his list of priorities.

On the issue of terrorism and homeland security, Americans deserve strong leadership, not political games. Our President is providing the positive leadership that will ensure the safety of our citizens.

I yield back to the Senator from Arizona.

Mr. KYL. Mr. President, I very much appreciate those remarks coming from a member of the Select Committee on Intelligence.

I now will yield to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for his leadership on this important matter. I feel very strongly that our country is not fully aware—at least the public debate on the television and so forth have not shown a full awareness of the leadership that President Bush has given this country to help us deal with the challenges facing us.

I thank Senator CHAMBLISS for his comments about the intelligence-gathering functions. I wish to share some of my insights into where we are and where we can expect to be going.

After 9/11, the President of the United States was a challenged leader. He faced difficult times. We lost 3,000 people. Some decisions had to be made. He decided that business as usual would not continue and the United States was going to have to take a leadership role against terrorism.

About that time, former Secretary of Defense and former Secretary of Energy, James Schlesinger, who served in President Carter's Cabinet, testified before our Armed Services Committee, of which the Chair is a member. Mr. Schlesinger talked about the U.N. and its inability to make decisions and take action. He referred, quoting another writer, to the UN as being ''an institution given only to talk.''

Well, in the last decade, before President Bush took office, during the 8 years under President Clinton's leadership, we did a lot of talking about the problems facing the world. We did a lot of talking about Iraq. We passed a resolution in this body that declared it to be the policy of the United States to effect a regime change in Iraq. President Clinton signed it but we didn't do anything. We talked but we didn't do anything.

We now have a President who decided that we need to show some courage and leadership, and he did that. One of the first things he did, and I ask the American people to recall, was that he confronted a great country, Pakistan. Pakistan's intelligence agencies, Senator KYL knows as a senior member of the Intelligence Committee, were collaborating with the Taliban government in Afghanistan. Everybody knew that and that there was a lot of partnership there. We now know they were participating in the proliferation of nuclear weapons. President Bush challenged them and he said: President Musharraf, you have to choose. This is very serious. Are you going to allow Pakistan to be a country associated with the Taliban and terrorism, or are you going to stand your country in the future against that kind of activity?

To his credit, President Musharraf made a decision. It was not academic. It was not talk. It was: Mr. Musharraf, you must make a decision.

Since that time, he has been helpful to us in many ways, at risk of his own life. His opponents have attempted to assassinate him. Would anybody suggest that had our President been weak and waffling and vacillating, that the President of Pakistan would have made that decision, would he have put his very life on the line against terrorism?

Then he made the same challenge to Mullah Omar in Afghanistan where, as you remember, Bin Laden was training his terrorist soldiers. He said: You must reject that; you must turn against the al-Qaida; you must turn to your country; and you must choose. Mullah Omar chose. He chose to remain friends with Bin Laden and al-Qaida terrorist groups. He chose not to side with the nations who turned against terrorism.

Mullah Omar, I suppose, is hiding in some cave somewhere in Afghanistan. His government is completely gone. Yes, Bin Laden, who was in his country, attacked and damaged our Pentagon, and killed our soldiers right out here at the Pentagon. But his pentagon no longer exists. It is rubble. And there is a new government with a new constitution in the works to preside over a new Afghanistan where women have a chance to have freedom and prosperity; when I was there I saw that the people are re-building all over that country. Houses that had been destroyed are being refurbished, and people seemed to be making real progress there. That is such a tremendous step forward for the world.

Then the challenge was placed before Saddam Hussein. We had the U.N. try to find these weapons. We know he used these kinds of weapons. We know he was not complying with the U.N. resolutions. The U.N. found him in violation of those resolutions and voted in 1441 that he was in violation of the resolutions. We gave him every chance to renounce weapons of mass destruction, and to demonstrate that he had complied with multiple U.N resolutions. Because he lost the first gulf war he made a commitment to eliminate these kinds of weapons and to comply with U.N. resolutions, but he refused to do so. And President Bush acted.

Saddam Hussein was dug out of a hole in the ground and is now in the Bastille where he used to put his people and kill them. But he is not going to be killed. He will be given a fair trial.

The people of Iraq are forming a new government. Production is up. Electricity production is up. I know the chief of police there, and there are 70,000 new police officers, some of them being killed this day, but they are standing firmly for freedom in a new Iraq.

Lo and behold, after we dug Saddam Hussein out of the ground, Muammar Qadhafi of Libya, known as one of the world's most significant terrorists in the past, renounced his terrorism and called for the United States and Great Britain—he did not talk to the U.N., but he wanted us to be involved in his renunciation of terrorism and he has allowed inspections.

During the former administration—and I am not criticizing, but I was frustrated—when President Clinton was in office, we talked all the time about nuclear proliferation but accomplished little. But only recently, we had Abdul Khan, the chief nuclear scientist in Pakistan come forward. What did he say? He said he was proliferating weapons from Pakistan to North Korea to Iraq to Libya and to Iraq. That had been going on but it is not going on now because he has renounced it and told all that he had done to the world.

Iran is now allowing the United Nations to come in and inspect their nuclear program. The nations in the East—China, Japan, and South Korea—are confronting North Korea. We are not going to keep rewarding North Korea for bad activity, as has been done in the past. We are going to insist they step up like these other nations and assume a place among the decent nations in the world, or they are not going to get any benefits from us. We are going to keep the pressure on, and that is exactly the right thing for us to do.

These events have occurred for one reason and one reason only: We have a President of the United States who loves this country, who believes in our values. He believes in freedom. He believes in democracy. He wants to see the world be a better place. He does not want to just preside over the office of President. He wants to do something good for this world, and he is doing it.

As a direct result of his leadership, we made extraordinary progress in just 2 years, progress not seen in decades.

It has been tough. Our soldiers are at risk, and they are putting their lives at risk every day to effect a policy that those of us in this Senate voted for by an overwhelming vote. Some of them voted for it and then turned around and voted not to support our troops. But most of the Senators here, Republicans and Democrats, have stayed. Yes, we have had complaints, but when has there ever been a war when everything has gone perfectly smoothly?

I urge the Members of this body, my Senate colleagues, to look at what has occurred, to recognize that we are seeing the benefits of extraordinary and courageous leadership. When they do so, we shall hear less carping, less complaining, less whining, and less second-guessing than we have heard. We are making progress. We are going to continue to make progress. We are going to make this world a better place and safer place for the people of the United States.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Arizona.

Mr. KYL. Mr. President, let me summarize what I think has been established during the last couple of hours. The reason we took to the floor is because there has been a lot of criticism of the President of the United States and the administration for its actions in finally deciding that enough was enough with Saddam Hussein, that his continual violation of the U.N. resolutions had to be enforced by someone, and that before there was an imminent threat posed by his dangerous regime, it was important for the United States and a coalition of other countries to take action to remove him.

The criticism has come both from potential Democratic nominees for President, Members of this body, news organizations, and others outside the body, but we sought to try to put into perspective some of these criticisms and to point out that at the end of the day, there should be no question that President Bush did the right thing.

The three key points were, first, that an intelligence failure is not the same thing as intelligence misuse or misleading, and if there was a failure because the intelligence agencies were wrong about the stockpiles of weapons of mass destruction that they thought existed and which we have not been able to find, it is not the same thing as saying that the President misled anyone or that anyone else with access to intelligence misled anyone.

The second point was that whatever the state of intelligence, the case for removing Saddam Hussein is still very strong, a point which several of our colleagues have made repeatedly on both sides of the aisle, as well as President Clinton and other members of his administration prior to the Bush administration.

And, third, that the question regarding the weapons of mass destruction, the stockpiles of biological and chemical weapons is not a matter of whether they existed but what happened to them; that everyone who had access to the intelligence was convinced they existed.

In fact, we know they existed at least one time because they were used against the Kurds and against the Iranians. Saddam Hussein himself, in submitting documents to the United Nations, admitted they existed. This was, I believe, either 1996 or 1998 and then again in the year 2002. So we had his admission that they existed. As Senator BENNETT said a while ago, nobody knows whether they were destroyed, shipped someplace else, or whether we destroyed them, but eventually we will find out the answers to those questions.

The fact we cannot find those weapons of mass destruction stockpiles—primarily artillery shells with chemical munitions—does not detract at all from the case against Saddam Hussein or make the case that somehow or another the American people were somehow misled by the President.

In closing, I will quote from the chairman of the Senate Intelligence Committee and the ranking member of the Senate Intelligence Committee. What the current ranking member of the Senate Intelligence Committee had to say is: 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. I do believe that Iraq poses an imminent threat, but I also believe after September 11 that question is increasingly outdated. It is in the nature of these weapons 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 would put some of our fellow Americans at risk. Can we afford to take that chance? We cannot.

The ranking member of the Senate Intelligence Committee is the junior Senator from West Virginia, Mr. ROCKEFELLER. These were his comments on October 10, 2002. Yet today we find some saying the President contended there was an imminent threat, when he did not, and that we should not have acted unless, in fact, there was an imminent threat.

I think Senator ROCKEFELLER was correct, and I know he has access to all of the intelligence because, of course, he is the ranking member of the Intelligence Committee.

Now I will read from the chairman of the Intelligence Committee: I have seen enough evidence. I do not know if I have seen all the evidence, but I have seen enough to be satisfied that there has been a continuing effort by Saddam Hussein, since the end of the gulf war, particularly since 1998, to reestablish and enhance Iraq's capacity of weapons of mass destruction, chemical, biological, and nuclear.

That was the immediate past chairman of the Senate Intelligence Committee, the senior Senator from Florida, Mr. GRAHAM. He, too, had access to all of the intelligence.

My point in quoting my two colleagues is that in the Senate, those of us on the Intelligence Committee had access to the same intelligence the President did, at least similar intelligence to what other countries in the world had, and all of us, including the United States, believed these things. We had the same intelligence that was given to the President.

We were not misleading anyone. The President obviously was not misleading anyone. The fact that it turns out some of the intelligence turned out not to be totally correct is not the same thing as saying somebody misused the intelligence. I hope my colleagues on the other side do not cross that line of accusing the President of intentionally misleading the American people because to do so, in effect, would be also to accuse our own colleagues of that very same thing. I do not believe, based upon what I know of my colleagues, that that could be said of any one of them. So I hope we can get over this notion that just because not all the intelligence was correct, therefore, it must mean somebody was misleading someone else. I think we have established that is not true and that it would be very wrong to try to pursue that line of attack against President Bush simply because we happen to be in an election year.

We will have more to say on this subject in the future, but I want my colleagues to understand that if there are charges made against the President or against this administration relating to the use of intelligence with respect to the war in Iraq, those charges will be rebutted. I appreciate very much the attention of my colleagues to this matter this evening.

THAI POLICY TOWARD BURMA: PRINCIPLED OR FOR PROFIT?

Mr. MCCONNELL. Mr. President, as my colleagues know, freedom in Burma has long been under siege by a military junta calling itself the State Peace and Department Council (SPDC). In response to last year's brutal assault against the supporters of the National League for Democracy NLD, and its leader Daw Aung San Suu Kyi, Congress quickly passed—and the President signed into law—the Burmese Freedom and Democracy Act of 2003.

This was an appropriate response to an act of Terrorism orchestrated and carried out buy the SPDC and its affiliated organizations.

Last week, the State Department issued its annual human rights report, and the section on Burma evidences egregious and systematic human rights abuses. Let me read one excerpt from that report:

> [the SPDC's] extremely poor human rights record worsened, and it continued to commit numerous serious abuses. Citizens still did not have the right to change their government. Security forces continued to commit extrajudical killings and rape, forcibly relocate persons, use forced labor, conscript child soldiers, and reestablished forced conscription of the civilian population into militia units.

Murder, rape, forced labor, child soldiers . . . this is a sobering reminder of how egregious and extreme human rights violations are in Burma.

While many in Burma's neighborhood raised concerns with the situation in that country, including Malaysia and

Indonesia, Thailand—led by Prime Minister Thaksin Shinawatra—seemed keen on letting the wind out of sanction sails at every opportunity. This strikes me as odd behavior given Thailand's processed commitment to democracy and human rights.

Where others speak out to demand concrete actions from the SPDC, including the unconditional and immediate release of Suu Kyi and her compatriots, Thaksin has repeatedly risen to defend those who Secretary Powell referred to as ''murderous thugs''.

Last year, he initiated an international forum on Burma self-dubbed the ''Bangkok Process'' that did not include the NLD, the United States, or other proven champions of freedom. However, it did include the SPDC, and was described the Thaksin as a meeting of the ''like minded.'' The ''Bangkok Process'' is fundamentally flawed by the very absence of Suu Kyi and her supporters at the table. Tellingly, they remain under arrest and detention in Burma.

I agree with Norwegian Foreign Minister Jan Petersen that ''all voices in the country had to be heard and opposition leader Aung San Suu Kyi must be released.'' In stark contrast, Thaksin recently stated, ''Burma is on the right track. . . . If they follow our recommendations, they will be okay and get everything done.''

With narcotics, HIV/AIDS and other undesirable exports pouring across Burma's borders into Thailand, it is only fair to question Thaksin's motivations in his cozy relationship with the SPDC. Some suspect that the raison d'etre can be summed up in a single word: iPSTAR.

iPSTAR is a $350 million broadband satellite owned by Shin Satellite, Sattel, and Shin Corporation, a holding company created by the Prime Minister that owns 53 percent of Sattel. If successfully launched and operational, the satellite will beam its signal across Asia.

To convince doubting Thomases who suspect that Thailand's approach to Burma may be based on selfish profit—not principle—Thaksin should answer the following single question:

What investments, including projects and activities related to iPSTAR, do Shin Satellite and Shin Corporation have in Burma, and/or have planned for Burma?

I intend to pose this same question to Secretary of State Colin Powell when he appears before the Foreign Operations Subcommittee next month.

Let me close by saying that many of us remain concerned with the continued deterioration of democratic institutions in Thailand—including a free and independent press. We are alarmed and distressed by continued reports of the deportation of as many as 10,000 Burmese refugees, exiles, and migrant workers from Thailand to Burma each month. My colleagues can find additional information on this matter in a February 25th article by Ellen Nakashima in the Washington Post and through Human Rights Watch's report ''Out of Sight, Out of Mind: Thai Policy Toward Burmese Refugees and Migrants.''

With rising tensions in the south, it is more important that ever that Thailand stay the course in its political and legal development.

I am sure my colleagues will agree that accountability and transparency must be maintained in Thailand, be it a crackdown on drugs or business with Burma. As the last few weeks have clearly demonstrated, Thai politicians are quick to promise a chicken in every pot—but sometimes chickens get the flu. I say this only to illustrate my hopes that Prime Minister Thaksin has prepared an alternative approach toward Burma and the SPDC that includes the full participation and input of Suu Kyi and the NLD as well as all ethnic nationalities.

I ask unanimous consent that following my remarks an article from Thailand's English language newspaper The Nation be printed in the RECORD. Thaksin has it wrong—the United States is not a ''useless friend'' to Thailand. On the contrary, America is a strong advocate of democracy and human rights throughout the region.

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

[From The Nation, Feb. 28, 2004]

REACTION TO US RIGHTS REPORT: ''YOU'RE A USELESS FRIEND''

Prime Minister Thaksin Shinawatra yesterday slammed the United States as a ''useless friend'' for issuing a damning report on the deterioration of human rights here. ''It's unacceptable to me the way the US came out with the report by citing media reports. What kind of friend are they?'' a fuming Thaksin said. ''Once every year, the US comes out and damages the reputation of its friend. What would they do if Thailand issued the same [kind of] report?'' Thaksin told reporters that although Thailand has been in discussions with the US on the human rights situation here the US produced a report that differed from the information Thailand supplied.

The US State Department yesterday released its annual country-by-country review of human rights. Thailand's record ''worsened'' last year as a result of the extra-judicial killings and arbitrary arrests during the first round of the war on drugs, from February to April, the report said. ''I have to say bluntly that it [the US report] really annoyed me. I have asked the Foreign Ministry to issue a statement,'' Thaksin said.

The Foreign Ministry ''invited'' US Ambassador Darryl Johnson to receive an official complaint. Foreign Minister Surakiart Sathirathai said: ''It has been like this for at least three times during my time [as foreign minister]. We feel that it is something that is not healthy for close allies like the US and Thailand.'' In what appeared to be an attempt by the ministry to maximize media coverage of the summoning of Johnson, photographers were asked to position themselves in what is usually an off-limits area. The ministry issued a statement on Thursday expressing its ''deep disappointment'' over the report, saying it contained ''serious inaccuracies''—particularly on the government's anti-drugs campaign—and overstated the toll from summary killings.

''The report does not provide a balanced account of the facts, even though the Thai government has gone to great lengths to provide all the information to the US side,'' the statement read. This was also the case for the reports in 2002 and 2001, when Thailand had to pinpoint various factual errors and the US apologized and admitted that the reports were done in haste, Surakiart claimed. Such a report is ''useless'' for the governments as well as the public and it needs to be corrected, he added. Johnson, who met with Deputy Foreign Permanent Secretary Veerasak Futrakul, declined to make any statement.

Ministry spokesman Sihasak Phuangketkeow, however, quoted Johnson as saying: ''The US generally views Thailand's human rights record in a positive light, whether it is about economic or political freedom.'' Sihasak submitted a memo to Johnson claiming that only 46 cases of extra-judicial killings were recorded and the 1,386 drug-related deaths cited in the US report were not extra-judicial executions. He also dismissed the allegation that the government would not allow the United Nations High Commissioner for Human Rights to make a visit to look into the matter. ''A request has never been made,'' he said. According to National Police figures released in December, only nine cases out of 1,176 drug-related deaths have been prosecuted.

The drug killings sparked an outcry from local and international human rights organizations. Foreign governments and the UN Human Rights Commissioner expressed grave concern about the murders, while His Majesty the King called on the government to give a detailed accounting for all the deaths. The Thai government had ''failed to investigate and prosecute vigorously those who committed such abuses, contributing to a climate of impunity,'' the US report said.

After Thaksin's visit to Washington last June, bilateral relations strengthened as Thailand agreed to dispatch troops to Iraq and offered Americans immunity from the International Criminal Court. Thailand signed the ICC treaty but has not yet ratified it. Last December, US President George W. Bush officially designate Thailand a major non-Nato ally, a move that boosted security cooperation between the two countries.

YELLOWSTONE NATIONAL PARK'S 132ND ANNIVERSARY

Mr. REID. Mr. President, it gives me great pleasure to note that as of yesterday, the priceless treasure we call Yellowstone National Park has been preserved and protected for 132 years.

Yellowstone was our first national park, and one visit there explains why.

It is home to majestic wildlife including bison, elk, wolves and grizzly bears.

It is the site of most of the world's geysers, including the famous Old Faithful.

And Yellowstone National Park offers breathtaking vistas at every turn, from raging rivers to soaring mountain peaks.

Before Yellowstone became a national park, the story of its discovery was scattered with myths and truths throughout the 19th century.

Explorers and trappers stumbled upon Yellowstone's incredible beauty, and returned home with descriptions that sounded like fiction to the American public.

It took nearly 80 years, and an official expedition sanctioned by the government in 1870, to sort out the myth about Yellowstone from the striking reality.

Shortly thereafter, President Ulysses S. Grant signed the law in 1872 establishing Yellowstone National Park ''as a public park or pleasuring ground for the benefit and enjoyment of the people.''

President Theodore Roosevelt, a great protector of the environment and treasures like Yellowstone, visited the park in 1903.

One hundred years ago this spring, he laid the cornerstone for the official gateway to the park. The gateway is still known as the Roosevelt Arch.

The American people's love of Yellowstone helped lead to the establishment of our National Park Service. Today the Park Service protects and preserves 83 million acres of natural treasures across our country.

The Park Service employees at Yellowstone have done a wonderful job of protecting the park's natural beauty, while providing opportunities for people to enjoy it.

For example, all of the large mammal species known to exist in Yellowstone before European Americans arrived have been restored to their natural habitats.

I recently had the good fortune, after 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.

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.

I am sure that millions of Americans also keep a special place in their hearts for Yellowstone and the memories it holds for them.

I hope our grandchildren's grandchildren's grandchildren will be able to enjoy the wonders of Yellowstone National Park, the way we do today.

HONORING OUR ARMED FORCES

SGT CORY R. MRACEK

Mr. NELSON of Nebraska. Mr. President, SGT Cory R. Mracek was a dedicated and distinguished soldier who loved the military and was excited to go to Iraq. He attended Chadron State College for one semester before joining the National Guard and then later, the U.S. Army.

He spent his first year in Korea, where he was awarded several medals. He was chosen to be a United Nations Command Honor Guard for 6 weeks, an honor for which only the best soldiers were chosen. He came home 4 years later and worked as a night stocker at Wal-Mart. However, army life was calling him and he missed it more than he thought. He re-enlisted and was again stationed in Korea for 12 months. Because of the war in Iraq, his tour was extended to 15 months. He returned to the States in October 2003 and proceeded to Ft. Benning, GA, where he trained to be a paratrooper. He loved the thrill the first time he jumped from the plane and it had been his dream to be a part of the 82nd Airborne Unit in Fort Bragg, NC. He had been in Iraq just 8 days when a roadside bomb exploded west of Baghdad and killed him and two other soldiers.

SGT Cory Mracek's sacrifice will forever remind this Nation of the danger that comes with the duty to protect our Nation's interests and the freedoms of other arounds the world. As a nation we are grateful to soldiers like Cory Mracek who make the ultimate sacrifice so that all Americans can live in freedom.

SGT DENNIS A. CORRAL

Mr. NELSON of Nebraska. Mr. President, SGT Dennis Corral served our Nation bravely and honorably. He entered the Army in 1989 and later left the service to pursue other interests. In 1997 he re-entered the Army and was sent to Iraq in December of 2003. Corral was not scheduled for deployment to Iraq until January 2004, but he volunteered to go earlier in place of another soldier who was married and had children. Sergeant Corral was not one to complain, and readily accepted every task that was asked of him. His arrival was greatly anticipated by his company, as they had been without a supply sergeant, and were greatly in need of his skills. Immediately upon his arrival, he set to work improving the company supply system—organizing, filing, and issuing out equipment. In all that he did he showed his dedication and his love for serving his country. Sergeant Corral was the first American soldier to die in Iraq in 2004. SGT Dennis A. Corral will always be remembered as a soldier who fought for freedom and made the ultimate sacrifice on behalf of his country.

THE SUPREME COURT'S REVIEW OF THE EXECUTION OF CHILD OFFENDERS

Mr. FEINGOLD. Mr. President I want to speak today on the Supreme Court's recent decision to review whether the execution of child offenders—those under 18 at the time the crime was committed—is constitutional. The Court will soon hear the case of Christopher Simmons, a Missouri man who was sentenced to die for a crime he committed at the age of 17. The case is called Roper v. Simmons.

In the past few years, our Nation has taken important strides toward fairness and justice in the administration of the death penalty. In 2000, former Illinois Gov. George Ryan took the courageous step of halting executions in his State pending a top-to-bottom study of the use of capital punishment in Illinois. Following an exhaustive review of his State's system, Gov. Ryan commuted the death sentences of all death row inmates in Illinois in December 2002. Former Maryland Gov. Parris Glendening suspended executions in his State in the face of glaring racial and geographic disparities in the Maryland death penalty system. Current Maryland Gov. Robert Ehrlich has since lifted the State's moratorium, but an execution has not taken place in Maryland since 1998.

A number of State legislatures have inched closer and closer to abolishing the death penalty or instituting moratoria in their jurisdictions. And in 2002, in a significant turning point for our Nation, the Supreme Court ruled unconstitutional the execution of the mentally retarded. That decision, in the case of Atkins v. Virginia, confirmed that our Nation's standards of decency concerning the ultimate punishment are indeed evolving and maturing.

While these events are steps toward fairness and indications of progress, they also serve as reminders that our system is seriously flawed. The statistics and stories of innocent people wrongly convicted are shocking. In the modern death penalty era, 113 individuals in 25 different States have been exonerated after being convicted and put on death row. The most recent exoneration occurred just last week in a case from North Carolina. This should be disturbing to all Americans who believe in the founding principles of our Nation, liberty and justice for all.

As Supreme Court Justice John Paul Stevens wrote in a 2002 dissent, after the Court refused to consider another case involving child offenders, the practice of executing child offenders is ''inconsistent with evolving standards of decency in a civilized society.'' In my view, Justice Stevens is right. Executions of child offenders have occurred in only eight countries since 1990: China, the Democratic Republic of the Congo, Iran, Nigeria, Pakistan, Saudia Arabia, Yemen, and the United States of America. Most of these countries, however, have since banned executions of child offenders, leaving the United States as the only country that acknowledges its use of capital punishment for child offenders.

According to Amnesty International, there have been 34 executions of child offenders since 1990—19 of them in the United States. And there are currently

child offenders on death row in America who are scheduled to be executed this year. In fact, incredibly, Texas has scheduled the execution of four child offenders between March and June of this year, despite the Supreme Court's announcement that it will consider the constitutionality of such executions in the Simmons case this term.

Currently, 38 States authorize the use of the death penalty. Nineteen of those States have decided that they will only execute defendants who were 18 or older at the time of the crime. But 5 States use 17 as the minimum age, and the other 16 States permit the execution of defendants who were as young as 16 when they committed the crime.

The State Department has said: ''Because the promotion of human rights is an important national interest, the United States seeks to hold governments accountable to their obligations under universal human rights norms and international human rights instruments.'' But we can only call ourselves protectors of human rights if we practice what we preach. Here at home, we continue to apply capital punishment to those who were convicted of crimes committed before legally becoming adults. Spreading decency and humanity must begin here at home. As long as America executes child offenders, our reputation as a shining example of respect for human rights is tarnished.

At the beginning of the 108th Congress, I introduced the National Death Penalty Moratorium Act, which would suspend Federal executions while we conduct a thorough study of the administration of the Federal death penalty at the State and Federal levels. My bill would specifically require a commission to review all aspects of the system, including the practice of sentencing child offenders to death. I urge my colleagues to cosponsor and support the National Death Penalty Moratorium Act, and I look forward to the Supreme Court's review of this important issue. I am hopeful that the Court will build upon the progress it made two years ago when it ended the execution of the mentally retarded. Banning the execution of child offenders is the right thing to do. Congress should act if the Court doesn't.

HEALTHY MOTHERS AND HEALTHY BABIES ACCESS TO CARE ACT OF 2003

MEDICAL MALPRACTICE

Mr. KYL. Mr. President, last year, the Senate considered legislation to try to mitigate healthcare cost increases by reforming the medical malpractice system. The bill we took up was S. 11, ''The Patients First Act of 2003,'' which I had co-sponsored. Unfortunately, gridlock prevailed when a cloture motion was defeated. While I was disappointed that the Senate could not address healthcare liability reform on a comprehensive basis, we now have the opportunity to address the obstetrics and gynecological specialty with S. 2061, ''The Healthy Mothers and Healthy Babies Access to Care Act.''

There is a reason that the OB/GYN specialty should be one of the first areas addressed by medical malpractice. It is one of three specialties subject to the highest liability insurance premiums. Nationally, the dramatic increases in premiums—more than 160 percent over 16 years, 1982 to 1998—have greatly outpaced the rate of inflation, and many physicians and hospitals have been unable to keep up with these escalating costs. In Arizona, OB/GYN practices face premiums averaging $67,000—up 16 percent in just one year's time.

There are only a few ways doctors and hospitals can bear these costs. They can pass a portion of them on to patients or they can alter their practice patterns. Some physicians have cut the salaries of their hard-working, professionally trained medical staff or reduced headcount in their practices. Those who are still employed after the cutbacks are overworked, stretched thin with added responsibilities. Other doctors have reduced or completely eliminated some gynecological, surgical or high-risk obstetric procedures. Perhaps most disturbing are the instances of physicians retiring early, relocating their practices to states with friendly laws, or dropping obstetrics altogether.

The result is that women's access to prenatal and delivery care is compromised. There are fewer physicians in practice to tend to women; patients have less time with their doctor. I am concerned that women seeking prenatal care and delivering their babies in Arizona may have to travel long distances, passing by hospitals along the way, just to find a facility that can accommodate their needs. While Arizona is not deemed a medical liability ''crisis state'' by the American Medical Association—I am working to make sure that does not become the case—instances of facilities having to close are too frequent. For instance, Copper Queen Community Hospital in Bisbee, AZ, closed its maternity ward after physicians there, who were able to deliver babies, lost their liability insurance coverage. Imagine a community hospital that cannot meet one of the primary needs of its residents because of escalating medical liability costs.

The problem lies with a tremendous backlog in our courts and excessive jury awards that average $3.9 million. With more than 50 percent of jury awards totaling over $1 million, and the number of cases presented steadily on the rise, medical malpractice insurance carriers incur a great expense for defending suits, even those that are dismissed with no indemnity payment. Physicians Insurers Association of America claims that it costs physicians more than $75,000 to defend themselves in cases that they win—of course, even more in cases where they are found liable. Most notable may be the number of cases that are settled out of court without an admission or determination of guilt, just to avert the possibility of a ''mega award'' that could bankrupt a practice.

Looking ahead, I am troubled by the number of medical students and residents who are feeling medical liability's sting. Almost 50 percent of America's medical students say they factor the medical liability crisis in their choice of specialty. Can we afford to have some of the best and brightest physicians of tomorrow dissuaded from specialties because we did not do what was right and fix the system today?

The Healthy Mothers and Healthy Babies Access to Care Act only addresses obstetrical and gynecological care. It would establish parameters to maximize returns to the patients instead of trial lawyers. It would hold physicians and insurers accountable for medical expenses in instances where they are clearly wrong. The legislation would establish a period of 3 years from the date of injury for a person to bring forth a claim, making exceptions to this statute of limitations in cases involving minors. S. 2061 would allow for unlimited awards of economic damages, while placing reasonable caps on non-economic damages—pain and suffering. This is an important distinction that I want to take a moment to address.

Economic damages are for the payment of medical expenses—both past and future—the loss of earnings—both past and future—as well as the cost of having services in the home to assist someone who has been injured or incapacitated from a negligent act. There is no limit on these awards. It is important to me to preserve a patient's access to full medical care when a party has been found negligent. This legislation does that.

Non-economic damages meant to compensate for physical and emotional pain and suffering are not easily quantified. For these damages, awards would be capped at $250,000 and would be in addition to economic damages awarded. Very often, juries have awarded individuals millions of dollars to punish a defendant, not necessarily to compensate for what is an intangible loss.

Under S. 2061, contingency fees would be set to make sure that patients with valid claims do not see their awards siphoned away by lawyers. The bill would allow lawyers to recoup fees and make a profit, but not at the unfair expense of the plaintiff.

We have been down this road before and I am hopeful that my colleagues on both sides of the aisle will join me in support of medical malpractice reform. This legislation will deliver on the promise made to our constituents to fix the healthcare system in this country and rein in excessive and frivolous lawsuits.

SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT OF 2003

Mr. DORGAN. Mr. President, I rise today to discuss S. 1072, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003.

The transportation bill is a needed investment for America's infrastructure. Our Nation's roads, bridges and transit systems need help now. Thirty-eight percent of our Nation's major roads are in poor or fair condition, and 28 percent of our bridges are structurally deficient and unsafe for travel.

This bill is important for the economy as well. Transportation surpasses education and recreation and nearly equals health care and food as a contributor to economic growth, and the transportation sector is critical to jobs, employing millions of workers. A 6-year, $311 billion transportation bill will create more than 830,000 jobs across the United States.

I want to specifically mention how important transportation funding is to North Dakota. North Dakota has only 17 people per lane mile of Federal-aid highway; the national average is 124. As a result, there is a huge per capita investment by North Dakota citizens to support a national transportation system.

That means that Federal aid is critical for ensuring the development, safety and reliability of transportation infrastructure, as it simply does not have the population to support its needs. The $1.463 billion that North Dakota is projected to receive over the next 6 years will benefit the infrastructure, economy, and citizens of North Dakota, and the many others who use North Dakota's roadways for interstate commerce and tourism.

Chairman INHOFE and Ranking Member JEFFORDS worked hard to ensure that rural States would receive adequate funding in this bill, and I thank them for their efforts. I emphasize that we must continue to work to preserve this funding as this bill proceeds. I also thank them for their work to include two of my amendments in S. 1072.

My first amendment will ease the burdens of cumbersome hazardous materials regulations on small farmers. Farmers driving their pickup trucks with a 120-gallon tank of fuel in the back should not have to file security plans. These farmers are not a threat to our Nation's security, and my amendment exempts them from these unnecessary rules.

My second amendment will ensure that States prohibit open containers of alcoholic beverages in vehicles. In this day and age, it is unbelievable that someone can still drive with one hand on the wheel and one hand holding an open bottle of Jack Daniels, and my amendment takes action so that States crack down on this violation.

Lastly, I want to say that it is unfortunate that we were not able take up amendments that Senator BURNS, Senator ROCKEFELLER and I submitted to address current problems with rail policy in this Nation.

While more than 40 major railroads existed in 1980, these have now consolidated to seven, with four major railroads generating over 90 percent of the total annual rail revenue. The previous Interstate Commerce Commission, and the current Surface Transportation Board, STB, have failed to implement captive customer protections, and in fact have interpreted the deregulation act to allow railroads to deny rail customer access to rail competition. As a result, today we have a national rail industry that is both deregulated and retains almost unchecked monopoly power over at least 30 percent of its customers.

This issue hits home for my constituents and me. Grain production is a major industry in my State. Unfortunately, our grain producers are captive to a single railroad. That railroad consistently charges rates that are so outrageously high that our grain loses access to both U.S. and foreign markets. When we do move our grain at these high rail rates, every dollar for rail transportation comes out of the pockets of our grain farmers in the form of reduced net-backs from their grain sales.

It is unfortunate that our rail amendments could not be offered for a full debate and vote. They would have begun to introduce the competition in the national rail system that should have resulted from deregulation 23 years ago. These amendments would have provided some much needed relief to our farmers, manufacturers and electric ratepayers and would help save American jobs for Americans. I will continue to work for a chance to take action on these amendments and move our rail system toward the efficient, procompetitive system this Nation needs and deserves.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On July 3, 1999, in Philadelphia, PA, a 59-year-old gay man was found beaten to death in his apartment. The bodies of two other gay men from the Philadelphia area were found in the Schuylkill River the previous month.

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 is 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.

LTC COLONEL FRANK LOUIS BOSCH: IN MEMORIAM

Mrs. BOXER. Mr. President, I rise to share with my colleagues the memory of retired Air Force LTC Frank Louis Bosch. COL Bosch was a dedicated member of the armed services and a dedicated community volunteer. His life is truly an example of selflessness and service to others.

COL Bosch was born in New Orleans and raised in Brooklyn, NY. Throughout his commendable service in the Army Air Forces, he flew night missions in World War II, commanded a fighter group in the Korean War, and received the Distinguished Flying Cross for his participation in the Battle of Khe Sanh in Vietnam.

Upon retiring, COL Bosch refused to believe that his service to others must end. After earning a bachelor's and master's degree in physical education from George Mason University, he created and led exercise programs for seniors at the Fairfax County recreation department. He also organized softball leagues, ice skating groups, and the Northern Virginia Senior Olympics. He worked as a docent and guide at the Vietnam Veterans Memorial and assisted the priests of Fort Meyers with burials of veterans at Arlington National Cemetery. He served as an election officer in Fairfax, Eucharistic minister and usher at St. Michael's church in Annandale, was a former vice president of the WWII Night Fighters Association and a member of the Knights of Columbus.

Although he never looked to be rewarded for his service to both country and community, honors were frequently bestowed upon him. Along with the Distinguished Flying Cross, he was awarded the Virginia Governors Award for volunteering and the National Park Service's volunteer-of-the-year.

COL Bosch's life serves as an inspiration to all who knew him or have heard his story. When his son Paul called my office today, he mentioned that at the colonel's funeral at Arlington, ''the sun came out just long enough for us to have a very warm feeling.'' I know that the example of COL Bosch's life will be a warm feeling for all of us as we remember his bravery, generosity and compassion.

I extend my deepest sympathies to his wife, Mardy, his sons and daughters, his grandchildren, and great-grandchildren. I am confident that COL Bosch's spirit will live on in them for years to come.

ADDITIONAL STATEMENTS

IN RECOGNITION OF ERNEST C. LEVISTER

● Mrs. BOXER. Mr. President, I rise today to recognize the philanthropic works of Ernest C. Levister, Jr., M.D. For his longstanding commitment to the health of residents of the Inland

Empire, he has been honored by the California Medical Association Foundation with the Robert D. Sparks, M.D. Leadership Award.

The Robert D. Sparks, M.D. Leadership Award recognizes individuals or organizations for outstanding community health achievements. Dr. Levister's accomplishments have not only met this criterion, but led to programs and policy that will continue to facilitate medical advances for years to come.

For the past 30 years, Dr. Levister has used his expertise to educate others, empowering his community with knowledge. He has been honored for addressing the medical concerns and questions of the Inland Empire's African-American community through his ''Our Bodies'' column in the Black Voice News since 1986. His founding role in the Technology Access Partnership Foundation, a foundation that endeavors to increase accessibility to informational technologies, is also testament to his commitment to ensuring that traditionally underrepresented groups have the tools they need to live happy, healthy lives.

As president of the J.W. Vines Medical Society from 1994 to 2001, Dr. Levister strove to make educational opportunities available to students of all backgrounds, encourage African Americans' entrance into and continued progress in the medical field, and improve overall patient care. He is a cofounder of the Vines Foundation, which works to create educational opportunities for African-American students pursuing health and science-related careers.

Dr. Levister is credited as a major influence in changes that the University of California, Riverside made to its Bio Medical Science Program, which now offers more opportunities to disadvantaged students and pre-med faculty positions to those who are traditionally underrepresented. Other recognitions include the Silver Scalpel Award from the California Society of Industrial Medicine and Surgery for his work to protect the rights of injured workers and their physicians, the 2000 Black Rose and Humanitarian of the Year Award given to Dr. and Mrs. Levister for their service to their community, and the San Bernardino County Medical Society's 2003 Award for Outstanding Contribution to the Community.

Dr. Levister's fine leadership has paved the way for the continued propagation of a diverse medical community to address the complex and varied health care needs of the Inland Empire Community. It is with great pleasure that I congratulate Dr. Levister on his receipt of the prestigious Robert D. Sparks Leadership Award.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HONORING SHARON STROSCHEIN, 2003 WINNER OF THE ATHENA AWARD

● Mr. JOHNSON. Mr. President, I rise today to publicly recognize and honor Sharon Stroschein of my Aberdeen, SD staff, who recently was presented with the Athena Award, an honor that is cosponsored by the Aberdeen Chamber of Commerce and Johnsons Motors of Aberdeen.

The Athena Award is annually presented to an individual who actively assists women in realizing their full leadership potential. The individual must demonstrate excellence, creativity, and initiative in their business or profession. The individual provides a valuable service by contributing time and energy toward improving the quality of life for others in the community.

I know first hand that Sharon has done a great deal to improve northeastern South Dakota. She is a tremendously talented woman with a great deal of energy and ambition.

Sharon is not only a great friend, she is also the northeast area director for my State office in Aberdeen. She has earned the respect and admiration of all those who have had the opportunity to work with her. Her passion and love for her work have improved the lives of countless South Dakotans.

Sharon's friendly demeanor and wealth of knowledge have helped her develop close relationships with her colleagues and with community leaders throughout our State. This friendly attitude has led to numerous elected posts and honors. Among those, she was elected South Dakota's National Committeewoman to the Democratic National Committee. She was also the McGovern Grassroots Award recipient, and Woman of the Year by the South Dakota Federation of Democratic Women.

I congratulate Sharon Stroschein for being selected to receive this prestigious award. It is with great honor that I share her impressive accomplishments with my colleagues.●

CONGRATULATING MRS. CORNELIA MCREYNOLDS

● Mr. BUNNING. Mr. President, I would like to take a moment today to congratulate Mrs. Cornelia McReynolds of Pembroke, KY, for receiving the Modernette Civic Club's Woman of the Year Award.

Mrs. McReynolds is best known in the Hopkinsville community as a devoted mother of seven children. But her influence stretches far beyond the boundaries of her home and her family.

She is an active member of the Eastern Star and helped to organize the Community Choir of Hopkinsville. She is also director of the junior choir and president of the usher board at the St. Bethlehem Baptist Church. The children of the church are so fond of Mrs. McReynolds, they call her ''Granny.''

Six of her seven children were with her when she received the award at the Modernette Club's 10th annual African-American Heritage Breakfast. They traveled from as far away as Chicago and Florida to be with their mother—and of course her seventh child called by cell phone from Florida after she received the award. Even her seven-month-old great granddaughter attended the Saturday morning breakfast in her honor at the Pioneer Memorial Complex. It was family dedication like this and her amazing work in the community that likely prompted this special award.

Congratulations again, Mrs. McReynolds, on receiving the 2004 Modernette Civil Club's Woman of the Year award. You are truly an inspiration for all of us throughout the Commonwealth of Kentucky.●

SALUTE TO THE AIR FORCE ACADEMY FALCONS BASKETBALL TEAM

● Mr. ALLARD. Mr. President, I rise to salute the U.S. Air Force Academy Falcons basketball team. It gives me a great deal of pleasure as a member of the U.S. Air Force Academy Board of Visitors to congratulate the high flying Air Force Academy men's basketball team on winning the 2003–2004 regular season Mountain West Conference Basketball Championship.

On March 1, the Falcons clinched the championship with a 61–49 victory over San Diego State University. This is the first conference championship the Air Force Academy has achieved in basketball. Their improbable championship is even more impressive when you realize that this is the first winning basketball season at the Air Force Academy since the 1977–1978 season.

Coach Joe Scott, my candidate for coach of the year, has done an incredible job guiding his team to upset victories over the University of California, Brigham Young University and two victories against the University of Utah on the way to an overall 21–5 record.

I wish them well in the coming weeks as they represent my home State and the Air Force in the upcoming NCAA tournament. If my colleagues are looking for a real-life Cinderella story in this year's basketball tournament, I have found one in Colorado Springs, CO: the U.S. Air Force Academy.●

CELEBRATING THE CENTENNIAL OF CONGREGATION SHERITH ISRAEL'S HISTORIC SANCTUARY BUILDING

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th Anniversary of Congregation Sherith Israel's historic sanctuary building in the City of San Francisco in my home State of California.

Congregation Sherith Israel, established in 1849, is one of the oldest Reform congregations in the West. Reform Judaism spread throughout North America more than 130 years ago and is

now the largest Jewish movement in North America, with more than 900 congregations and 1.5 million people.

Congregation Sherith Israel's synagogue building is located at the corner of California and Webster Streets in San Francisco. This year marks the centennial of this historic building, whose cornerstone was laid on February 22, 1904. The building was designed by renowned Bay Area architect Albert Pissis, who was an important figure in the rebuilding of downtown San Francisco after the city's most famous disaster, the Great Earthquake and Fire of 1906.

The 1906 Earthquake and Fire left the city in smoking ruins and destroyed many public structures. Congregation Sherith Israel's synagogue withstood this disaster and was able to house many important events following the destruction. The building served as the city's Superior Court for more than 2 years and, in 1945, hosted one of the organizing sessions of the United Nations.

Today, this unique building has an austere exterior which hides a lavish and ornamental interior, complete with the finest stained glass, pews of rare Honduran mahogany, polished marble floors and beautifully detailed painted walls and ceilings. The synagogue is home to a working original Murray M. Harris Company organ. Harris was the pioneer Los Angeles organ builder who is generally regarded as ''the Father of Organbuilding in the West.'' The chapel also contains Congregation Sherith Israel's original Holy Ark, built in 1970.

The blue-grey dome of the synagogue, taller than the dome of San Francisco City Hall, is touted as one of the highest in the city. The dome, visible from many vistas around San Francisco, is a wonderful reminder of this building's history and importance to San Francisco. Congregation Sherith Israel's sanctuary building also continues to represent the spiritual strength, diversity and pioneer spirit of San Francisco's Jewish community. A hallmark of Reform Judaism is ''tikkun olam,'' or repairing the world, a desire to bring peace, freedom, and justice to all people. Congregation Sherith Israel is a wonderful example of tikkun olam in the San Francisco Bay Area.

I am very pleased to recognize this beautiful and historic building. I hope the people of San Francisco and the members of Congregation Sherith Israel continue to enjoy this building for many more years.●

IN HONOR OF DR. FELIX G. SHEEHAN

● Mr. DODD. Mr. President, I rise to speak in honor of Dr. Felix G. Sheehan, of Middletown, CT. Next week, on March 13, 2004, Dr. Sheehan will be receiving the ''Irish Person of the Year'' award from the Middletown division of the Ancient Order of Hibernians, the oldest and largest Irish Catholic society in the United States.

Dr. Sheehan retired 2 years ago after 47 years in the medical practice. As a doctor, he was, in so many ways, a treasure from a bygone era. Even as health care became more and more of a business, and even as Americans increasingly dealt with the complicated world of copayments, referrals, and coverage networks, Dr. Sheehan was a doctor who built lifelong relationships with his patients and made house calls at all hours of the day and night.

His tremendous dedication, warmth, and kind spirit are legendary in Middletown, where many of his patients became just as devoted to him as he was to them. One of those patients described him as ''the best doctor in the world.''

Dr. Sheehan was born in Belfast and came to America with his family at the age of 6. He served his new country in the Pacific during World War II. During his service, he had an experience that would change his life—and the lives of many others. While stationed aboard the USS *Wasp*, he was asked one day to help out a nurse who was having trouble treating a patient. It was then that he first realized that medicine would be his calling.

After attending college at St. John's University in New York, Felix Sheehan spent the next 5 years in his native Belfast earning his medical degree from Queen's University. It was happenstance, he says, that he found Connecticut. But after seeing the slogan on Middlesex Hospital that read, ''Caring and Kindness Always, All Ways,'' he knew that Middletown would be his home. Because although that motto belonged to the hospital, it could have easily been written to describe Felix Sheehan.

To Felix Sheehan, being a doctor meant so much more than examining patients and prescribing medicines. He offered complimentary medical services to local parochial schools. He took on needy patients free of charge. He hosted a wedding for one of his employees who couldn't afford it. He retained legal counsel for the child of one of his patients. And as his own career drew to a close, he served as a mentor and role model to young doctors entering the profession.

From the day he took up his practice until the day he retired, Dr. Sheehan gave so much of himself to so many people. In the words of his daughter Laureen, ''in a very real and special sense, he was more than a physician—he was and is a healer.''

From one Irishman to another, I offer my warmest congratulations to Dr. Sheehan on the honor he will receive next week. I wish him, his wife Marie, and their children many more happy years together.●

HONORING THE JOHN EHRET HIGH SCHOOL

● Ms. LANDRIEU. Mr. President, from May 1–3, 2004 more than 1,200 students from across the United States will visit Washington, D.C. to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the class from John Ehret High School from Marrero will represent the State of Louisiana in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

The 3-day We the People National Finals Competition is modeled after hearings in the U.S. Congress. The students are given an opportunity to demonstrate their knowledge before a panel of adult judges while they evaluate and defend positions on relevant historical and contemporary issues. Their testimony is followed by questions designed to probe the students' depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder once described this annual competition as ''the place to come to have your faith in the younger generation restored.''

Most recently, the We the People program was highlighted at two national conferences held in 2003: the White House Forum on American History, Civics, and Service, and the first annual Congressional Conference on Civic Education. Evaluations and independent studies have validated the effectiveness of the We the People program on students' civic knowledge and attitudes. This innovative civic education program continues to be one of the best antidotes to apathy and cynicism in our Nation.

I wish these students the best of luck at the We the People national finals and applaud their achievement. We should all be proud that they are learning and advocating the fundamental ideals that identify us as a people and bind us together as a Nation.●

CELEBRATING THE 25TH ANNIVERSARY OF THE MARIN COUNTY CIVIC CENTER VOLUNTEERS PROGRAM

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 25th anniversary of the Marin County Civic Center Volunteers program.

In 1979, the Civic Center Volunteers program (CCV) was established to help Marin County maintain its excellent public services by providing local government agencies with volunteers from the community.

During CCV's 25 years of service, over 10,000 volunteers have contributed countless hours of their time. Their

work translates into the equivalent of providing over $60 million in services to Marin County's local government agencies. CCV provides a unique service by bringing energetic volunteers with a community perspective into almost all aspects of Marin's county government. By involving the local community, the county is able to run its programs more efficiently and with broader community involvement.

CCV has succeeded in enhancing civic participation by Marin County residents in their local government. Civic Center volunteers become advocates for the community by becoming a part of the governmental process. Over the years, programs that were initially started by volunteers, such as the Consumer Mediation Unit and Job Coach, have become a part of the county's regular services.

As one of the Nation's first centralized county volunteer programs, CCV has received numerous awards and accolades, including the United States Congress Achievement Award and the National Association of Counties' ''Acts of Caring'' Award for Public Education and Information. The CCV program has been successfully used as a model for volunteerism in local governments, both nationally and internationally.

For 25 years, the Marin County Civic Center Volunteers program has served as a national model for civic leadership. CCV's dedication to the community is inspiring and impressive. I congratulate the Marin County Civic Center Volunteers on their 25th anniversary and wish them another 25 years of success.●

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.)

REPORT RELATIVE TO MODIFYING DUTY-FREE TREATMENT UNDER THE GENERALIZED SYSTEM OF PREFERENCES—PM 68

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Consistent with section 502(f) of the Trade act of 1974, as amended (the ''Act''), I am writing to inform you of my intent to designate Algeria as a beneficiary developing country and to terminate the designation of Antigua and Barbuda, Barbados, Behrain, the Czech Republic, Estonia, Hungary, Lativia, Lithuania, Poland, and Slovakia as beneficiary developing countries for purposes of the Generalized System of Preferences (GSP).

I have considered the criteria set forth in sections 501 and 502 of the Act. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Algeria. I have also determined that Antigua and Barbuda, Barbados, and Bahrain have become ''high income'' countries, and I therefore terminate their designation as beneficiary developing countries effective January 1, 2006. Furthermore, consistent with the Act's prohibition on designation of European Union member states as beneficiary developing countries, I am terminating such designation for the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, and Slovakia when they become European Union member states.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 1, 2004.*

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. MILLER (for himself, Mr. CHAMBLISS, and Mr. DEWINE):

S. 2152. A bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes; to the Committee on Armed Services.

By Mr. EDWARDS:

S. 2153. A bill to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself, Mr. DAYTON, Mr. COLEMAN, and Mr. CONRAD):

S. 2154. A bill to establish a National sex offender registration database, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 2155. A bill to amend the Internal Revenue Code of 1986 to provide for a manufacturer's jobs credit, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 2156. A bill to amend title II of the Higher Education Act of 1965 to enhance teacher training programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. COLEMAN, Ms. CANTWELL, Mr. WYDEN, Mr. ROCKEFELLER, Mr. BREAUX, Mr. INOUYE, Mr. CARPER, Mr. BINGAMAN, Mr. CORZINE, Mr. BAYH, Mrs. CLINTON, Ms. LANDRIEU, Mrs. MURRAY, Mr. LAUTENBERG, Mr. BIDEN, Mrs. BOXER, and Mr. REID):

S. 2157. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mrs. MURRAY, Mr. WARNER, Mr. BINGAMAN, Mr. ALLEN, Mr. FEINGOLD, Mr. COCHRAN, Mr. LAUTENBERG, Mr. HAGEL, Mr. REED, Mr. SMITH, Mr. ENSIGN, and Mr. DEWINE):

S. 2158. A bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. EDWARDS:

S. Res. 307. A resolution honoring the county of Cumberland, North Carolina, its municipalities and community partners as they celebrate the 250th year of the existence of Cumberland County; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 412

At the request of Mr. KYL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 412, a bill to amend the Balanced Budge Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens.

S. 491

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 595

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S . 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 633

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 633, a bill to modify

the contract consolidation requirements in the Small Business Act, and for other purposes.

S. 664

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 683

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 683, a bill to amend the Family and Medical Leave Act of 1993 to provide entitlement to leave to eligible employees whose spouse , son, daughter, or parent is a member of the Armed Forces serving on active duty in support of a contingency operation or notified of an impending call or order to active duty in support of a contingency operation.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 750

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 750, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 822

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 822, a bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans.

S. 846

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 1020

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1020, a bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to improve the school breakfast program.

S. 1021

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1021, a bill to amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children.

S. 1022

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1022, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1138

At the request of Mr. COLEMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1138, a bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage.

S. 1143

At the request of Mrs. HUTCHISON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1143, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1197

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1197, a bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1255

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1255, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1523

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1523, a bill to amend part A of title IV of the Social Security Act to allow a State to treat an individual with a disability, including a substance abuse problem, who is participating in rehabilitation services and who is increasing participation in core work activities as being engaged in work for purposes of the temporary assistance for needy families program, and to allow a State to count as a work activity under that program care provided to a child with a physical or mental impairment or an adult dependent for care with a physical or mental impairment.

S. 1554

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1554, a bill to provide for secondary school reform, and for other purposes.

S. 1595

At the request of Mr. KERRY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1703

At the request of Mr. SMITH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 2076

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2076, a bill to amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

S. 2090

At the request of Mr. DASCHLE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2090, a bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

S. 2127

At the request of Mr. LUGAR, the name of the Senator from Nebraska

(Mr. HAGEL) was added as a cosponsor of S. 2127, a bill to build operational readiness in civilian agencies, and for other purposes.

S. 2143

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2143, a bill to extend trade adjustment assistance to service workers.

S. 2146

At the request of Ms. LANDRIEU, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2146, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S.J. Res. 1 , a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 14

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. DAYTON, Mr. COLEMAN, and Mr. CONRAD):

S. 2154. A bill to establish a National sex offender registration database, and for other purposes; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, I rise today to offer a bipartisan piece of legislation. As I will describe, this bill seeks to fill a gaping hole in our criminal justice system, made tragically evident by a recent tragedy in North Dakota.

Last November, Dru Sjodin, a student at the University of North Dakota, was abducted in the parking lot of a Grand Forks shopping mall. A suspect has been arrested, and there is significant evidence that he was responsible for Dru's abduction. Dru has not been found.

The tragedy of Dru's abduction is compounded by the fact that her alleged assailant, Alfonso Rodriguez, Jr., had been released from prison only six months earlier, having served a 23-year sentence for rape in Minnesota. And what's more, Minnesota authorities had known that he was at high risk of committing another sexual assault if released.

The Minnesota Department of Corrections had rated Rodriguez as a ''type 3'' offender—meaning that he was at the highest risk for reoffending. In an evaluation conducted in January 2003, a prison psychiatrist wrote that Rodriguez had demonstrated ''a willingness to use substantial force, including the use of a weapon, in order to gain compliance from his victims.''

Despite this determination, the Minnesota Department of Corrections released Rodriguez in May 2003, and essentially washed its hands of the case. Since Rodriguez had served the full term of his sentence, the Department of Corrections imposed no further supervision on him at all.

Now, the Minnesota Department of Corrections could have recommended that the State Attorney General seek what is known as a ''civil commitment.'' Under this procedure, a State court would have required Rodriguez to be confined as long as he posed a sufficient threat to the public, even if he had served his original sentence. But the State Attorney General was never notified that Rodriguez was getting out, and there was no chance for the Minnesota courts to consider the case.

So upon his release, Mr. Rodriguez went to live in Crookston, MN, completely unsupervised, a short distance from the Grand Forks shopping mall where Dru Sjodin was abducted.

To make matters worse, the North Dakota public had no way of knowing that Rodriguez had been released. There is currently no national sex offender registry. Each State has its own sex offender registry, which tracks only its own residents. So although Minnesota listed Rodriguez in its sex offender registry, residents of North Dakota checking their own State's sex offender registry would have no way of knowing this.

For all intents and purposes, Rodriguez was free to prey on nearby communities in North Dakota, without fear of recognition.

This situation is unacceptable. We must do better. A recent study found that 72 percent of ''highest risk'' sexual offenders reoffend within 6 years of being released. And the Bureau of Justice Statistics has determined that sex offenders released from prison are over ten times more likely to be arrested for a sexual crime than individuals who have no record of sexual assault. We cannot just release such individuals with no supervision whatsoever, and let them prey upon an unsuspecting public.

Today, I am offering legislation to that will hopefully ensure that these breakdowns in our criminal justice system do not reoccur, and that will give our citizens the tools to better protect themselves from sexual offenders.

This bill, which is co-sponsored by Senators DAYTON, COLEMAN, and CONRAD, does the following three things: First, it directs the Department of Justice to create and manage a national sex offender registry, which would be accessible to the general public through the Internet. This database would allow users of the registry to specify a search radius across State lines. This will give residents in the many states that have large population centers close to State lines, like North Dakota and Minnesota, a much more meaningful report on nearby sexual offenders.

Second, to try to ensure that the highest risk sex offenders are not released at all, the bill requires that States provide automatic and timely notification to their States attorneys of the planned release of any ''high-risk'' sex offender, so that states attorneys can have a chance to determine whether to seek a civil commitment of that offender.

And third, the bill requires intensive State supervision of ''high-risk'' sex offenders released after serving their full sentence—that is, offenders who would otherwise go unsupervised—for a period of no less than one year.

The cost of these steps would be shared by the Federal Government and the States. The Federal Government would bear the cost of maintaining the national sex offender registry, and the States would bear the cost of supervising high risk offenders upon their release from prison.

To ensure compliance with these measures, the legislation would reduce Federal funding for prison construction by 25 percent for those states that did not comply, and would reallocate such funds to States that do comply with those provisions. This will be the ''stick'' that some States may need to ensure that they comply with these important protections.

Our thoughts and prayers go to Dru Sjodin's family. I cannot guarantee that that passage of the legislation we are introducing today will prevent such tragedies from ever occurring again. But I believe that it will be a significant step towards making our neighborhoods safer for our loved ones.

I look forward to working with my colleagues, on a bipartisan basis, to secure passage of this bill.

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. 2154

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 Sex Offender Registry Act of 2004''.

SEC. 2. DEFINITION.

In this Act:

(1) CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR.—The term ''criminal offense against a victim who is a minor'' has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(2) MINIMALLY SUFFICIENT SEXUAL OFFENDER REGISTRATION PROGRAM.—The term ''minimally sufficient sexual offender registration program'' has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

(3) SEXUALLY VIOLENT OFFENSE.—The term ''sexually violent offense'' has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(4) SEXUALLY VIOLENT PREDATOR.—The term ''sexually violent predator'' has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

SEC. 3. ESTABLISHMENT OF DATABASE.

(a) IN GENERAL.—The Attorney General shall establish a National sex offender registry that—

(1) makes publicly available, via the Internet, all information required to be submitted by States to the Attorney General under subsection (b); and

(2) allows for users of the registry to determine which registered sex offenders are currently residing within a radius, as specified by the user of the registry, of the location indicated by the user of the registry.

(b) INFORMATION FROM STATES.—

(1) IN GENERAL.—If any person convicted of a criminal offense against a victim who is a minor or a sexually violent offense, or any sexually violent predator, is required to register with a minimally sufficient sexual offender registration program within a State, including a program established under section 170101 of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14017(b)), that State shall submit to the Attorney General—

(A) the name and any known aliases of the person;

(B) the date of birth of the person;

(C) the current address of the person and any subsequent changes of that address;

(D) a physical description and current photograph of the person;

(E) the nature of and date of commission of the offense by the person; and

(F) the date on which the person is released from prison, or placed on parole, supervised release, or probation.

(2) STATES WITHOUT REGISTRATION PROGRAM.—The Federal Bureau of Investigation shall collect from any person required to register under section 170102(c) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(b)) the information required under paragraph (1), and submit that information to the Attorney General for inclusion in the National sex offender registry established under section 2.

SEC. 4. RELEASE OF HIGH RISK INMATES.

(a) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to the attorney general of that State of the impending release of any person incarcerated by the State who—

(A) is a sexually violent predator; or

(B) has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State attorney general shall consider whether or not to institute a civil commitment proceeding, or any equivalent proceeding required under State law.

(b) MONITORING OF RELEASED PERSONS.—

(1) IN GENERAL.—Each State shall intensively monitor, for not less than 1 year, any person described under paragraph (2) who—

(A) has been unconditionally released from incarceration by the State; and

(B) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(2) APPLICABILITY.—Paragraph (1) shall apply to—

(A) any sexually violent predator; or

(B) any person who has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

SEC. 5. COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement the requirements of sections 3 and 4.

(b) INELIGIBILITY FOR FUNDS.—A State that fails to submit the information required under section 3(b) to the Attorney General, or fails to implement the requirements of section 4, shall not receive 25 percent of the funds that would otherwise be allocated to the State under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706(b)).

(c) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with sections 3 and 4.

By Ms. SNOWE:

S. 2156. A bill to amend title II of the Higher Education Act of 1965 to enhance teacher training programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce legislation, the ''Community College Teacher Preparation Enhancement Act of 2004,'' which addresses two of the Nation's most pressing education needs: first, the projected demand for roughly 2.4 million new 'highly qualified' teachers over the next decade, due to teacher attrition, teacher retirement, and a growing student population, and second, the requirement under the No Child Left Behind Act that all teachers be 'highly qualified' by 2006. This is an enormous challenge for the Nation, but one that this legislation would take giant strides toward meeting.

Our Nation's colleges and universities have done a wonderful job graduating highly qualified teachers. There is no question about this, but given the coming teacher shortages, it is unlikely that our four-year colleges and universities, alone, will be sufficient to satisfy the rising demand for well-educated teachers. Certainly, and sadly, this will simply not be possible in the near term. Yet throughout the educational community, community colleges have come to be recognized for their potential to play a leading role in filling the looming teacher shortage. Community colleges are already a vital part of our higher education system, particularly in producing teachers. Nearly half of all of the country's undergraduates who enter post-secondary institutions began their studies at community colleges. Of the country's teachers, one in five began their education at a community college. Clearly, community colleges are already a great resource.

In addition to their current role, community colleges have access to a vast population of students who could potentially become teachers, if given encouragement, opportunity and training. The Nation's 1200 community colleges enroll more than 6 million students. Let me put that in perspective. That means that 44 percent of the Nation's undergraduates are enrolled in community colleges! It's not difficult to see that community colleges have the unique potential to assist the country in meeting its increased demand for high-quality teachers. Now let me tell you how this legislation would utilize this resource for the benefit of both our children and our future.

This bill seeks to build strong teacher training networks by allowing us to tap the extraordinary resources and student pool at all post-secondary levels to increase the number of teachers across the nation. This is accomplished through the establishment of a Department of Education grant program to award funding to applicants who will strengthen their teacher training systems.

Four-year institutions can offer the community college population access to their established and recognized curriculum of teacher training courses. Four-year institutions that have already established relationships with schools can offer practical learning to community college students who are seeking a teaching degree, and can receive federal money to help implement these programs.

Moreover, by promoting close collaboration between community colleges and four-year institutions, this legislation increases the opportunity for community college students to earn a baccalaureate degree in education. This would help the Nation keep pace with the demand for high-quality teachers that is due—in addition to the demographic changes I mentioned earlier—to requirements of the No Child Left Behind Act, most notably the mandate that all new teachers have at least a baccalaureate degree.

While this legislation aims to prevent a shortage of teachers nationwide, it prioritizes teacher preparation in areas of extreme shortage, typically rural and urban areas. Further, it targets specific academic areas that face even greater shortages, such as mathematics, science, and special education.

The Community College Teacher Preparation Enhancement Act also promotes teacher training and outreach to secondary schools to develop innovative approaches to attracting

high school students into the teaching profession.

Finally, recognizing that teacher shortage is not a regional problem, care will be taken to ensure that grants are distributed in a geographically diverse manner.

This legislation addresses a pressing issue. School districts across the nation are struggling to meet the requirements of No Child Left Behind, and delaying assistance would only compound the problem as shortages of qualified teachers increase. This was not the intent of No Child Left Behind, but idleness on this issue will surely leave a devastating shortage of quality educators for our children. It is time to act, and this legislation offers us a tremendous opportunity to send a clear and overdue signal to states that we intend to be true to this landmark legislation's title.

I look forward to working on this issue and urge my colleagues to join me in this effort.

By Mr. BAUCUS (for himself, Mr. COLEMAN, Ms. CANTWELL, Mr. WYDEN, Mr. ROCKEFELLER, Mr. BREAUX, Mr. INOUYE, Mr. CARPER, Mr. BINGAMAN, Mr. CORZINE, Mr. BAYH, Mrs. CLINTON, Ms. LANDRIEU, Mrs. MURRAY, Mr. LAUTENBERG, Mr. BIDEN, Mrs. BOXER, and Mr. REID):

S. 2157. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Trade Adjustment Assistance Equity for Service Workers Act.

Since 1962, Trade Adjustment Assistance—what we call ''TAA''—has provided retraining, income support, and other benefits so that workers who lose their jobs due to trade can make a new start.

The rationale for TAA is simple. When our government pursues trade liberalization, we create benefits for the economy as a whole. But there is always some dislocation from trade.

As President Kennedy said, ''those injured by . . . trade competition should not be required to bear the full brunt of the impact.'' ''There is an obligation,'' he said, for the Federal Government ''to render assistance to those who suffer as a result of national trade policy.'' We meet that obligation through TAA.

The TAA program has not been static over time. Several times, Congress has revised the program to meet new economic realities. In 1993, for example, Congress created a new TAA program targeted specifically at workers who might suffer dislocation as a result of the North American Free Trade Agreement.

Most recently, in the Trade Act of 2002, Congress completed the most comprehensive overhaul and expansion of the TAA program since its inception.

We expanded the program to cover workers affected by shifts in production, secondary workers, and farmers, ranchers, and fishermen. We extended income support to permit workers to complete needed training.

We added wage insurance and other incentives to employers to promote on-the-job training. And we added a health insurance tax credit, so that workers don't need to choose between needed retraining and health care for their families.

I am very proud to have played a leading role in passing this landmark legislation. But I am also the first to admit that our work is not done. Economic realities continue to change, and TAA must continue to change with them.

One fundamental aspect of TAA that has remained unchanged since 1962 is its focus on manufacturing. We only give TAA benefits to workers who make things. That means that the 80 percent or more of American workers in the service sector cannot access this program.

Excluding service workers from TAA may have made sense in 1962, when most non-farm jobs were in manufacturing and most services were not traded across national borders.

But today, most U.S. jobs are in the service sector. And the market for many services is becoming just as global as the market for manufactured goods.

In 2001, the service sector accounted for 81 percent of U.S. private sector gross domestic product and a similar percentage of total U.S. employment. Although trade in goods continues to dominate, cross-border services trade rose to 21 percent of the total value of U.S. trade in 2001.

Trade in services is a net plus for the U.S. economy. In fact, the service sector generated a trade surplus of nearly $74 billion in 2001.

Just as we have seen with trade in manufactured goods, however, trade in services will inevitably cost some workers their jobs.

Indeed, there have been some well-publicized examples in the papers. Software design. Technical support. Accounting and tax preparation services. Just recently, a group of call center workers in Kalispell, Montana saw their jobs move to Canada.

Examples abound of service-sector jobs—even high tech service jobs—relocating overseas. Over the past three years, somewhere between a quarter and a half million service jobs have moved to other—mainly low-wage—countries.

The legislation that I am introducing today is a simple matter of equity. When a factory relocates to another country, those workers are eligible for TAA. When a call center moves to another country, those workers are not eligible for TAA. But they should be. And under this legislation they will.

This bill provides TAA benefits to three categories of trade-impacted service workers:

First, it covers workers who lose their jobs due to competition from imported services. For example, if a U.S. truck driver loses his job because his employer loses routes to a Mexican-domiciled trucking company, the U.S. driver would be eligible for TAA.

Second, it covers workers who lose their jobs when a service facility relocates overseas as, for example, in the case of a call center or software design operation.

These workers would be eligible if their employer opens an overseas facility, or—as is often the case—if the employer contracts out the jobs to a foreign service provider. This ''offshoring'' eligibility would apply to both private and public sector service workers whose jobs relocate overseas.

Third, the bill covers secondary service workers. Secondary workers are those who provide inputs to a primary firm where the workers are eligible for TAA.

Right now, workers who make parts for manufactured products are covered if they lose their jobs when the primary firm closes. But workers who supply services to a TAA-eligible firm do not. This bill corrects that inequity.

The benefits service workers will receive under this legislation would be exactly the same as those that trade-impacted manufacturing workers now receive. They include retraining, income support, job search and relocation allowances, and the health insurance tax credit.

The bill also expands the TAA for Firms program to cover services. The TAA for Firms program provides technical assistance to mostly small and medium-sized businesses that face layoffs due to import competition.

The program helps firms become more competitive so they can retain and expand employment. As with TAA for workers, there is no reason to exclude businesses that provide services from this program.

Hard-working American service workers deserve this safety net. Despite what some opponents of TAA suggest, no worker would choose to lose his job so he can qualify for TAA. These benefits will always be second best to a job. But they can really make a difference in helping workers make a new start.

It is also critical to note that TAA can make an important difference in public attitudes. Surveys show that most Americans feel a lot more comfortable with globalization and with trade agreements when they know they will get help if their jobs are threatened.

That's why 66 percent of Americans responding to a recent poll agreed with the following statement: ''I favor free trade, and I believe that it is necessary for the government to have programs to help workers who lose their jobs.''

The world is changing and TAA must keep up with the times. This bill will

help our government to keep its promise to the American people to make trade work for everyone.

I want to thank my colleagues who have joined me in co-sponsoring this important legislation, particularly Senator COLEMAN. I've also been working closely with Members in the House, including Representatives SMITH, HOLDEN, INSLEE, RANGEL, and LEVIN.

I know they share my interest in seeing this bill move quickly through the legislative process and I thank them for their support. I plan to work hard this year to move this legislation.

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. 2157

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 ''Trade Adjustment Assistance Equity For Service Workers Act of 2004''.

SEC. 2. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking ''firm)'' and inserting ''firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''agricultural firm)'' and inserting ''agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)'';

(B) in paragraph (1), by inserting ''or public agency'' after ''of the firm''; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking ''like or directly competitive with articles produced'' and inserting ''or services like or directly competitive with articles produced or services provided'';

(ii) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(iii) by adding after subparagraph (B) the following:

''(C)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, in provision of services, like or directly competitive with services which are provided by such firm, subdivision, or public agency; or

''(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''agricultural firm)'' and inserting ''agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)'';

(B) in paragraph (2), by inserting ''or service'' after ''related to the article''; and

(C) in paragraph (3)(A), by inserting ''or services'' after ''component parts'';

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by inserting ''or services'' after ''value-added production processes'';

(ii) by striking ''or finishing'' and inserting '', finishing, or testing'';

(iii) by inserting ''or services'' after ''for articles''; and

(iv) by inserting ''(or subdivision)'' after ''such other firm''; and

(B) in paragraph (4)—

(i) by striking ''for articles'' and inserting '', or services, for articles or services, used in the production of articles or in the provision of services''; and

(ii) by inserting ''(or subdivision)'' after ''such other firm''; and

(4) by adding at the end the following new subsection:

''(d) BASIS FOR SECRETARY'S DETERMINATIONS.—

''(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

''(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(C)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

''(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.''.

(c) TRAINING.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking ''$220,000,000'' and inserting ''$440,000,000''.

(d) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting ''or public agency'' after ''of a firm''; and

(B) by inserting ''or public agency'' after ''or subdivision'';

(2) in paragraph (2)(B), by inserting ''or public agency'' after ''the firm'';

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

''(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

''(8) The term 'service sector firm' means an entity engaged in the business of providing services.''.

(e) TECHNICAL AMENDMENT.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking '', other than subchapter D''.

SEC. 3. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.

(a) FIRMS.—

(1) ASSISTANCE.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting ''or service sector firm'' after ''(including any agricultural firm'';

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting ''or service sector firm'' after ''any agricultural firm'';

(ii) in subparagraph (B)(ii), by inserting ''or service'' after ''of an article''; and

(iii) in subparagraph (C), by striking ''articles like or directly competitive with articles which are produced'' and inserting ''articles or services like or directly competitive with articles or services which are produced or provided''; and

(C) by adding at the end the following:

''(e) BASIS FOR SECRETARY DETERMINATION.—

''(1) INCREASED IMPORTS.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive services exist if customers of the firm accounting for not less than 20 percent of the sales of the firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

''(2) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The subpoena power described in section 249 shall be extended to the Secretary of Commerce for purposes of carrying out this subsection.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''$16,000,000'' and inserting ''$32,000,000''.

(3) DEFINITION.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(A) by striking ''For purposes of'' and inserting ''(a) FIRM.—For purposes of''; and

(B) by adding at the end the following:

''(b) SERVICE SECTOR FIRM.—For purposes of this chapter, the term 'service sector firm' means a firm engaged in the business of providing services.''.

(b) INDUSTRIES.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting ''or service'' after ''new product''.

(c) TECHNICAL AMENDMENTS.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended by striking ''subpena'' and inserting ''subpoena'' each place it appears in the heading and the text.

SEC. 4. MONITORING AND REPORTING.

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''(a) MONITORING PROGRAMS.—The Secretary'';

(B) by inserting ''and services'' after ''imports of articles'';

(C) by inserting ''and domestic provision of services'' after ''domestic production'';

(D) by inserting ''or providing services'' after ''producing articles''; and

(E) by inserting '', or provision of services,'' after ''changes in production''; and

(2) by adding at the end the following:

''(b) COLLECTION OF DATA AND REPORTS ON SERVICES SECTOR.—

''(1) SECRETARY OF LABOR.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Equity for Service Workers Act of 2004, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

''(2) SECRETARY OF COMMERCE.—Not later than 6 months after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.''.

By Ms. COLLINS (for herself, Mrs. MURRAY, Mr. WARNER, Mr. BINGAMAN, Mr. ALLEN, Mr. FEINGOLD, Mr. COCHRAN, Mr. LAUTENBERG, Mr. HAGEL, Mr. REED, Mr. SMITH, Mr. ENSIGN, and Mr. DEWINE):

S. 2158. A bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleague from Washington, Senator PATTY MURRAY, in introducing the Pancreatic Islet Cell Transplantation Act of 2004, which will help to advance tremendously important research that holds the promise of a cure for the more than one million Americans with Type 1, or juvenile diabetes. The legislation is similar to the bipartisan bill, S. 518, which we introduced last year and which attracted 52 cosponsors.

As the founder and co-chair of the Senate Diabetes Caucus, I have learned a great deal about this serious disease and the difficulties and heartbreak that it causes for so many Americans and their families as they await a cure. The burden of juvenile diabetes is particularly heavy for children and young people. It is the second most common disease affecting children. Moreover, it is one that they never outgrow.

In individuals with juvenile diabetes, the body's own immune system attacks the pancreas and destroys the islet cells that produce insulin. As a consequence, people with juvenile diabetes require daily insulin injections for survival. While the discovery of insulin was a landmark breakthrough in the treatment of people with diabetes, it is not a cure. People with juvenile diabetes face the constant threat of developing devastating, life-threatening conditions such as kidney failure, blindness or amputation, as well as a dramatic reduction in their quality of life.

Thankfully, there is good news for people with diabetes. We have seen some tremendous breakthroughs in diabetes research in recent years, and I am convinced that diabetes is a disease that can be cured, and will be cured in the near future.

We were all encouraged by the development of the ''Edmonton Protocol,'' an experimental treatment developed at the University of Alberta involving the transplantation of insulin-producing pancreatic islet cells, which has been hailed as the most important advance in diabetes research since the discovery of insulin in 1920. Pancreatic islet cell transplantation has been performed on nearly 300 individuals to date, and the majority of them no longer need to take insulin to stay alive. Significant research questions, however, remain to be answered if we are to make certain that the procedure is appropriate for everyone who suffers from juvenile diabetes.

There are also non-scientific barriers to expanding islet cell transplantation, and the Pancreatic Islet Cell Transplantation Act of 2004 addresses some of them. We were extremely pleased that a key component of S. 518 was included in the Medicare reform bill signed into law last year. That provision authorized a Medicare demonstration project to test the efficacy of pancreatic islet cell transplants for individuals with juvenile diabetes who are eligible for Medicare because they have end-stage renal disease.

The legislation we are introducing today includes the remaining two provisions from last year's legislation that were not included in the Medicare bill. These two provisions are intended to increase the supply of pancreata for islet cell transplantation and to improve the coordination of federal efforts and information regarding islet cell transplantation.

There currently are only about 2,000 pancreases donated annually, and, of these only about 500 are available each year for islet cell transplants. Moreover, most patients require islet cells from two pancreases for the procedure to work effectively. To increase the supply of available pancreases, our legislation will direct the Centers for Medicare and Medicaid Services (CMS) to grant credit to organ procurement organizations (OPOs)—for the purposes of their certification—for pancreases harvested and used for islet cell transplantation and research. While CMS considers a pancreas to have been procured for transplantation if it is used for a whole organ transplant, the OPO receives no credit towards its certification if the pancreas is procured and used for islet cell transplantation or research. Our legislation will therefore give the OPOs an incentive to step up their efforts to increase the supply of pancreases donated for this purpose.

Finally, to provide a more focused effort in the are of islet cell transplantation, our legislation requires the Diabetes Mellitus Interagency Coordinating Committee at the National Institutes of Health to include in its annual report an assessment of the Federal activities and programs related to islet cell transplantation and to make recommendations for legislative or administrative actions that might increase the supply of pancreases available for islet cell transplantation.

Islet cell transplantation offers real hope for people with diabetes. Our legislation, which is strongly supported by the Juvenile Diabetes Research Foundation (JDRF), addresses some of the specific obstacles to moving this research forward as rapidly as possible, and I urge all of my colleagues to sign on as cosponsors.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 307—HONORING THE COUNTY OF CUMBERLAND, NORTH CAROLINA, ITS MUNICIPALITIES AND COMMUNITY PARTNERS AS THEY CELEBRATE THE 250TH YEAR OF EXISTENCE OF CUMBERLAND COUNTY

Mr. EDWARDS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 307

Whereas for thousands of years before the European settlers arrived, Cumberland County's streams and forests were home to native peoples who lived in the area, hunted, farmed, and buried their dead;

Whereas Cumberland County, located at the head of navigation on the Cape Fear River, quickly became a strong area of trade between the port city of Wilmington and the lower Cape Fear River to the southeast and the Carolina back country to the west;

Whereas the upper Cape Fear Valley in present Cumberland County experienced an early migration of Highland Scots beginning in 1739, many of whom settled in the area known as ''The Bluff'' along side the Cape Fear River 4 miles south of the Lower Little River;

Whereas in 1754, the area known as Cumberland County was formed from lands carved from Bladen County and was named in honor of William Augustus, Duke of Cumberland, third son of George II, King of England, an area which reflected a mixture of ethnic and national backgrounds;

Whereas each municipality was individually chartered: Falcon in 1913; Fayetteville in 1762; Godwin in 1905; Hope Mills in 1891; Linden in 1913; Spring Lake in 1951; Stedman in 1913; and Wade in 1913;

Whereas on June 20, 1775, 13 months before the Declaration of Independence, a group of Cumberland County's active patriots signed ''The Association'' later called the ''Liberty Point Resolves'', a document that vowed to ''Go forth and be ready to sacrifice our lives and fortunes to secure her freedom and safety''; a marker at the point lists the signers of ''The Association'';

Whereas the period of the American Revolution was a time of divided loyalties in Cumberland County, and a considerable portion of the population, especially Highland Scots, were staunchly loyal to the British Crown, among them was the famous Scottish heroine Flora McDonald;

Whereas African-American people, both slaves and free citizens, were represented in the early population of Cumberland County, and during the American Revolution several of the county's free African-Americans fought for the patriot cause; among the notables was the midwife Aunt Hannah Mallet (1755–1857) who died at the age of 102; she delivered hundreds of babies in her lifetime, and she typified the courage and vital role of the early 19th-century African-American community;

Whereas in 1783, the towns of Campbellton and Cross Creek merged to become Fayetteville, the first town in the United States named in honor of the Revolutionary War hero, Marquis de Lafayette;

Whereas in November 1789, the North Carolina General Assembly voted to adopt and ratify the United States Constitution at the Market House in Fayetteville, then known as the State House;

Whereas in 1789, the University of North Carolina, the first State university charted

in the United States, was chartered by the North Carolina General Assembly in Fayetteville, it being the first State university;

Whereas in 1793, the Fayetteville Independent Light Infantry Company was organized in Cumberland County; it has the distinction of being the oldest military unit in the South in continuous existence;

Whereas in 1816, the Fayetteville Observer was founded as a weekly newspaper; it is now published daily and is North Carolina's oldest newspaper still in publication;

Whereas in 1825, the Marquis de Lafayette visited the city named for him and stayed in the McRae family home that once stood on the site of the Historic Courthouse on Gillespie Street in Fayetteville;

Whereas in 1831, the Great Fire destroyed the State House (the Market House) and many other buildings and caused more damage than the 1871 Chicago fire or the 1906 San Francisco earthquake;

Whereas in 1865, General William T. Sherman brought the Union Army to Cumberland County, destroying the Confederate arsenal and effectively bringing the county back into the Union;

Whereas in 1867, 7 visionary African-American citizens of Cumberland County paid about $136 for 2 lots on Gillespie Street and formed the self-perpetuating Board of Trustees of the Howard School for the education of African-American youth; this school later became Fayetteville State University (FSU), which now offers 41 undergraduate programs, 22 graduate programs, and 1 doctoral program; FSU has 18 Central Intercollegiate Athletic Association (CIAA) and 2 National Collegiate Athletic Association (NCAA) championships;

Whereas in 1914, Babe Ruth, the New York Yankee great, hit his first homerun as a professional at the old ballpark on Gillespie Street in Cumberland County, and in doing so, the 19-year-old ''babe'' so amazed the crowd, that George Herman Ruth was forever known by the nickname, ''Babe'', bestowed upon him while playing in Cumberland County;

Whereas in 1918, Camp Bragg was established from lands ceded from Cumberland County; it is now known as Fort Bragg, home of the 18th Airborne Corps, the 82d Airborne Division, and the United States Army Special Operations Command;

Whereas Fort Bragg was named for North Carolina native Lt. General Braxton Bragg; Fort Bragg soldiers and their families continue to be an integral part of the history and heritage of Cumberland County;

Whereas in 1919, Pope Army Airfield was established and remained part of the Army Air Corps until 1947 when the United States Air Force was established; it was home to the 43d Airlift Wing and the 18th Air Support Operations Group; Pope airmen and their families continue to be an integral part of the history and heritage of Cumberland County;

Whereas on November 1, 1956, Methodist College was chartered as a senior coeducational liberal arts college; it has grown to more than 2,100 students who hail from 48 States and 30 countries, graduated 8,145 students, and awarded associate's, bachelor's, or master's degrees in 57 majors and concentrations; Methodist College NCAA Division III athletic teams have earned 24 national championship titles;

Whereas in 1961, Fayetteville Technical Community College (FTCC) was founded as the Fayetteville Area Industrial Education Center, with a faculty and staff of 9 people serving 50 students, and has since evolved into a comprehensive institution serving approximately 40,000 students annually, offering more than 121 programs;

Whereas Cumberland County's 6th courthouse, circa 1924, which is listed on the National Register of Historic Places, is being established and dedicated, pursuant to the county's 250th anniversary, as a gallery of early prominent members of the local bar and elected county officials; and

Whereas Cumberland County and the municipalities of Falcon, Fayetteville, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade, along with civic groups, private businesses and military partners, are joining together to celebrate 250 years of history, culture, and diversity; the celebration will take place March 26–28, 2004: Now, therefore, be it

Resolved, That the Senate honors the county of Cumberland, North Carolina, its municipalities, and other community partners for Cumberland County's 250th Anniversary Celebration.

AMENDMENTS SUBMITTED & PROPOSED

SA 2636. Mr. MCCAIN (for himself, Mr. REED, Mr. DEWINE, Mr. LIEBERMAN, Mr. CHAFEE, Mr. CORZINE, Mr. DODD, and Mr. DURBIN) proposed an amendment to the bill S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

SA 2637. Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. DODD, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, Mr. REED, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. DURBIN) proposed an amendment to the bill S. 1805, supra.

TEXT OF AMENDMENTS

SA 2636. Mr. MCCAIN (for himself, Mr. REED, Mr. DEWINE, Mr. LIEBERMAN, Mr. CHAFEE, Mr. CORZINE, Mr. DODD, and Mr. DURBIN) proposed an amendment to the bill S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; as follows:

On page 11, after line 19, add the following:

TITLE II—GUN SHOW LOOPHOLE CLOSING ACT OF 2004

SEC. 201. SHORT TITLE.

This title may be cited as the ''Gun Show Loophole Closing Act of 2004''.

SEC. 202. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'special firearms event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce;

''(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923 or 932; and

''(C) does not include an offer or exhibit of firearms for sale, exchange, or transfer at events conducted and attended by permanent or annual dues paying members, and their immediate family, of private, not-for-profit organizations whose primary purpose is owning and maintaining real property for the purpose of hunting activities.

''(37) The term 'special firearms event licensee' means any person who has obtained and holds a valid license in compliance with section 932(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual, who is not licensed under this chapter, for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 932(c).

''(38) The term 'special firearms event vendor' means any person who is not required to be licensed under section 923 and who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''.

SEC. 203. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 932. Regulation of firearms transfers at special firearms events

''(a) SPECIAL FIREARMS EVENTS OPERATORS.—It shall be unlawful for a special firearms events operator to organize, plan, promote, or operate a special firearms event unless that operator—

''(1) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

''(2) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter;

''(3) notifies each person who attends the special firearms event of the requirements of this chapter; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the operator.

''(b) FEES.—The Attorney General shall not impose or collect any fee from special firearms event operators in connection with the requirements under this section.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee in accordance with subsection (d).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement under paragraph (1) shall not—

''(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (d)(2)(A); or

''(B) transfer the firearm to the transferee if the person has been notified under subsection (d)(2)(B) that the transfer would violate section 922 or State law.

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

''(d) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) with respect to the transfer of a firearm shall—

''(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

''(2) not later than 3 business days (meaning days on which State offices are open) after the date of the agreement to purchase, or if the event is held in a State that has been certified by the Attorney General under section 204 of the Gun Show Loophole Closing Act of 2004, not later than 24 hours after such date (or 3 business days after such date if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General), notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the applicable time period under this paragraph, notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

''(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or State law;

''(3) in the case of a transfer at 1 time or during any 5 consecutive business days, of 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the recordkeeping requirements described in paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) on a form specified by the Attorney General; and

''(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(4) comply with all recordkeeping requirements under this chapter.

''(e) SPECIAL FIREARMS EVENT LICENSE.—

''(1) IN GENERAL.—The Attorney General shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

''(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

''(A) the applicant is 21 years of age or older;

''(B) the application includes a photograph and the fingerprints of the applicant;

''(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

''(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

''(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with the application; and

''(F) the applicant certifies that—

''(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

''(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

''(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

''(3) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—Upon the approval of an application under this subsection and payment by the applicant of a fee of $200 for 3 years, and upon renewal of a valid registration and payment of a fee of $90 for 3 years, the Attorney General shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

''(B) NICS.—A special firearms event licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a special firearms event from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins on the date on which the registration is issued.

''(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the recordkeeping requirements shall be the same.

''(5) RESTRICTIONS.—

''(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

''(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

''(f) DEFINED TERM.—In this section, the term 'firearm transaction'—

''(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

''(2) does not include—

''(A) the mere exhibition of a firearm; or

''(B) the sale, transfer, or exchange of firearms between immediate family members, including parents, children, siblings, grandparents, and grandchildren.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(8)(A) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(1) have not been met—

''(i) shall be fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under subsection (a)(2) or (c) of section 932 have not been met, shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(3) have not been met, shall be fined under this title, imprisoned not more than 2 years, or both.

''(D) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who violates any provision of section 932—

''(i) if the person is registered pursuant to section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(c) UNLAWFUL ACTS.—Section 922(b) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking ''or licensed collector'' and inserting ''licensed collector, or special firearms event licensee''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

''932. Regulation of firearms transfers at special firearms events.''.

SEC. 204. STATE OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS.

(a) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(b) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State, and certification by the Bureau of Justice Statistics, that—

(1) not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(2) not less than 95 percent of all records containing information that would disqualify an individual under paragraphs (8) and (9) of subsection 922(g) of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note); and

(3) the chief judicial officer of the State requires the courts of the State to use the toll-free telephone number described in subsection (d)(1) to immediately notify the National Instant Criminal Background Check System each time a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court.

(c) CLARIFICATIONS.—

(1) DISQUALIFYING INFORMATION.—Disqualifying information for each State under subsection (b) shall include the disqualifying records for that State generated during the 30 years preceding the date of application to the Attorney General for certification.

(2) TOLL-FREE TELEPHONE NUMBER.—Upon a showing by the State that a court of the State has developed computer systems which permit the court to immediately electronically notify the National Instant Criminal Background Check System with respect to the issuance or lifting of restraining orders, the use of the toll-free telephone number described in subsection (d)(1) shall no longer be required under subsection (b)(3).

(d) NOTIFICATION INFRASTRUCTURE.—Before certifying any State under subsection (b), the Attorney General shall—

(1) create a toll-free telephone number through which State and local courts may immediately notify the National Instant Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court; and

(2) encourage States to develop computer systems that permit courts to immediately electronically notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) has been issued, lifted, or otherwise removed by order of the court.

(e) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 932(c)(2) of title 18, United States Code, shall apply to the verification process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(f) ANNUAL REVIEW.—The Director of the Bureau of Justice Statistics shall annually review the certifications under this section.

(g) REVOCATION.—The Attorney General shall revoke the certification required under this section for any State that is not in compliance with subsection (b).

SEC. 205. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking ''or licensed dealer'' and inserting ''licensed dealer, or special firearms event operator''.

SEC. 206. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 207. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.

Section 924(a) of title 18, United States Code, as amended by section 203(b), is further amended—

(1) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(2) by adding at the end the following:

''(9) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 208. RULE OF INTERPRETATION.

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

SA 2637. Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. DODD, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, Mr. REED, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. DURBIN) proposed an amendment to the bill S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; as follows:

On page 11, after line 19, add the following:

SEC. 5. ASSAULT WEAPONS BAN REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''Assault Weapons Ban Reauthorization Act of 2004''.

(b) 10-YEAR EXTENSION OF ASSAULT WEAPONS BAN.—Section 110105 of the Public Safety and Recreational Firearms Use Protection Act (18 U.S.C. 921 note) is amended to read as follows:

''SEC. 110105. SUNSET PROVISION.

''This subtitle and the amendments made by this subtitle are repealed September 13, 2014.''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 3, 2004, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on the Committees Views and Estimate Letter on the President's FY '05 Budget Request for Indian Programs, to be followed immediately by an oversight hearing on the Status of the Completion of the National Museum of The American Indian.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

ENERGY AND NATURAL RESOURCES COMMITTEE

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 9th, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony regarding water supply issues in the arid West.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150.

For further information please contact Shelly Randel at 202–224–7933 or Colin Hayes at 202–224–0883.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 10, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Proposed Reorganization of major agencies and functions related to Indian trust reform matters within the Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, March 10, 2004, to examine the scope and operation of organizations registered under Section 527 of the Internal Revenue Code.

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 11, 2004, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Sue Ellen Wooldridge, to be Solicitor of the Department of the Interior.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224–1327.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 24, 2004, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1529, the Indian Gaming Regulatory Act Amendments of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 25, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1085, a bill to provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, and for other purposes and S. 1732 a bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150.

For further information, please contact Shelly Randel at 202–224–7933, Erik Webb at 202–224–4756 or Colin Hayes at 202–224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 2, 2004, at 9:30 a.m., in open session to receive testimony on the Defense authorization request for Fiscal Year 2005 and the Future Years Defense Program.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 2, 2004, at 10 a.m., to consider the President's Proposed FY 2005 Budget for the Forest Service.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 2, 2004, at 9 a.m., to hold a hearing on foreign assistance oversight.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 2, 2004, at 3 p.m., to hold a hearing on North Korea.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 2, 2004, at 10 a.m., to conduct a hearing on ''Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, March 2, 2004, for a hearing on the final report of the Department of Veterans' Affairs Capital Asset Re-alignment for Enhanced Services (CARES) Commission.

The hearing will take place in room 418 of the Russell Senate Office Building at 2:15 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 2, 2004, at 2:30 p.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE AND INFRASTRUCTURE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructure be authorized to meet on The Rise of Obesity in Children on Tuesday, March 2, 2004, at 2:30 p.m. in SR–253.

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

SUBCOMMITTEE ON PERSONNEL

Mr. CRAIG. 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 March 2, 2004, at 2:30 p.m. in open session to receive testimony on Active Component, Reserve Component and Civilian Personnel Programs, in review of the Defense Authorization Request for Fiscal Year 2005.

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

SUBCOMMITTEE ON SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Suicide Prevention and Youth: Saving Lives, during the session of the Senate on Tuesday, March 2, 2004, at 10 a.m.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 108–199, Section 104(c), 1(A), appoints the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program: Dr. Stevan Trooboff of Portland, Maine.

ORDERS FOR WEDNESDAY, MARCH 3, 2004

Mr. KYL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, March 3. I further ask that following the prayer and the 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 and the Senate then begin a period for morning business until 10:30 a.m., with the time equally divided in the usual form, provided that the time under Republican control be equally divided between Senators MURKOWSKI and COLLINS or their designees.

Mr. REID. No objection. We have already done the other paragraph.

Mr. KYL. All right. I thank the Senator.

Mr. REID. It is my understanding we already have an order to go to S. 1637 at 10:30 in the morning.

The PRESIDING OFFICER. The Senator from Nevada is correct. Without objection, the unanimous consent request of the Senator from Arizona is agreed to.

PROGRAM

Mr. KYL. Tomorrow morning, following morning business, the Senate will begin consideration of S. 1637, the FSC/ETI bill. This legislation will have a direct impact on the creation of jobs and it is important that we move the bill forward. I make this statement on behalf of the majority leader and point out he and others have been working with our Democratic colleagues to lock in a list of amendments to the bill. Thus far, as the leader points out, we have not been able to limit the number of amendments, but we will continue to work toward that end. Senators GRASSLEY and BAUCUS will be here in the morning to start working through the amendments to the bill. The leader would encourage all Members who wish to offer an amendment to contact the bill managers as soon as possible.

The leader would also inform all Senators that votes are expected throughout the day tomorrow as we begin consideration of this important legislation, and Senators will be notified as votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. KYL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Members of the other side of the aisle as under the earlier order.

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

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I express my appreciation to my friend, the Senator from Arizona, for the dignified manner in which the debate was conducted today. We feel that certainly it has been fair. I now ask unanimous consent that on the Democratic side there be 5 minutes for Senator REID from Nevada, 15 minutes for Senator LEVIN, 30 minutes for Senator REED of Rhode Island, 30 minutes for Senator GRAHAM of Florida, and 20 minutes for Senator DAYTON.

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

CAMPAIGNING ON THE ISSUES

Mr. REID. Mr. President, there has been some conversation today about statements made by people running for President on the Democratic side. Today, we had the person who appears to be the frontrunner for the nomination at this time, Senator KERRY of Massachusetts, who came and spoke before the Senate. He did an extremely good job of articulating his feelings of the legislation pending before the Senate. At the same time, he also outlined in a very brief fashion those things he thought were wrong, in his view, as far as what was going on in America today.

I want the majority to know as the election proceeds toward November, we in the Senate are going to do everything within our power to protect our nominee. By that I mean anything that is said outside this Capitol or inside this Capitol that reflects upon our nominee we are going to be on this floor defending him.

We believe the issues are on our side, that they favor us, and we want this campaign to be on the issues.

What has transpired during this Presidential primary season has been extremely important and good for the American people because the Democratic candidates running for President have been able to place their views on the record, and the American people have accepted what they have said about what is wrong with this country.

There have been debates—I do not know the number of them but a significant number of debates—where the American people have been able to hear how those seeking the Democratic nomination feel about our country. I want again to say whoever our nominee is, that person is going to get all the protection that is needed in the Senate. There will be nothing said that is negative toward our candidate that will not be responded to.

We feel we have had a primary season conducted with dignity and we are going to do everything we can to make sure the final months of this campaign are conducted with dignity as far as the Democratic nominee is concerned.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

IRAQ INTELLIGENCE

Mr. LEVIN. Mr. President, the question of whether or not the intelligence was flawed which was used so forcefully by the administration prior to going to war as the reason for going to war is a question which is going to consume the time of this body and a number of our committees for some time to come. It is a critically important question as to whether or not the intelligence was flawed, not just in terms of the accountability—which is so important if mistakes were made, if exaggerations were undertaken in order to advance the decision to go to war—but also in terms of the future security of this Nation.

This country went to war, we were told, because Iraq had weapons of mass destruction. That was the reason that was given over and over again by the administration. Whether or not there were other reasons, and there surely were, for that decision, which could be argued as a basis for the decision, the facts are that the American people were told it was the presence in Iraq of weapons of mass destruction which was the basis for attacking that country.

When a decision is made to go to war based on intelligence, it is a fateful decision. It has ramifications and impacts way beyond the current months and years. If the intelligence is as flawed as this intelligence was, we should find out why.

Whether people are glad we went to war or are not glad we went to war, whether history will prove we should have waited until we had greater support through the United Nations in order to avoid the kind of aftermath which we have seen, or not—we don't know what history is going to show in that regard—but regardless of the arguments back and forth as to the timing of it, the way in which it was handled, the failure to galvanize the international community so we had a broad array of countries with us, including Muslim nations so we would not be there as a Western occupying power with other Western nations after the military success; whether or not there was adequate planning for the aftermath, and I think it is obvious that there was not adequate planning, but regardless of what position one takes on all of those issues, it is incumbent upon us to find out how in Heaven's name the intelligence could be so far off.

How could we have 120 top suspect sites for the presence of weapons of mass destruction that were high-level to medium-level sites, where there was confidence that there were weapons of mass destruction either being stored or produced, and we batted zero for 120? How could we be so far off?

How is it possible that the CIA could tell us, as they did in their assessments, that there were chemical weapons and biological weapons and that a nuclear program was being undertaken again when, in fact, that apparently is not the case? How is it possible that intelligence can be as flawed as is this intelligence?

Again, regardless of what the arguments are on any side or any issue, I don't think any of us should be in the position of arguing that it is irrelevant to the future security of this Nation whether or not the intelligence upon which the decision to go to war was based is important. It is critically important.

Does North Korea have nuclear weapons or doesn't it have nuclear weapons? Should we put some credibility in the intelligence community's assessment of that? Where is Iran along the continuum of obtaining nuclear weapons? What are their intentions? Should we put confidence in the intelligence community's assessment of that?

Whether or not we place confidence or make decisions based upon the intelligence community's assessment is critically important. The lives of young men and women, perhaps the life of this Nation, could be dependent upon intelligence which is being assessed by the intelligence community. Life and death decisions are being made by the President of the United States based on decisions and assessments and appraisals of the intelligence community. When it is as wildly off as this intelligence community's assessments apparently were, then it seems to me we better find out for the future health of this country, not just in terms of trying to assess the accountability for past assessments.

Something happened to the intelligence after 9/11. The pre-2002 intelligence assessments relative to nuclear programs and biological programs and chemical programs were different from the October 2002 National Intelligence Estimate. Some of this has been set forth in the Carnegie Endowment's recent report. There are so many examples of where the intelligence shifted on these critical issues after 9/11.

A few examples: On the reconstitution of the nuclear program after 1998, the pre-2002 intelligence assessment was that Iraq had probably not continued their research and development program relative to reconstituting a nuclear program after 1998. Yet in October 2002, the intelligence community said, yes, it has restarted its nuclear program after the United Nations left in 1998. What happened between the pre-2002 intelligence assessment and the post-9/11 assessment?

What about enriching uranium for use in nuclear weapons? Prior to 2002, the assessment was that Baghdad may be attempting to acquire materials that could be used to reconstitute a nuclear weapons program. But after 9/11, in the October 2002 National Intelligence Estimate, we have, yes, Iraq has imported aluminum tubes and high-strength magnets. The Department of Energy's disagreement with this conclusion was set forth, but the assessment of the intelligence community shifted after 9/11.

Whether they attempted to purchase uranium from abroad, the same kind of shift in the intelligence assessment, there were no reports mentioning any attempts to acquire uranium prior to that 2002 assessment, but in 2002, October, suddenly the National Intelligence Assessment says Iraq has been trying to procure uranium ore and yellow cake. Again, disagreement from the Department of State, but that was the assessment of the intelligence community, and on and on. We have this kind of change that occurred in the intelligence assessments.

What is the explanation for that? What happened? There is no evidence, as the President has mentioned; there is no evidence that Saddam Hussein was part of the attack of 9/11, so what happened that caused the intelligence community to shift its assessment of chemical, biological, and nuclear programs after the 9/11 attack on us? That is something which we must find out.

We must make a determination—hopefully someday there will be an outside commission which will make a comprehensive review of this whole matter—but, in any event, we must do the best we can through the Intelligence Committee.

I am making an effort, the Armed Services Committee, my staff, to look into these issues, particularly as they relate to the question of how intelligence affected the operations and the planning relative to our military effort in Iraq.

But we must make that decision. We have an obligation. This is not a partisan issue and it makes no difference to me whether this assessment is finished before the election or after the election. It must be made for the health of this Nation, as to how our intelligence community, No. 1, could be so totally wrong relative to the presence of weapons of mass destruction on Iraqi soil immediately prior to the war; and, No. 2, how and why did the intelligence community shift its assessments so significantly after 9/11 from the assessments that occurred before 9/11?

There is another aspect of this which relates to the way in which intelligence was used or exaggerated by the policymakers. Here we have another issue—an issue which is going to be looked at by the Intelligence Committee at least as far as the use of the intelligence is concerned up to the point where the war began. There are some recent statements that I think also require explanation.

I have tried a number of times to find out how the Vice President could have, about a month ago, made a statement relative to the vans that were found in Iraq, that those vans were part of a mobile biological weapons program. For the life of me, I do not understand how the Vice President can make that statement when Dr. Kay who has looked at the van has said that there is a consensus in the intelligence community—and I am now reading from Dr. Kay's answer to my question in the Armed Services Committee—that the consensus opinion is that those two trailers were not intended for the production of biological weapons.

How is it that the Vice President of the United States at about the same time that statement was made before the Armed Services Committee by the chief weapons inspector—that some trailers which were found in Iraq are unrelated to a biological weapons program—would say the opposite in a very public forum? What is the basis for the Vice President's statement? I tried to find out. In fact, I wrote the Vice President the other day asking him: What is the basis for your statement?

We should know. The American people should know when the Vice President says something as significant as that, that these particular vans which we have now gotten in our possession are, in fact, biological weapons laboratories. In fact, what the Vice President said on January 22 on NPR was:

> I would deem that—

Here he is referring to those two vans—

> conclusive evidence that Saddam did in fact have programs for weapons of mass destruction.

Again, this is so totally opposite from what our chief weapons inspector has decided and said the consensus opinion is—that surely the American public is entitled to an explanation from the Vice President.

What is the basis for his statement of January 22 on national radio? What is the basis, Mr. Vice President, for your statement? The American public is entitled to know that. This is not some assistant secretary of some agency sitting in the bowels of the Pentagon or the bowels of some other building. This is the Vice President of the United States who is saying on national radio that we believe, in fact, that those semitrailers were part of the biological weapons program, that they were biological weapons vans. There is no explanation forthcoming, just sort of silence from the Office of the Vice President. We are entitled to more than that.

One possibility which the CIA's Director suggested when I asked him the question was that, well, maybe the Vice President was using old information when he said that. If the Vice President of the United States is making statements of significance based on old information, first, it seems to me he ought to say so and then say, Too bad that happened, I will make sure it doesn't happen again.

But it is also kind of discouraging, if that is true. There are daily briefings which I assume he is a part of—at least weekly briefings on these critical issues. We have a chief weapons inspector who says those vans, according to the consensus opinion, are not part of and were not part of the production of biological weapons.

But what all this is part of is kind of what is going to be phase 2 of the Intelligence Committee's investigation which is the use of intelligence by the policymakers. Here the statements of our top leadership go beyond the intelligence in a number of ways. They are much more certain than the intelligence communities' assessments were.

For instance, the Vice President, on August 2002, said the following:

> There is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends and against our allies and against us.

We have this additional aspect which is now being looked into by the Intelligence Committee and again by my staff on the Armed Services Committee as to how the administration could take the intelligence that was given and then turn those less certain findings into certainties.

Our friend from Arizona, Senator KYL, made the point earlier tonight that there is a lot of uncertainty in intelligence, and he surely is right. But wow. It sure doesn't sound that way coming from the administration prior to the war.

Vice President CHENEY told Tim Russert: We know with absolute certainty that Saddam is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon.

Secretary of State Colin Powell—and this will be my last comment—said at the U.N.: There can be no doubt that Saddam Hussein has biological weapons.

The list of these statements where there is no doubt and there is absolute certainty that the administration says exists about these programs goes beyond what the intelligence communities' assessments were. It is those statements of absolute certainty which, it seems to me, require an explanation as to what was the basis of those statements of absolute certainty and there being no doubt, particularly in light of the fact Senator KYL pointed out that intelligence is, indeed, very uncertain and should be treated that way.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized for 30 minutes.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. REED. Mr. President, before I make some comments about the national situation, I express my thanks to Senator CRAIG of Idaho who is the manager on the Republican side of the bill that we considered today. I had the occasion to manage the bill for the Democratic side, and his fairness and his gentlemanlike conduct was deeply appreciated.

I also recognize two of my staff members, Neil Campbell and Steve Eichenauer, who did a superb job. Thank you very much for this opportunity to mention my respect for Senator CRAIG and also my appreciation for my staff.

IRAQ INTELLIGENCE

Mr. REED. Mr. President, Seamus Heaney, the Irish poet and Nobel laureate, wrote lines that are destined for immortality:

> History says, Don't hope on this side of the grave. But then, once in a lifetime the longed for tidal wave of justice can rise up, and hope and history rhyme.

We all long for that day when hope and history rhyme. But it is the special province of statecraft to try to make that rhyme.

As such, one way to look at foreign policy is to determine if our policies do rhyme with history or whether they represent the triumph of hope over history. By history, I do not mean the strictly academic variety. I mean the accumulation of insight and experience that we all carry about. Perhaps it is better described as our rough sense of the way the world works.

It is particularly interesting to pose these questions in light of the Bush foreign policy since so much of it seems to spring from ideological hope, from robust attempts to reshape the world along predetermined lines.

Iraq, of course, is the crucial arena. It has been made so by the administration.

Our immediate response to September 11 was to seek out and destroy the terrorist apparatus that struck us. Our attack in Afghanistan was aimed at the heart of al-Qaida and the rogue regime that provided it sanctuary. We understood very painfully that we could not grant these terrorists safe harbor. We had to act and we had to be prepared to act preemptively to destroy al-Qaida. The threat was clear and in the context of international terrorists like al-Qaida, the doctrine of preemption was not only compelling but also inescapable.

Operation Enduring Freedom, the demolition of the Taliban regime, and the disruption of the al-Qaida infrastructure represented a shrewd use of military power to focus directly on an existential threat. The history, again, using my very nontechnical definition, clearly shows that al-Qaida could not be deterred and toleration would simply invite further attack.

Ironically, having begun the destruction of al-Qaida in Afghanistan, the administration quickly shifted its attention from the complete destruction of the al-Qaida network to Iraq. Only in the past few weeks has the Bush administration begun to realize that Afghanistan is far from secure. They are redoubling their military and political efforts to ensure that Afghanistan does not slide back into a failed state. Still, the President's recent budget request only provides about $1 billion in funding for that effort, whereas commanders in the field have said they will annually need $5 billion to ensure success.

Furthermore, regardless of the situation in Afghanistan, and indeed anywhere else, the Bush administration has never lost its preoccupation with Saddam Hussein and his Baathist regime.

Some may recall that in January of 1998, Secretary Rumsfeld, Secretary Wolfowitz, and other prominent neoconservatives wrote to President Clinton urging him to use military force to remove Saddam Hussein. In their words:

> The only acceptable strategy is one that eliminates the possibility that Iraq would be able to use weapons of mass destruction. In the near term, this means a willingness to undertake military action as diplomacy is clearly failing. In the long term, it means removing Saddam Hussein and his regime from power. That now needs to become the aim of American foreign policy.

This letter predated the attack on Iraq by 5 years. It predated September 11 by more than 3 years.

With the publication of the first glimpses inside the Bush administration, this preoccupation with Iraq becomes more obvious. Former Secretary of the Treasury Paul O'Neill recounts that at the first meeting of the National Security Council on January 30, 2001, the discussion quickly vaulted over nagging issues of the conflict between Israel and the Palestinian Authority and landed squarely on Iraq. In an apparently scripted exchange, Condoleezza Rice and Vice President CHENEY and George Tenet not only led the discussion but also concluded with an examination of grainy photos purporting to show what the CIA thought was a plant producing chemical or biological materials for weapons manufacture. According to O'Neill, ''ten days in, and it was about Iraq.''

September 11 did not put Iraq in the administration's gunsights. It was always there. It was there as a challenge, a personal one for the President, and in the view of neoconservatives, it was there as an opportunity to make hope and history rhyme.

But in focusing almost exclusively on Iraq, the administration, in my view, disregarded a great deal of history. Again, I use the term history colloquially. The justification for action was based more on assumptions than evidence. The planning for their actions was based more on hopes than experience. The end of the cold war and the demise of the Soviet Union unshackled our military power so that we are unbeatable in any conventional battle against any conventional foe.

However, it has not reversed a century in which empires collapsed and foreign colonies began a troubled but independent road. Our military power may be unchecked by any military adversary, but it is exercised in a world that has come to distrust the unilateral use of force and disbelief of the motives of those who wield such force.

The administration's insistence on an essentially unilateral approach to confronting Iraq not only increased our effort both militarily and economically, but it also defied the worldwide consensus that without an immediate threat, the unilateral action of a great power against a lesser state is a vanished aspect of the colonial epic.

Today, the United States is fervently trying to maintain the mantle of liberator and avoid the label of occupier. In large part, this is due to the overwhelming presence of the United States unleavened by a broad array of allies or the significant presence of the United States or United Nations or NATO in Iraq.

In contrast, multinational operations in places such as the Balkans managed to avoid the stigma of occupation and insurgency for almost a decade. A multilateral attack is not a talisman that will guarantee success, but it is more congruent with a world that has rejected the colonial solution in favor of multinational action.

The administration's rationale for a preemptive and virtually unilateral operation against Iraq rested on a faithful devotion to their preconceived notions and a strained reading of available intelligence. One of the more thoughtful and evenhanded military analysts, Anthony Cordesman, at the Center for Strategic and International Studies has accurately summarized the record of the administration's intelligence activities leading up to Operation Iraqi Freedom.

In his words:

> [T]here are many indications that the U.S. intelligence community came under pressure to accept reporting by Iraqi opposition forces with limited credibility, and in some cases, a history of actively lying to either exaggerate their own importance or push the U.S. towards a war to overthrow Saddam Hussein. In what bore a striking resemblance to similar worst case interpretations of the global threat from the proliferation of ballistic missiles under the Rumsfeld Commission, U.S. policymakers not only seem to have pushed for the interpretation that would best justify military action, but to have focused on this case as if it were a reality, rather than a possibility.
>
> In the U.S., this pressure seems to have come primarily from the Office of the Vice President and the Office of the Secretary of Defense, but it seems clear that the Bush administration as a whole sought intelligence that would support its case in going to war, and this had a significant impact on the intelligence community from 2002-onwards.

The administration did not use intelligence to help make a difficult decision. It used intelligence to sell a preconceived notion. The long-term fixed

view of the administration held that deterrence and international inspectors were inherently incapable of containing Saddam. Only the elimination of the regime could suffice. Moreover, regime change, in their view, could have the added benefit of precipitating a transformation of the entire region.

In effect, what the President and the administration did is present a false dichotomy to the American people—two choices, when there are many more. The two choices were: Attack Iraq or do nothing. In fact, there are many other things we could have done and perhaps should have done, including give the U.N. inspectors more time to search. They might have come to the same conclusion that David Kay did: there are no weapons of mass destruction in Iraq. We could have used not only the legitimacy but also the cooperation of the United Nations if we had pursued a course of diplomacy. But the President saw only two options: Do nothing or attack Iraq.

Of course, we could not do nothing; indeed, we were not doing nothing. We should have been actively engaged in containment, and not just containment but enforcing the U.N. resolution with inspectors on the ground. We should recall there were U.N. inspectors on the ground inside Iraq and the administration, through their actions, had those inspectors recalled prior to the inception of the military operations. That is a result of this preoccupation with Saddam, the destruction of his regime, the triumph of hope over history.

Then in planning for post-hostilities, the administration most clearly let its hopes triumph over history. They bet that Iraqi gratitude, together with a government of exiles, would provide for a cheap and easy exit strategy. They ignored a history of antagonism among the Sunni, the Shia, and the Kurds. They spoke of a rapidly emerging democracy and market economy in Iraq, a country whose civic life and social institutions had been suppressed for many years. They insinuated exiles of dubious reputations, like Chalabi, who do not command the respect of the Iraqi people. The administration entrusted post-hostility planning to the Department of Defense, not for their expertise, but for their ideological correctness.

One other aspect of the administration's hopes is that our operations in Iraq would have a transformative effect on the region, if not the world. They saw a democratic, market-oriented Iraq as an irresistible attraction and example to the masses of Arabs who hunger for a better way of life. Our success in Iraq would be emulated either by enlightened leaders or rebellious streets. Since we have yet to succeed in creating this new Iraq, it is hard to judge its transformative value. In the very short run, the jury seems to be out.

Furthermore, our engagement in Iraq has limited our strategic flexibility and narrowed our strategic focus. We are paying insufficient attention to a place that is more likely than Iraq to produce that dreaded intersection of ''nukes'' and terrorists; and that place is North Korea.

We know the North Koreans have nuclear material and the ability to make much more of it, if they have not done so already. Although there does not appear to be any direct links between North Korea and al-Qaida or other terrorist organizations, the North Koreans have a disturbing history of weapons proliferation. Inept at economic development, they have become too adept at trading dangerous weapons to stay afloat or as a means to underscore their demands for international aid.

A few days ago, we concluded another round of international talks with the North Koreans without any apparent breakthrough. As encouraging as these discussions may seem, success—meaning the complete and verifiable elimination of nuclear material and nuclear weapons held by North Korea—can come, in my view, only with more resolute and determined leadership by the President. To date, Iraq seems to have monopolized the effective attention of the President and his inner circle. Failure to resolve the situation in North Korea through diplomacy will result in an intolerable situation that could prompt the consideration of military action. A military option is not appealing, and it may be extraordinarily difficult to carry out with the current open-ended and demanding commitment to Iraq.

In addition, there has been little progress between the Israelis and the Palestinians. In another regional problem area, the Iranians have opened their nuclear program to more robust international inspection but still refuse to moderate their domestic policies and their international rhetoric. Indeed, the hardliners in Iran recently won an election, giving them more clout and marginalizing the reformers within that country, in the wake of our attack against Iraq.

Libya presents an interesting case. Our military success seems to have focused their attention on repairing their relationship with the West. One must be grateful any time a regime effectively renounces weapons of mass destruction. Nevertheless, Qadhafi's actions seem more like self-preservation than democratization. And, as previously discussed, the ''shock and awe'' in Iraq did not influence the Afghanis to be more cooperative. In fact, we lost ground in Afghanistan to reconstituted insurgent forces. In the longer run, these hopes of democratic reform and economic renewal in the region and throughout the world will battle historic and cultural forces that may yield, but not without a struggle and not without time.

There are signs that even the administration is coming to recognize that history has overtaken some of their hopes. To minimize the stigma of occupier, the Coalition Provisional Authority has accelerated the transition to sovereignty with a target date of June 30, a date that is more difficult to achieve with each passing day. It remains unclear who they will be returning this sovereignty over to. An interim constitution was adopted apparently today, but there is still a great deal of uncertainty as to who will be the ruling authority and ultimately how this sovereignty will be passed—truly passed—to the Iraqi people.

In recognition of the economic reality of Iraq, the CPA has quietly shelved plans to privatize the Iraqi economy, plans they had initially. Now this would be a wrenching exercise in unemployment since almost every Iraqi directly or indirectly seems to work for a state industry or governmental entity.

The CPA is also deferring serious land reform in a country where land was expropriated from traditional owners and bestowed upon supporters of Saddam. The CPA also seems quietly poised to allow the Kurds to develop an autonomous region under a loose federation, belying the initial commitment to a fully integrated Iraqi state. And still outstanding is whether the Shia majority will ultimately accept the governing arrangements for the new Iraq.

And, having assumed the burden of Iraq, none of these recent pragmatic adjustments are themselves without great dangers. A hasty transfer of sovereignty could lead to a government without legitimacy or one that quickly morphs into a religious and authoritarian regime that does not share our enthusiasm for democracy. This political process becomes an inviting target for insurgents who see disorder as their key ally. Leaving economic restructuring to the Iraqis is probably leaving it undone. Allowing the Kurds to create an autonomous or semiautonomous region will cause consternation within Turkey while adding to the difficulties of the new central government in Baghdad.

This administration has committed the Nation to operations in Iraq. And we cannot fail. Let me emphasize that again. We cannot fail. But we need to recognize that these ideological preoccupations that have led us to Iraq have very real costs. We are spending approximately $4 billion a month to continue our operations in Iraq and Afghanistan, the bulk of it being spent in Iraq. These costs do not include the heartbreaking loss of American service men and women.

One must question a strategy in which you cannot afford to fail, but you may not win anything. But, questioning aside, one has little choice but to support our forces in the field and insist upon a more pragmatic approach.

First, the administration must increase the overall size of our land forces, not temporarily, but in anticipation of a long deployment in both Afghanistan and Iraq.

Last fall, I was able to propose an amendment with my colleague, CHUCK HAGEL, to increase the size of our Army by 10,000 soldiers. It passed on the floor of the Senate but was stripped out of the conference report at the insistence of the administration. They, at that point, failed to recognize the need for more military personnel. Since that time, the administration has indicated that they now recognize a need for additional forces in the Army. But they still continue to insist that it can be paid for out of supplemental appropriations.

I believe we have to prepare for a long stay in Iraq. These new military personnel should be paid for through the budget process, not supplemental appropriations here and there on an irregular basis.

I believe also that in addition to increasing our overall end strength, the administration must increase the number of forces in Iraq and direct those forces to the protection of the Iraqi people, not just to hunt for insurgents. Today, the greatest threat to the successful reconstruction of Iraq is the rampant violence that engulfs the country. Only a small portion of this violence is directed against American forces. The greatest portion is directed against the Iraqi people, creating a daily climate of violence facing every Iraqi which saps their will to remake their country and support our efforts.

Today is a prime example. Over 140 Shiites were killed when bombs exploded in Karbala and Baghdad during a religious holy day. However, the Department of Defense still stubbornly clings to the proposition that more American troops won't help. Rather, they claim that indigenous Iraqi security forces are the answer. So they have created, mostly on paper, Iraqi security forces that are inadequate and insufficient for the critical months ahead.

''Iraqization'' has dim echoes of ''Vietnamization.'' Both are political responses to real security problems. One failed; the other is of dubious value at the moment.

Secondly, the administration must candidly and promptly acknowledge the huge costs that are necessary to pursue our international objectives. The recently submitted Presidential budget does not include any funds for operations in Iraq and Afghanistan. The President is attempting to rely on previous supplemental appropriations until the election. Recently, the chiefs of the Army, the Marine Corps, and the Air Force admitted they would run out of funds on October 1 for operations in Iraq and Afghanistan. More recently, reports have surfaced that the services may indeed run out of these funds sooner than that. They are now robbing Peter to pay Paul as they scavenge other accounts to fund operations in Iraq and Afghanistan.

In addition to funding for our military forces directly, we should understand even at the most optimal success level, military forces will buy you time to deal with the more fundamental problems that cause terrorism, that cause unstable governments, unstable regions. Those costs are also huge: costs in economic development assistance, costs in educational assistance. Those costs have to be factored in also. They are not included effectively or sufficiently in the budget the President sent to us.

As I said, this is not only poor budget policy with regard to military forces, but if we cannot even honestly budget for military operations, how can we marshal the will and the dollars to reinforce military success with the resources for economic development that will address the root causes of the animosity we are confronting.

One measure of the wisdom of any strategy is whether that strategy is sustainable. The administration's choice of a virtually unilateral preemptive attack followed by long-term and expensive nation building is not a strategy that can be easily duplicated. It is especially difficult to sustain without broad-based international support. Ironically, our preoccupation with Iraq might serve as an inhibition as we confront other adversaries. Moreover, our military advantages simply buy us time, precious time, to deal with fundamental issues that create the climate in which terrorism thrives.

Our attention to these issues of education and economic development is necessary now and not just in Iraq. These, too, are expensive undertakings that require international cooperation with strong American leadership. We face great challenges around the world and here at home. But Americans are not strangers to great challenges. We will endure. And with wisdom and courage, we will prevail—the courage we witness every day in the extraordinary valor of our fighting forces.

But the challenges before us require a strategic vision grounded on attention to the compelling threats we face, not the ideological impulses that stir our hearts. These challenges can best be faced with other nations, not alone. These challenges require huge resources and a long-term commitment, not budgetary gimmicks in the short run.

Until the administration acts on these basic principles, our response to real threats will be hobbled by ideology rather than focused by experience.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from Florida is recognized for 30 minutes.

Mr. GRAHAM. Mr. President, I would like to start by saying I believe our colleagues who scheduled this debate today have done a great service to this body and to the American people. The topic of the United States in the world and specifically the United States in the war on terror is of great importance to the American people. They deserve to have the kind of elevated discussion we are giving this evening.

This should not be a partisan issue. Rather, it is an issue of our national and personal security. Never in our Nation's history have we been so dependent on credible intelligence for our safety and security as we are today.

The real test all of us will face as policymakers on behalf of the people of the United States will be how wise we are in identifying the problems we need to address and how willing we are to cast away the anchor of the status quo and initiate real reforms. In both of those efforts, one of our strongest assets will be our American intelligence.

If we were to ask any person who has a reasonable knowledge of the capabilities of terrorists and the extent of America's vulnerability the question, what is the likelihood the United States of America will suffer another successful terrorist attack on our homeland within the next 5 years, the consensus answer is certainly going to be almost a 100 percent likelihood of a successful attack.

That is a sad but true fact. It is a sad but true fact which is unnecessary. In part, it is unnecessary because we need to initiate the reforms within our intelligence community. Reforms we have learned from the experience of September 11, and learned again in the war against Iraq and, I suggest, we will learn again in the incidents that have led up to the events in Haiti, the lack of transforming our intelligence community to a set of agencies that can effectively understand, interpret, and then assist policymakers in making decisions that will make us more secure, those reforms have not been made.

It is also unfortunately true there has been a lack of accountability. We have had major intelligence failures in the last 3 years. Yet, as of today, virtually no one has been held accountable for those. What signal does that send to our agency and our adversaries, that we are willing to tolerate performance that is less than acceptable, or to benefit by performance which is beyond the call of duty, and the former is not sanctioned and the latter is not recognized.

What I think we are facing this evening is a series of deficits that will prove as significant to the future of the American people as the skyrocketing budget deficit of this administration will be to our economic future. These deficits include a deficit in judgment. The reality is in the spring of 2002, the United States and our coalition partners had the terrorist group which had perpetrated the tragedy of September 11 on the ropes in Afghanistan. But a decision was made in the early spring—a decision which military officials

close to its implementation describe as an ending of the war on terror in Afghanistan and a substitution of a manhunt in Afghanistan and Pakistan, and a redirection of American intelligence and military personnel and resources to commence the war in Iraq.

This was more than a year before the war actually started. If you will read the front page of this past Sunday's New York Times, it talks about the fact that we are now, 2 years later, beginning to reintensify our efforts in Afghanistan, and we are returning to Afghanistan those very military and intelligence resources that were shifted to Iraq in the beginning of the spring of 2002.

So the consequence of making a decision that our greater enemy was Saddam Hussein than the enemy which had already shown the capability, the will, and the presence in the United States to effectively strike us on September 11 has been to allow our greater enemy to become yet stronger.

Al-Qaida is a powerful network today. It is a powerful network which is less hierarchical, more entrepreneurial, more diffuse, more difficult to attack—especially as al-Qaida cells form alliances with other radical Islamic groups. We missed the opportunity in the spring of 2002 to have cut off the head of this snake because we exercised unacceptably poor judgment as to which was the greater danger to the people of the United States.

What is the report card on that decision of judgment? I quote from a statement made by the director of the Central Intelligence Agency, Mr. George Tenet, on Tuesday of last week. This is what the leader of our American intelligence community said:

> . . . We have made notable strides. But do not misunderstand me. I am not suggesting that al-Qaida is defeated. It is not. We are still at war. This is a learning organization that remains committed to attacking the United States, its friends and allies.

Continuing to quote from the director of the CIA:

> Successive blows to al-Qaida's central leadership has transformed the organization into a loose collection of regional networks that operate almost autonomously. These regional components have demonstrated their operational prowess in the past year.
>
> The sites of their attacks span the entire reach of al-Qaida—Morocco, Kenya, Turkey, Jordan, Saudi Arabia, Kuwait, Afghanistan, Pakistan, Indonesia.
>
> And al-Qaida seeks to influence the regional networks with operational training, consultations, and money. . . .

You should not take the fact that these attacks occurred abroad to mean the threat to the United States homeland has waned. As al-Qaida and associated groups undertook these attacks overseas, detainees consistently talked about the importance the group still attaches to striking the main enemy: the United States.

In conclusion, the Director of Central Intelligence made this chilling observation:

> The steady growth of Osama bin Laden's anti-U.S. sentiment through the wider Sunni extremist movement, and the broad dissemination of al-Qaida's destructive expertise, ensure that a serious threat will remain for the foreseeable future—with or without al-Qaida in the picture.

That is the residue of the decision to allow the snake of al-Qaida to regenerate itself because we determined that the greater enemy to the United States—the enemy which had the greater capability to threaten the people of the United States of America—was Saddam Hussein. We have paid and we will pay a significant price for that flawed judgment.

There is also a deficit in credibility. Once the administration made the decision at least as early as the spring of 2002—and probably earlier—it used incredible information to convince the Congress and the American people to support that invasion.

To pick one example which has been widely reported, the administration knew, or should have known, that it was using misleading information about Saddam's weapons of mass destruction, about yellow cake from Niger, about the existence of tubes which could be used for centrifuges to make nuclear products, and about the connections of Saddam Hussein's regime with the tragedy of 9/11.

On several occasions, it was a leading figure within the administration, including the Vice President of the United States, who went to the intelligence agencies, asked for further information on the specific charge relative to Saddam Hussein's status as a producer and user of weapons of mass destruction, received from the intelligence agencies a report indicating it was a fabrication, and yet the administration continued to recycle incredible misinformation.

The administration's fondness for calling Iraq the new front in the war on terror has become a self-fulfilling proposition. There is little, if any, evidence that Saddam Hussein had ties to al-Qaida and that terrorist networks were active in the sections of Iraq that were controlled by Saddam Hussein.

What now? Now we have created chaos in Iraq, and in spite of the bravery and professionalism of our troops, we have seen a situation in which the terrorist organizations which did not exist in Iraq prior to the war have now become serious threats to the stability of that country and to the lives of American fighting men and women.

This is how the Director of the Defense Intelligence Agency, VADM Lowell Jacoby, described the situation in Iraq when he testified before the Senate Intelligence Committee on Tuesday of last week:

> Foreign fighters who have entered Iraq since the end of the war have carried out some of the most significant attacks, including suicide bombings. Left unchecked, Iraq has the potential to serve as a training ground for the next generation of terrorists.

There was minimal to no al-Qaida influence in Iraq before the war. Now, and this is credible, al-Qaida has found a new base of operations in Iraq. There is also a deficit of trust in the American people. This great democracy has had, as one of its fundamental values, that the people of America will serve their role as citizens only if they are fully informed about the operations of their Government. But why does this administration not want to let the people know the truth about our foreign policy and about the decisionmaking that takes place in forming that foreign policy?

This President lacks a basic respect for the common sense of the American people and relies excessively on secrecy, not to protect the national interests but to avoid political embarrassment.

I cochaired the House-Senate joint inquiry into the intelligence failures that preceded September 11. Our joint committee produced a lengthy report, some 800 pages, which focused on, among other things, the findings relative to the support which one or more foreign governments had provided to some, if not all, of the 19 terrorists.

The executive branch, after 7 months of examining our report, insisted on censoring the 27 pages of our report that contain the most important findings about that foreign support. It reached this level of absurdity. The Ambassador of the Kingdom of Saudi Arabia, responding to media speculation that it was his government mentioned in those 27 pages, pleaded with the President and his administration that the full report be released. ''How can I defend my kingdom against attacks of treacherous nature unless I can know what is the basis of those attacks?'' It was not just the Ambassador of the Kingdom of Saudi Arabia. The Foreign Minister of the Kingdom flew to Washington to plead for the declassification, for the release of this information so that he could also defend the honor of the Kingdom.

The President refused that request even before the Foreign Minister had reached the White House. Are we supposed to believe there wasn't some coordination of efforts, that there were private assurances of maintaining the status quo despite public pleas for release?

This President has shown that he does not believe the American people have the right nor the ability to effectively utilize information which will help them to understand who to hold accountable and to participate in reforms necessary for their security.

These are some of the deficits we have seen as a result of the events before and particularly after September 11, that we have seen in the preparation for the war in Iraq, and which we may well see repeated in the circumstances leading up to the current anarchy that grips Haiti.

Again, I conclude by saying how pleased I am that Senator KYL and other colleagues have given us the chance to have this discussion. We, too, have a responsibility to the American people to offer them the best security

that the Government can provide. There is no cave, there is no spider hole that we will be able to hide in to escape that responsibility should there be another terrorist attack on our homeland and we have not utilized the information of our previous failures to make our Nation more secure.

Let us look in the mirror. The face we see will share the responsibility for the loss of life and for the deficits I have outlined which are unacceptable in our democratic society.

Before I conclude, I would like to say that I believe the value of this debate has indicated the value of similar debates on other issues that have wide public concern. I will soon seek unanimous consent that we schedule time for a debate of this nature on the floor of the Senate on a regular basis for the remainder of this session.

I propose that the next issue to be discussed be our budget deficit, the inheritance of debt that we are going to leave to our people. The suggestion made recently by the Chairman of the Federal Reserve Board that we make tax cuts permanent while we also cut benefits for Social Security and Medicare could help in framing the choices that we will have in dealing with this budget deficit.

The American people deserve from this, the greatest deliberative body in the world, to pay attention to their future. They deserve to know that we serve their interests with sound judgment, with credibility, and with respect for those who have given us the opportunity to serve them.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Florida yields the floor. Does the Senator suggest the absence of a quorum?

Mr. GRAHAM of Florida. 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. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the Senator is recognized for 20 minutes.

Mr. DAYTON. Mr. President, I thank my colleagues from the other side of the aisle for giving us this opportunity to discuss the matters surrounding the Iraq war, a war in which we are still engaged, a war in which Americans are losing their lives and their limbs on an almost daily basis. I am sure my colleagues have attended funerals, as I have in my own State, of brave men who did not return from that war alive. We all know the human cost that has been involved.

A number of us were at Walter Reed Hospital 2 weeks ago for an evening with brave men and women who have lost limbs and health, and in some cases will not ever be able to live fully normal lives because of the terrible devastation wreaked on their bodies by the war in Iraq. So what we are talking about tonight is something of enormous importance, something we should have talked about far more often in the past months and year than we have. I attempted back in the first months of 2003 to get this body to address some of these critical issues, questions about the information we had been provided even though we had voted previously in October of 2002 on this resolution that the President requested the majority of this body authorize, along with the House, to initiate a war at a time of his determination. But in the weeks preceding that I tried in vain, as did some of my colleagues, to ask the majority leader to bring this matter before the Senate, before the American people again. Unfortunately we were not able to. The decision was made not to create the time and the opportunity to do so.

Better late than never. This is much later than it should have been. I look forward to this opportunity in the weeks and months ahead because, as I understood from the Senator from Arizona, who was coordinating the time the Republican caucus used before we were given a chance to reply, that whenever the questions were raised, challenges were raised about the use or the misuse of intelligence information by the President of the United States and by his administration, there would be these occasions to discuss those matters again in the future. If that is the case, then I look forward to those opportunities because those questions should be raised. They have been raised before.

The American people have a right to know the truth, the facts about these matters. Those who have lost sons and daughters over in Iraq, those whose sons and daughters are serving there now, all of us whose lives, whose children, and grandchildren will bear the consequences of these profoundly important decisions that have affected not only the United States and our national security but the stability of the entire world have a right to know the truth.

Let's have these debates and these considerations as frequently as possible and air these matters fully, particularly since the commissions that have been established—the most recent one, by the President himself singlehandedly—are being precluded from addressing many of these issues like the misuse, as has been alleged, of intelligence information by high intelligence officials. That commission will not be allowed to investigate those matters. It will not have the authority to subpoena documents and information, investigating those matters. We will remain in the dark as those of us on the Senate Armed Services Committee on which I serve will remain in the dark despite our requests repeatedly to have that committee investigate these matters under its jurisdiction. At one point the distinguished chairman of that committee, Senator WARNER, a man for whom I have the greatest respect, one of the finest of the men and women with whom I have had the privilege of serving in this body over my 3 years, suggested on a Sunday talk show that would be the appropriate purview of the committee and that should be investigated to its determination of the facts and truth and then, from all accounts, was forcefully dissuaded from that position by higher level officials in the administration who did not want that kind of investigation.

So if we can't get the facts because we can't get committees of the Senate to look into these matters, if we can't get the facts because the President's own hand-picked commission is going to be prevented by him from investigating and reviewing these matters, then let's use these occasions here on the Senate floor, even if we are going to be, as the word was used, ambushed by the Republican caucus on these matters. That was reported last week. This was going to be a big surprise last Thursday. It was reported in one of the Hill newspapers and evidently it was decided to postpone it.

Today, after we talked, even at our caucus lunch today, the Democratic caucus lunch at 1 o'clock today, based on the information the Democratic leader received from the majority leader, we were going to finish the resolution of the bill before us and then we were going to turn to another piece of legislation. Lo and behold, we found out literally as members of the Republican caucus took the floor this afternoon that this was going to be the subject for debate.

But so be it. If you want to ambush us on this topic, then do it as frequently as possible so we can present to the American people all the facts, facts they may not receive in any other way.

Let's go back a minute and review the bidding on this whole matter. Let's go back to January of 2002. Mr. Karl Rove, senior adviser to the President, political strategist, was quoted as telling a Republican political gathering that the winning issue for the Republicans in November of 2002, at the midterm election, would be ''the war.'' By that at the time he meant the war against al-Qaida, against the Taliban in Afghanistan. But evidently in June of 2002, according to published reports based on an interview with the chief of staff of the White House, Andrew Card, published in the New York Times on September 7 of 2002, but referring back to a decision that was, according to Mr. Card, made in June of that year, 3 months earlier, to bring the spotlight onto this supposed immediate, desperate, urgent threat to the national security of the United States and the safety of our people by Saddam Hussein and his regime in Iraq, the question was asked of Mr. Card by the reporter, why, then, was there this delay until then right before and then right after

Labor Day of 2002, a good 3 months later, to bring this matter to the attention of Congress and to the American people. Mr. Card's answer, and I quote, was, ''Well, from a marketing standpoint you don't bring out your new products in August.''

About two sentences later he indicated also the President was on vacation in August. So, instead, we were all, I think, startled—this Senator was certainly surprised to hear from the Vice President, Vice President CHENEY, at two conventions of former men and women of the armed services in the last week of August of 2002, where he spoke to the Veterans of Foreign Wars, and he announced, ''Simply stated, there is no doubt that Saddam Hussein has weapons of mass destruction.''

The President himself then elaborated on these claims time and time again. He conjured up the most serious of threats to this country. On September 26 of 2002, at the time when this body was being pressured to rush to a vote about authorizing a war in Iraq, the President, after meeting with Members of Congress on that date, said:

> The danger to our country is grave. The danger to our country is growing. The Iraqi regime possesses biological and chemical weapons. . . .The regime is seeking a nuclear bomb, and with fissile material, could build one within a year.

He continued on that day to say:

> The dangers we face will only worsen from month to month and from year to year. To ignore these threats is to encourage them. When they have fully materialized, it may be too late to protect ourselves and our friends and our allies. By then the Iraqi dictator would have the means to terrorize and dominate the region. Each passing day could be the one on which the Iraqi regime gives anthrax or VX or someday a nuclear weapon to a terrorist ally.

On October 7, just 4 days before the October 11 vote in the Senate on the war resolution, the President said:

> We know that Iraq and the al-Qaida terrorist network share a common enemy—the United States of America. We know that Iraq and al-Qaida have had high-level contacts that go back a decade.

He continued:

> We've learned that Iraq has trained al-Qaida members in bombmaking and poisons and deadly gases. Alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints.

He also elaborated on claims of Iraq's nuclear weapons program when he said on October 7 of that year:

> The evidence indicates that Iraq is reconstituting its nuclear weapons program. Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his ''nuclear mujahideen''—his holy warriors. If the Iraqi regime is able to produce, buy, or steal an amount of highly-enriched uranium a little larger than a single softball, it could have a nuclear weapon in less than a year.

At that time, 4 days thereafter, the Senate voted historically and, I believe, having voted against that resolution, erroneously to authorize the war with the determination of the President—on a resolution which I believed and still believe is unconstitutional, was premature and, which has ultimately turned out to be the case, unfounded.

These assertions continued during the fall and then into the new year. Of course, Secretary of State Colin Powell went before the United Nations and stated that there were thousands of tons of these strains of botulism, of nerve gas agents, of botox, and other substances that were of such enormous quantities that they would have been easily identified by satellite surveillance or by the United Nations weapons inspectors then in Iraq, though at the time none had been found.

The Vice President again on March 16, just before the eve of the decision by the President to invade Iraq, leveled a serious new allegation that Hussein already had nuclear weapons. He said, ''We know he has been absolutely devoted to trying to acquire nuclear weapons,'' and ''We believe he has in fact reconstituted nuclear weapons.''

Subsequent events, of course, have proven all of those assertions to be almost totally incorrect.

Thank God. When United States and British forces invaded Iraq just a few days later, there were no chemical or biological or nuclear weapons used against them. None were found on the battlefield unused or in caches hidden and ready for use or even those weapons materials anywhere in Iraq, as the chief weapons inspector, David Kay, has now indicated in his public statements. He said to our Senate Armed Services Committee that he does not believe they will be found. But the more important fact, the irrefutable fact, is that they did not exist to be used against our Armed Forces. I am grateful for that. But that was the overriding premise—at least I know from a number of my colleagues on this side of the aisle—the overriding factor in their decision to support the resolution in October.

Under the United Nations charter, under international law, the only justification legally for invading another country, for launching a preemptive attack against another country, starting war against another country, is either an actual attack itself or the imminent danger or threat of an attack against a country.

It was certainly on that assertion by the administration repeatedly that Members of Congress were persuaded to support the resolution in October. It was that assertion that was made by the President himself and others leading up to and even in the speech the President gave to the Nation the night he authorized that invasion of forces.

In his State of the Union Address, he made assertions that Iraq had sought to buy uranium in Africa to reconstitute its nuclear weapons program. It was not until July 7 of 2003—almost 6 months later, or over 5 months later—that the administration acknowledged for the first time that the President should not have made that statement even though the reports were they knew conclusively as early as March. Some allegations are that they knew even prior to the time, or at the time of that statement, that that was not substantiated, or, in fact in March, a report even said it was false.

There are other statements that have been made by former CIA intelligence officials, reports made by investigative reporters that refer to information that was available to the administration at the time these various assertions were made that were contrary to facts as they were being reported.

The linkage to al-Qaida, between Iraq and al-Qaida, is one that I certainly can say from my own direct experience, being involved in probably two dozen top secret briefings in the fall of 2002 and early 2003 with members of the administration, that was something that was repeated, was raised in a most speculative way from other intelligence sources.

Then it is reported in June of 2003, after all this has been underway, according to the New York Times, two high officials of al-Qaida now in U.S. custody told interrogators, told them before the war in fact, that the organization did not work with Mr. Hussein. Several intelligence officials said no evidence of cooperation had been found in Iraq.

It caused the CIA Director, George Tenet, to state that:

> ''it was not at all clear there was any coordination or joint activities,'' a CIA source told the Washington Post.

An article in the Baltimore Sun went on to say:

> Last fall, in a classified assessment of Iraq, the CIA said the only thing that might induce Mr. Hussein to give weapons to terrorists was an American invasion. But month after month, unconstrained by mere facts, the president trumpeted a danger that his own intelligence officials dismissed.

Yes, there are very serious questions and a most profoundly serious matter reflecting on the veracity of the President of the United States and his officials at the highest levels. The debate should be undertaken here and the American people should have a right to all the facts but they will not get them.

One of the most disgusting ploys tonight has been to blame President Clinton and Senate Democrats during the 1990s for the supposed curtailment of our Nation's military preparedness and its intelligence operations. Some people are masters at this kind of slander.

In 2002, there were Republican campaign commercials that put Senator Max Cleland, a Democratic Senator from Georgia, upon the television screen next to pictures of Osama bin Laden and Saddam Hussein, claiming that all three of them were enemies of the national security of the United States.

Senator Cleland was a triple amputee and sat in this chair next to me during my first 2 years of the Senate, the

most amazing demonstration of human courage I have ever heard. I could scarcely imagine a man who lost three limbs serving in the military in Vietnam, a member of the Senate Armed Services Committee, who had voted for every single dollar of President Bush's requested military increases for military spending, for homeland security, every dollar, being smeared as an enemy of this Nation along with Saddam Hussein and Osama bin Laden.

Here they go again, smearing President Clinton and even Senator JOHN KERRY. I heard President Clinton attacked by colleagues across the aisle from the day I joined the Senate Armed Services Committee in January of 2001 for supposed military weaknesses. That continued up until the military that President Clinton commanded for 8 years routed the Taliban and al-Qaida in Afghanistan 10 months later. Now he is accused of emasculating the Intelligence Agency, causing the failures to prevent September 11, 2001, and the failures to inform us properly about the absence of weapons of mass destruction in Iraq.

Unfortunately, we cannot find out who is and who is not responsible for whatever failures occurred. We cannot find out because President Bush has blocked the 9/11 Commission access to the information that bipartisan group of distinguished Americans has been requesting for months from the administration.

We will not get to the truth about who misused intelligence information about weapons of mass destruction in Iraq because the President refused to appoint an independent commission, refused to grant them subpoena powers, and refused to authorize them to investigate the use of intelligence information by himself and his administration.

If the former administration is the one that is so culpable and if the current administration is so blameless, why wouldn't this administration want those two commissions to have access to all relevant information? Why would this administration block the 9/11 information that its cochairman, former Republican Governor of New Jersey, Thomas Kean, has requested for months on behalf of his Commission? Why won't the President allow his own handpicked Commission to assess the misinformation about weapons of mass destruction in Iraq that was provided to Congress and to the American people to investigate all the questions about that colossal misrepresentation of the truth as we later discovered it to be?

Those are critical questions that affect the future safety of our country and our citizens, whatever flaws existed before September 11, whatever errors were made after September 11, whatever mistakes, whatever lack of communication, whatever misreporting, misunderstanding, misrepresenting, exaggerating, or improper influencing of information, whatever or wherever it occurred, which weakened our national security, must know what that was in order to prevent it from ever happening again.

That imperative should transcend partisan politics. It should transcend Presidential reelections. It should transcend any consideration except for the safety of this country and of the American people.

If my colleagues on the other side of the aisle want to strengthen our national security, as I know they do—as we all do, because we are Americans first, and we are partisans after that—then I ask them to join us in insisting that the President unshackle those two commissions. Let them find the truth, the whole truth, whatever it might be, wherever it is, whoever it helps, whoever it hinders, so that we can know what we must do to ensure that the horrors of 9/11 never, ever occur again, and to ensure that the serious misinformation about weapons of mass destruction in Iraq, which influenced Members of this body to support a resolution to authorize the President to start a war against that country—to make sure that kind of misinformation used to justify a war to the American people never, ever happens again.

So, yes, let's debate these matters as frequently as possible. Let's get out all of the facts. And then let's let the American people decide.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota yields the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., tomorrow morning.

Thereupon, the Senate, at 8:52 p.m., adjourned until Wednesday, March 3, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate March 2, 2004:

DEPARTMENT OF TRANSPORTATION

DEBORAH HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2008, VICE JOHN GOGLIA, TERM EXPIRED.

EXTENSIONS OF REMARKS

THANKS TO COMMANDER ROY G. ORGERON AND AMERICAN LEGION, NICHOLSON POST #38

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. BAKER. Mr. Speaker, I rise today to send a heartfelt thanks to both Commander Roy G. Orgeron and the entire American Legion, Nicholson Post #38 in Baton Rouge, Louisiana for helping us ''Honor and Remember those who Served and Sacrificed'' on Veterans Day, November 11, 2003.

Mr. Speaker, originally chartered by the United States Congress in 1919 as a patriotic, mutual-help, war-time veterans organization, the American Legion is best described by the Preamble to its Constitution:

For God and Country we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; To maintain law and order; To foster and perpetuate a one hundred percent Americanism; To preserve the memories and incidents of our associations in the great wars; To inculcate a sense of individual obligation to the community, state and nation; To combat the autocracy of both the classes and the masses; To make right the master of might; To promote peace and good-will on earth; To safeguard and transmit to posterity the principles of justice, freedom and democracy; To consecrate our comradeship by our devotion to mutual helpfulness.

As the facilitative host of a Veterans Day breakfast, and on a day where as a country we paused to reflect on the sacrifices of all those who have put on the uniform to serve in the United States military, the members of Nicholson Post #38 honorably upheld these words, demonstrating their endless commitment to south Louisiana's veterans.

Mr. Speaker, although we can never adequately repay their service to our great Nation, as a senior Member of the House Veterans' Affairs Committee, I ask that you and my colleagues join me in saluting and congratulating Nicholson Post #38 on this outstanding achievement.

A PROCLAMATION RECOGNIZING OHIO UNIVERSITY AS THEY COMMEMORATE THEIR BICENTENNIAL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. NEY. Mr. Speaker:

Whereas, Ohio University in Athens, Ohio, is celebrating 200 years of excellence in advanced education and character development; and

Whereas, liberal arts institutions are essential to the progress of arts and sciences and important to morality, virtue and religion in any society; and

Whereas, the General Assembly of the State of Ohio met in Chillicothe, Ohio, to establish a university in the town of Athens by the name and style of ''Ohio University'' on February 18, 1804;

Therefore, I join with the residents of Ross County and the entire 18th Congressional District in celebrating Ohio University's Bicentennial Anniversary.

HOPE IN HAITI

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. BEREUTER. Mr. Speaker, this Member wishes to call the attention of his colleagues to the excellent editorial on Haiti in the March 2, 2004, edition of the Omaha World-Herald. The Bush administration has responded properly to the crisis in Haiti. The citizens of that desperately poor country have suffered greatly under the regime of the autocratic and quixotic Jean-Bertrand Aristide. Now he is finally gone and good riddance. The international community under the leadership of the United Nations needs to be fully engaged in bringing peace and stability to this terribly troubled country so that the livelihood of its people can begin to receive the necessary attention.

[From the Omaha World-Herald, Mar. 2, 2004]

HAITI'S NEW HOPE

The Bush administration has had sharp foreign policy disagreements with other countries. But in responding to the political collapse in Haiti, the international community is in general consensus. For Haiti to move forward, it's widely agreed that the country's president, Jean-Bertrand Aristide, had to go.

That is a reasonable stance. Aristide is a former priest reinstalled in 1994 by a U.S. military campaign as the duly elected president. But during the past decade, he amassed a record of shamelessly backtracking on his promises to uphold democracy.

He even copied the fascistic tactics of Haiti's old-time dictator, ''Papa Doc'' Duvalier, using gangs of thugs to intimidate and murder members of the political opposition. Four years ago, such tactics spurred the Clinton administration to end all aid to Haiti except for humanitarian assistance. The foul tactics also led the United Nations to refuse to recognize the validity of the country's tainted Senate elections. In 2000, Aristide was elected president in a contest boycotted in protest by the political opposition.

Bush's Democratic critics are arguing that the administration should have sent in U.S. Marines last week to buttress Aristide. But Bush's refusal to maintain Aristide in power had the support of leading players such as France and Canada (whose governments were at loggerheads with Bush over the Iraq war last year).

It was the political opposition in Haiti that may well have made the key decision leading to Aristide's downfall. Last week the United States headed a multilateral diplomatic effort that was poised to force Aristide to agree to accept a politically independent prime minister. But opposition leaders balked at the proposal, saying Aristide couldn't be trusted.

Now Aristide has fled to a safe haven in Africa (facilitated by the efforts of U.S. Secretary of State Colin Powell to find him a host country), and U.S. Marines are arriving in Haiti to provide order. Up to around 1,000 American troops will ultimately be placed there, with a large contingent serving as gendarmes, Powell says.

A multinational security force, approved Sunday night by the United Nations Security Council, is also in the works.

Prospects for a politically stable Haiti (which this year marks the 200th anniversary of its successful revolt against French rule) are unclear. Armed bands, seemingly tethered only to an agenda of plundering and vendetta-settling, have proliferated. The gap between the country's rich and poor feeds tremendous resentments. The large amounts of aid that the Clinton administration pumped into Haiti in the 1990s for police training and economic development appear to have done little good.

Nonetheless, the end of Aristide's regime provides encouragement. Particularly welcome is the widespread support from abroad that Haiti enjoys as it attempts to pull itself away from the injustice and brutality of the past.

For all the problems their country faces, the Haitian people can count on the support of the United States and many other countries in the effort to make the fall of Haiti's latest dictator the turning point it can be to a better future. In that, there can be great hope.

RECOGNIZE AND CELEBRATE THE ACCOMPLISHMENTS OF COLORADO NONPROFIT ORGANIZATIONS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. BEAUPREZ. Mr. Speaker, I rise today to recognize and celebrate the accomplishments of Colorado nonprofit organizations. This week is Colorado Nonprofit Week, an annual event organized by the Colorado Association of Nonprofit Organizations (CANPO) and volunteer committees around the state to recognize and celebrate the vital impact Colorado's nonprofits have on our economy and quality of life.

The theme for this year's Colorado's Nonprofit Week is ''where hope resides.'' Nonprofit organizations do not only provide much needed benevolent services to the needy, but they also provide a sense of hope for those in the direst of circumstances.

The three major goals of Colorado Nonprofit Week is to increase the visibility of these organizations, strengthen the relationship between nonprofit leaders and public officials, and to

encourage individual nonprofit leaders to see themselves as part of the greater nonprofit private sector.

Nonprofit organizations throughout Colorado serve as responsible stewards of charitable dollars. Over 16,000 charitable nonprofit organizations operate in Colorado. In 2001 nonprofit expenditures totaled more than $9 billion in Colorado for the 5,400 largest nonprofits and $822 billion in the U.S. for the nearly 267,000 largest nonprofits.

These organizations subscribe to a number of missions and values. I strongly commend their efforts to invest in the potential of all citizens through education, employment, recreation, arts, and culture.

The nonprofit sector throughout Colorado has a proud history of service, innovation, and the accomplishments of the sector deserve acknowledgement, affirmation, and celebration.

Mr. Speaker, that is why I ask my colleagues to join me to commend the efforts of nonprofit organizations, not only throughout Colorado, but also the entire Nation.

A PROCLAMATION HONORING CARRIE MYTINGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. NEY. Mr. Speaker:

Whereas, Carrie Mytinger was presented the 2003 Rookie of the Year Award by the Chillicothe Jaycees; and

Whereas, Carrie Mytinger must be commended for her work with the Chillicothe community; and

Whereas, Carrie Mytinger has demonstrated a commitment to community service through her work with various organizations, meeting challenges with enthusiasm and confidence;

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Carrie Mytinger for her outstanding accomplishment.

HOUSE COMMISSION FOR ASSISTING DEMOCRATIC PARLIAMENTS RESOLUTION: A PRICE-BEREUTER-DREIER-FROST INITIATIVE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. BEREUTER. Mr. Speaker, this Member wishes to thank his friend the distinguished gentleman from North Carolina, Mr. PRICE, for working with me and introducing a resolution to establish the House Commission for Assisting Democratic Parliaments. This Member is proud to be an original cosponsor of this measure, along with the chairman and the ranking Democratic member of the Committee on Rules. Having been involved in the Frost-Solomon Task Force, which undertook a similar effort a decade ago, this Member is enthused to offer this new initiative.

The spread of parliamentary democracy in Central and Eastern Europe is one of the great success stories in recent history. Of course, the efforts by those nations to overthrow their communist dictatorships in some cases traces back several decades, but the rapid downfall of those regimes began after the events of 1989 and accelerated in the early 1990s.

Sadly, some countries that gained independence after the collapse of the Soviet Union and Yugoslavia simply traded communist dictatorships for new dictatorships of nationalists and former apparatchiks. But most of these countries moved quickly to establish new democracies, holding free and fair elections and transforming their parliaments from rubber-stamp facades into independent legislatures. However, this task proved easier on paper than in practice.

As we well know in this Congress, our ability to legislate independently of the executive depends on our access to independent information and analysis. We are fortunate to have our own staffs and support agencies to which we can turn to research an issue and provide alternative points of view. Recognizing the importance of this, the Congress has created agencies like the General Accounting Office, Congressional Research Service and Congressional Budget Office to provide Members with independent views and oversight.

In the newly democratic parliaments, this capacity and expertise was lacking. Recognizing its importance for legislative autonomy, in 1990 the distinguished gentleman from Texas, Mr. FROST, established a task force through the Speaker's office to help them develop the needed capabilities. In cooperation with the late gentleman from New York, Mr. Solomon, the gentleman from Texas developed a program that allowed the House of Representatives to share the expertise of Members and staff, especially from the Congressional Research Service, with the newly democratic parliaments. The task force provided modest donations of information technology-related office equipment and reference materials for parliamentary libraries, thereby facilitating the establishment of independent research services.

The task force also helped those parliaments develop parliamentary procedures and the means to inform Members and the general public about parliamentary activities in a timely and open fashion. At a modest cost, we were able to help these parliaments become effective legislatures and play their part in a democratic system.

The Frost-Solomon Task Force was terminated in 1996. While most of those countries that received aid have indeed become full-fledged democracies, others still need a helping hand. The Price-Bereuter Resolution aims to provide that assistance.

The resolution that has been introduced would create a House Commission for Assisting Democratic Parliaments, comprised of eight House Members—four Republicans and four Democrats—and it would have a small staff to coordinate its activities and help Members determine which parliaments would most benefit from such assistance.

Much of the expertise that these parliaments require can be found in the House and its support agencies, so the resolution would allow congressional offices to detail employees to the Commission. Recognizing that many of those who worked on the initial Frost-Solomon Task Force have retired or are about to retire from congressional employment, the resolution allows the Commission to use those retirees as consultants, so that parliaments can benefit from their years of expertise.

In addition to providing expert advice from Members and staff, the resolution envisions a modest assistance program to provide parliaments with information, technology-related equipment and with reference materials so that they could establish a research service and better disseminate legislative information. When the Commission identified needs in selected parliaments, it could recommend that the Agency for International Development provide certain equipment, materials or technical assistance to enable those parliaments to become more efficient and transparent.

The first task of this Commission should be to finish the work that was begun in Central and Eastern Europe, but the resolution does not limit the Commission's scope to that region. Once this program is established, it could expand to assist parliaments in other countries, as appropriate, like those in the Caucasus and Central Asian regions and perhaps in other parts of the world. For example, the United States is committed to help create representative democracies in Afghanistan and Iraq. It would be worthwhile if the House were to work with the new parliaments in those nations to help them develop as autonomous institutions in a democratic society.

Mr. Speaker, this Member was pleased to play a small part in the Frost-Solomon Task Force in the 1990s by participating in Frost-Solomon congressional delegations that reviewed the accomplishments of the assistance that had been given. Today, we have an opportunity to further assist in the emergence of democratic parliaments by enabling this House to share its expertise and to work with AID in providing the necessary assistance. This Member urges his colleagues to become cosponsors of the Price-Bereuter-Dreier-Frost resolution to create the House Commission for Assisting Democratic Parliaments.

MELHA SHRINERS—CELEBRATING 50 YEARS OF FAMILY ENTERTAINMENT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. NEAL. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Melha Shrine Circus of Springfield. For 50 years the Melha Shriners have proudly presented this show as a great and historic form of family entertainment.

The Shriners have done this for the past half of a century in order to raise money to fund their marching units and other community activities in western Massachusetts. These events are meant to maintain their visibility and presence in the community so that they can continue to support their main message about their hospital work.

Beyond merely putting on a circus to entertain families across western Massachusetts, these philanthropists also always perform what they like to call ''The Community Service Show.'' For this event they donate all of the almost 5,000 tickets to the circus to various community service groups who deal with children, adults, and families in need of aid. By bringing a little extra light into the lives of people down on their luck the Melha Shriners simply show that they are willing to take the extra

step to give back to the community in which they live and work without asking anything in return.

It is a great honor to be able to rise today and commend this giving group of people from Springfield, Massachusetts. Their commitment to family entertainment and charity is admirable and sets an excellent example to others. This spring the Melha Shriners will go out with their circus tent. And this spring for the 50th year in a row, they will bring laughs to children, smiles to adults, and they will give back to the community as only they can do. I am proud to be a long-time supporter of the Melha Shriners, and so I wish you luck with the circus this year and hope for 50 more years of the Shriners.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF JAMES E. CARNES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. NEY. Mr. Speaker:

Whereas, James E. Carnes served the people of Ohio as a member of the Ohio State Senate for 9 years; and

Whereas, James E. Carnes has served as Chairman of the Senate's Finance Committeee, overseeing the State budget; and

Whereas, James E. Carnes is currently the longest serving member of the Ohio State Senate; and

Whereas, James E. Carnes has used his position within the Ohio State Senate to help better the lives of thousands of people; and

Whereas, James E. Carnes has been appointed to continue his service to the citizens of Ohio as the Deputy Director of the Ohio Department of Natural Resources; and

Whereas, James E. Carnes must be commended for his dedication to improving the State of Ohio and his willingness to continue this service through his new appointment.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in celebrating James E. Carnes' 9 years of service in the Ohio State Senate and wish him the best of luck in his new position.

CELEBRATING WISCONSIN'S LEGAL HISTORY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of an important historic program that celebrates famous cases throughout Wisconsin's legal history and honors Wisconsin's Women Jurists.

This year, Wisconsinites have had the opportunity to take part in a traveling exhibit showcasing the rich history of the Wisconsin Supreme Court. The exhibit examines several of the influential cases Wisconsin has confronted during its over 150 years, including slavery, women's suffrage, and mandatory education for children. I commend the members of the Wisconsin Legal History Committee for their efforts in developing this exhibit so that this generation has the opportunity to learn from Wisconsin's extensive legal history.

On March 17, 2004, for the first time in Wisconsin's history, Judge Maxine A. White, District Director of the National Association of Women Judges, with the assistance of over 25 sponsoring legal associations and community groups, will unveil the portraits of fifteen Wisconsin Women Jurists who are retired or deceased. I am excited that the changing face of the Wisconsin judiciary is being recognized in this exhibit. These 15 female jurists served the courts of Wisconsin between 1972 and 2003 and covered eight different counties across the State—Olga Bennett, Vernon County Court (1969–75); Vel R. Phillips, Milwaukee County Court (1971–73); Martha Bablitch, Court of Appeals, District IV (1978–85); Leah M. Lampone, Milwaukee County Circuit Court (1978–93); Donna J. Muza, Dunn County Circuit Court (1979–98); Arlene D. Connors, Milwaukee County Circuit Court (1980–98); Janine P. Geske, Milwaukee County Circuit Court (1981–93), Wisconsin Supreme Court (1993–98); Vivi L. Dilweg, Brown County Circuit Court (1982–99); Marianne E. Becker, Waukesha County Circuit Court (1985–2003); Paulette L. Siebers (1985–86), Dane County Circuit Court; Susan R. Steingass, Dane County Circuit Court (1985–93); Virginia A. Wolfe, Sauk County Circuit Court (1988–2000); Louise Tesmer, Milwaukee County Circuit Court (1989–2001); Jacqueline Schellinger, Milwaukee County Circuit Court (1992–2003); Nancy E. Wheeler, Racine County Circuit Court (1993–98).

I have had the privilege of getting to know several of these amazing women, and it has been such an honor to learn from them.

I would also like to congratulate and commend Judge White on her leadership of this event, and Wisconsin Justice Ann Walsh Bradley, who will receive the prestigious American Judicature Society's ''Herbert Harley'' Award at the March 17 event. The ''Herbert Harley'' Award is given to individuals who have made outstanding efforts to improve the administration of justice in their State. Justice Ann Walsh Bradley is certainly deserving of this award for her tireless work on behalf of Wisconsin.

TRIBUTE IN HONOR OF DON RICHARDSON'S RETIREMENT FROM HIGHLAND PARK HIGH SCHOOL

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. SESSIONS. Mr. Speaker, I rise to pay tribute to Don Richardson from Highland Park High School on the occasion of his upcoming retirement. I have the pleasure of representing Highland Park High School in Congress, and I am proud to have four alums from Highland Park High School on my staff and two of them that played football for Coach Richardson.

Coach Richardson retires as the defensive coordinator for the Highland Park Scots football team. Don Richardson has been a career educator for 34 years, including 31 distinguished years with the Highland Park Independent School District. In his capacity with the Highland Park football team, Coach Richardson has been a jack-of-all-trades. In his tenure, he has served as the head football coach, offensive coordinator, offensive line coach, and defensive coordinator.

I salute Coach Richardson for the positive influence that he has had on his players and students over the last 31 years. Off the playing field, he has been an outstanding government and history teacher for Highland Park High School. Coach Richardson was selected by his teaching peers as the Highland Park High School Teacher of the Year for 1998–1999. He is a role model of leadership and dependability, and he will be greatly missed by future Highland Park football teams and by his former players and fans in the stands on Friday nights. Highland Park's football team is a benchmark of success within Dallas County year in and year out. Coach Richardson's coaching abilities greatly contribute to the team's victories on the field, as he puts his players in the best positions to make game-changing plays.

Highland Park's football team has historically been one of the best programs in the State. Highland Park ranks fourth in the State for all-time victories with 637 and is fifth in all-time playoff victories with 62.

Coach Richardson's family has played a vital role in his success over the years. Don's loving wife, Carolyn, and children, Sharla Cassiano and Kyle Richardson, have brought him great warmth and support. Sharla was an All-Sun Belt Conference volleyball player at Louisiana Tech, and Kyle played linebacker for the University of Texas Longhorns.

I wish Coach Richardson and his family a pleasant start to his well-earned retirement, and I thank him for his years of dedicated service in education.

A PROCLAMATION COMMEMORATING THE 99TH BIRTHDAY OF THE BRIDGEPORT AERIE NO. 995

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. NEY. Mr. Speaker:

Whereas, the Bridgeport Aerie No. 995 Fraternal Order of Eagles is celebrating 99 years of service to the Bridgeport area; and

Whereas, the Bridgeport Eagles have contributed untold volunteer hours in building character, citizenship, and leadership to the community; and

Whereas, the Bridgeport Eagles must be commended for its hard work and dedication in providing an outstanding service to the Bridgeport area; and

Therefore, I join with the residents of Bridgeport and the entire 18th Congressional District in recognizing the Bridgeport Aerie No. 995 Fraternal Order of Eagles for 99 years of community service.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Tuesday, February 24,

2004, the House had a vote on S. 714, legislation that would authorize the Bureau of Land Management to convey land to Douglas County, OR. On House rollcall vote No. 27, I was unavoidably detained. Had I been present, I would have voted ''yea.''

HONORING CLARK KERR

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Ms. LEE. Mr. Speaker, I rise today to honor the man who created the blueprint for public higher education in the United States, Clark Kerr. On December 1, 2003, Mr. Kerr passed away at the age of 92 in El Cerrito, California. The 9th Congressional District salutes and thanks him for his tireless and spirited service.

As the most distinguished American academic administrator of his day, and the man who introduced free university tuition in California, Clark Kerr was known as the Henry Ford of higher education. His nine-year tenure as president of the University of California in the 1960s, and his earlier chancellorship of the Berkeley campus (1952–58), set the standard for American universities.

After being elected governor in 1967, Ronald Reagan slashed the UC budget by 10 percent and threatened to bring in tuition fees. Kerr demurred, and was denounced as a sympathizer. Following an illegal harassment campaign conducted by the CIA and the FBI, the Board of Regents was persuaded to vote 14–8 for Kerr's dismissal. Yet he was never bitter, and the student uproar at Berkeley raged on after his departure.

Although offered posts at Harvard and Stanford universities, Kerr chose instead to head the Carnegie commission on higher education, where he produced a series of publications covering every aspect of higher education. These continue to be essential reading for educators, but when he left in 1980, the institution closed. Without Kerr, apparently, it was inoperable.

Kerr's earlier master plan for Californian higher education had a big impact across the U.S. and brought him renown abroad.

It established three tuition-free tiers: community colleges offering two-year courses; state colleges open to the top third of high school graduates and granting bachelor's and master's degrees; and the UC system, taking the top eighth of students and able to award doctorates.

The plan became law in April 1960, immediately making California a leader in American higher education, and earning Kerr praise for ''mass-producing low-cost quality education and research potential for a nation that hungered deeply for both''. Later, while at the Carnegie commission, he moderated his views on free tuition, reflecting that ''a very high proportion of students at UC came from upper-income families. This was a free ride for the well-to-do. I now think it is better to charge a moderate level of tuition and have a strong program of financial aid for those who can't afford it.'' In 1972, Congress translated this financial aid program into the Basic Educational Opportunity Grant, later known as Pell Grants.

Kerr's years as UC president coincided with some of the most tumultuous periods of student protests. In 1961, he responded to complaints that a communist was speaking to Berkeley students by declaring that ''the university is not engaged in making ideas safe for students. It is engaged in making students safe for ideas.'' As the protests became increasingly bitter, however, he found himself caught between liberal students and conservative politicians.

Kerr was born May 17, 1911 in Pennsylvania, the son of an apple farmer and a milliner, who imbued their son with a deep respect for education. His father was the first member of his family to go to university and spoke four languages; his mother had left school at 12 but postponed getting married until she had saved enough money to fund a college education for her future children. Kerr graduated from Swarthmore College, where he was president of the student union. He also became a Quaker. He took an MA in economics at Stanford, and transferred to Berkeley for his PhD before entering the new field of labor economics. He taught for a bit at the London School of Economics and at Stanford, and then went into labor negotiating, completing 500 settlements up and down the West Coast. He would later emphasize negotiating skills as essential for leading faction-wracked universities.

Kerr returned to Berkeley as an academic in 1945, as many ex-service personnel were entering higher education thanks to the GI bill. As the cold war gathered momentum, the UC Regents demanded that all professors sign a loyalty oath, and this controversy changed Kerr's life. He became a powerful advocate of faculty views and, in 1952, his peers successfully recommended him for chancellor. During his Berkeley leadership, he added eight new residence halls and expanded the faculty.

As head of the entire UC system, he doubled the number of students, broadened three specialized campuses and added three new ones—at San Diego, Irvine and Santa Cruz—bringing the total to nine. He also wrote The Uses of the University (1963), which developed the idea of the modern research institution as what Kerr called the ''multiversity''. Two volumes of memoirs appeared in 2001 and earlier this year.

Catherine, his wife of 69 years, survives him, as do two sons and a daughter. Finally, as we honor Mr. Kerr today, I want to thank him for being a noble visionary and humanitarian. I take great pride in joining Clark's family, friends and colleagues to recognize and celebrate the accomplishments and contributions of Clark Kerr.

IN SUPPORT OF TAIWAN'S MARCH 20, 2004 REFERENDUM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. ANDREWS. Mr. Speaker, I rise today in strong support of the Taiwanese government's decision to hold a referendum on March 20, 2004, thus allowing their citizens to exhibit a true expression of democracy. It is clearly in the best interests of the United States to promote the spread of democracy, and to defend democracy wherever it exists, and I therefore urge my colleagues as well as the current Administration to support Taiwan's right to hold this referendum free from intimidation or threat of force from any nation.

In 2001, President Bush declared that America would do whatever it takes to defend Taiwan. Now it is time for us to act on this promise, not by a show of military force but by a show of vocal support for Taiwan's desire to express its democratic form of government. On March 20, 2004, Taiwan plans to hold a referendum to ask voters two questions on governmental relations with the PRC. First, Taiwanese citizens will be asked if they agree that their government should acquire more advanced anti-missile weapons to strengthen Taiwan's self-defense capabilities if the PRC refuses to remove the missiles it currently has targeting Taiwan. Second, they will be asked if they are in favor of negotiations with the PRC to reach a peaceful resolution to cross-strait differences. The people of Taiwan, and not the Government of the People's Republic of China, should have the sole right and responsibility for determining the future of Taiwan. Within this right of self-determination for the Taiwanese people lies the undeniable right of the Taiwanese government to hold referenda votes, when necessary, to assist the government in making key decisions that will effect the lives of their constituency.

As a democracy, Taiwan has shown great promise. Over the past decades, Taiwan has gone from having a one-party, martial law dictatorship to a growing democracy that has shown great respect for human rights and freedoms. It has also become a strong ally of the United States as well as a stabilizing democratic force in the Asian Pacific region. Now, Taiwan is in need of American assistance to preserve and defend the democratic form of government that it has worked so hard to create.

President Woodrow Wilson once said, ''Just what is it that America stands for? If she stands for one thing more than another it is for the sovereignty of self-governing people.'' Mr. Speaker, as the foremost promoter of democracy and a country that stands for the sovereignty of the people, the United States cannot allow the collective voice of the Taiwanese people to be muffled due to intimidation from the People's Republic of China. It is the right of the Taiwanese people to be the sovereign rulers of their fate. I urge my colleagues and the administration to support this right as well as the growth of democracy in Taiwan.

INTRODUCING A BILL TO PROHIBIT THE COMPARATIVE COST ADJUSTMENT PROGRAM FROM OPERATING IN THE STATE OF FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation that will prohibit the comparative cost adjustment program, as included in the recently passed Medicare bill, from operating in the State of Florida. My bill serves as a companion to legislation introduced last week by Florida's two Senators BOB GRAHAM and BILL NELSON. I am pleased that this legislation enjoys the full support of every Democrat in Florida's Congressional delegation.

The recently passed Medicare law requires the Secretary of Health and Human Services to establish six premium support demonstration projects. These demonstration projects, sometimes referred to as comparative cost adjustment, must be established in 2010 and run through 2015. When established, they will essentially allow insurance companies to set the cost of prescription drugs provided for under Medicare at different levels throughout these six areas dependent upon geographic location, the density of those participating in the plan, and average age of those living in a given region. The selection criteria of the program make it likely that Florida would be one of the six selected sites.

A recent analysis done by Bush Administration actuaries last August confirmed that the ''premium support'' proposal originally included in the House Medicare bill would lead to higher fee-for-service premiums. That is, seniors and individuals with disabilities would have to spend more to remain in traditional Medicare.

Further, according to the Administration, within Florida, if premium support were enacted in Broward, Palm Beach, Miami-Dade, Brevard, Flagler, Hernando, Hillsborough, Indian River, Pasco, Pinellas, Seminole, or Volusia counties, premiums would increase for seniors in these counties wanting to remain in traditional Medicare. Realize, not all Florida counties were analyzed, and premium increases would be possible in other counties as well.

Mr. Speaker, as a result of the President's flawed Medicare bill, for the first time in history, Medicare beneficiaries living in different parts of the country and even within the same State would face different premiums. These wide variations in premiums do not exist in traditional Medicare today.

For Medicare's almost 40-year history, seniors and individuals with disabilities in traditional Medicare have paid the same premium, no matter where they live. Premium support would end this uniformity and exacerbate existing concerns about geographic inequity in Medicare.

Although premium support is possible in counties with managed care, seniors and individuals with disabilities in counties without managed care are not off the hook. That is because there are several provisions in the Medicare bill that are designed to encourage managed care companies to enter new areas. If those provisions are successful—and given the enormous amounts of money devoted to encouraging companies to enter new areas, they undoubtedly will be—even seniors in counties currently without managed care could be forced to pay more to remain in traditional Medicare.

Mr. Speaker, in its nearly 37-year history, Medicare has provided millions of American seniors with important health protections. With more than 34 percent of the people living in the district which I represent over the age of 55, Medicare is a critical tool in improving the lives of so many.

However, under current law, seniors in my district may find themselves paying more for prescription drugs than those living in a neighboring county. This is completely unacceptable. My constituents do not wish to be guinea pigs for a prescription drug plan that pits their well being against the pocketbooks of pharmaceutical executives. My constituents expect to pay fair and honest prices for their prescription drugs. They expect to pay the same amount for their prescriptions as seniors in California, New York, and every other State in the Union. Even more, they expect to pay the same amount as other seniors in Florida. Current law provides no such guarantee to Florida seniors, and that is completely unacceptable.

My legislation fairly addresses this shortfall and ensures that Florida seniors do not fall victim to vicious Republican efforts to privatize Medicare.

I urge the House Leadership to bring my bill to the House floor for its immediate consideration, and I ask for my colleagues' support.

BISHOP MUNIB YOUNAN ADDRESSES CONGRESS ON THE PROSPECTS FOR ISRAELI-PALESTINIAN PEACE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mrs. CAPPS. Mr. Speaker, I recently traveled to Israel and the West Bank on a trip sponsored by the Evangelical Lutheran Church in America. It was one of the busiest, most exciting, and thought-provoking weeks of my life, and it added immeasurably to my understanding of the complexities and challenges of Israeli and Palestinian life.

During this trip, I had the good fortune to spend a great deal of time with Bishop Dr. Munib A. Younan, the Lutheran Bishop in Jerusalem. I was not only blessed by Bishop Younan's extraordinary hospitality, but benefited so much from his intimate knowledge of the region, the issues, and the key players on both sides.

Mr. Speaker, 2 weeks ago, Bishop Younan came to Capitol Hill for a discussion with several Members and staffers. It was indeed a compelling conversation. Since not all of my colleagues were able to meet the Bishop personally, I would like to publish in the CONGRESSIONAL RECORD a copy of his remarks. I look forward to continuing to work with all of my colleagues on the critical imperative to bring the Israeli-Palestinian conflict to an end.

Dear Friends: Good afternoon. It is an honor and a privilege for me to be here. I am going to talk about peace building and reconciliation in the Israeli-Palestinian conflict. I will do so from a Palestinian Christian perspective.

I am a Palestinian and a Christian, and I happen to be a Lutheran. My home is in Jerusalem. We Palestinian Christians have lived in the Holy Land since the very beginning of Christianity.

Today we Christians are not as many as we used to be, due to emigration. But nevertheless we Christians are an integral segment of the Palestinian people. My family became refugees in the 1948 war. I still carry a United Nations-issued refugee card. I wonder if I had grown up in the difficult circumstances of a refugee camp in Bethlehem, Jenin, Nablus or Ramallah and if the Lutheran Church had not embraced me and my family in Jerusalem, if I ever would have had the opportunity to serve the church as a pastor or a bishop.

Sometimes, I am asked what is the role of the Church in the midst of such an unjust and destructive situation? I believe the Church is called to be prophetic. That means the Church is to stand for justice, condemning every kind of injustice, spiral violence or oppression whoever the perpetrator may be. But at the same time, the Palestinian Church has a vision for justice and peace. This prophetic role emanates from Prophet Micah who taught us: ''God has told you, O mortal, what is good, and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God.'' (Micah 6:8)

I wish to mention three particular circumstances of injustice:

(1) The Separation Wall being built by Israel.

The Separation Wall is intended to separate Israelis from Palestinians and is said to be a ''security wall'' for Israelis. I would submit to you that this wall is bound to create more hatred, more anger and more outrage because of the enormous losses and suffering it is creating among the Palestinian people. In my own Lutheran synod we are finding our people, pastors and churches being torn apart, separated by the Wall. The members of the Lutheran Church of the Redeemer in the Old City of Jerusalem and other Christians will find half of their congregations on one side and half on the other if the wall is built through a northern area of Jerusalem as is proposed. In Beit Sahour, 110 Palestinian Christian families are threatened to lose their houses because they happen to be near the separation wall that will be built. The Catholic bishops from the U.S.A. and Europe issued a statement on the 16th of January 2004 after their visit to Jerusalem by saying: ''We have seen the devastating effect of the wall currently being built through the land and homes of Palestinian communities. This appears to be a permanent structure dividing families, isolating them from their farmland and their livelihoods, and cutting off religious institutions.'' His Holiness, Pope John Paul II, has said that ''the Holy Land does not need walls, but bridges.'' We long in the Holy Land for bridges rather than walls!

The separation wall diminishes the hope held by Palestinians and Israelis that a negotiated solution resulting in two states, side by side, living in peace, is possible. The wall undermines the viability of a two state solution.

(2) A rapidly declining Palestinian economy.

The World Bank notes that 70 percent of Palestinians living under the military occupation are unemployed. And 65 percent of the population is living under the poverty line of $2.00 USD per day. Another statistic recently released shows that the average per capita income of Palestinians is under $1500.00, while the average per capita income of Israelis is more than $18,000.00, again according to the World Bank. As you can imagine, this impoverishment has created major health and nutrition crises, as well as shattering the dignity of people and severely damaging the family unit and the whole society. The poverty has a devastating impact on our daily lives, but also undermines our hope for the future and reconciliation.

(3) Increasing isolation of Palestinian people in their towns and cities.

Most of our Palestinian cities and villages have become under siege. People are forced to remain within their town, hemmed in by checkpoints, roadblocks, tanks, armaments and Israeli Defense Force (IDF) soldiers and now, increasingly, by the Separation Wall. Recently we have begun hearing that any foreign visitors or workers in Israel must apply for a permit to enter the West Bank, something that has been done in regard to the Gaza Strip for sometime. Such permits, even if issued, will severely limit the people who come into the Palestinian towns and villages to help people and churches. I would

like again to quote the report of the Catholic bishops: ''We have had an experience of the frustration and humiliation undergone everyday by Palestinians at checkpoints, which impede them from providing for their families, reaching hospital, getting to work, attending their studies and visiting their relatives.''

I am here carrying in my body the pains and suffering of my Palestinian people. But I am here with an olive branch in my hand, saying, ''Enough for hatred, enough for occupation, enough for spiral violence, enough for revenge and counter-revenge; enough for stigmatization, demonization and dehumanization of the other. I say, enough for war! It is time for truth, justice and peace for all the people of our land.''

Our prophetic task is to address the root cause of the Middle East problem: The occupation has to end. It is a sin against God and against humanity because it is depriving people of their rights and their dignity. Occupation is as destructive to the occupier, as it is to the occupied. As the Heads of Churches in Jerusalem stated in March 2002: ''We believe that the Israeli security is dependent on the Palestinian freedom and justice. For this reason, we join our voices with every Israeli and Palestinian seeking for a just peace. We ask everyone to take the appropriate measures to stop further massacres or tragedies for our two peoples.''

We want security for the Israelis, and freedom and justice for the Palestinians. But the security of Israel is dependent on the freedom of the Palestinians, and the justice of the Palestinians is dependent on the security of Israel. Once we recognize the symbiotic relationship between the two peoples, a just peace and reconciliation will become reality.

The prophetic voice of the Palestinian Church that seeks a just peace is a voice that believes in the future. We support a two state solution which means having the state of Israel and the Palestinian state within the 67 borders living side by side in peace, justice, equality and reconciliation with a shared Jerusalem. Here I would like to affirm the statement made by President George W. Bush on June 24, 2002, calling for a two-state solution with people living side by side. I also admire the president's call for a viable, contiguous Palestinian state. It is also our call that a just solution will be found to the problems of the Israeli settlements in the West Bank and Gaza, and the right of return for Palestinian refugees in accordance with the rule of law and international legitimacy.

No forms of peaceful settlement of the conflict will ever be realized unless the grassroots will be reconciled with one another. In this task the three monotheistic religions are called to be the forerunners—preparing the way for reconciliation. At the moment both nations are polarized with both political and religious extremists from the three religions forcing the two peoples apart from each other. But those extremists must never kidnap the Middle East nor kidnap justice, peace and reconciliation. I believe that religion should be an instrument of peace and broker for justice. Religion is to call Palestinians and Israelis—Jews, Christians and Muslims—not to see God only in ourselves and our own religion, but also in the other's, in the people who are different from us. When we learn to see God in the other, then we can accept the humanity of the other. Once we accept the humanity of the other, then we accept the otherness of the other, and then mutually recognize each other's human, civil, religious, national and political rights. Only then the Holy Land will become the promised land of milk and honey for both Palestinians and Israelis.

The Palestinian Church also has a vision for the Palestinian society. The church leaders are also calling for justice within our society based on respect of human and religious rights. We envision a modern democratic just civil society. This is the reason that we have been vocal in our joint ecumenical work to call for equality, freedom of religion, opinion and expression for every human being. But the Palestinian Church does not only talk, but walks the talk and reflects that either in the immerging basic constitution, or practices it in our educational, health and social institutions. If we take the Evangelical Lutheran Church as an example, we serve the needy regardless of gender, religion, confessional or political affiliation. Our schools raise up a new generation that is capable of building a Palestinian democratic modern civil society. We are teaching 3000 children in 5 schools. 37 percent of our students are Muslims. It is our aim to teach coexistence among Jews, Christians and Muslims, and we offer peace education and non-violent ways of dealing with the conflict. As it is written in our school in Bethlehem, ''Violence is the tool of the incompetent.'' We also serve in hospitals. Our Augusta Victoria Hospital has been serving the Palestinian refugees for the last 55 years. Statistics show that 22,000 patients were treated in the last year. However, we are facing a problem of the employer's tax with the ministry of finance of the state of Israel. The Lutheran World Federation hopes that a solution will be found and that the agreement of tax exemption will continue for the sake of the services we render. Although we Christians are less than 2 percent of the total population, we serve 20 to 25 percent of the Palestinian people. And we urge you to see the significant role that the Christian Church is playing to create hope in a situation that often seems hopeless and to build a future with justice, peace and reconciliation in our country.

When God gave freedom and power to the United States of America through the struggles of many women and men such as Washington, Lincoln, Martin Luther King Jr. and others, He did not give you liberation to keep it in the United States, but to help smaller nations, who are living in fear and injustice, to enjoy what God allowed you to enjoy. Our concern is the future of the Palestinian and Israeli children; they are entitled to live their lives in security, justice, freedom, respect for human rights and in peace as American children do.

As Representative Lois Capps made plans to visit us, I told her, ''Come and see for yourself—see the whole story on the ground. Then judge for yourself.'' This is what I want to tell each of you today: ''Come and see! You are very welcome. See and hear the whole story—the fears and hopes of both sides—and then make up your mind for yourself.''

As I come to address you, I am not asking you to be pro-Palestinian nor to be pro-Israeli. I am asking you to be pro-humanity, pro-truth, pro-peace and pro-reconciliation. Because it is only then you help both peoples to find a dignified solution.

It is time to commit ourselves to move from statements to action and to change our warrior swords into peaceful ploughshares. We all can say, as a graffiti said in Ramallah: ''Better the pains of peace, than the agonies of war and occupation.''

Let us sing with King David: ''Justice and peace must kiss each other'' (Psalm 85: 10).

May the peace of the Lord fill our hearts and direct our ways.

TRIBUTE TO LEE MARSHALL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. CRAMER. Mr. Speaker, I rise today to congratulate Lee Marshall on the release of her debut album, ''Anchored.'' The National Children's Advocacy Center, located in Huntsville, hosted Lee's CD release party on Friday, February 27, 2004.

Mr. Speaker, Lee Marshall is a celebrated news anchor for WAFF NBC 48 in Huntsville. In addition to her role as the lead morning and noon news anchor, Lee is the host of a weekly segment on WAFF called ''Kids to Love.'' On every episode of ''Kids to Love,'' she highlights one of the five thousand kids that are in foster care and the five hundred that are waiting to be adopted in the State of Alabama. Every show is close to her heart because Lee herself was adopted. Lee is a shining example of what the love of a permanent family can do for a child's future success.

Lee also volunteers countless hours working with the American Cancer Society and the National Children's Advocacy Center. She is a strong supporter of the NCAC model and has lent her name to help educate others and raise awareness of the severity of child abuse.

Mr. Speaker, all of us in North Alabama are proud of Lee and the work that she has done for our area. I have admired her energy, compassion, and commitment to the community and on behalf of every one in North Alabama, I wish her the best of luck with her debut album.

TRIBUTE TO SYLVIA CLARK

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Ms. DEGETTE. Mr. Speaker, I would like to recognize the extraordinary life and accomplishments of a remarkable woman in Colorado. It is both fitting and proper that we recognize Sylvia Clark for her impressive record of civic leadership and invaluable service.

Sylvia was a dear friend and a stalwart leader who will be greatly missed. She lived her life on the front lines of progress and proved to be a powerful force in transforming the landscape of our State. Her indomitable spirit sustained her through many challenges and molded a life of genuine accomplishment.

Sylvia was born in St. Anthony, Idaho, and spent a good portion of her youth in Honduras where she saw first hand the impact of poverty on women and children. She studied nursing at Johns Hopkins University and went on to become a registered nurse, a certified nurse midwife, a certified obstetrics and gynecology nurse, and earned a master's degree in public administration. Sylvia came of age professionally at the time women were gaining their rights to forms of birth control previously considered illegal. She began an eminent career at Planned Parenthood of the Rocky Mountains in 1967 and went on to become executive director where she guided the organization through turbulent political times and succeeded in building a preeminent reproductive health care agency, providing services to

over 100,000 clients through 35 health centers in six States.

No one has been more courageous and unrelenting in the struggle to make sure that every pregnancy is planned, that every child is wanted, and that every woman is assured access to reproductive health care. Sylvia's life is a testament to the principle that government should not interfere in the health choices of women. She was dedicated to the proposition that all women should be given the support they need to make wise decisions about their families. Despite numerous attempts to chip away at reproductive rights and health care services in Colorado, Sylvia never faltered and labored tirelessly to ensure that family planning practices in our State remain both respectful and voluntary. For these efforts, Sylvia was honored by the Religious Coalition for Reproductive Choice with the Alex Luken Faith and Freedom Award and the Anti-Defamation League's Civil Rights Award.

We are grateful for Sylvia's leadership in sustaining an ethic of family planning in our State and Nation. She was a fervent defender of rights that have deep roots in our democracy and our tradition of civil liberties. I believe Sylvia's message to us would be that we must be ever vigilant and continue the fight for the kind of America which respects these rights.

Sylvia Clark lived a life of meaning and one that is rich in consequence. It is the character and deeds of Sylvia Clark, and all Americans like her, which distinguish us as a people. Truly, we are all diminished by the passing of this remarkable woman. Please join me in paying tribute to the life of Sylvia Clark, a distinguished citizen. It is the values, leadership, and commitment she exhibited during her life that serve to build a better future for all Americans.

MONTENEGRO'S EFFORTS TO COMBAT TRAFFICKING IN PERSONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I wish to inform my colleagues of the steps Montenegro has undertaken to combat trafficking in persons. This progress was reported to me by Montenegro's Deputy Prime Minister and Interior Minister, Dragan Djurovic, the republic's anti-trafficking coordinator, Aleksandr Mostrokol, and Mirjana Vlahovic from the Montenegro Women's Lobby. All three were in Washington last month for a conference hosted by the Center for Strategic and International Studies.

Montenegro is a republic of the former Yugoslavia, and the only one to remain in a state with Serbia. After some political changes took place in the late 1990s, Montenegrin authorities stood in opposition to Slobodan Milosevic's undemocratic rule at home and aggression towards Serbia's neighbors. Montenegro, however, has been plagued by official corruption and organized crime. Trafficking in persons, the human slavery of our day, has become a highly developed criminal activity in Montenegro, as in other places in the region.

Last year, Montenegro received considerable attention for a case in which a trafficking victim—a woman from Moldova who had been raped, tortured and severely beaten for more than 3 years while enslaved in prostitution—escaped her captors, went to the authorities and provided testimony against several persons, including Deputy State Prosecutor Zoran Piperovic. What was a welcomed effort to prosecute traffickers even if they hold official positions, however, turned problematic as the victim was subjected to various forms of intimidation and her family in Moldova was threatened due to her cooperation in the investigation. When charges were suddenly dropped against Piperovic and three others, I issued a statement expressing outrage over this development. This set a dangerous precedent for going after traffickers with clout and connections elsewhere. Many likewise criticized the Montenegrin authorities for the failure to bring the case to trial.

To its credit, the Montenegrin Government responded to the widespread criticism. Mr. Djurovic invited a joint team of the Organization for Security and Cooperation in Europe and the Council of Europe to examine the case and make recommendations. Flaws were found. As a result, both the accused Deputy State Prosecutor and the prosecutor responsible for dropping the charges were sacked and new prosecutors put into office. In addition, the Montenegrin Government adopted an anti-trafficking strategy and passed several new laws designed to combat trafficking as well as to prevent future manipulations of the legal system. Additional laws, including one on witness protection, are still being developed.

In my meeting, Mr. Speaker, I welcomed the progress which has taken place in Montenegro in recent months. I also encouraged my guests to ensure that the new laws are properly implemented, and that the police, in particular, be made part of the effort to combat trafficking rather than part of the problem. Finally, I urged them to seek the reopening of the high profile trafficking case. In my view, it is insufficient to learn lessons from a crime and a subsequently botched investigation or prosecution; the perpetrators still need to be brought to justice.

The meeting left me hopeful that progress is being made in Montenegro. I also hope, Mr. Speaker, that my colleagues will join me in supporting U.S. programs designed to combat trafficking in persons in Montenegro, in southeastern Europe, and around the globe.

HONORING MR. CLIFF ''C.J. GUFFEY''

HON. BRAD CARSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. CARSON of Oklahoma. Mr. Speaker, Cliff ''C.J.'' Guffey is the Executive Vice President of the American Postal Workers Union, AFL–CIO. Vice President Guffey was elected as the Executive Vice President of the American Postal Workers Union, AFL–CIO in November 2002. Prior to his election to the American Postal Worker's Union's second highest elected office, he served as Assistant Director, Clerk Division from 1986 to 1999. Prior to serving as an officer at the American Postal Workers Union, AFL–CIO headquarters he was President of the Oklahoma City Area Local from 1979 to 1986.

Vice President Guffey's job within the Postal Service was as an LSM Operator with brief tenure at a station.

Vice President Guffey also served with the United States Marine Corps from 1968 to 1970 as a rifleman in the 2nd Battalion, 3rd Marine Division in Viet Nam.

Vice President Guffey was born in Shawnee, Oklahoma. His father was a career navy pilot with the United States Navy and he and the family were stationed around the world living in: Hawaii, Naples Italy, San Diego and Alabama, just to mention a few.

Cliff is married with children and numerous grandchildren. He and his wife Donna reside in Virginia. Cliff and Wife Donna, have two daughters; Carrie and Terrie. Daughter Carrie is married to Matt Benjamin. Daughter Terrie is married to Derek Kilgo.

NATIONAL SPORTSMANSHIP DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. LANGEVIN. Mr. Speaker, today I rise to commemorate March 2, 2004 as National Sportsmanship Day.

National Sportsmanship Day is based on the belief that athletic competition will teach students, coaches, and parents valuable lessons that are useful on and off the athletic field. A study conducted by Michigan State University in the 1990s found that 14 million of the 20 million American children who participate in organized sports drop out by age 13, mostly because their parents' attitudes take the fun out of playing the games. Recent news stories of fights among and between officials and parents and the pressure parents place on their young children to ''win at any cost'' highlight the importance of sportsmanship.

National Sportsmanship Day serves as an opportunity for athletes and sports fans of all ages to recognize and discuss the need for ethics, fair play and sportsmanship. This year, more than 12,000 elementary, middle, and high schools, as well as colleges and universities in all 50 states and more than 125 countries, are participating in the fourteenth annual celebration of the personal ethics and hard work of athletes.

Each year, the Institute for International Sport, based in Rhode Island's Second District, recognizes individuals who exemplify ethics and sportsmanship in both their professional and personal endeavors by naming them as Sports Ethics Fellows on National Sportsmanship Day.

The 2004 Sports Ethics Fellows represent a range of athletes, coaches, and administrators as diverse as those who enjoy sports. Each one of the Fellows is a tribute to his or her game, and their skills are only surpassed by their desire to play fairly. Their strong character and great talent make them each a role model to current and future generations of athletes.

This year's list of fellows consists of the following athletes, coaches, and administrators:

Wayne Bryan—Tennis; Bill Buckner—Professional Baseball; Patti Dillon—Marathon Winner; Chris Drury—Professional Hockey; Jennie Finch—Softball; Karen Finocchio—Head Coach of the Brown University Men's

and Women's Ski Teams; Kristine Lilly—Professional Soccer; Chuck Mitrano—Empire 8 Commissioner; Jamie Moyer—Professional Baseball; Michael Phelps—Swimming; Christine Plonsky—Athletics Director, University of Texas; Chanda Rubin—Tennis; and Lynn Schweizer—Associate Director of Athletics, Denison University.

I urge my colleagues to join me in celebrating National Sportsmanship Day, and I hope that continued recognition will help our country become more active, ethical, and team-oriented. Thank you Mr. Speaker.

TRIBUTE TO SYDNEY ELIZABETH ROGERS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to inform the House of yet another magnificent event that has taken place in my family.

On August 31, 2003, my youngest son John and his wife Tracy gave birth to their second daughter. Sydney Elizabeth Rogers weighed 6 pounds, 9 ounces and was 20 inches long. Sydney is a happy, healthy baby girl and has brought much joy to our family. Her grandmothers, Cynthia Rogers and JoAnn Walker, and I are all too happy to shower Sydney with love and affection.

At a time when the world is filled with much uncertainty and turmoil, my announcement of this beautiful baby girl is a welcome breath of fresh air. As the Congress works to make America a better, safer place to live, I will be certain to keep precious little Sydney in mind.

Mr. Speaker, I ask that you and all of our colleagues join me in wishing all the best to Sydney Elizabeth Rogers.

COMMEMORATING THE LIFE OF JULIAN ROTHBAUM

HON. BRAD CARSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. CARSON of Oklahoma. Mr. Speaker, in September of 2003 Oklahoma lost one of its greatest public servants, Julian Rothbaum. Although Mr. Rothbaum was a successful oilman, he was perhaps best known for his work in education and politics. A close confidant of Speaker of the House Carl Albert, Mr. Rothbaum worked diligently to support and advance education and provided advice and counsel to many including many of Oklahoma's most influential public servants.

Born October 3, 1913, in Hartshorne, a small town in Southeastern Oklahoma, Mr. Rothbaum spent his life in service to his state and his country. After graduating from Hartshorne High School in 1932 as the President of his senior class, he went on to the University of Oklahoma, where he earned a bachelors degree in 1936, a law degree in 1938, and where he served as president of the student body. At OU, Mr. Rothbaum received his commission in ROTC and served his Country as a field artillery officer in World War II. After the war, he returned to Oklahoma City where he began working as an attorney. He relocated to Tulsa in 1946 when he was named the first Director of the Tulsa District of the Federal Housing Administration. Mr. Rothbaum was the youngest FHA Director in the United States at the time.

Following his work With the FHA Mr. Rothbaum owned and operated a mortgage banking company, and in 1953 served as president of the Oklahoma Mortgage Banking Association. Shortly thereafter Mr. Rothbaum joined the Francis Oil and Gas Company and worked his way to chairman of the board. However, Mr. Rothbaum was not only successful in the business world and consistently devoted a great deal of time and energy to the people of Oklahoma through his work in education and politics.

Widely regarded as one of Oklahoma's most generous philanthropists, Mr. Rothbaum had a huge heart and was known to write hundreds of personal notes of thanks, congratulations, and encouragement while serving on the University of Oklahoma Board of Regents. His life-long support of and dedication to education was illustrated in many ways, including his two terms on the OU Board of Regents, one term on the State Board of Regents for Higher Education, and as Special Advisor on Higher Education.

As a tribute to his good friend Carl Albert, Mr. Rothbaum created and endowed a scholarship in Albert's name at every school the Speaker attended in his life, including McAlester High School, the University of Oklahoma, and Oxford University. Mr. Rothbaum also created and endowed many other awards as a way of supporting, encouraging, and strengthening education, at institutions including OU, Hartshorne High School, Carl Albert State College, and Central State University. These awards recognize a wide variety of accomplishments in many fields. He also initiated the Rothbaum Lecture Series on economics, education, and government at Eastern Oklahoma State College in Wilburton.

For all of his hard work and dedication to the people of Oklahoma, Mr. Rothbaum was presented for induction into the Oklahoma Hall of Fame by his good friend Speaker Albert in 1986. Mr. Rothbaum also received many other awards and accolades throughout his life, and, though he was grateful for each, he always preferred to give rather than to receive.

In addition to his work with education, Mr. Rothbaum also served as an ardent supporter and advisor to many in Oklahoma politics, including Speaker Albert, former Governors George Nigh, David Boren, and David Walters, and many more. His interest in politics was grounded in the belief that the government should help people and that in order to make a better world, good competent people should be involved in politics. He believed in promise and possibility and lived his life as a shining example to all those whose lives he touched.

On a more personal note, Mr. Rothbaum was also a beloved husband, father, grandfather, and great grandfather. Preceded in death in 1996 by Irene, his wife of 47 years, Mr. Rothbaum is survived by a daughter, Sue McCoy, of San Jose, California; a son, Joel Jankowsky, of Washington, DC; five grandchildren; and four great grandchildren. In all aspects of his life Mr. Rothbaum is remembered by everyone who knew him as a warm, kind, generous, caring and down-to-earth person who genuinely wanted to make this world, his country, and his state a better place to live.

In commemoration of his life, his works and his impact on the people of Oklahoma, Governor Brad Henry dedicated September 29, 2003, as Julian Rothbaum Day. The State of Oklahoma has had no greater benefactor than Julian Rothbaum.

He believed in the promise of our State and, most of all, in the importance of education to improve Oklahoma. He had such love for public service and no person had a greater impact behind the scenes on Oklahoma politics than did Julian. His life and legacy has and will continue to touch people in many ways. The State of Oklahoma is poorer for his passing.

PAYING TRIBUTE TO PHYLLIS BRANDS HUMBERT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise today to pay tribute to the memory of Phyllis Brands Humbert who passed away recently at age eighty-five. Phyllis did much for her Walden, Colorado community as a rancher, schoolteacher, and member of many charitable organizations. As her family mourns her loss, I believe it is appropriate to remember Phyllis and pay tribute to a remarkable woman.

Phyllis embraced the pioneering spirit of Colorado, growing up on her family's historic ranch in Higho, Colorado. Phyllis and her late husband Dick started their own ranch, Humbert Ranches, Inc. in 1948, and it is still in the family today. Phyllis also pursued a career as a schoolteacher, and spent many years enriching the lives of her students at Gould, Rangely, and Craig high schools. In more recent years, Phyllis devoted much of her time to a number of charitable organizations in her community, including the IOOF, VFW Auxiliary, and the Rebekah Assembly of Colorado where she served as president in 1986.

Mr. Speaker, it is always difficult when a beloved member of the community passes away. Fortunately, those who knew Phyllis will have fond memories of her generosity and good nature. I am honored to bring the memory of Phyllis Humbert to the attention of this Congress and this nation.

HONORING THE 101ST AIRBORNE DIVISION (AIR ASSAULT) ON ITS RETURN FROM OPERATION IRAQI FREEDOM

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. COOPER. Mr. Speaker, I rise today to honor the heroes of the Army's 101st Airborne Division (Air Assault). This famous division needs little introduction. Brave members of the ''Screaming Eagle'' division have fought for their country in countless towns and cities in

the 62 years of the division's service to America. In earlier wars, and in places such as Normandy, Eindhoven, Bastogne, and the A Shau Valley, thousands of brave Americans have fought while proudly wearing the emblem of the 101st on their left sleeve.

Today I honor a new generation of heroes from the 101st. After almost a year overseas in the Persian Gulf and in Iraq, thousands of the brave men and women of this storied unit have returned home. Of course, thousands of other US troops—soldiers, sailors, airmen, and marines—have also served in Iraq or serve there today, including more than a thousand members of the Tennessee Army and Air National Guard. However, today I pay special tribute to the members of the fabled ''Screaming Eagle'' division in honor of their return to Tennessee.

These soldiers have seen a great deal since they were last home at Fort Campbell. First came the excitement of a rapid deployment and intensive training in Kuwait. For veteran and new recruit alike, this was a time of mixed emotions. On one hand, I'm sure they all felt the excitement of being on the verge of doing what they've trained for years to do: fight and win our nation's wars. At the same time, the thought of real combat was surely a source of worry and concern. Throughout the division, soldiers asked themselves the same question that soldiers have asked for centuries: When the time comes, will I measure up? When my buddies need me, will I be there for them? And most importantly—will I make it home?

Then came the first phase of the war in Iraq—the drive to Baghdad. During this phase of the war, the 101st fought in dozens of towns and cities. As is often the case in war, they encountered challenges they did not expect. But, as is also often the case in war, the fighting spirit and ingenuity of the American soldier overcame these challenges. In back alleys, across barren desert, on vital bridges, in tall buildings, and lowly huts, the troops of the 101st Airborne Division lived up to the reputation of previous generations of ''Screaming Eagles.'' On the road to Baghdad they added new towns—like Karbala and Najaf—to the already long list of places where members of the 101st Airborne Division have made us proud.

Once Baghdad fell and Saddam went into hiding, the war entered a new, and in some ways more difficult phase—a guerilla war against remnants of Saddam's regime. For this phase the 101st was assigned an enormous and diverse section of northern Iraq, where they had the challenging dual mission of continuing to fight the enemy while also starting Iraq on the long road to democracy and economic reconstruction. Though it should not come as a surprise, the soldiers and leaders of the 101st showed that they were once again up to the challenge. The 101st succeeded in missions as diverse as building schools, training policemen, repairing utilities, and distributing new currency—all the while continuing to conduct combat operations against insurgents.

The members of the 101st Airborne Division (Air Assault) clearly deserve our thanks for their fine service in Iraq, but so does another group of patriots—the families at Fort Campbell and elsewhere that had to stay behind. So, while I congratulate the men and women of the ''Screaming Eagle'' division, I want to also add my personal thanks to the family members and friends of the brave troops who served in Iraq.

Mr. Speaker, I think I speak for all members of Congress when I congratulate the 101st Division on a job well done in Iraq, and I pray for the safe return of all our troops serving overseas.

PAYING TRIBUTE TO THE FRATERNAL ORDER OF EAGLES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. MCINNIS. Mr. Speaker, it is a special honor that I rise today to pay tribute to the Fraternal Order of Eagles, a devoted and compassionate community service organization from Grand Junction, Colorado. The Fraternal Order of Eagles have been improving the lives of Colorado citizens for over a century, and I would like to join my colleagues here today in recognizing their tremendous service to the Colorado community.

The Grand Junction branch of the Fraternal Order of Eagles was formed in 1904 to help the less fortunate people in the community have a chance at a better life. One hundred years later, the organization has been so successful that the men's group has grown to include over 800 members. Every year the Fraternal Order of Eagles gives thousands of dollars to various local groups to aide impoverished citizens facing difficult times. The organization proudly admits that more than 90 percent of the money they give away comes directly from their members. One of the biggest events that the organization conducts in the Grand Junction community is a Christmas children's shopping spree at K-Mart as a reward to them for being good citizens.

Mr. Speaker, the Fraternal Order of Eagles is a dedicated, selfless organization that has long been active in helping those in need from the Grand Junction community. Their focus on public service to their fellow man is an outstanding example for America's youth. The Fraternal Order of Eagles organization's enthusiasm and commitment certainly deserve the recognition of this body of Congress. Congratulations on celebrating 100 years of public service, Eagles, and keep up the good work!

HONORING SENATOR JOHN WINTERS

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. PRICE of North Carolina. Mr. Speaker, I rise tonight to pay tribute to one of North Carolina's most beloved leaders, former State Senator John Winters, who died on February 15.

John was one of North Carolina's towering business and political leaders of the Twentieth Century. John was a member of the Raleigh City Council beginning in 1961, went to the N.C. General Assembly in 1974 as one of two African American state senators elected since Reconstruction, and served from 1977–1983 on the N.C. Utilities Commission.

John had a dignity about him, and a tenacity as well, that infused every job he held. He began as an amateur boxer in New York City and later worked as a milkman and skycap in the 1950s.

He opened John W. Winters & Co. in 1957 and built new homes or apartments almost every year afterwards. His developments included Biltmore Hills, where he named streets after famous African-Americans, Madonna Acres, Wintershaven, and several small shopping centers. John understood that homeownership was an important way for people to build economic independence and a stake in their community, and he made it available to hundreds of families.

He practiced his craft of bringing people together during the most turbulent of civil rights times by being respectful, confident, compassionate, and wise in the ways of political and business leadership.

As we go forward from February's Black History Month celebrations, it is appropriate that we remember this African-American pioneer now and throughout the years as a model of kindness and practical assistance to those who sought a step up. He completely understood how to ''walk with kings and princes but not lose the common touch.'' I personally benefited from his counsel and encouragement and appreciate the trail he blazed for all seeking social justice and expanded opportunity.

Mr. Speaker, I ask unanimous consent to place in the RECORD ''The Lion in Winters,'' an editorial from the Raleigh News & Observer extolling John Winters' personal qualities and numerous civic contributions.

John Winters had a gentle smile, but he was tenacious at everything he did, and possessed of the grit and courage to back it up. It helped, because during the era in which Winters came along, an ambitious black man faced many obstacles constructed of the stern stuff of prejudice.

Winters, a former Raleigh City Council member and one of the first black state senators elected since Reconstruction, died Sunday at the age of 84. What a marvelous life he led, and what a gutsy one.

Winters used savings from his days as a milkman and skycap to build a successful development business with a multitude of projects, many of them in southeast Raleigh. Federal and state initiatives would help make home ownership possible for people of average means, but in this area Winters had an important role in offering people a chance at that dream.

All the while, he was working as a City Council member to advance civil rights and make Raleigh's transition into an integrated community a peaceful one. Winters was a forceful advocate for his beliefs in equality and opportunity, and in the North Carolina of the 1960s that wasn't an easy thing to be. Thankfully, he lived long enough to see many of his dreams realized.

Former Gov. Jim Hunt called Winters a ''bridge-builder,'' and that's a good description. That Winters was a skilled business leader helped with the bridges, and gave him a chance also to help others who aspired to follow him into a business community where opportunities for minorities were few in that era.

John Winters made his mark. His hometown of Raleigh will wear it proudly, forever.

TRIBUTE TO GABBY GEORGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. McINNIS. Mr. Speaker, it is my honor that I rise today to pay tribute to Gabby George, a devoted public servant from North Fork, Colorado. Gabby is a kind and generous man who has dedicated forty years to improving the water systems of the Hotchkiss and Crawford communities. He is an intelligent and multi-talented employee of the Public Works Department who actively improves the lives of his fellow citizens, and I would like to join my colleagues here today in recognizing his tremendous service to the Colorado community.

Gabby George recently celebrated his twentieth year with the Crawford public works department, after serving a previous twenty years in the Hotchkiss public works department. Over the years, he has helped to add a new water main and additional service lines as well as securing the pavement of many city streets. Gabby has served the community in many other ways, as an auctioneer, a rodeo announcer, a basketball referee, a volunteer firefighter and even as a Santa Claus for local kids.

Mr. Speaker, Gabby George is a dedicated individual who is actively involved in building productive and caring Colorado communities. Gabby has demonstrated a love for public service that resonates in his compassionate and selfless service to the North Fork Community. Gabby's enthusiasm and commitment certainly deserve the recognition of this body of Congress. Thanks for all your hard work Gabby, and I wish you all the best in your future endeavors.

BLACK HISTORY MONTH

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. LAMPSON. Mr. Speaker, when the idea of Black History Month (formerly Black History Week) was conceived by historian, Carter G. Woodson, he envisioned a celebration of black history achievement as well as an educational medium. Mr. Woodson organized the first celebration in 1926 to be held the second week in February in honor of Frederick Douglas and Abraham Lincoln's birthday. Because of its popularity among the black and white press, schools and women's clubs, the week long commemoration was expanded into a month long salute to African Americans. Black History month has provided a forum for African Americans to share their culture with the world and it is a very educational and entertaining month.

For the past 5 years, I have hosted an Unsung Hero Program during Black History Month as a means of acknowledging the many accomplishments of my constituents who often go unnoticed for their service to the community.

We are living in challenging times and the African American community is being severely impacted by many of the subtle changes in our society. Despite the fact that the 2004 theme for Black History Month is BROWN VS. THE BOARD OF EDUCATION, for the first time in many years, our schools are becoming more segregated, African American students are experiencing a higher drop out rate than their peers, it's becoming more difficult to obtain student loans to attend college and affirmative action is being challenged on all fronts. In addition, that dreadful disease AIDS, has reached the pandemic stage in the African American community. However, in the past, my sisters and brothers of color have faced more formidable threats to their well-being and I am confident that each challenge will be met with a fierce determination to resolve the issues at hand.

The following residents of the 9th Congressional District have proven they are willing to embrace Mr. Woodson's vision of a brighter tomorrow by their efforts to serve humanity. I am proud and honored to present to you my 2004 Unsung Heroes for inclusion in the U.S. CONGRESSIONAL RECORD:

Ms. Thomasine Allen, Mr. Abdul Amin, Mr. Lewis Briscoe, Mrs. Rose Etienne, Ms. Loretta Fontenot, Mrs. Janis Matthews, Miss Charlotte Menifee, Mrs. Dianne Henderson Moore, Mrs. Barbara Myles, Mr. Kenneth Negbenebor, Mr. David Mitchell, Ms. Cheryl Randle, Mrs. Janice Stanton, Ms. Helen Truscott, Mr. Ennis Williams, Mrs. Maggie Williams and Mr. Spergon Wynn, Jr.

These individuals were nominated by their friends and neighbors. However, because of redistricting by the Texas Legislature, after this term, the residents of Galveston County will no longer be my constituents. While this is my last Unsung Hero Program in their community, I assure you that Galveston County will always hold a special place in my heart. I am grateful to have represented their community and for their encouragement throughout the years.

IN MEMORY OF EMMETT ''BUD'' BEAUREGARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the life of Emmett V. ''Bud'' Beauregard—husband, father, and friend. For over 60 years, he managed to preserve the traditional flavor of his historic market, Shoppers Corner, and has been a valued community member and family man. Bud ran his market with the reputation as a demanding but fair boss who spoke his mind and he is remembered today as a hardworking and dedicated member of the community, who went head to head with corporate chains with his traditional market and left it as a legacy that still thrives.

A Santa Cruz native, Bud was born August 10, 1917 to Dwight and Cecelia Beauregard. He was a graduate of Chaminade High School, and as a boy he worked for the Espindola Grocery Store on Pacific Avenue. This led to the opportunity to buy Shoppers Corner from Ed Calwell and Carl Schwartz in 1938 with his long time friend and business partner, Vincent Williams. The transaction was famously finalized on a piece of butcher paper and with a hand shake over a barrel of pickles.

During World War II Bud was drafted and served for four years in the Army Air Corp. In 1940 he met Patricia Oaks and in 1942, while stationed in Blytheville, Arkansas, the couple married. Following his military service he returned to Santa Cruz where he resumed his ownership of Shoppers Corner and continued to build the business into a successful and well known local establishment. Bud's son Jim now owns and runs the Shoppers Corner in the family tradition learned from father to son.

Mr. Speaker, I believe don't believe that it is an exaggeration to say that Bud Beauregard was a community icon in Santa Cruz, and a tireless advocate for ''Main Street'' versus ''Wall Street''. He is survived by his daughters, Cheryl Ann Beauregard and Joanne Malmin; son, Jim Beauregard and sister, Vernie Reed. He is also survived by his five grandchildren, Ryan Beauregard, Andre Beauregard, Michael Ann Demille, Troy Malmin and Hayley Malmin and two great grandchildren, Emily Demille and Robert Demille. He was preceded in death by his wife, Patricia Beauregard in 2000 and his son, Michael Beauregard in 1976. He will be missed by many in the community, as well as his family.

TRIBUTE TO STANLEY BARRON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before you to pay tribute to the life of a remarkable man from my district. Stanley Barron from Stonewall, Colorado passed away recently at the age of eighty-two. Stanley was a patriot, rancher, and conservationist, and it is my privilege to honor his accomplishments today.

Stanley began his career serving in the Army Air Corps during World War II, flying thirty missions over Europe in his B–17 aircraft, which he aptly named the Colorado Eagle. When Stanley returned to Colorado, he began conservation work, and later won multiple awards for his expertise on land surveys and property boundaries throughout the southern areas of the state. Upon retiring from conservation work, he started volunteering at the Stonewall Fire Department, the Las Animas County Sheriff's Department, and the Colorado Cattleman's Association. Stanley eventually rose to chief of the fire department and president of the Southern Colorado Cattleman's Association.

Mr. Speaker, it is an honor to rise before this body of Congress to pay tribute to the life of Stanley Barron. Stanley was a devoted volunteer, husband, and father who made a tremendous impact on his community and all that were fortunate enough to know him. The Stonewall community, and the State of Colorado mourns his loss, and my heart goes out to his loved ones during this difficult time of bereavement.

TRIBUTE TO THE CURIOUS KIDS' MUSEUM OF ST. JOSEPH, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the Curious Kids' Museum of St. Joseph, Michigan, which will celebrate its 1,000,000th visitor this year, as well as its 15th anniversary. This great educational museum is a treasure for the children of southwest Michigan, and I am very proud of the wonderful work it has accomplished over the years.

The Curious Kids' Museum began in 1987 as an idea shared by several local residents interested in alternative approaches to science education. Today it has over 100 hands-on educational exhibits and programs dedicated to stimulating the curiosity of children. The great many visitors of all ages that have had the fortunate opportunity to visit this museum have explored and gained awareness in the areas of science and technology, history, culture, and human perception.

The goal of the Museum's founders' was to establish a place where ''children and families pursue their natural curiosity about the world through exploration and hands-on interactive exhibits, making learning fun and increasing self-esteem.'' I for one would like to say, and I know I am not alone, mission accomplished and surpassed. It pleases me to honor this great museum, and I know the next million visitors will be just as moved and inspired as the first.

INTRODUCTION OF THE HOUSE COMMISSION FOR ASSISTING DEMOCRATIC PARLIAMENTS RESOLUTION

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. PRICE of North Carolina. Mr. Speaker, on February 26, my colleagues DOUG BEREUTER, DAVID DREIER, MARTIN FROST and I introduced H. Res. 543, a resolution establishing a House Commission For Assisting Democratic Parliaments.

This resolution would provide for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies. The legislative branches of governments of emerging democracies are largely comprised of new legislators who face the challenges of creating new democratic systems without the benefit of previous legislative experience. The legislatures of these fledgling democracies often lack the training, equipment, and resources they need to carry out their work effectively. For democracies to mature and to withstand cyclical turnover in government, strong government institutions—particularly national legislatures with appropriate infrastructure—are critical.

From 1990 through 1996, the House of Representatives, through a task force ably led by our colleagues MARTIN FROST and the late Gerald Solomon, provided equipment, technical assistance, orientation, and training to new parliaments in Central and Eastern European countries, including Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and Slovakia in an effort to develop and strengthen those institutions. The program was designed to improve the efficiency of parliaments and the professionalism of its members and staff, as well as to increase transparency and accountability. The ''Frost-Solomon Task Force'' not only served the United States foreign policy goal of helping to establish democratic institutions in other countries, but also developed significant goodwill in the countries in which it was implemented. As one who participated in the Task Force, I found our work immensely rewarding and was struck by the ways the parliamentary leaders we worked with looked to the U.S. Congress for inspiration.

Since its founding, the United States has championed the development of democracy around the world. This goal continues to be in the national interests of the United States. The House Commission For Assisting Democratic Parliaments would help emerging parliaments function effectively and responsively, and would enable this body to champion democracy and representative government in a tangible way.

I invite my colleagues to join us in carrying on the work begun by the Frost-Solomon Task Force by cosponsoring the House Commission For Assisting Democratic Parliaments Resolution, H. Res. 543.

TRIBUTE TO JIM LUNN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise before you today to honor the lifetime achievements of a man from my district. For over thirty years, Jim Lunn, of Pueblo, Colorado has dedicated his life toward educating young musicians. Jim has been an outstanding teacher, and for his service, has recently been inducted into the Colorado Music Educators Hall of Fame. I would like to ask my colleagues in Congress to please join me in recognizing him here today.

Jim was nominated for this prestigious award by several of his colleagues, who recognized his dedication to helping children learn and appreciate music. Jim also volunteers his time to grade schools, choral concerts, local theaters and his church. Jim's love of music and his willingness to share his passion for it has been a blessing for his community.

Mr. Speaker, it is a great privilege to rise before this body of Congress to pay tribute to the life-long achievements and dedication of Jim Lunn. For almost forty years, Jim has devoted his life to fostering children's interest in music. Jim now joins his wife as a recipient of the award and they are only the second couple in Colorado to win this high honor. It is my privilege to offer my congratulations and gratitude to Jim for his continuing efforts to bring music appreciation to the Pueblo community and the State of Colorado.

CONGRATULATING MS. DIXIE TAYLOR-HUFF UPON HER RECEIPT OF THE AHCA JOE WARNER PATIENT ADVOCACY AWARD

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. COOPER. Mr. Speaker, I rise today to honor my friend, Dixie Taylor-Huff, for her years of selfless service and dedication to the health and welfare of all Tennesseans. Dixie, who hails from Lebanon, is the honored recipient today of the American Health Care Association's Joe Warner Patient Advocacy Award. This award recognizes civic leaders who have shown exceptional dedication to the welfare of elderly and disabled Americans and who have been especially successful in raising awareness of such issues among local, state, and federal policymakers. We are all grateful to Dixie for her outstanding efforts and applaud her national recognition.

Dixie's leadership in the healthcare field and beyond has benefited countless lives in our great state. As the owner and operator of several skilled nursing facilities and home healthcare agencies, Dixie has long been a leader in the field of long-term health care. Her expertise has led several governors to seek her counsel by appointing her to various commissions and task forces dedicated to these issues. As the former president of the Tennessee Healthcare Association, and as a regional vice-president of the American Health Care Association, she has been a passionate and effective advocate for State and Federal policies to improve the quality of long-term care.

In addition to her work in health care, Dixie has served as a prominent civic leader in our district. As a trustee for both Cumberland University and Volunteer State Community College, she has been a vocal proponent of affordable high-quality public education. She is now the immediate past-president of the Nashville Women's Political Caucus and is treasurer of the Tennessee Democratic Party. I know that our colleagues in Tennessee value her greatly, and it is with the deepest respect and pride that I, on behalf of the people of the 5th District of Tennessee, seek to recognize this remarkable citizen.

Dixie, thank you again for your contributions to our great State and congratulations.

IN MEMORY OF SUSAN EATON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Ms. PELOSI. Mr. Speaker, I rise today to express my sadness on the tragic early death of Susan Eaton, a wonderful woman who had recently become a noted professor at Harvard University's Kennedy School, but had also spent many years as an effective advocate for the rights of workers, particularly low-paid workers, throughout this country. Susan died of complications from leukemia on December 30, at the age of 46. Susan was also the wife of another remarkable person—my friend, Marshall Ganz—who worked with Cesar Chavez 39 years ago to help create the United

Farm Workers union and who has continued doing pathbreaking organizing work over the last 39 years, as well as also becoming a Kennedy School professor.

I would like to submit for the RECORD an obituary of Susan Eaton, which appeared in the Harvard Gazette.

TEACHER, RESEARCHER ADVOCATE—A WHOLE LIFE

Esteemed Kennedy School faculty member Susan C. Eaton died Dec. 30 of complications from leukemia. She was 46.

Eaton was a tireless advocate for the rights of workers, both as a union organizer and in her teaching and research at the Kennedy School. Her husband and fellow faculty member Marshall Ganz expressed it well: ''She was a deeply committed person, a person who walked the walk. She translated her values into action in her teaching, in her research, and in her public life.''

Eaton, an assistant professor of public policy, completed her Ph.D. in industrial relations and organizational studies at the Sloan School of Management at the Massachusetts Institute of Technology. She received her master's degree in public administration from the Kennedy School. Her research focused on challenges faced by low-wage workers, particularly women providing health care, and the role of work organizations, including unions, in addressing these challenges. Last summer, Eaton received a Robert Woods Johnson Award to study the links between quality of work and quality of care in the nursing home industry. Eaton's writings focused on work-family issues, women's roles in union leadership, union-management relations, and the role of management in the quality of nursing home care. She was editor of the online Civil Practices Network and contributed to several other industry journals and publications.

Prior to entering academia, Eaton worked for 12 years as a union negotiator, trainer, and manager for the Service Employees International Union (SEIU), AFL–CIO, and CLC.

She joined the Kennedy School faculty in 2000 and became a highly regarded teacher, whose human resources course, ''Leading and Managing People Well,'' received consistently high marks, exemplifying the leadership model she tried to teach.

''Susan brought a heightened awareness of others to our community in her breadth of research and passionate dedication,'' said Kennedy School Dean Joseph S. Nye Jr. ''She was a person who cared—about social justice, about her work, about her students, about her colleagues. While comfortable with the abstractions of social justice, she applied her concerns every day in the way she treated each of us as individuals.''

Kennedy School Associate Academic Dean and Director of the School's Weiner Center for Social Policy Julie Boatright Wilson reflected on the loss of a colleague and a friend.

''Susan was a vibrant presence on the fourth floor of the Taubman building,'' said Wilson. ''She had time for all of us, was interested in what everyone was thinking about and working on, and had advice and ideas and wisdom she willingly shared. Even more than what Susan did for us is what she did for the low-wage employees she had spent her life working with and working for. Everything about Susan's activities—her scholarship, her teaching, her day-to-day interactions—exhibited her commitment to improving the lives of those who provide the services we all need but for which we seem remarkably unwilling to pay a decent wage.''

Eaton's teaching earned her enormous respect from students while her research brought attention to the issues that touched her heart. ''She demonstrated that nursing homes and hospitals could both do better by their workers and improve the quality of care simply with better management practices. Much of her work spoke to the dignity that both caregivers and patients seek and deserve. This readily generalizable lesson seems so terribly important in this increasingly marketized era,'' said David Ellwood, Scott M. Black Professor of Political Economy at the Kennedy School.

Eaton was co-winner of the 1996 Margaret Clark award of the Institute of Gerontology for the paper ''Beyond Unloving Care: Linking Nursing Home Quality and Working Conditions.'' Her other recent writings included: ''Career as Life Path'' in ''Career Frontiers: New Conceptions of Working Lives,'' edited by Maury Peiperl et al. (Oxford University Press, 2000); ''Work and Life Strategies of Professionals in Biotechnology Firms,'' Annals of the American Academy of Science, March 1999; and ''Pennsylvania's Nursing Homes: Promoting Quality Care and Quality Jobs,'' Keystone Research Center, April 1997.

In addition to Ganz, Eaton is survived by her father, William J. of Washington, D.C.; her mother, Marilynn, of Alexandria, Va.; and her sister Sally Misare of Castle Rock, Colo.

TRIBUTE TO RICHARD HOPKINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise before you today to pay tribute to the life of an extraordinary American from my district. Rich Hopkins from Durango, Colorado passed away last November after a remarkable life. Rich was a beloved husband, father, colleague and sportsman who will be missed and I think it is appropriate that we take the time to recognize his contributions here today.

Rich began his tireless service to his community and country by entering the Navy after his graduation from Grand Junction High School. After an Honorable Discharge, Rich attended college and received his Law Degree from the University of Colorado. During his long and distinguished career as a lawyer, Rich helped to establish groundbreaking case law in the area of domestic relations.

Rich had a full and vigorous life, whether he spent it with his loving wife Susie and his children and grandchildren, or with his friends, ''The Money Boys'' out on the golf course. Even after his formal studies were over, Rich always had a passion for the pursuit of knowledge, spending the last years of his life writing a novel.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life of Rich Hopkins. Rich was a patriot, husband and father and made a tremendous impact on all that were fortunate enough to know him. The Durango community and the State of Colorado will truly miss him. My thoughts are with his loved ones during this difficult time of bereavement.

RECOGNITION OF DAVID E. SCHAFFER'S SERVICE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. MICA. Mr. Speaker, It is my honor to recognize the Congressional and public service of David E. Schaffer upon his retirement.

David provided outstanding, professional leadership and service as a member of the House Aviation Subcommittee staff since 1984. He became Majority Counsel and staff director of the Subcommittee in 1995 and was instrumental in passing twenty major aviation bills during his time on Capitol Hill.

As Chair of that Subcommittee, I believe the Congress and the American People have benefited not only from his decades of public service, but also from his untiring efforts after the attack on our Nation on September 11, 2001. Indeed, we were privileged to have David's experience and talents as we developed legislation to secure our national aviation and transportation systems.

I have been fortunate, along with Full Committee Chairman DON YOUNG, to also have David Schaffer lead our staff efforts as we worked to replace AIR–21 with a new four-year federal aviation authorization bill.

David Schaffer's service to Congress, the aviation industry and our country spans more than a quarter of a century. As he retires from federal service, we wish him every future success.

I thank David Schaffer for his tremendous assistance to me and our Aviation Subcommittee, for his loyalty and commitment to good government, and most of all for his friendship and professional work over the years.

BOWIE ELKS WELCOME GRAND EXALTED RULER OF THE B.P.O.E. TO MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. HOYER. Mr. Speaker, on March 26, 2004, Bowie Lodge Number 2309 of the Benevolent and Protective Order of the Elks will welcome Amos A. McCallum of Saco, Maine, Grand Exalted Ruler of the Grand Lodge of Elks to Maryland at a luncheon to be held at the Bowie Lodge on March 26, 2004.

My long-time friend Judge Gerard F. Devlin will serve as the Master of Ceremonies and I regret that my duties here in this House will not permit me to attend and join with my many friends in the Bowie Elks in welcoming this distinguished guest to our State. Initiated in the Biddleford-Saco lodge in 1963, Grand Exalted Ruler McCallum rose through the chairs in his native Maine to eventually hold the high office he now occupies with such distinction.

Space would not permit me to list all of the many charitable philanthropic activities individual lodges and the Grand Lodge participate in, but suffice it to say that no fraternal organization does more for people than the Benevolent and Protective Order of the Elks.

I salute the Grand Exalted Ruler Amos A. McCallum and hope he enjoys typical Maryland hospitality in his visit to our State.

IN COMMEMORATION OF TEXAS INDEPENDENCE DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. GREEN of Texas. Mr. Speaker, today marks the independence of Texas, the greatest, most diverse state in the Union. Texas also has some of the most interesting and instructive history. I believe the lessons of Texas' struggle for independence are no less important today.

One hundred and sixty-eight years ago, March 2, 1836, Texan delegates met at Washington-On-The-Brazos to sign the Texas Declaration of Independence.

Less than 100 years after American patriots threw off the tyrannical British Empire's military domination, Texans and Tejanos were forced to launch a similar struggle against the military dictator, General Antonio Lopez de Santa Anna.

In the words of the Texas Declaration of Independence, the people's government had been ''forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism.''

As Sam Houston and other Texan delegates signed the Texas Declaration of Independence, General Santa Anna's army was besieging the Texans and Tejanos at the Alamo in San Antonio. That fortress fell four days later on the morning of March 6, 1836, when Lt. Colonel William Barrett Travis, Tennessee Congressman David Crockett, and approximately 200 other Texan and Tejano defenders were killed in action. Thankfully, their deaths were not in vain, as the remaining Texas forces under Sam Houston were able to surprise and defeat the much larger Mexican Army at the Battle of San Jacinto, just east of my hometown of Houston, Texas.

At San Jacinto, noted Tejano patriot Captain Juan Seguin commanded a cavalry company during this final victory and later became a Senator in the Republic of Texas.

Like the American patriots in 1776, Texans did not create a perfect state with their independence. It would not be until June 19th, or Juneteenth, 1865, that Texas' African-American citizens achieved the freedom that is an inalienable human right. Every Juneteenth, we remember that the struggle for equal rights is long and difficult, and demands our enduring commitment.

A popular misconception of the Texas War for Independence is that the conflict was a case of Anglos fighting Mexicans. But accurate Texas history tells us that Hispanics who had long lived in Texas mostly did not consider themselves to be Mexicans, but instead thought of themselves as Tejanos. Tejanos inhabited Texas long before Mexico existed, and they lived there for the same reasons Anglos later moved there—freedom and vast productive land.

So when General Santa Anna's forces began plundering areas of Texas, Tejanos and Texans both reacted with horror.

It is inspiring to me that many Tejanos joined the fight for independence when the Mexican government became an exploitive military regime. The brotherhood of freedom can be stronger than the brotherhood of ethnicity, as Tejanos proved at Gonzalez, Bexar, Goliad, the Alamo, and finally along the banks of the San Jacinto River.

On Texas Independence Day we reflect on our shared achievements, celebrate our peaceful cooperation with Mexico, and renew our commitment to preserving our representative government, freedom, and human and civil rights.

Thank you Mr. Speaker, long live Texas, and I yield back the balance of my time.

TRIBUTE TO STEVE CARTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise before you to pay tribute to a remarkable public servant from my district. After an impressive thirty-three year career, Judge Steve Carter recently retired from the Garfield County bench, and I would like to take this opportunity to highlight his life and accomplishments before this body of Congress and this nation today.

As a rising attorney in 1972, Steve was appointed to the Garfield County bench at the age of twenty-seven by then-Governor Love. He has won much praise from his colleagues and his fellow Coloradans over the years, both for his commitment to the judicial system and to his community. Steve has worked tirelessly to resolve many of his community's ailments, such as drug and alcohol abuse, and devoted much of his time and energy to overseeing the county's juvenile court system. He has truly enjoyed a wonderful career in jurisprudence, and his many years on the bench have earned him the distinction of being the longest serving county judge in the State of Colorado.

Mr. Speaker, with almost four decades of service and experience under his belt, I can guarantee that Judge Robert Carter will be sorely missed. He selflessly dedicated his time and efforts toward the betterment of Garfield County and the State of Colorado, and I wish him all the best in his retirement. Thanks for your service, Judge Carter, and good luck in your future endeavors.

THE 132ND ANNIVERSARY OF YELLOWSTONE NATIONAL PARK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2004

Mr. HOLT. Mr. Speaker, I rise to recognize that yesterday was the 132nd anniversary of the founding of Yellowstone National Park, the world's first national park and the crown jewel in America's national park system and the model of parks for the world.

The most remarkable thing about Yellowstone is that it offers modern-day visitors a chance to experience the same sense of wonder and disbelief that the first European American explorers did back in the late 1860s.

Although Yellowstone has been a model for parks around the world, no other country has the splendor that Yellowstone has. These explorers came upon such astonishing sights that they were skeptical that anyone would actually believe their descriptions of the area we now know as Yellowstone National Park. They though that their tales of gushing geysers, bubbling mud pots, towering waterfalls, and dramatic canyons would be dismissed as the fantastical delusions of people who had spent too much time out in the wilderness.

Thankfully, their stories did eventually capture the nation's imagination, and on March 1, 1872, President Ulysses S. Grant signed into law a bill establishing Yellowstone as our first national park, comprising an area of approximately two million acres near the headwaters of the Yellowstone River. Yellowstone, which preceded the founding of the National Park Service by 44 years, has become the image of national parks across the country and throughout the world.

I have visited Yellowstone myself from time to time during different seasons and am always astounded by its spectacular beauty. Old Faithful, the reliable geyser that represents the park for most Americans, is but one of the 300 geysers there, which account for two-thirds of the world's geysers. Yellowstone boasts a total of over 10,000 thermal features, including bubbling mudpots, steaming fumaroles, and brightly colored hot springs.

These thermal features are fueled by a giant volcanic caldera, the remains of a tremendous eruption of tens of thousands of years ago. Surrounding this caldera are majestic peaks rising over 11,000 feet. Within the caldera is Yellowstone Lake, the largest freshwater lake above 7000 feet in North America.

Nearby, the Grand Canyon of the Yellowstone astounds visitors to nearly the same degree as the canyon that shares its name further south in Arizona. In the canyon and across the backcountry are Yellowstone's famous waterfalls, numbering around 290 and in some cases towering over 300 feet.

Yellowstone is also home to large populations of some of the animal species that best represent the United States. The only remaining wild American bison herd makes its home in the park, accompanied by countless elk. Bald eagles nest throughout the park, and the endangered gray wolf has been reintroduced, becoming a real treat for wildlife watchers.

In short, Yellowstone is a place where fantasy becomes reality, where some of the most majestic lands in the world have become the embodiment of America's natural splendor. It's no accident that the park gets around three million visitors every year, coming from just about every one of our districts.

I urge all of my colleagues to visit this park if they have not already had the chance, and to remember the legacy and value of this spectacular parcel of land. It will be a reminder of why Congress has designated Yellowstone and other natural parks for future generations to enjoy.

Mr. Speaker, protecting Yellowstone and all of our natural parks is a noble and patriotic duty. These parks are repositories of our national heritage and preserve our most precious natural and cultural resources. Too often, unfortunately, the Park Service has found itself lacking the funds it needs to protect and ensure visitor access to everything from Revolutionary and Civil War sites to the most majestic public lands across the country. NPS is currently facing a $600 million shortfall in operations alone, to say nothing of a continuing maintenance backlog that is approaching $5 billion.

As we move through this legislative session and begin the process of determining our funding priorities, I hope my colleagues will remember our national parks and see fit to support them and the men and women who work there.

Daily Digest

HIGHLIGHTS

See Final Résumé of Congressional Activity (including the History of Bills) for the First Session of the 108th Congress.

Senate rejected S. 1805, Protection of Lawful Commerce in Arms Act.

Senate

Chamber Action

Routine Proceedings, pages S1947–S2018

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2152–2158, and S. Res. 307. **Page S1999**

Measure Rejected:

Protection of Lawful Commerce in Arms Act: By 8 yeas to 90 nays (Vote No. 30), Senate rejected S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, after taking action on the following amendments proposed thereto:

Pages S1947–72, S1973–76

Adopted:

By 52 yeas to 47 nays (Vote No. 24), Feinstein Amendment No. 2637, to provide for a 10-year extension of the assault weapons ban.

Pages S1951–59, S1971

By 53 yeas to 46 nays (Vote No. 25), McCain Amendment No. 2636, to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms.

Pages S1948–51, S1959–71

By 91 yeas to 8 nays (Vote No. 26), Hatch (for Campbell) Amendment No. 2623, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Pages S1948, S1971–72

By 85 yeas to 12 nays (Vote No. 27), Craig (for Frist/Craig) Amendment No. 2625, to regulate the sale and possession of armor piercing ammunition.

Pages S1948, S1973–74

Rejected:

By 34 yeas to 63 nays (Vote No. 28), Kennedy Amendment No. 2619, to expand the definition of armor piercing ammunition and to require the Attorney General to promulgate standards for the uniform testing of projectiles against body armor.

Pages S1948, S1974

Levin Amendment No. 2631, to exempt any civil action against a person from the provisions of the bill if the gross negligence or reckless conduct of the person proximately caused death or injury. (By 56 yeas to 41 nays (Vote No. 29), Senate tabled the amendment.) **Pages S1948, S1974–75**

Withdrawn:

Warner Amendment No. 2624, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. **Page S1948**

Lautenberg Amendment No. 2632, to require that certain notifications occur whenever a query to the National Instant Criminal Background Check System reveals that a person listed in the Violent Gang and Terrorist Organization File is attempting to purchase a firearm. **Page S1948**

Lautenberg Amendment No. 2633, to exempt lawsuits involving injuries to children from the definition of qualified civil liability action. **Page S1948**

Jumpstart Our Business Strength (JOBS) Act—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, at 10:30 a.m., on Wednesday, March 3, 2004. **Page S1972**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to modifying duty-free treatment under the Generalized System of Preferences; to the Committee on Finance. (PM–68) **Page S1999**

Appointments:

Abraham Lincoln Study Abroad Fellowship Program: The Chair, on behalf of the Majority Leader, pursuant to Public Law 108–199, Section 104 (c), 1(A), appointed the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program: Dr. Stevan Trooboff of Portland, Maine. **Page S2009**

Nominations Received: Senate received the following nomination:

Deborah Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2008. **Page S2018**

Additional Cosponsors: **Pages S1999–S2001**

Statements on Introduced Bills/Resolutions: **Pages S2001–06**

Additional Statements: **Pages S1996–99**

Amendments Submitted: **Pages S2006–08**

Notices of Hearings/Meetings: **Pages S2008–09**

Authority for Committees to Meet: **Page S2009**

Record Votes: Seven record votes were taken today. (Total—30) **Pages S1971, S1972, S1974, S1975, S1976**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:52 p.m., until 9:30 a.m., on Wednesday, March 3, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2010.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, State and the Judiciary concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Department of Commerce, after receiving testimony from Donald L. Evans, Secretary of Commerce.

APPROPRIATIONS: SCIENCE AND TECHNOLOGY

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine proposed budget estimates for fiscal year 2005 for science and technology, and information analysis and infrastructure protection, after receiving testimony from Charles E. McQueary, Under Secretary for Science and Technology, and Frank Libutti, Under Secretary for Information Analysis and Infrastructure Protection, both of the Department of Homeland Security.

DEPARTMENT OF DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the proposed Department of Defense authorization request for fiscal year 2005 and the Future Years Defense Program, after receiving testimony from Les Brownlee, Acting Secretary of the Army; Gordon R. England, Secretary of the Navy; and James G. Roche, Secretary of the Air Force.

DEPARTMENT OF DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine active component, Reserve component and civilian personnel programs, in review of the defense authorization request for fiscal year 2005, after receiving testimony from David S.C. Chu, Under Secretary of Defense for Personnel and Readiness; Reginald J. Brown, Assistant Secretary of the Army for Manpower and Reserve Affairs; William A. Navas, Jr., Assistant Secretary of the Navy for Manpower and Reserve Affairs; Michael L. Dominguez, Assistant Secretary of the Air Force for Manpower and Reserve Affairs; Lieutenant General Franklin L. Hagenbeck, USA, Deputy Chief of Staff, G–1, United States Army; Vice Admiral Gerald L. Hoewing, USN, Chief of Naval Personnel, Deputy Chief of Naval Operations, Manpower and Personnel, United States Navy; Lieutenant General Garry L. Parks, USMC, Deputy Commandant for Manpower and Reserve Affairs, United States Marine Corps; and Lieutenant General Richard E. Brown, USAF, Deputy Chief of Staff for Personnel, United States Air Force.

MUTUAL FUNDS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on fund operations and governance, after receiving testimony from former Senator William L. Armstrong, Oppenheimer Funds, Denver, Colorado; Vanessa C.L. Chang, New Perspective Fund, Los Angeles, California; Marvin L. Mann, Fidelity Funds, Cary, North Carolina; Michael S. Miller, Vanguard Group, Inc., Valley Forge, Pennsylvania; Ann E. Bergin, National Securities

Clearing Corporation, New York, New York; William A. Bridy, Financial Data Services, Inc./Merrill Lynch, Jacksonville, Florida, on behalf of the Securities Industry Association; Raymond K. McCulloch, BB&T Trust, Raleigh, North Carolina, on behalf of the American Bankers Association; and David L. Wray, Profit Sharing/401K Council of America, Washington, D.C.

CHILDHOOD OBESITY

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce and Infrastructure concluded a hearing to examine the rise of obesity among children, focusing on health risks including diabetes, the role of the media, and efforts to educate families on the issues of nutrition and healthy lifestyles, after receiving testimony from Richard H. Carmona, Surgeon General, Public Health Service, Office of Public Health and Science, and William Dietz, Director, Division of Nutrition and Physical Activity, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, both of the Department of Health and Human Services; Victoria J. Rideout, Henry J. Kaiser Family Foundation, Menlo Park, California; R. Lee Culpepper, National Restaurant Association, Margo G. Wooten, Center for Science in the Public Interest, and C. Manly Molpus, Grocery Manufacturers of America, all of Washington, D.C.; and Robert D. Liodice, Association of National Advertisers, Inc., New York, New York.

FOREST SERVICE BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed fiscal year 2005 budget for the Forest Service, focusing on protecting communities and natural resources in relation to the implementation of the Healthy Forests Restoration Act (P.L. 108–148), after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; and Dale N. Bosworth, Chief, Forest Service, Department of Agriculture.

FOREIGN ASSISTANCE

Committee on Foreign Relations: Committee concluded oversight hearings to examine certain U.S. foreign policy objectives and assistance programs throughout the world, after receiving testimony from Christina B. Rocca, Assistant Secretary of State for South Asian Affairs; William J. Burns, Assistant Secretary of State for Near Eastern Affairs; Donald W. Keyser, Principal Deputy Assistant Secretary of State for East Asian and Pacific Affairs; Roger F. Noriega, Assistant Secretary of State for Western Hemisphere Affairs; Donald Y. Yamamoto, Deputy Assistant Secretary of State for African Affairs; Elizabeth Jones, Assistant Secretary of State for Europe and Eurasian Affairs; and Gordon West, Acting Assistant Administrator for Asia and the Near East, Adolfo A. Franco, Assistant Administrator for Latin America and the Caribbean, Constance Berry Newman, Assistant Administrator for Africa, and Kent R. Hill Assistant Administrator for Europe and Eurasia, all of the United States Agency for International Development.

NORTH KOREA

Committee on Foreign Relations: Committee concluded a hearing to examine North Korea's nuclear situation, including the Six-Party Talks in Beijing, an appropriate verification model related to North Korea's nuclear program, and the economic situation and human rights conditions in North Korea, after receiving testimony from James Kelly, Assistant Secretary of State; Terence Taylor, International Institute for Strategic Studies, Victor D. Cha, Georgetown University School of Foreign Service, and Tom Malinowski, Human Rights Watch, all of Washington, D.C.

SUICIDE PREVENTION AND YOUTH

Committee on Health, Education, Labor, and Pensions: Subcommittee on Substance Abuse and Mental Health Services concluded a hearing to examine certain measures to help prevent suicide among children and adolescents, after receiving testimony from Senator Smith; Paul D. Tunkle, Episcopal Church of the Redeemer, Baltimore, Maryland; Cheryl A. King, University of Michigan, Ann Arbor; Fran M. Gatlin, Robinson High School, Fairfax, Virginia, on behalf of the National Association of School Psychologists; Joelle M. Reizes, Screening for Mental Health, Inc., Loveland, Ohio; and Laurie Flynn, Columbia University Carmel Hill Center for Early Diagnosis and Treatment, New York, New York.

CARES COMMISSION

Committee on Veteran's Affairs: Committee concluded a hearing to examine the final report of the Department of Veterans Affairs' Capital Asset Realignment for Enhanced Services (CARES) Commission, after receiving testimony from Everett Alvarez, Jr., Chairman, Capital Asset Realignment for Enhanced Services (CARES) Commission; Robert H. Roswell, Under Secretary of Veterans Affairs for Health; Cathleen C. Wiblemo, American Legion, Dennis M. Cullinan, Veterans of Foreign Wars, Joy J. Ilem, Disabled American Veterans, and Fred Cowell, Paralyzed Veterans of America, all of Washington, D.C.; and James W. Doran, AMVETS, Lanham, Maryland.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 3868–3878; and 4 resolutions, H. Con. Res. 376–377 and H. Res. 548–549, were introduced. **Page H752**

Additional Cosponsors: **Pages H752–53**

Reports Filed: Reports were filed today as follows:

H. Res. 546, providing for consideration of H.R. 3752, to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation (H. Rept. 108–430); and

H. Res. 547, providing for consideration of H.R. 1561, to amend title 35, United States Code, with respect to patent fees (H. Rept. 108–431). **Pages H751–52**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker Pro Tempore for today. **Page H709**

Recess: The House recessed at 12:58 p.m. and reconvened at 2 p.m. **Page H712**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Honoring the life and career of the late Willie Shoemaker: H. Res. 439, honoring the life and career of Willie Shoemaker and expressing the condolences of the House of Representatives to his family and friends on his death; **Pages H714–15**

Ben Atchley Post Office Building Designation Act: H.R. 3769, to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the "Ben Atchley Post Office Building", by a ⅔ yea-and-nay vote of 383 yeas with none voting "nay", Roll No. 32; and **Pages H715–16, H726–28**

Expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003 in Bam, Iran: H. Res. 526, expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran, by a yea-and-nay vote of 381 yeas with none voting "nay", Roll No. 33. **Pages H724–26, H727–28**

Suspension—Proceedings Postponed: The House completed debate on the motion to suspend the rules and agree to H. Res. 530, amended, urging the appropriate representative of the United States to the 60th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China. Further proceedings on the motion were postponed until Thursday, March 3. **Pages H716–24**

Recess: The House recessed at 3:20 p.m. and reconvened at 6:30 p.m. **Page H726**

Presidential Messages: Read a letter from the President wherein he transmitted the 2004 National Drug Control Strategy—referred to the Committees on the Judiciary, Agriculture, Armed Services, Energy & Commerce, Education & the Workforce, Financial Services, Government Reform, International Relations, Small Business, Transportation & Infrastructure, Ways & Means, Veterans' Affairs, the Permanent Select Committee on Intelligence, and the Select Committee on Homeland Security. **Page H714**

Read a letter from the President wherein he transmitted his intent to designate Algeria as a beneficiary developing country and to terminate the designation of Antigua and Barbuda, Barbados, Bahrain, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, and Slovakia as beneficiary developing countries for purposes of the Generalized System of Preferences—referred to the Committee on Ways & Means and ordered printed (H. Doc. 108–166). **Page H726**

Amendments: Amendments ordered printed pursuant to the rule appear on page H753.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings today. There were no quorum calls. **Pages H726–27, H727**

Adjournment: The House met at 12:30 p.m. and adjourned at 10:50 p.m.

Committee Meetings

ANDEAN COUNTERDRUG INITIATIVE

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled "Andean Counterdrug Initiative." Testimony was heard from John P. Walters, Director, Office of National Drug Control Policy; Tom O'Connell, Assistant Secretary, Special Operations and Low Intensity Conflict, Department of Defense; and Robert Charles, Assistant Secretary, International Narcotics and Law Enforcement Affairs, Department of State.

OVERSIGHT—CIVIL RIGHTS DIVISION

Committee on the Judiciary: Subcommittee on Constitution held an oversight hearing on the Civil Rights Division of the U.S. Department of Justice. Testimony was heard from Alexander Acosta, Assistant Attorney General, Civil Rights Division, Department of Justice.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

Committee on Rules: Granted, by voice vote, a modified open rule providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII (requiring a three-day layover of the committee report). The rule provides that the bill shall be considered for amendment under the five-minute rule and that it shall be considered as read. The rule makes in order only those amendments to the bill that are pre-printed in the Congressional Record or are pro forma amendments for the purpose of debate. The rule provides that each amendment printed in the Congressional Record may be offered only by the Member who caused it to be printed or a designee, and that each amendment shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert.

UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2003

Committee on Rules: Granted, by a vote of 8 to 1, a structured rule providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. The rule waives all points of order against the Committee amendment in the nature of a substitute. The rule makes in order only those amendments to the Committee amendment in the nature of a substitute which are printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 3, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Energy's Office of Science, Office of Nuclear Energy, Science and Technology, and Office of Energy Efficiency and Renewable Energy, 10 a.m., SD–138.

Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the government of the District of Columbia, focusing on Court Services, Offender Supervision Agency, and the Public Defender Service, 10:30 a.m., SD–124.

Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense, 10:30 a.m., SD–192.

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities, to hold hearings to examine the role of defense science and technology in the global war on terrorism and in preparing for emerging threats in review of the defense authorization request for fiscal year 2005, 9:30 a.m., SR–325.

Subcommittee on SeaPower, to hold hearings to examine future Navy and Marine Corps capabilities and requirements in review of the defense authorization request for fiscal year 2005 and the future years defense program, 2 p.m., SR–232A.

Committee on the Budget: business meeting to mark up the concurrent resolution on the budget for fiscal year 2005, 2:15 p.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the impact of climate change, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine impact of abortion on women, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine S. 1420, to establish terms and conditions for use of certain Federal land by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such land, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold oversight hearings to examine grants management within the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine health insurance challenges, 9:30 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine building operational readiness in Foreign Affairs agencies, 9:30 a.m., SH–216.

Committee on Indian Affairs: business meeting to consider pending calendar business; to be followed by an oversight hearing to examine the status of the completion of the National Museum of the American Indian, 10 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Constitution, Civil Rights and Property Rights, to hold hearings to examine national implications of the Massachusetts Goodridge decision and the judicial invalidation of traditional marriage laws, 10 a.m., SD–226.

House

Committee on Agriculture, to consider Committee's Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Inspector General, 9:30 a.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, on Secretary of State, 2 p.m., 2359 Rayburn.

Subcommittee on Interior and Related Agencies, on Forest Service, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on P–16 Education Systems, 10:15 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on Family Housing Privatization, 9:30 a.m., and on Central Command Budget Request, 3 p.m., B–300 Rayburn.

Subcommittee on Transportation, Treasury and Independent Agencies, on Secretary of Transportation, 10 a.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on Department of Housing and Urban Development, 9:30 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on the Fiscal Year 2005 National Defense Authorization budget request for the Department of Defense, 10 a.m., 2118 Rayburn.

Subcommittee on Projection Forces, hearing on the Fiscal Year 2005 National Defense Authorization budget request—Department of Defense Capabilities for Conducting Conventional Long-range Strike Operations, 2 p.m., 2212 Rayburn.

Subcommittee on Total Force, hearing on the Fiscal Year 2005 National Defense Authorization budget request on Military Resale and Morale, Welfare and Recreation Programs, 2 p.m., 2118 Rayburn.

Committee on the Budget, Members' Day, 2 p.m., 210 Cannon.

Committee on Education and the Workforce, hearing entitled ''No Child Left Behind: Improving Results for Children with Disabilities,'' 10:15 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to consider the following: H.R. 3717, Broadcast Decency Enforcement Act of 2004; a measure regarding broadcast decency; the Consumer Access to Information Act of 2004; H.R. 3261, Database and Collections of Information Misappropriation Act; H.R. 3658, Stroke Treatment and Ongoing Prevention Act; H. Res. 522, Expressing the sense of the House of Representatives that there is a critical need to increase awareness and education about heart disease and the risk factors of heart disease among women; S. 1881, Medical Devices Technical Corrections Act; and other pending committee business, 10:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing on H.R. 3574, Stock Option Accounting Reform Act, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency and Financial Management, oversight hearing on ''Financial Report of the U.S. Government for Fiscal Year 2003,'' 2 p.m., 2247 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled ''Federal Information Technology Investment Management, Strategic Planning, and Performance Measurement: 60 Billion Reasons Why,'' 1 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Europe, hearing on United States Priorities in Europe; followed by markup of H. Res. 540, Expressing the condolences and deepest sympathies of the House of Representatives for the untimely death of Macedonian President Boris Trajkovski, 10 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on The Situation in Haiti, 2 p.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing entitled ''Minerals and Energy: Outsourcing American Jobs Overseas,'' 10 a.m., 1324 Longworth.

Committee on Science, hearing to Review the Hydrogen Fuel and FreedomCAR Initiatives, 2 p.m., 2318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Department of Defense Intelligence Surveillance and Reconnaissance, 1 p.m., H–405 Capitol.

Subcommittee on Technical and Tactical Intelligence, executive, hearing on Enabling Information Sharing Across the Intelligence Community, 10 a.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Emergency Preparedness and Response, hearing entitled ''Department of Homeland Security Emergency Preparedness and Response Directorate Fiscal Year 2005 Budget,'' 10:30 a.m., 2322 Rayburn.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED EIGHTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 7 through December 9, 2003

	Senate	*House*	*Total*
Days in session	167	133	..
Time in session	1,454 hrs. 05′	1,014 hrs. 39′	..
Congressional Record:			
Pages of proceedings	16,221	12,928	..
Extensions of Remarks	..	2559	..
Public bills enacted into law	62	136	198
Private bills enacted into law	..	..	..
Bills in conference	22	8	..
Measures passed, total	590	674	1,264
Senate bills	183	59	..
House bills	134	286	..
Senate joint resolutions	5	3	..
House joint resolutions	15	20	..
Senate concurrent resolutions	37	8	..
House concurrent resolutions	33	77	..
Simple resolutions	183	221	..
Measures reported, total	*352	*375	727
Senate bills	240	11	..
House bills	46	233	..
Senate joint resolutions	4	1	..
House joint resolutions	..	3	..
Senate concurrent resolutions	10	..	..
House concurrent resolutions	1	9	..
Simple resolutions	51	118	..
Special reports	18	6	..
Conference reports	3	24	..
Measures pending on calendar	153	78	..
Measures introduced, total	2,398	4,616	7,014
Bills	2,004	3,700	..
Joint resolutions	26	83	..
Concurrent resolutions	86	348	..
Simple resolutions	283	485	..
Quorum calls	3	2	..
Yea-and-nay votes	459	417	..
Recorded votes	..	258	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 220 reports have been filed in the Senate, a total of 405 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

(January 7 through December 9, 2003

Civilian nominations (other than lists), totaling 600, disposed of as follows:	
Confirmed	378
Unconfirmed	195
Withdrawn	13
Returned to White House	14
Other Civilian nominations (lists), totaling 2,578, disposed of as follows:	
Confirmed	2,573
Unconfirmed	5
Air Force nominations, totaling 9,068, disposed of as follows:	
Confirmed	5,494
Unconfirmed	3,572
Returned to White House	2
Army nominations, totaling 6,012, disposed of as follows:	
Confirmed	5,416
Unconfirmed	594
Returned to White House	2
Navy nominations, totaling 7,752, disposed of as follows:	
Confirmed	5,308
Unconfirmed	2,444
Marine Corps nominations, totaling 2,413, disposed of as follows:	
Confirmed	2,411
Unconfirmed	2

Summary

Total nominations carried over from the first session	0
Total nominations received this session	28,423
Total confirmed	21,580
Total unconfirmed	6,812
Total withdrawn	13
Total returned to White House	18

HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(108th Cong., 1st Sess.)

BILLS ENACTED INTO PUBLIC LAW (108TH, 1ST SESSION)

	Law No.
S. 3	108–105
S. 23	108–1
S. 111	108–93
S. 117	108–152
S. 141	108–8
S. 151	108–21
S. 162	108–22
S. 189	108–153
S. 222	108–34
S. 233	108–94
S. 243	108–28
S. 246	108–66
S. 254	108–142
S. 273	108–32
S. 278	108–95
S. 286	108–154
S. 313	108–130
S. 330	108–29
S. 342	108–36
S. 380	108–18
S. 459	108–182
S. 470	108–125
S. 520	108–85
S. 570	108–98
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BILLS VETOED

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Date of passage		Public Law	
			House	Senate	House	Senate	House 108	Senate 108	House	Senate	Date approved	No. 108
To provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.	S. 23	Jan. 7, 2003			.....	.....	.....	.....	Jan. 8, 2003	Jan. 7, 2003	Jan. 8, 2003	1
Making further continuing appropriations for the fiscal year 2003, and for other purposes.	H.J. Res. 1	Jan. 7, 2003	App			.....	.....	.....	Jan. 8, 2003	Jan. 9, 2003	Jan. 10, 2003	2
To extend the national flood insurance program.	H.R. 11	Jan. 7, 2003	BFS			.....	.....	.....	Jan. 8, 2003	Jan. 9, 2003	Jan. 13, 2003	3
Making further continuing appropriations for the fiscal year 2003, and for other purposes.	H.J. Res. 13	Jan. 27, 2003	App			.....	.....	.....	Jan. 28, 2003	Jan. 29, 2003	Jan. 31, 2003	4
Making further continuing appropriations for the fiscal year 2003, and for other purposes.	H.J. Res. 18	Feb. 4, 2003	App			.....	.....	.....	Feb. 5, 2003	Feb. 5, 2003	Feb. 7, 2003	5
To authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.	H.R. 16	Jan. 7, 2003	Jud			.....	.....	.....	Jan. 8, 2003	Jan. 30, 2003	Feb. 13, 2003	6
Making further continuing appropriations for the fiscal year 2003, and for other purposes.	H.J. Res. 2	Feb. 12, 2003	App			.....	.....	.....	Jan. 8, 2003	Jan. 23, 2003	Feb. 20, 2003	7
To improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.	S. 141	Jan. 10, 2003	Bud SB			.....	.....	.....	Feb. 11, 2003	Jan. 10, 2003	Feb. 25, 2003	8
Recognizing the 92d birthday of Ronald Reagan.	H.J. Res. 19	Feb. 4, 2003	GRO			.....	.....	.....	Feb. 11, 2003	Feb. 13, 2003	Mar. 6, 2003	9
To authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a "do-not-call" registry, and for other purposes.	H.R. 395	Jan. 28, 2003	Com		Feb. 11, 2003	.....	8	.....	Feb. 12, 2003	Feb. 13, 2003	Mar. 11, 2003	10
Making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.	H.R. 1559 (S. 762)	April 2, 2003			.....	.....	55	33	April 3, 2003	April 7, 2003	April 16, 2003	11
To reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.	H.R. 397	Jan. 28, 2003	Com	ENR	Feb. 4, 2003	Mar. 19, 2003	6	27	Feb. 11, 2003	April 7, 2003	April 22, 2003	12
To rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William "Willie" McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.	H.R. 672	Feb. 11, 2003	AS-H	AS-S			.....	.....	Feb. 26, 2003	April 7, 2003	April 22, 2003	13
To designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".	H.R. 145	Jan. 7, 2003	TI	EPW	Mar. 10, 2003	April 9, 2003	30	0	Mar. 18, 2003	April 11, 2003	April 23, 2003	14
To ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.	H.R. 258	Jan. 8, 2003	BFS	BHUA	Feb. 26, 2003		20	.....	Feb. 26, 2003	April 11, 2003	April 23, 2003	15
To provide for the eradication and control of nutria in Maryland and Louisiana.	H.R. 273	Jan. 8, 2003	Res			.....	.....	.....	April 8, 2003	April 9, 2003	April 23, 2003	16
To designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office".	H.R. 1505	Mar. 27, 2003	GRO	GA			.....	.....	Mar. 31, 2003	April 10, 2003	April 23, 2003	17

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Date of passage		Public Law	
			House	Senate	House	Senate	House 108	Senate 108	House	Senate	Date approved	No. 108
To amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.	S. 380 (H.R. 735)	Feb. 12, 2003	GRO	GA	Mar. 27, 2003	April 1, 2003	49	0	April 8, 2003	April 2, 2003	April 23, 2003	18
To implement effective measures to stop trade in conflict diamonds, and for other purposes.	H.R. 1584 (S. 760)	April 3, 2003	WM IR	Fin		April 9, 2003	.....	36	April 8, 2003	April 10, 2003	April 25, 2003	19
To provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.	H.R. 1770	April 11, 2003	Com EWf Jud			.....	.....	.....	April 11, 2003	April 11, 2003	April 30, 2003	20
An Act to prevent child abduction and the sexual exploitation of children, and for other purposes.	S. 151 (H.R. 1104)	Jan. 13, 2003	Jud	Jud	Mar. 24, 2003	Jan. 30, 2003	47	0	Mar. 27, 2003	Feb. 24, 2003	April 30, 2003	21
To provide for the use of distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.	S. 162	Jan. 15, 2003	Res	IA		Mar. 10, 2003	.....	17	April 29, 2003	Mar. 13, 2003	May 14, 2003	22
To expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.	H.R. 289	Jan. 8, 2003	Res	EPW		April 9, 2003	.....	0	April 1, 2003	May 1, 2003	May 19, 2003	23
Increasing the statutory limit on the public debt.	H.J. Res. 51	April 11, 2003			.....	.....	.....	.....	April 11, 2003	May 23, 2003	May 27, 2003	24
To provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.	H.R. 1298	Mar. 17, 2003	IR		April 7, 2003	.....	60	.....	May 1, 2003	May 16, 2003	May 27, 2003	25
To extend the Temporary Extended Unemployment Compensation Act of 2002.	H.R. 2185	May 21, 2003	WM			.....	.....	.....	May 22, 2003	May 23, 2003	May 28, 2003	26
To provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.	H.R. 2 (S. 1054)	Feb. 27, 2003	WM		May 8, 2003	.....	94	0	May 9, 2003	May 15, 2003	May 28, 2003	27
Concerning participation of Taiwan in the World Health Organization.	S. 243	Jan. 29, 2003	IR	FR		April 9, 2003	.....	0	May 14, 2003	May 1, 2003	May 29, 2003	28
To further the protection and recognition of veterans' memorials, and for other purposes.	S. 330	Feb. 6, 2003	Jud TI	Jud	May 19, 2003	Mar. 20, 2003	112	0	May 20, 2003	Mar. 27, 2003	May 29, 2003	29
To amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program.	S. 870	April 10, 2003	EWf			.....	.....	.....	May 14, 2003	April 10, 2003	May 29, 2003	30
To amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.	H.R. 192	Jan. 7, 2003	IR	FR		May 21, 2003	.....	0	May 14, 2003	May 23, 2003	June 17, 2003	31
To provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.	S. 273	Feb. 4, 2003	Res	ENR		Mar. 5, 2003	.....	14	June 5, 2003	April 3, 2003	June 17, 2003	32
To designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the "Robert P. Hammer Post Office Building".	H.R. 1625	April 3, 2003	GRO	GA			.....	.....	May 6, 2003	June 10, 2003	June 23, 2003	33

To approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.	S. 222	Jan. 28, 2003	Res	IA		Mar. 10, 2003	.....	18	June 5, 2003	Mar. 13, 2003	June 23, 2003	34
To designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse".	S. 763	April 2, 2003	TI	Fin		April 9, 2003	.....	0	June 9, 2003	April 11, 2003	June 23, 2003	35
To amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.	S. 342 (H.R. 14)	Feb. 11, 2003	EWf	LHR	Mar. 6, 2003	Mar. 4, 2003	26	12	Mar. 26, 2003	Mar. 19, 2003	June 25, 2003	36
To designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".	S. 703	Mar. 25, 2003	TI	ENR	June 2, 2003	April 10, 2003	135	0	June 16, 2003	April 11, 2003	June 26, 2003	37
Expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.	S.J. Res. 8	Mar. 11, 2003	Jud	Jud	May 19, 2003	April 11, 2003	113	0	June 10, 2003	April 11, 2003	June 26, 2003	38
To amend the Communications Satellite of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Operating Agreement.	H.R. 2312	June 3, 2003	Com			.....	.....	.....	June 12, 2003	June 20, 2003	June 30, 2003	39
To reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes.	H.R. 2350	June 5, 2003	WM Com			.....	.....	.....	June 11, 2003	June 27, 2003	June 30, 2003	40
To authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools.	H.R. 389	Jan. 27, 2003	Com	LHR	Feb. 13, 2003		13	.....	Mar. 12, 2003	June 17, 2003	July 1, 2003	41
To authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.	H.R. 519	Jan. 31, 2003	Res	ENR		June 9, 2003	.....	65	Mar. 19, 2003	June 16, 2003	July 1, 2003	42
To revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.	H.R. 788	Feb. 13, 2003	Res	ENR		June 9, 2003	.....	67	Mar. 25, 2003	June 16, 2003	July 1, 2003	43
To provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission.	H.R. 658	Feb. 11, 2003	BFS GRO		April 8, 2003	.....	63	.....	June 17, 2003	June 19, 2003	July 3, 2003	44
To improve the manner in which the Corporation for National and Community Service approves, and records obligations relating to, national service positions.	S. 1276	June 18, 2003			.....	.....	.....	.....	June 19, 2003	June 18, 2003	July 3, 2003	45
To redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the "Michael J. Healy Post Office Building".	H.R. 825 (S. 708)	Feb. 13, 2003	GRO	GA		June 20, 2003	.....	0	Mar. 26, 2003	June 25, 2003	July 14, 2003	46
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. 917 (S. 508)	Feb. 25, 2003	GRO	GA		June 20, 2003	.....	0	Mar. 26, 2003	June 25, 2003	July 14, 2003	47
To redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the "Cesar Chavez Post Office".	H.R. 925	Feb. 26, 2003	GRO	GA		June 20, 2003	.....	0	June 10, 2003	June 25, 2003	July 14, 2003	48

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Date of passage		Public Law	
			House	Senate	House	Senate	House 108	Senate 108	House	Senate	Date approved	No. 108
To designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the "James R. Merry Post Office".	H.R. 981	Feb. 27, 2003	GRO	GA		June 20, 2003	.....	0	Mar. 26, 2003	June 25, 2003	July 14, 2003	49
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. 985	Feb. 27, 2003	GRO	GA		June 20, 2003	.....	0	May 13, 2003	June 25, 2003	July 14, 2003	50
To designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the "Dr. Roswell N. Beck Post Office Building".	H.R. 1055	Mar. 4, 2003	GRO	GA		June 20, 2003	.....	0	April 7, 2003	June 25, 2003	July 14, 2003	51
To designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the 'Norman D. Shumway Post Office Building'.	H.R. 1368	Mar. 19, 2003	GRO	GA		June 20, 2003	.....	0	April 7, 2003	June 25, 2003	July 14, 2003	52
To designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the "General Charles Gabriel Post Office".	H.R. 1465	Mar. 27, 2003	GRO	GA		June 20, 2003	.....	0	June 2, 2003	June 25, 2003	July 14, 2003	53
To designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the "Timothy Michael Gaffney Post Office Building".	H.R. 1596	April 3, 2003	GRO	GA		June 20, 2003	.....	0	May 6, 2003	June 25, 2003	July 14, 2003	54
To redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the "Admiral Donald Davis Post Office Building".	H.R. 1609	April 3, 2003	GRO	GA		June 20, 2003	.....	0	May 7, 2003	June 25, 2003	July 14, 2003	55
To designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the "Dr. Caesar A.W. Clark, Sr. Post Office Building".	H.R. 1740	April 10, 2003	GRO	GA		June 20, 2003	.....	0	May 6, 2003	June 25, 2003	July 14, 2003	56
To designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the "Patsy Takemoto Mink Post Office Building".	H.R. 2030 (S. 1145)	May 8, 2003	GRO	GA		June 20, 2003	.....	0	June 10, 2003	June 25, 2003	July 14, 2003	57
To authorize the Congressional Hunger Center to award Bill Emerson and Mickey Leland Hunger Fellowships for fiscal years 2003 and 2004.	H.R. 2474	June 16, 2003	Agr IR			.....	.....	.....	June 25, 2003	June 27, 2003	July 14, 2003	58
To extend the Abraham Lincoln Bicentennial Commission, and for other purposes.	S. 858	April 10, 2003	GRO	Jud		May 22, 2003	.....	0	June 25, 2003	May 23, 2003	July 14, 2003	59
To award a congressional gold medal to Prime Minister Tony Blair.	S. 709	Mar. 26, 2003	BFS	BHUA		May 9, 2003	.....	0	July 14, 2003	May 15, 2003	July 17, 2003	60
To sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.	H.R. 2330	June 4, 2003	IR WM BFS Jud		June 17, 2003 July 11, 2003	.....	159	.....	July 15, 2003	July 16, 2003	July 28, 2003	61

To authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.	H.R.	255	Jan. 8, 2003	Res	ENR		July 11, 2003	.....	99	May 14, 2003	July 17, 2003	July 29, 2003	62
To authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.	H.R.	733	Feb. 12, 2003	Res	ENR		June 9, 2003	.....	66	April 8, 2003	June 16, 2003	July 29, 2003	63
To designate the visitor center in Organ Pipe National Monument in Arizona as the "Kris Eggle Visitor Center", and for other purposes.	H.R.	1577	April 2, 2003	Res	ENR		July 11, 2003	.....	100	May 14, 2003	July 17, 2003	July 29, 2003	64
To redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".	S.	1399	July 14, 2003	GRO	GA			.....	.....	July 21, 2003	July 17, 2003	July 29, 2003	65
To provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.	S.	246	Jan. 29, 2003	Res	ENR		June 9, 2003	.....	60	July 16, 2003	June 16, 2003	July 30, 2003	66
To direct the Secretary of Agriculture to convey certain land in the lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.	H.R.	74	Jan. 7, 2003	Res		June 26, 2003	.....	185	.....	July 16, 2003	July 17, 2003	Aug. 1, 2003	67
To amend the Protect Act to clarify certain volunteer liability.	S.	1280	June 18, 2003	Jud	Jud		July 10, 2003	.....	0	July 21, 2003	July 14, 2003	Aug. 1, 2003	68
Making emergency supplemental appropriations for the fiscal year ending September 30, 2003.	H.R.	2859	July 24, 2003	App Bud			.....	.....	.....	July 25, 2003	July 31, 2003	Aug. 8, 2003	69
To designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building".	H.R.	1018	Feb. 27, 2003	TI	EPW	May 1, 2003		85	.....	May 19, 2003	July 31, 2003	Aug. 14, 2003	70
To designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building".	H.R.	1761	April 10, 2003	GRO	GA			.....	.....	July 8, 2003	July 31, 2003	Aug. 14, 2003	71
To provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.	H.R.	2195	May 21, 2003	HA TI			.....	.....	.....	July 15, 2003	July 31, 2003	Aug. 15, 2003	72
To extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted.	H.R.	2465	June 12, 2003	Jud			.....	.....	.....	June 23, 2003	July 31, 2003	Aug. 15, 2003	73
To amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes.	H.R.	2854	July 24, 2003	Com			.....	.....	.....	July 25, 2003	July 31, 2003	Aug. 15, 2003	74
To authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.	S.	1015	May 7, 2003		LHR	.....	June 12, 2003	.....	69	July 25, 2003	June 16, 2003	Aug. 15, 2003	75
To provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency.	H.R.	1412	Mar. 25, 2003	EWf	LHR			.....	.....	April 1, 2003	July 31, 2003	Aug. 18, 2003	76
To implement the United States-Chile Free Trade Agreement.	H.R.	2738	July 15, 2003	WM Jud		July 21, 2003 July 22, 2003	.....	224	.....	July 24, 2003	July 31, 2003	Sept. 3, 2003	77

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Date of passage		Public Law	
			House	Senate	House	Senate	House 108	Senate 108	House	Senate	Date approved	No. 108
.....	H.R. 2739	July 15, 2003	WM Jud		July 21, 2003 July 22, 2003	.....	225	.....	July 24, 2003	July 31, 2003	Sept. 3, 2003	78
To provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.	S. 1435	July 21, 2003			.....	.....	.....	.....	July 25, 2003	July 21, 2003	Sept. 4, 2003	79
To designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse''.	H.R. 1668	April 8, 2003	TI		July 17, 2003	.....	217	.....	Sept. 3, 2003	Sept. 9, 2003	Sept. 17, 2003	80
To reauthorize the Museum and Library Services Act, and for other purposes.	H.R. 13 (S. 888)	Jan. 7, 2003	EWf	LHR	Feb. 25, 2003	June 26, 2003	16	83	Mar. 6, 2003	Aug. 1, 2003	Sept. 25, 2003	81
To ratify the authority of the Federal Trade Commission to establish a do-not-call registry.	H.R. 3161	Sept. 24, 2003	Com			.....	.....	.....	Sept. 25, 2003	Sept. 25, 2003	Sept. 29, 2003	82
Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.	H.R. 2657	July 1, 2003			.....	.....	186	.....	July 9, 2003	July 11, 2003	Sept. 30, 2003	83
Making continuing appropriations for the fiscal year 2004, and for other purposes.	H.J. Res. 69	Sept. 24, 2003	App Bud			.....	.....	.....	Sept. 25, 2003	Sept. 25, 2003	Sept. 30, 2003	84
To authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.	S. 520	Mar. 5, 2003	Res	ENR		June 9, 2003	.....	62	Sept. 16, 2003	June 16, 2003	Sept. 30, 2003	85
To amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.	S. 678	Mar. 20, 2003		GA	.....	July 25, 2003	.....	112	Sept. 16, 2003	July 29, 2003	Sept. 30, 2003	86
Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.	H.R. 2658	July 2, 2003			.....	.....	187	.....	July 8, 2003	July 17, 2003	Sept. 30, 2003	87
To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.	H.R. 3087	Sept. 16, 2003	TI Res Bud WM Sci			.....	.....	.....	Sept. 24, 2003	Sept. 26, 2003	Sept. 30, 2003	88
To extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.	H.R. 3146	Sept. 23, 2003	WM Com Bud			.....	.....	.....	Sept. 24, 2003	Sept. 30, 2003	Oct. 1, 2003	89
Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.	H.R. 2555	June 23, 2003		App	.....	July 10, 2003	169	86	June 24, 2003	July 24, 2003	Oct. 1, 2003	90
To amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.	H.R. 659	Feb. 11, 2003	BFS	BHUA	Mar. 6, 2003		27	.....	Mar. 12, 2003	Sept. 2, 2003	Oct. 3, 2003	91

To amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.	H.R. 978	Feb. 27, 2003	GRO			.....	.....	.....	Sept. 10, 2003	Sept. 11, 2003	Oct. 3, 2003	92
To direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.	S. 111	Jan. 9, 2003	Res	ENR	Sept. 11, 2003	Feb. 11, 2003	268	4	Sept. 23, 2003	Mar. 4, 2003	Oct. 3, 2003	93
To direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.	S. 233	Jan. 29, 2003	Res	ENR	Sept. 3, 2003	Feb. 11, 2003	252	9	Sept. 23, 2003	Mar. 4, 2003	Oct. 3, 2003	94
To make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.	S. 278	Feb. 4, 2003	Res	ENR	Sept. 3, 2003	Mar. 19, 2003	253	23	Sept. 23, 2003	April 7, 2003	Oct. 3, 2003	95
To reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.	H.R. 1925	May 1, 2003	EWf	Jud	May 20, 2003		118	.....	May 20, 2003	Sept. 30, 2003	Oct. 10, 2003	96
To designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building".	H.R. 2826	July 23, 2003	GRO	GA			.....	.....	Sept. 23, 2003	Oct. 1, 2003	Oct. 10, 2003	97
To amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.	S. 570	Mar. 6, 2003	EWf	LHR			.....	.....	Sept. 30, 2003	July 16, 2003	Oct. 10, 2003	98
To amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.	H.R. 2152	May 19, 2003	Jud	Jud	Sept. 16, 2003		271	.....	Sept. 17, 2003	Oct. 3, 2003	Oct. 15, 2003	99
To facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.	H.R. 1474 (S. 1334)	Mar. 27, 2003	BFS	BHUA	June 2, 2003	June 25, 2003	132	79	June 5, 2003	June 27, 2003	Oct. 28, 2003	100
To award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.	H.R. 1900	April 30, 2003	BFS			.....	.....	.....	Oct. 7, 2003	Oct. 17, 2003	Oct. 29, 2003	101
To amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes.	H.R. 3229	Oct. 2, 2003	HA			.....	.....	.....	Oct. 7, 2003	Oct. 15, 2003	Oct. 29, 2003	102
To redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".	S. 1591	Sept. 8, 2003	GRO	GA			.....	.....	Oct. 20, 2003	Sept. 25, 2003	Oct. 29, 2003	103
Making further continuing appropriations for the fiscal year 2004, and for other purposes.	H.J. Res. 75	Oct. 28, 2003	App			.....	.....	.....	Oct. 30, 2003	Oct. 30, 2003	Oct. 31, 2003	104
To prohibit the procedure commonly known as partial-birth abortion.	S. 3 (H.R. 760)	Feb. 14, 2003	Jud		April 3, 2003	.....	58	.....	June 4, 2003	Mar. 13, 2003	Nov. 5, 2003	105

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			House	Senate	House	Senate	House 108	Senate 108	House	Senate	Date approved	No. 108
Making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.	H.R. 3289 (S. 1689)	Oct. 14, 2003			.....	.....	312	160	Oct. 17, 2003	Oct. 17, 2003	Nov. 6, 2003	106
Making further continuing appropriations for the fiscal year 2004, and for other purposes.	H.J. Res. 76	Nov. 4, 2003	App			.....	.....	.....	Nov. 5, 2003	Nov. 7, 2003	Nov. 7, 2003	107
Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.	H.R. 2691	July 10, 2003			.....	.....	195	.....	July 17, 2003	Sept. 23, 2003	Nov. 10, 2003	108
To provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.	H.R. 1516	Mar. 31, 2003	VA	VA	July 10, 2003	Oct. 14, 2003	199	164	July 21, 2003	Oct. 17, 2003	Nov. 11, 2003	109
To redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building".	H.R. 1610	April 3, 2003	GRO	GA		Oct. 27, 2003	.....	0	June 9, 2003	Oct. 29, 2003	Nov. 11, 2003	110
To designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office".	H.R. 1882	April 30, 2003	GRO	GA		Oct. 27, 2003	.....	0	Sept. 30, 2003	Oct. 29, 2003	Nov. 11, 2003	111
To designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building".	H.R. 2075	May 13, 2003	GRO	GA		Oct. 27, 2003	.....	0	Sept. 30, 2003	Oct. 29, 2003	Nov. 11, 2003	112
To designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building".	H.R. 2254	May 22, 2003	GRO	GA		Oct. 27, 2003	.....	0	June 16, 2003	Oct. 29, 2003	Nov. 11, 2003	113
To designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building".	H.R. 2309	June 3, 2003	GRO	GA		Oct. 27, 2003	.....	0	Sept. 3, 2003	Oct. 29, 2003	Nov. 11, 2003	114
To designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".	H.R. 2328	June 4, 2003	GRO	GA		Oct. 27, 2003	.....	0	July 21, 2003	Oct. 29, 2003	Nov. 11, 2003	115
To designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office".	H.R. 2396	June 9, 2003	GRO	GA		Oct. 27, 2003	.....	0	July 8, 2003	Oct. 29, 2003	Nov. 11, 2003	116
To designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".	H.R. 2452 (S. 1746)	June 12, 2003	GRO	GA		Oct. 27, 2003	.....	0	Oct. 8, 2003	Oct. 29, 2003	Nov. 11, 2003	117
To designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building".	H.R. 2533 (S. 1671)	June 19, 2003	GRO	GA		Oct. 27, 2003	.....	0	Sept. 23, 2003	Oct. 29, 2003	Nov. 11, 2003	118
To designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".	H.R. 2746 (S. 1415)	July 15, 2003	GRO	GA		Oct. 27, 2003	.....	0	July 25, 2003	Oct. 29, 2003	Nov. 11, 2003	119

To designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building".	H.R. 3011	Sept. 4, 2003	GRO	GA		Oct. 27, 2003	.....	0	Sept. 30, 2003	Oct. 29, 2003	Nov. 11, 2003	120
To amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income.	H.R. 3365	Oct. 21, 2003	WM AS-H			.....	.....	.....	Oct. 29, 2003	Nov. 3, 2003	Nov. 11, 2003	121
Recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.	H.J. Res. 52	April 11, 2003	HA			.....	.....	.....	Oct. 7, 2003	Oct. 23, 2003	Nov. 11, 2003	122
To amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.	S. 926	April 28, 2003	GRO	GA		July 21, 2003	.....	109	Oct. 28, 2003	July 30, 2003	Nov. 11, 2003	123
To designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office".	H.R. 1883	April 30, 2003	GRO	GA		Oct. 27, 2003	.....	0	Oct. 15, 2003	Oct. 29, 2003	Nov. 11, 2003	124
To extend the authority for the construction of a memorial to Martin Luther King, Jr.	S. 470	Feb. 27, 2003		ENR	.....	July 11, 2003	.....	90	Oct. 28, 2003	July 17, 2003	Nov. 11, 2003	125
To authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.	H.R. 1442	Mar. 26, 2003	Res		Oct. 2, 2003	.....	295	.....	Oct. 15, 2003	Nov. 5, 2003	Nov. 17, 2003	126
To amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.	H.R. 3288	Oct. 14, 2003	Com			.....	.....	.....	Oct. 20, 2003	Oct. 31, 2003	Nov. 17, 2003	127
To revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.	S. 677	Mar. 20, 2003	Res	ENR	Nov. 4, 2003	July 11, 2003	344	96	Nov. 4, 2003	July 17, 2003	Nov. 17, 2003	128
To authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.	S. 924	April 11, 2003	Res	ENR	Nov. 4, 2003	July 11, 2003	345	97	Nov. 4, 2003	July 17, 2003	Nov. 17, 2003	129
To amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.	S. 313	Feb. 5, 2003	Com	LHR		May 21, 2003	.....	51	Nov. 4, 2003	May 23, 2003	Nov. 18, 2003	130
To authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.	H.R. 274	Jan. 8, 2003	Res	EPW		Oct. 30, 2003	.....	180	April 29, 2003	Nov. 7, 2003	Nov. 22, 2003	131
Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.	H.R. 2559 (S. 1357)	June 23, 2003			.....	.....	173	82	June 26, 2003	July 11, 2003	Nov. 22, 2003	132

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Date of passage		Public Law	
			House	Senate	House	Senate	House 108	Senate 108	House	Senate	Date approved	No. 108
To amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes.	H.R. 3054	Sept. 10, 2003	GRO	GA			.....	.....	Oct. 8, 2003	Nov. 11, 2003	Nov. 22, 2003	133
To reauthorize certain school lunch and child nutrition programs through March 31, 2004.	H.R. 3232	Oct. 2, 2003	EWf	Agr			.....	.....	Oct. 28, 2003	Nov. 6, 2003	Nov. 22, 2003	134
Making further continuing appropriations for the fiscal year 2004, and for other purposes.	H.J. Res. 79	Nov. 21, 2003	App			.....	.....	.....	Nov. 21, 2003	Nov. 21, 2003	Nov. 22, 2003	135
To authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.	H.R. 1588	April 3, 2003	AS-H		May 16, 2003	.....	106	.....	May 22, 2003	June 4, 2003	Nov. 24, 2003	136
Making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.	H.R. 2754 (S. 1424)	July 16, 2003			.....	.....	212	105	July 18, 2003	Sept. 16, 2003	Dec. 1, 2003	137
To correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System.	S. 1066	May 14, 2003	Res	CST		Oct. 29, 2003	.....	177	Nov. 17, 2003	Nov. 6, 2003	Dec. 1, 2003	138
Commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years.	S.J. Res. 18	Sept. 29, 2003		GA	.....		.....	.....	Nov. 17, 2003	Oct. 14, 2003	Dec. 1, 2003	139
Recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research.	S.J. Res. 22	Nov. 3, 2003			.....	.....	.....	.....	Nov. 17, 2003	Nov. 3, 2003	Dec. 1, 2003	140
To redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building".	S. 1590	Sept. 8, 2003	GRO	GA		Oct. 27, 2003	.....	0	Nov. 17, 2003	Oct. 29, 2003	Dec. 1, 2003	141
To revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.	S. 254	Jan. 30, 2003	Res	ENR	Oct. 2, 2003	Feb. 11, 2003	296	10	Nov. 18, 2003	Mar. 4, 2003	Dec. 2, 2003	142
To designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the "Ronald Reagan Post Office Building".	S. 867	April 10, 2003	GRO	GA		June 20, 2003	.....	0	Nov. 18, 2003	June 25, 2003	Dec. 2, 2003	143
To designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office".	S. 1718	Oct. 14, 2003	GRO	GA		Oct. 27, 2003	.....	0	Nov. 18, 2003	Oct. 29, 2003	Dec. 2, 2003	144

To reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.	H.R.	3182	Sept. 25, 2003	WM	Fin			.....	.....	Oct. 8, 2003	Nov. 14, 2003	Dec. 2, 2003	145
To amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks.	H.R.	23	Jan. 7, 2003	BFS	BHUA	June 12, 2003		151	.....	July 21, 2003	Nov. 18, 2003	Dec. 3, 2003	146
To increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.	H.R.	1683	April 9, 2003	VA	VA	May 19, 2003		108	.....	May 22, 2003	Nov. 21, 2003	Dec. 3, 2003	147
To improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.	H.R.	1904	May 1, 2003	Agr Res Jud	Agr	May 9, 2003 May 16, 2003	July 31, 2003	96	121	May 20, 2003	Oct. 30, 2003	Dec. 3, 2003	148
To designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building".	H.R.	2744	July 15, 2003	GRO	GA			.....	.....	Oct. 28, 2003	Nov. 18, 2003	Dec. 3, 2003	149
To designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the "Richard D. Watkins Post Office Building".	H.R.	3175	Sept. 24, 2003	GRO	GA			.....	.....	Oct. 28, 2003	Nov. 18, 2003	Dec. 3, 2003	150
To designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the "Francis X. McCloskey Post Office Building".	H.R.	3379	Oct. 28, 2003	GRO	GA			.....	.....	Nov. 5, 2003	Nov. 18, 2003	Dec. 3, 2003	151
To authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.	S.	117	Jan. 9, 2003	Agr	ENR		Feb. 11, 2003	.....	5	Nov. 19, 2003	Mar. 4, 2003	Dec. 3, 2003	152
To authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.	S.	189	Jan. 16, 2003		CST	.....	Sept. 15, 2003	.....	147	Nov. 20, 2003	Nov. 18, 2003	Dec. 3, 2003	153
To revise and extend the Birth Defects Prevention Act of 1998.	S.	286	Feb. 4, 2003		LHR	.....	Nov. 6, 2003	.....	188	Nov. 20, 2003	Nov. 11, 2003	Dec. 3, 2003	154
To amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.	S.	650	Mar. 18, 2003	Com	LHR		June 26, 2003	.....	84	Nov. 19, 2003	July 23, 2003	Dec. 3, 2003	155
To extend and expand the basic pilot program for employment eligibility verification, and for other purposes.	S.	1685	Sept. 30, 2003		Jud	.....	Nov. 6, 2003	.....	0	Nov. 19, 2003	Nov. 12, 2003	Dec. 3, 2003	156
To provide for Federal court proceedings in Plano, Texas.	S.	1720	Oct. 14, 2003	Jud	Jud		Oct. 30, 2003	.....	0	Nov. 19, 2003	Nov. 4, 2003	Dec. 3, 2003	157
To amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes.	S.	1824	Nov. 5, 2003		FR	.....	Nov. 11, 2003	.....	194	Nov. 19, 2003	Nov. 14, 2003	Dec. 3, 2003	158

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			House	Senate	House	Senate	House 108	Senate 108	House	Senate	Date approved	No. 108
To amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.	H.R. 2622 (S. 1753)	June 26, 2003	BFS	BHUA	Sept. 4, 2003	Oct. 17, 2003	263	166	Sept. 10, 2003	Nov. 5, 2003	Dec. 4, 2003	159
To reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.	H.R. 421	Jan. 28, 2003	EWf Res		Nov. 17, 2003	.....	371	.....	Nov. 19, 2003	Nov. 21, 2003	Dec. 6, 2003	160
To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes.	H.R. 1367	Mar. 19, 2003	Agr	Agr			.....	.....	Nov. 17, 2003	Nov. 24, 2003	Dec. 6, 2003	161
To award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation.	H.R. 1821	April 11, 2003	BFS	BHUA			.....	.....	Oct. 15, 2003	Nov. 21, 2003	Dec. 6, 2003	162
To make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002.	H.R. 3038	Sept. 9, 2003	Com	LHR	Sept. 17, 2003		275	.....	Oct. 1, 2003	Nov. 20, 2003	Dec. 6, 2003	163
To provide for availability of contact lens prescriptions to patients, and for other purposes.	H.R. 3140	Sept. 23, 2003	Com		Oct. 15, 2003	.....	318	.....	Nov. 19, 2003	Nov. 20, 2003	Dec. 6, 2003	164
To designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G. Dow Post Office Building".	H.R. 3166	Sept. 24, 2003	GRO			.....	.....	.....	Nov. 4, 2003	Nov. 20, 2003	Dec. 6, 2003	165
To designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building".	H.R. 3185	Sept. 25, 2003	GRO			.....	.....	.....	Nov. 17, 2003	Nov. 20, 2003	Dec. 6, 2003	166
To authorize salary adjustments for Justices and judges of the United States for fiscal year 2004.	H.R. 3349	Oct. 20, 2003	Jud			.....	.....	.....	Nov. 5, 2003	Nov. 21, 2003	Dec. 6, 2003	167
To reauthorize the National Transportation Safety Board, and for other purposes.	S. 579	Mar. 7, 2003		CST	.....	May 22, 2003	.....	53	Nov. 22, 2003	Nov. 21, 2003	Dec. 6, 2003	168
To reauthorize the United States Fire Administration, and for other purposes.	S. 1152	May 23, 2003		CST	.....	Aug. 26, 2003	.....	126	Nov. 21, 2003	Nov. 20, 2003	Dec. 6, 2003	169
To amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.	S. 1156	May 23, 2003		VA	.....	Nov. 10, 2003	.....	193	Nov. 21, 2003	Nov. 19, 2003	Dec. 6, 2003	170
To extend the national flood insurance program.	S. 1768	Oct. 21, 2003	BFS	BHUA			.....	.....	Nov. 21, 2003	Oct. 27, 2003	Dec. 6, 2003	171
To temporarily extend the programs under the Small Business Act and the Small Business Investment Act of 1958 through March 15, 2004, and for other purposes.	S. 1895	Nov. 19, 2003			.....	.....	.....	.....	Nov. 20, 2003	Nov. 19, 2003	Dec. 6, 2003	172

To amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and for other purposes.	H.R. 1 (S. 1)	June 25, 2003	Com WM	Fin		June 13, 2003	.....	0	June 27, 2003	July 7, 2003	Dec. 8, 2003	173
To reauthorize the ban on undetectable firearms.	H.R. 3348	Oct. 20, 2003	Jud			.....	.....	.....	Nov. 5, 2003	Nov. 25, 2003	Dec. 9, 2003	174
To halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes.	H.R. 1828	April 12, 2003	IR		Oct. 15, 2003	.....	314	.....	Oct. 15, 2003	Nov. 11, 2003	Dec. 12, 2003	175
To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.	H.R. 2115 (S. 824)	May 15, 2003	TI	CST	June 6, 2003	May 2, 2003	143	41	June 11, 2003	June 12, 2003	Dec. 12, 2003	176
To authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.	H.R. 2417 (S. 1025)	June 11, 2003	Int	AS-S	June 18, 2003	June 26, 2003	163	44	June 27, 2003	July 31, 2003	Dec. 13, 2003	177
To improve the United States Code	H.R. 1437	Mar. 25, 2003	Jud	Jud	May 15, 2003		103	.....	July 21, 2003	Nov. 25, 2003	Dec. 15, 2003	178
To amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes.	H.R. 1813	April 11, 2003	IR Com		Sept. 4, 2003 Sept. 17, 2003	.....	261	.....	Nov. 19, 2003	Nov. 25, 2003	Dec. 15, 2003	179
To award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of Brown et al. v. the Board of Education of Topeka et al..	H.R. 3287	Oct. 10, 2003	BFS			.....	.....	.....	Nov. 18, 2003	Nov. 25, 2003	Dec. 15, 2003	180
Appointing the day for the convening of the second session of the One Hundred Eighth Congress.	H.J. Res. 80	Nov. 21, 2003			.....	.....	.....	.....	Nov. 22, 2003	Nov. 25, 2003	Dec. 15, 2003	181
To ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.	S. 459	Feb. 26, 2003	Jud	Jud			.....	.....	Nov. 22, 2003	May 16, 2003	Dec. 15, 2003	182
To amend title 38, United States Code, to improve benefits under laws admin istered by the Secretary of Veterans Affairs, and for other purposes..	H.R. 2297	June 2, 2003	VA	VA	July 15, 2003		211	.....	Oct. 8, 2003	Nov. 19, 2003	Dec. 16, 2003	183

Title	Bill No.	Date introduced	Committee		Date Reported		Report No.		Date of passage		Public Law	
			House	Senate	House	Senate	House 108	Senate 108	House	Senate	Date approved	No. 108
To establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.	H.R. 3491	Nov. 17, 2003	HA TI Res			.....	.....	.....	Nov. 19, 2003	Nov. 20, 2003	Dec. 16, 2003	184
Making further continuing appropriations for the fiscal year 2004, and for other purposes.	H.J. Res. 82	Dec. 8, 2003	App			.....	.....	.....	Dec. 8, 2003	Dec. 9, 2003	Dec. 16, 2003	185
To support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.	S. 811	April 8, 2003		Jud	.....		.....	.....	Dec. 8, 2003	Nov. 24, 2003	Dec. 16, 2003	186
To regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.	S. 877	April 10, 2003		CST	.....	July 16, 2003	.....	102	Nov. 22, 2003	Oct. 22, 2003	Dec. 16, 2003	187
To approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes.	H.J. Res. 63	July 8, 2003	IR Res Jud		Sept. 4, 2003 Sept. 15, 2003 Sept. 15, 2003	.....	262	.....	Oct. 28, 2003	Nov. 6, 2003	Dec. 17, 2003	188
To restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940.	H.R. 100 (S. 1136)	Jan. 7, 2003	VA	VA	April 30, 2003	Nov. 17, 2003	81	197	May 7, 2003	Nov. 21, 2003	Dec. 19, 2003	189
To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.	H.R. 622	Feb. 5, 2003	Res	ENR		Aug. 26, 2003	.....	137	April 1, 2003	Nov. 24, 2003	Dec. 19, 2003	190
To amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.	H.R. 1006	Feb. 27, 2003	Res		Sept. 11, 2003	.....	269	.....	Nov. 19, 2003	Nov. 24, 2003	Dec. 19, 2003	191
To establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.	H.R. 1012	Feb. 27, 2003	Res	ENR		Aug. 26, 2003	.....	138	May 14, 2003	Nov. 24, 2003	Dec. 19, 2003	192
To authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes.	H.R. 2620	June 26, 2003	IR Jud		Sept. 5, 2003 Sept. 29, 2003	.....	264	.....	Nov. 5, 2003	Dec. 9, 2003	Dec. 19, 2003	193
To provide assistance for poison prevention and to stabilize the funding of regional poison control centers.	S. 686	Mar. 21, 2003	Com	LHR		June 11, 2003	.....	68	Nov. 20, 2003	June 20, 2003	Dec. 19, 2003	194
To reauthorize the Defense Production Act of 1950, and for other purposes.	S. 1680	Sept. 30, 2003	BFS			.....	.....	156	Oct. 15, 2003	Sept. 30, 2003	Dec. 19, 2003	195
To provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.	S. 1683	Sept. 30, 2003	GRO	GA		Nov. 22, 2003	.....	207	Dec. 8, 2003	Nov. 25, 2003	Dec. 19, 2003	196

To amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year.	S.	1929	Nov. 21, 2003			.....	.....	.....	.....	Dec. 8, 2003	Nov. 21, 2003	Dec. 19, 2003	197
To prohibit the offer of credit by a financial institution to a financial institution examiner, and for other purposes.	S.	1947	Nov. 24, 2003	Jud			.....	.....	.....	Dec. 8, 2003	Nov. 24, 2003	Dec. 19, 2003	198

TABLE OF COMMITTEE ABBREVIATIONS

Agr ..... Agriculture
ANF ..... Agriculture, Nutrition, and Forestry
App ..... Appropriations
AS-H ..... Armed Services (House)
AS-S ..... Armed Services (Senate)
BHUA .... Banking, Housing, and Urban Affairs
Bud ..... Budget
CST ..... Commerce, Science, and Transportation
EC ..... Energy and Commerce
ENR ..... Energy and Natural Resources
EPW ..... Environment and Public Works
EWf ..... Education and the Workforce
Fin ..... Finance
FS ..... Financial Services
FR ..... Foreign Relations
GA ..... Governmental Affairs
GR ..... Government Reform
HEL&P .. Health, Education, Labor and Pensions
HA ..... House Administration
IA ..... Indian Affairs
Int ..... Intelligence
IR ..... International Relations
Jud ..... Judiciary
R ..... Rules
RAdm .... Rules and Administration
Res ..... Resources
Sci ..... Science
HS ..... Select Committee on Homeland Security
SB ..... Small Business
TI ..... Transportation and Infrastructure
VA ..... Veterans' Affairs
WM ..... Ways and Means

NOTE. The bill in parentheses is a companion measure.

Next Meeting of the SENATE

9:30 a.m., Wednesday, March 3

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of S. 1637, Jumpstart Our Business Strength (JOBS) Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, March 3

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H.R. 912, Charles 'Pete' Conrad Astronomy Awards Act;

(2) H.R. 3389, to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldridge National Quality Awards to be made to nonprofit organizations;

(3) H.R. 1417, Copyright Royalty and Distribution Reform Act of 2003;

(4) H. Res. 412, Honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary; and

(5) H. Res. 56, supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

Consideration of H.R. 1561, United States Patent and Trademark Fee Modernization Act of 2003 (structured rule, one hour of debate).

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