United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, OCTOBER 8, 2002 *No. 131*

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 8, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON 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 23, 2002, 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for 5 minutes.

PROTECTING SOCIAL SECURITY MUST BE A PRIORITY

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to underscore the importance of protecting the Social Security system from the dangers of privatization. We already know that Social Security is keeping tens of millions of older Americans out of poverty. Two-thirds of our senior citizens rely on Social Security for more than half of their income.

In addition to our seniors, 14 million Americans also rely on Social Security to provide vital disability or survivor benefits every month.

When we consider who will be impacted, it is easy to see why my colleagues in the Republican Party are ducking the debate on privatization. After all, the success of these plans rests on the performance of the same equity markets that have lost $4.5 trillion in the last 18 months. So I really do not blame them for wanting to dodge the question or wanting to play down previous endorsements of privatizing Social Security.

After all, the safety net of Social Security has never been more important, especially in light of the staggering losses to retirement savings plans under this administration's failed economic policies.

In 2001 alone, 401(k) plans lost roughly $210 billion, while individual retirement accounts shed an additional $230 billion. So it is no surprise that Republicans do not want to talk about the fact that their privatization plan will result in benefit cuts up to 40 percent.

They do not want to talk about the fact that privatizing Social Security could force workers to delay their retirement in order to collect full benefits. They do not want to talk about the fact that benefit cuts would impact all beneficiaries, even those who choose not to open personal accounts, and Republicans certainly do not want to talk about the $2 trillion that would be siphoned away from the trust fund in order to set up these private accounts. After all, who wants to call attention to the fact that taking a mere 2 percent of payroll taxes away from the trust fund can double or triple the size of the Federal deficit.

It is not a pretty picture. However, this debate is simply too important for us to allow our colleagues to stick their heads in the sand or to defer their plans to undermine the system until after the 2002 elections, and I also think it is especially important to set the record straight on privatization because there are some people out there who want to paint Social Security as a bad deal for African Americans and other people of color. In fact, one recent Republican political ad even went so far as to label Social Security as reverse reparations, a false and truly offensive claim against a program that provides the only guaranteed safety net for millions of African American men, women, and children.

We must never forget that Social Security is the single most important source for African American retirees, providing on average three-quarters of their retirement income. We must also dispel the myth that private accounts would be good for African Americans. Privatization undermines the guaranteed benefits that keep millions of African American seniors out of poverty, and it undermines the system's progressive benefits structure which helps minorities compensate for a lifetime average of lower wages and less savings.

I believe that these risks are unacceptable. Protecting the financial security of our seniors and our most vulnerable is a social compact that was forged with the greatest generation, and now we have a responsibility to protect this system for our children's generations.

To that end, I believe that the only course of action is a fair and balanced debate about the future of Social Security. Our constituents deserve to hear an honest conversation about what will happen if we put our faith and our retirement savings in the stock market. They deserve to hear what plans Members have to guarantee Social Security benefits before they go to the polls in November, and they deserve to see us roll up our sleeves and get to work on protecting their retirement security.

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Mr. Speaker, let us debate Social Security privatization now. It is much too important to wait.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 335

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the Committee on Finance, Administrative Director of the Office of Senator Bob Dole and Chief of Staff under Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe's clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Anne Coe.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 150. Concurrent resolution welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes.

SOCIAL SECURITY PRIVATIZATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from California (Mr. MATSUI) is recognized during morning hour debates for 5 minutes.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentlewoman from Texas for her comments and certainly the gentleman from Missouri, the Democratic leader, for helping put this together this morning.

This is not a theoretical debate. The whole issue of Social Security privatization is a real discussion, something that really will, in fact, occur in 2003.

The gentleman from Virginia (Mr. TOM DAVIS), the Chair of the Republican Campaign Committee, said in the month of August that privatization will be a 2003 issue, they intend to bring it up. Paul O'Neill, the Secretary of the Treasury, has said that he intends to have the President bring up privatization of Social Security in 2003 after the November 5 election.

The reason this is a theoretical debate is because this is hard to believe, but my Republican colleagues have five real plans to privatize Social Security. We have President Bush who convened a 14-member commission of experts that essentially came up with three plans to privatize Social Security. The gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security of the Committee on Ways and Means, has drafted a privatization of Social Security plan; and the gentleman from Texas (Mr. ARMEY), the majority leader, has come up with a plan to privatize Social Security as well.

So we have five plans, one of which will undoubtedly be the plan that will be brought up and attempted to be adopted by the President in the year 2003. I thought it would be important for us to talk about this because obviously, if this comes up, the American public should know exactly what we are talking about before the November election.

My Republican colleagues will say, well, the gentleman from California (Mr. MATSUI), the gentleman from Missouri (Mr. GEPHARDT), the gentlewoman form Texas (Ms. EDDIE BERNICE JOHNSON) are just trying to scare seniors; but by explaining these plans, we hope we are not attempting to scare seniors, but what we are trying to do is explain to the American public exactly what these plans are, because it will be coming up in the year 2003.

For example, the Shaw plan, which is a privatization plan, the gentleman from Florida (Mr. SHAW) has not explained to us that within 30 years, by privatizing Social Security, it will require $6.9 trillion or approximately $7 trillion of general fund moneys. We know that those general fund moneys do not exist so we wonder where this general fund money is going to come from, and the gentleman from Florida (Mr. SHAW) also in his plan is basically an arbitrage plan. They borrow the $6.9 trillion and then invest it in the stock market and hope the rate of return will be better and higher than the rate of loss in borrowing that money; and so if, in fact, the market drops, it will result in a cut in benefits.

The same thing with the gentleman from Texas' (Mr. ARMEY) and the gentleman from South Carolina's (Mr. DEMINT) plan. In a 30-year period, they are going to have to borrow $10 trillion; and that basically would mean tripling, tripling the national debt of this country, to put that in perspective. It would triple the national debt of this country.

Then we have, of course, the President's three plans, some of which, $3.3 trillion, that would require up to a 54 percent cut in benefits not only for seniors but also for the disabled and survivor's benefits for families with minor children and a surviving spouse. So we are talking about plans that will either cost trillions of dollars by tripling the national debt; or we are talking about a combination of those, plus massive cuts in benefits for the American public.

I have to just say, Mr. Speaker, that my colleagues on the other side of the aisle have tried to obscure this issue by saying that personal savings accounts are not privatization. Personal savings accounts are, in fact, privatization. They were talking about, let us not really bring this issue up this year because we do not want to alarm the American public. But then why have they introduced five pieces of legislation and why has the Secretary of the Treasury talked about bringing this issue up in the year 2003?

This is an issue that the American public should be aware of today because it will be massive cuts in benefits, particularly given the fact that the market has collapsed at this time and given the fact that that is the only defined benefit that most Americans have.

THE MISSING DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Missouri (Mr. GEPHARDT) is recognized during morning hour debates for 13 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge a free and fair debate on this floor about the future of Social Security before the November elections occur. Here we are in October, nearing what will become the end of the 107th Congress, and we have yet to have a real debate about what perhaps is the most important issue facing the American people.

We have a Republican leadership that wants to adjourn without debating one of the most serious concerns that people have about their own retirement. We have spent our time renaming post offices, we have done very well at that, and passing non-sense of the House resolutions, but we have had no time, not a moment, to debate the Republican plan to privatize Social Security and cut Social Security benefits.

The Republican strategy is clear. It is deception. The Republican leadership from the gentleman from Illinois (Mr. HASTERT) to the gentleman from Texas (Mr. ARMEY) to the gentleman from Texas (Mr. DELAY) all are on record in strong support of privatization. They support cutting benefits and taking funds that should be secure and putting them into risky stock market accounts.

I think it is vital that we have this debate before the November elections and not afterwards when it will probably be too late.

We are not talking about an academic exercise here. We are not talking about theories or philosophies. We are talking about people's lives and what happens to them every day of every

month. We are talking about the President's proposals and the biggest changes this program would ever see; and we are talking about a sea change, a fundamental sea change in the way the program works.

Make no mistake about it, Republicans have a plan to privatize Social Security, cut benefits and weaken the foundation of this retirement system. In 2000, President Bush argued that privatization of Social Security would create a better, improved retirement future for the baby boomers and beyond. In 2001, the President's Social Security commission proposed three plans that I have on this chart, and each plan ultimately requires a cut in benefits. Now, the Republican Party has developed phony ads to make it look like they are for preserving the long-time health of Social Security when it is simply false.

As the Wall Street Journal recently reported, President Bush's media strategist produced these ads which peddle the falsehood that privatization of Social Security is the solution to people's retirement fears. If my colleagues did not think that was bad enough, it gets worse.

A coalition of right wing organizations has a new pledge card that it is urging Republican candidates to sign in order to give them cover on the issue of privatizing Social Security. The organization is called SocialSecurityChoice.Org. The campaign is funded by a variety of Republican interest groups that support privatization, and Republicans who take the pledge make the promise to ''support allowing younger workers the option to voluntarily place a portion of their Social Security taxes in personal retirement accounts.''

On Capitol Hill, Republicans want to avoid a real debate that involves their schemes to privatize and cut Social Security benefits. In fact, Republicans have been running away from this issue as fast as they can.

Karl Rove is assuring Republican lawmakers that after the election is done in 2003, then the White House will finally begin its drive to privatize Social Security. The gentleman from Virginia (Mr. TOM DAVIS), head of the Republican Campaign Committee, recently said on the radio that Social Security privatization ''will probably come up in the next Congress'' but not in this Congress.

Michael Tanner of the CATO Institute predicted that, if the Republicans retain the House, the President intends to make a push in the spring and they will get a vote in the House; and one Republican pollster presentation advised his clients, do not use the word ''privatize'' when talking about Social Security on the campaign trail. Get a new word, he said. Maybe personalize, maybe traumatize, I do not know what the right word is; but it sure is not privatization.

None of this should come as a surprise to anybody who has ever followed this issue. In recent months, the stock market has fallen like a lead balloon. The market is at its worst September since the Great Depression, the worst third quarter since 1987, and is at its lowest level in 5 years. If my colleagues look at this chart, the market has lost $4.5 trillion in value since January 2001, and on the next chart my colleagues will see if the President's plan had been in place at that time, today's retirees would have lost $2,016 in benefits as compared to those who retired in December of 2000.

That is the impact of turning Social Security over to the stock market. It is not a surprise that Republicans have devoted themselves to the evisceration of the greatest retirement protection plan ever created. The Republican Party has always sought to weaken and get rid of Social Security. In 1935, they opposed its creation. In 1964, they wanted to make it voluntary; and in 1994, the gentleman from Texas (Mr. ARMEY) appeared on national TV, and he said, ''I never would have created Social Security.'' The gentleman from Texas (Mr. ARMEY) also called Social Security a bad retirement, and he said it was a rotten trick on the American people. He continued, ''I think we're going to have to bite the bullet on Social Security and phase it out over a period of time.''

Republicans adopted the same approach to Medicare. Newt Gingrich said, ''We cannot just get rid of it. We have got to let it wither on the vine.''

Their ideological alliance flies in the face of cold hard facts. It represents a defeat for the majority of the American people that oppose the privatization of Social Security. My colleagues better believe, if the Republicans take the House and retake the Senate, President Bush will privatize Social Security before we can blink our eyes.

Democrats created Social Security in 1935, and we will fight to protect it in 2002 and beyond. In our view, since its creation more than 65 years ago, no other program in the history of this country has provided such dignity and respect for our senior citizens, no matter what their income, no matter what their background. Thanks to Social Security, people have lived their lives free from fear. Social Security has put food on people's tables and shelter over their heads.

Look at this chart. It is the most important source of income for middle-income senior citizens. It has helped millions of people avoid poverty. Sixty-four percent of income from middle-income seniors comes from Social Security. For 67 years, it has been there for the people when they have needed it. For countless seniors, surviving spouses and children and Americans with disabilities that fought our wars, sustained our economy and built our Nation, it has meant the difference between life and death.

Social Security is based on a contract, an intergenerational contract and a commitment that today's generations have a duty to honor and uphold. We have a responsibility to simply keep our word by protecting the terms of this agreement.

Our responsibility calls for making sensible decisions that invest in Social Security and make it stronger, not weaker, in the decades ahead. Our responsibility calls for ensuring our children and grandchildren will reap its rewards; and our values call for building Social Security up, not tearing it down, to satisfy long-held ideological convictions.

Social Security is already under attack due to the Republican economic agenda. We had a golden opportunity 2 years ago to shore up Social Security. Two years ago we could have passed tax cuts to promote long-term economic growth while paying down America's debt and investing in Social Security for Americans nationwide.

The Republicans rejected our approach. They had a better plan. Their economic plan invaded Social Security, broke repeated promises to secure the surplus, and if my colleagues look at this chart, diverted almost $2 trillion to pay for the wrong-headed Republican tax cut for the wealthiest Americans. They literally took money out of the Social Security trust fund in order to give a tax break that primarily helped people at way, way, way, way up at the top. The Republican slogan, unlike the slogan we had a few years back, seems to be ''Save Social Security last, not first.''

After voting seven times with Democrats to guard the lockbox, the Republican leadership in the House failed to keep their word, and they have failed to lead; and the lockbox is broken on the floor. We will lead.

Since Republicans have failed to put Social Security on the floor, we have mounted a discharge petition to bring up the three plans from the President's commission, all for privatization, so we can have a full and free debate in the highest tradition of democratic governance. In this discharge, we include a resolution of disapproval. This is more than a debate. It is a way for the House to vote up or down on the Republican plan, as well as the congressional plan of the Republicans to privatize Social Security.

I think it is essential. I am concerned that people are going to go in the voting booths and elect candidates next month who say, oh, I am going to guarantee Social Security benefits and then turn around the day after the election and cut them in some scheme of privatization. This is the most cynical, political act that I have seen in my time in Congress, to say to the American public, oh, we are going to protect it and then the day after the election run to the floor to privatize it and cut the benefits that they have said they are going to protect.

I urge my colleagues, sign this petition. Let us have a meaningful Social Security discussion before we go to our districts for the fall election. Put the

fake pledge cards away. Abandon the empty Republican promises and secret plans. Tell the pollsters to keep their new words to themselves. Let us conduct a free and fair debate in the open, in the sunshine, in the public about the consequences that will be caused by the privatization of Social Security. Let us rise up in the highest tradition of this body and debate the future of this most important program. Let us save Social Security first and today.

EXPRESSING SUPPORT FOR RESOLUTION ON IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New York (Mr. MCNULTY) is recognized during morning hour debates for 2½ minutes.

Mr. MCNULTY. Mr. Speaker, today I rise to support the bipartisan resolution on Iraq which we will vote on later this week.

Mr. Speaker, I have been a member of this body for the past 14 years, and I have heard Members throughout those years describe various votes as the most important votes that they will cast during their careers in Congress. I would submit to my colleagues that those votes—all of them—pale in comparison to any vote to send young American soldiers into harm's way.

My family knows the pain of war. On August 9, 1970, my brother Bill was killed in Vietnam. He was a medical corpsman, out in the field patching up his buddies, when he stepped on a land mine and lost his life. I do not want any other American family to go through what the McNulty family went through back in 1970. That is why I only favor a military option as the last option.

As a great New York Governor used to say when involved in debates, ''let's look at the record.'' Let us look at the record with regard to Saddam Hussein. He has chemical and biological weapons. He has used them. He has killed tens of thousands of Kurds. He gassed to death 5,000 Kurds in a single day—2,000 more than all of the people we lost on September 11, 2001. And, as the President pointed out last night, there have been 750 attacks on American pilots just in the past year.

There are 135,000 American service personnel within the range of Saddam's missiles right now. And what is most disturbing of all, Mr. Speaker, is Saddam's efforts to obtain nuclear weapons. Most of the experts up until recently have been saying that he is 2 to 5 years away from a nuclear capability. Now several are saying it is less than a year.

Mr. Speaker, how can we possibly contain a modern nuclear war? I remember the statement by then-President Lyndon Johnson when asked about the impact of a modern nuclear war. He responded to the question by saying simply, ''The survivors will envy the dead.''

Mr. Speaker, this is the bottom line. Saddam Hussein can never be allowed to possess a nuclear capability. This bipartisan resolution emphasizes international cooperation, working with the United Nations, and exhausting all other options before we go to a military option. It ensures that military force will be used only as a last resort.

This is a substantial reordering of priorities from the first draft, and for that I thank the bipartisan leadership. I support the resolution.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 30 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 10 a.m.

PRAYER

The Reverend Dr. John Putka, Department of Political Science, University of Dayton, Ohio, offered the following prayer:

Eternal God and Father of us all, we stand in Your presence and lift our minds and hearts in prayer.

As we gather in this place of ongoing history, we pray for the Members of this House, chosen by our fellow citizens to represent us in the governance of our Nation. We ask You to bless them and all who assist them, so that Your laws may be reflected in our laws, and Your ways may become our ways.

We ask, in the words of the prophet Isaiah, that You send Your spirit upon them, a spirit of wisdom and understanding, a spirit of counsel and of strength, a spirit of knowledge and fear of the Lord. We make this prayer in Your most holy name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PITTS led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes per side.

INTRODUCTION OF GUEST CHAPLAIN

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

Mr. SCHAFFER. Mr. Speaker, it is my privilege and honor to welcome and introduce to the House of Representatives our guest chaplain this morning, Father John Putka.

I have known Father Putka for quite a long time. He was a teacher of mine when I was a high school student at Moeller High School in Cincinnati. He also was a professor at the University of Dayton school I also attended. He has also been in the classrooms of St. Joseph in Cleveland, Chaminade in Mineola, and many other schools around the country.

Father Putka's Ministry has taken him far and wide. Not only has he preached throughout the State of Ohio and surrounding States, but his ministry also takes him to my State of Colorado at least once a year, also to the State of Wyoming. He is well-known and respected by a great number of people, but, more than that, he has inspired those who have had an opportunity to sit and observe and participate in the masses that he has led and listened to his homilies.

As a professor of political science at the University of Dayton, Father Putka is one who has trained his students to consider their role in the world through the broad context of a properly trained conscience. He is joined at the University of Dayton by Dr. Jason Pierce and others who work on a day-by-day basis to try to deliver the best education possible to the students before them. Father Putka is one who is trained and preaches in the Marianist tradition.

Again, he is one who I have known for quite a long time; and let me just finish by saying that, for me personally, this is really a blessing for him to be here today. It was 6 years ago that I was sworn into Congress. Father Putka was here to wish one of his former students, me, well as I was sworn in. And as I enter the last few weeks of my congressional service here in Washington, it is very nice that he is here today to be a part of this important day in congressional history.

IRAQ

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

Mr. PITTS. Mr. Speaker, last night the President gave a well-thought-out speech about Saddam Hussein and the

dangerous regime he has built in Iraq. I do not think there is any doubt that Iraq poses a danger to the world, to the United States, to the region, to its own citizens.

But what occurs to me is that in the past year there have been some on the other side of the aisle who have repeatedly asked why the President was not able to prevent September 11; why did the FBI and the CIA not focus more on the threats of hijackings; why did the FBI and CIA not coordinate better; could September 11 not have been prevented?

Well, now we have another threat. Saddam Hussein hates us enough to kill. He has weapons of mass destruction. He has shown a willingness to use those weapons. He thwarts U.N. inspections while he seeks to develop nuclear weapons. We have a known threat and the opportunity to do something about it.

Mr. Speaker, those who have been critical of our inability to prevent September 11 have a special opportunity to see to it that we prevent the next threat. The next threat is Iraq.

AMERICA HAS A HIGHER CALLING

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

Mr. KUCINICH. Oh say does that Star Spangled Banner yet wave, o'er the land of the free, and the home of the brave?

America, let us remember on this day the connection between freedom and bravery, that to preserve our freedom we must be courageous. Let no fear, no threat, let no premonition obscure our vision and lead us down the dark path of preemptive war against a people who have not attacked us.

Let us be guided by the truth, the truth which shall set us free, the truth which keeps us free. Let us lift this Nation up into the light of peace, into the eternal promise where we are all one, where nations shall not take up arms against nation, where we shall turn our swords into plowshares, our spears into pruning hooks.

America has a higher calling. Our Founders call us on this day to defend our country by defending universal truth, by defending international justice, by defending the very spirit of our Constitution, which calls us to form a more perfect union with each other and with the world.

BROADCAST OF PRESIDENTIAL SPEECH

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

Mr. PENCE. Mr. Speaker, last night the President of the United States made the moral and the strategic case for confronting the Iraqi regime of Saddam Hussein; and for Americans with basic cable it was no doubt a compelling and an important night.

I rise today, Mr. Speaker, as one of the very few former broadcasters in this institution, to denounce CBS, ABC, and NBC for the total abdication of their public duty in refusing to broadcast the President's address to America in this hour of national need.

Under the Telecommunications Act of 1934, public broadcasting companies use the public airwaves; and, therefore, Mr. Speaker, they have public duties. As we prepare on this floor to debate sending American soldiers into harm's way, it was wrong and appalling for those corporations to abdicate their duty.

Rather than the details of biological and chemical weapons, NBC broadcast Fear Factor; rather than the status of the Iraqi nuclear weapon system, the King of Queens on CBS; and rather than telling the American people of Iraqi complicity with terrorism, the Drew Carey Show.

Mr. Speaker, this is appalling; and it is an absolute abdication of their duties under the Act.

HONORING ELOISE MILAM

(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, on Sunday I held an event to honor Eloise Milam, a great lady and a proud American, who gave much and has given much to her country and its military by founding the Melody Maids.

Founded in Beaumont, Texas, the Melody Maids traveled countless times from coast to coast, singing for conventions and programs of all sorts but primarily for military installations and especially veterans hospitals. They made tours to Europe, several more to England, three to the Far East, seven to the far north, four to the Caribbean, five to Mexico, seven to Hawaii, and four to Bermuda, Iceland, and the Azores.

Many of the tours were financed by the girls themselves with money made from musicals, style shows, cake and pie sales and other benefits. The Melody Maids were the most frequently requested of all performers who traveled with the Department of Defense's professional entertainment branch.

Eloise Milam's leadership is characterized by a combination of kindness and emphasis on excellence. The standards she set for the group are many we should set for ourselves today. Eloise stressed the value of service to our fellow human beings, the rewards of helping one another in group activities, and a respect for different cultures and religions.

Mr. Speaker, it is an honor to stand here today and recognize Eloise Milam's tireless work and passionate dedication to service and country. She continues to be an inspiration for us all.

ANYONE GIVING ENEMY COMFORT SHOULD BE CHASTISED

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

Mr. CUNNINGHAM. Mr. Speaker, as a combat veteran from Vietnam, I and many other men and women still harbor ill feelings towards Jane Fonda and Tom Hayden, who gave the enemy comfort and gave them propaganda against the United States.

Anyone, anyone who would travel to an enemy country and do the same thing should be chastised by this body and by this country.

CONGRATULATING ERIKA HAROLD, 2003 MISS AMERICA

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

Mr. DAVIS of Illinois. Mr. Speaker, on September 21, Erika Harold from Urbana, Illinois, in the district of the gentleman from Illinois (Mr. JOHNSON) became Miss America 2003. She is intelligent, talented, a role model, and a passionate advocate for young people.

In 2001, Erika Harold graduated Phi Beta Kappa from the University of Illinois, with a Bachelor's Degree in political science and prelaw. She was a University of Illinois Chancellor Scholar, a Truman Scholarship finalist, winner of the first prize in the African American studies research paper competition, a member of the President's Award Program, a three-time member of the National Dean's List, vice president of the minority student newsletter, a selectee to the ''Senior 100 Honorary'' by the University of Illinois Alumni Association, and a selectee to USA Today's 2000 All-USA College Academic Second Team.

Members of my family are friends of her family, and I am pleased to note that she has been accepted by Harvard University Law School. I am also pleased to congratulate and commend Erika Harold for her outstanding accomplishments and achievements.

CONGRESS MUST FIX AMERICA'S ECONOMY

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

Mr. ETHERIDGE. Mr. Speaker, as we prepare to consider authorization of the use of force to deal with Saddam Hussein, Congress also must address critical issues facing our families. Congress must act to improve education, reduce health care costs and protect Social Security and get our economy back on track.

Mr. Speaker, the people of my home State of North Carolina are worried. America's families have seen the bottom fall out of Wall Street. As the

stock market plunges, we watch billions of dollars evaporate from families' retirement savings. Health care costs continue to spiral out of control. They have risen five times the rate of inflation, and our families are falling farther behind, no matter how hard they struggle to keep up. Education is more important today than ever, but our schools continue to suffer as Congress withholds needed funding.

Mr. Speaker, this Congress must act to get the American economy back on track. We must balance the budget and pay down the national debt for long-term economic growth. We must protect Social Security from privatization schemes that would cut back and raise taxes. We must lower health care costs. And we must fund education so that every American willing to work hard can make the best of their God-given ability.

HONORING GLORIA PEREZ

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

Ms. SANCHEZ. Mr. Speaker, I rise today to honor Gloria Perez of Santa Ana, California, for 27 years of service as a police resource officer in that city.

Ms. Perez was recently recognized as the Crime Prevention Practitioner of the Year by the California Crime Prevention Officers Association. She was honored for her work in establishing the Junior Children of Pride program, a crime prevention program created to encourage a work ethic and develop trust of law enforcement for local children.

□ 1015

The program targets high-risk neighborhoods and creates a reward system for children that pick up trash and keep their neighborhoods clean. Young people that take part in the neighborhood beautification effort are rewarded with donated prizes distributed by law enforcement officers, allowing these children to bond with local officers in a positive manner. Ms. Perez has continually demonstrated her commitment to serving her community, and I am proud to have her as a neighbor and for all her efforts to make our district a safer place to live.

WHY WE MUST DEAL WITH IRAQ

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

Mr. BOOZMAN. Mr. Speaker, last night President Bush followed through on a promise to the American people when he stood before a crowd gathered in the Cincinnati Museum Center and outlined the reasons Saddam Hussein's regime must be dealt with now.

The President acknowledged the doubts some Americans have about confrontation with Iraq, and he offered answers to those questions. He outlined why Iraq is unique and why we cannot afford to wait to act. He explained how Saddam's regime has oppressed the Iraqi people and violated United Nations resolutions for the past 11 years by continuing his quest for weapons of mass destruction.

Mr. Speaker, September 11 taught us that we are vulnerable and that there are those who wish to harm us. I commend the President for taking steps to convince the public that Saddam Hussein is a very real threat that must be dealt with before he follows through on his desires to use weapons of mass destruction against the American people.

PROVIDING FOR CONSIDERATION OF H.J. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq. The joint resolution shall be considered as read for amendment. The amendment to the preamble and the amendment to the text recommended by the Committee on International Relations and now printed in the joint resolution shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendments thereto to final passage without intervening motion except: (1) 17 hours of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, which may be extended pursuant to section 2; (2) the further amendments printed in the report of the Committee on Rules accompanying this resolution, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; (3) after the conclusion of consideration of the amendments printed in the report of the Committee on Rules, a final period of debate on the joint resolution, as amended, which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (4) one motion to recommit with or without instructions.

SEC. 2. It shall be in order for the Majority Leader or his designee, after consultation with the Minority Leader, to move to extend debate on the joint resolution, as amended. Such motion shall not be subject to debate or amendment.

SEC. 3. During consideration of House Joint Resolution 114 pursuant to the first section of this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker either on the same legislative day or on the next legislative day.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, this is a structured rule that provides for 20 hours of debate on the resolution as well as providing for two Democratic substitutes. The rule also provides that after consultation with the minority leader, the majority leader may extend debate to ensure that all Members have an opportunity to speak on this important issue. Just as in 1991, every single Member will have a chance to be heard.

The rules makes in order two substitute amendments, two Democratic substitutes to be offered by the gentlewoman from California (Ms. LEE) and the gentleman from South Carolina (Mr. SPRATT), as well as providing for one motion to recommit.

Mr. Speaker, at this moment the people's House begins debate on one of the most difficult questions we will ever face. I rise today in strong support of the resolution authorizing the President to take action to address the very troubling issue of Saddam Hussein and Iraq. No Member of this body should ever be too eager to send our military into harm's way. Nor should we ever consider taking such an action without a strong and vigorous debate. At the end of the day, however, I am pleased that we have come up with a bipartisan resolution to prove once again that partisanship ends at the water's edge.

I am a strong supporter of international cooperation, working with our friends and allies and the United Nations. However, in matters of national security, multinational cooperation and coalition-building are tools that help us to achieve our most precious national interests. We cannot be beholden to any institution whose interests may not coincide with our own.

Obviously, we would all be gratified to have the full and unconditional support of the United Nations Security Council. Secretary of State Colin Powell has been working tirelessly for months to garner that support up in New York. But as the Government of the United States, it is our primary responsibility to provide for the safety and security of our citizens, both at home and abroad. That is why I support this resolution which will in fact strengthen our hand at the United Nations and demonstrate that this government is united in its determination

to address the threat that Saddam Hussein poses.

Mr. Speaker, Saddam Hussein oppresses his people, flaunts the will of the international community, has committed genocide, and pursues weapons of mass destruction that will dramatically alter the status of his country in the international system.

For 12 years he has blatantly ignored the Security Council resolutions he previously agreed to. When the inspectors were conducting their inspections with Iraq, they were constantly impeded. The time for ineffective inspections, with conditions set by this Stalinist dictator, has passed. Iraq has received chance after chance, only to continue to obstruct and deny. The time for chances is over. Only unconditional and unfettered inspections with total disarmament of Iraq's cache of weapons of mass destruction are acceptable.

So far, Mr. Speaker, the United Nations has proved unwilling to back its words with actions. As Saddam's primary enemy, it falls to the President and this Congress to protect the American people from this mass murderer. Saddam Hussein presents a clear and immediate threat to the safety of American citizens and our interests overseas. We know he has produced such deadly gases as VX and sarin, along with anthrax. We know he has over 30,000 delivery vehicles for such biological and chemical agents, and we know he has scuds capable of reaching our forces stationed in the Gulf and our NATO allies in Turkey.

Perhaps more frightening, we know that Iraq is actively seeking to reestablish its nuclear weapons program and has reportedly been seeking uranium to achieve that goal, and the track record shows that his ability to inflict harm has always been underestimated. Given the level of technical expertise that Iraq developed prior to the Gulf War, it would take them months, not years, to develop a nuclear device once they obtained the proper materials.

There are those who argue that Saddam Hussein, a man who has started two wars in 2 decades, can be contained and managed. Let me remind the Nation of Saddam Hussein's record in power. He sponsors terrorist groups that have killed American citizens. He routinely pays the families of suicide bombers while he lets his own citizens starve. He has executed thousands of Iraqis a year and combats dissent by publicly removing the tongues of his critics. He has engaged in ethnic cleansing utilizing chemical weapons that have killed over 5,000 Kurds, and he has completely destroyed entire towns he felt were disloyal. He has committed genocide and other crimes against humanity and deserves to be held accountable.

The United States held the moral high ground in ending Slobodan Milosevic's reign of terror, and Saddam has reigned too long.

Further, I disagree with those who argue that we should not undertake this action because it is preemptive. Authorizing the President to effectively address this situation is not preemptive. This is a response to those heinous acts I have just outlined. With every U.N. resolution Iraq ignores, it threatens international peace. Unless and until Iraq complies fully with the inspections, a standard it has never met, there remains ample justification for taking action to defend the security of our Nation. Iraq is a nation that publicly states that it has every intention of cooperating with the international community, but continues to try to shoot down our brave pilots enforcing the no-fly zones.

History has not been kind to the governments that have acceded to the wishes of brutal dictators in the hopes of staving off conflicts. The security of the future depends on the resolve we show here today. As we learned on September 11, delaying our response to security threats can have devastating consequences. It is incumbent upon all of us to demonstrate to the world's dictators they cannot hide behind false cooperation and that our Nation will not be cowed from protecting our citizens for fear of political or military difficulty.

Mr. Speaker, our security comes first. I cannot help but think of Abraham Lincoln's words 137 years ago when he said: ''The struggle of today is not altogether for today. It is for a vast future also.''

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

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

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

Mr. FROST. Mr. Speaker, today we begin a historic debate here in the House of Representatives. It will continue for 3 days, and every Member will have the opportunity to be heard. Thankfully, Mr. Speaker, it is not often that Congress must consider matters of war and peace, so we have studied the issue seriously. Within the Democratic Caucus, Members have received numerous briefings from Republicans as well as Democrats and outside experts as well as those inside the administration and asked probing questions over the past few weeks and months.

I expect that this debate will be as robust as it is serious. It should come as no surprise that many sincere people in the administration, in Congress, and among the public have varying views about how best to deal with Saddam Hussein; and it should come as no surprise that there is no party position on an issue of this gravity.

In 1991, I was in the minority of my own party when I voted to authorize the first President Bush to use force against Saddam Hussein. Now, 11 years later, the situation is different; and I expect that more Democrats will authorize the second President Bush to use military force, if necessary, to end the threat that Saddam Hussein poses.

Mr. Speaker, I disagree with those who assume that the opposition's part is to automatically oppose the administration. When it comes to national security, the public expects Democrats and Republicans to lay down our partisan swords and try to work out a consensus.

□ 1030

We may differ in some areas, but those differences should be based on principle, not on party labels. The three resolutions on the House floor meet that standard. They have the support of thoughtful Members of both parties who have struggled sincerely to devise what they believe is the best approach to protecting America and our vital interests in the world.

Mr. Speaker, our lively and honest discussion this week, and I expect it will be very lively, should not be mistaken for a lack of resolve. On both sides of the aisle there is general consensus that Saddam Hussein is a threat to the security and stability of the world, and there is an overwhelming bipartisan commitment to ending that threat.

Mr. Speaker, I am convinced that Saddam's outlaw regime poses a serious threat to the United States, our allies, and the rest of the world. Between 1991 and 1998, weapons inspectors found and destroyed significant amounts of chemical and biological weapons, despite Iraq's protestations that none existed. Since then, Saddam Hussein has continued his pursuit of weapons of mass destruction as well as his hostilities to the United States and our interests.

I am pleased that Democratic and Republican leaders, working with the administration, have agreed to the compromise resolution H.J. Res. 114 that is on the House floor this week. The President has accepted many important Democratic changes to his original resolution. As a result, it has been significantly improved and America's position against Saddam Hussein has been strengthened.

The compromise resolution strikes a good balance between using a multilateral approach and preserving America's right to defend our interests. It strongly supports the efforts of Secretary of State Colin Powell to build an international coalition through the United Nations against Saddam Hussein; and if diplomatic efforts fail, it requires the President to report back to Congress before beginning military action.

There are other important changes. While the original White House draft would have authorized military action in the region, this compromise focuses on Iraq specifically. It also requires the President to comply with the War Powers Act and its regular procedures for consulting with, and reporting to, Congress. Moreover, this resolution requires the President to ensure the war

on terrorism will not be hampered by military action against Iraq.

Since September 11, Democrats and Republicans have worked together to wage the war on terror, and it is critical that the administration not forget its commitment to bring Osama bin Laden and al Qaeda to justice.

Finally, this resolution forces the administration to report to Congress on their planning for the reconstruction, peacekeeping, and other activities that will be necessary after a military conflict with Iraq. Winning the peace is as important as winning the war, and we insist that the administration prepare the American people for the long-term commitment needed to restore peace and stability to Iraq and the Middle East.

All in all, Mr. Speaker, this bipartisan compromise is a substantial improvement on the White House's original draft. Just as importantly, it will help build broad support in the international community as well as here at home for ending the threat posed by Saddam Hussein. That is critical because this is not an easy job. I remain hopeful that international diplomatic pressure will allow a strong, unfettered inspections regime to disarm Saddam Hussein, and I believe that the strong signal that Congress sends with this resolution will increase our diplomatic leverage.

But I am also not naive. Given Saddam's history, we must be prepared for the possibility of a military confrontation with Iraq. The United States has the finest fighting force in the world, and I am confident that if we are forced to fight Saddam Hussein our troops will defeat him overwhelmingly. But war is not something to be taken lightly, and it requires the full support of the American people. That is why, Mr. Speaker, Democrats insisted that the President seek congressional authorization before taking action against Saddam Hussein; and it is why Democratic leaders reached out to the White House to craft a bipartisan resolution.

Mr. Speaker, this is a deadly serious matter, and I have tremendous respect for many of those who differ with me on it. After all, men and women who love their country can disagree on the best way to protect our country. Nonetheless, I believe that the best way to end Saddam Hussein's threat is to meet it head on, and I believe that the compromise resolution represents a sensible and responsible approach to protecting America and the world against Saddam Hussein. I expect it will pass with the overwhelmingly bipartisan support it deserves.

In closing, let me make one more point. Before this is over we may be asking families across the Nation to make tremendous sacrifices. Hundreds of thousands of U.S. troops may have to put their lives on the line.

I have no doubt that the men and women of the military can secure America's interests abroad, but as these brave Americans do their job, I hope this Congress will finally do its job and address the deepening economic uncertainty that threatens our security here at home. After all, Iraq is not the only issue in America today. As we speak, unemployment and the poverty rate erupt, while the stock market and 401(K) plans are down. Every day Americans across the country have to deal with economic security as well as national security. It is time this Congress followed their example.

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

Mr. DREIER. Mr. Speaker, I am very happy that the Republican members of the Committee on Rules are going to be standing today in strong support of this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Atlanta, Georgia (Mr. LINDER), distinguished chairman of the Subcommittee on Technology and the House.

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

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

I rise in support of both this rule and the underlying legislation which authorizes the use of our Armed Forces by the President of the United States against Iraq.

In addition, this rule will allow for the consideration of two amendments in the nature of substitutes, thus allowing the Members of the House to choose among several measures on this grave and important issue. I commend the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), for his thoughtful deliberation in bringing this rule to the floor today.

Over the next few days, this body will find itself engaged in a debate of historic proportions; and, once the debate has concluded, we must give an answer to our President who has asked the Congress to unite with him in opposition to the tyrannical regime of Saddam Hussein. I am proud to stand with President Bush and cast my vote in support of H.J. Res. 114.

Since 1798, the United States has involved itself in approximately 310 separate military actions worldwide. Of that total, Congress has authorized the use of force through legislation 11 times and has declared war on sovereign states five times. Thus, the vote we will cast on this legislation will be among the most profound of our careers. Yet a careful review of the evidence that President Bush has put before the country, the United Nations, and the world makes it clear that this difficult choice is our only reasonable choice.

Of course, a peaceful resolution to the problems that Saddam Hussein poses in the world would be ideal, and continued diplomacy should be our preferred tool. Yet what has been going on for the last 11 years if not that? The failures of the United Nations' actions are well known. Shall we continue down that same road and expect to arrive at a different destination?

The President has made clear that we will continue to work with the United Nations for a peaceful result, but absent that the United States must be prepared to take strong action. This resolution makes it clear to Saddam that, if he fails to immediately comply with a host of United Nations resolutions, then he must be fully prepared to accept the consequences of those failures.

The fundamental question before us today is: Will the United States of America, in coalition with the peace-loving nations of this world, allow the tyranny of Saddam to continue, or will we take steps to rid the world of this growing menace?

What is clear today, Mr. Speaker, is that a peaceful world is the end we seek, a world in which free nations can pursue their own dreams unthreatened by warring despots whose only pursuit is power. The people of Iraq should and must be free from the oppressive, tyrannical and dangerous regime of Saddam Hussein. The peace-loving people of the Middle East, the European continent, Asia, Africa, and, yes, North America, too, must be freed from the fear that weapons of mass destruction visit upon them.

It is indisputable that the United States has been, for over two centuries, the beacon of freedom and opportunity for the world. Our military ambitions have been forever leavened by our dream of peace and freedom in the world. I see no reason now to answer this call with a message of timidity or caution.

I urge my colleagues to join with me so that Congress can speak with a clear voice and support the President for peace throughout the world.

Mr. Speaker, I rise in support of both this rule and the underlying, H.J. Res. 114, which authorizes the use of our Armed Forces by the President of the United States against Iraq.

In addition, this rule will allow for the consideration of two amendments in the nature of substitutes, thus allowing the Members of the House to choose among several measures on this grave and important issue. I commend the chairman of the Rules Committee, Mr. DREIER, for his thoughtful deliberation in bringing this rule to the floor today.

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profound of our careers. Yet, a careful review of the evidence that President Bush has put before our country, the United Nations and the world makes clear that this difficult choice is our only reasonable choice.

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Passing this resolution with a broad, bi-partisan majority gives the U.S. Congress the opportunity to bring a troubled world together under the flag of freedom, a flag that has been unseen in much of the Middle East for too many generations.

I ask my colleagues to join with me, so that the Congress may speak in one clear voice, to answer the President's call for peace throughout the world, to remove those who seek to harm not only their own people, but everyone who believes in liberty and justice, and to bring freedom to the people of Iraq—by any means necessary.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. Speaker, I rise in support of this rule, although I wish more of the substitute amendments had been made in order.

More importantly, Mr. Speaker, I rise today to voice my opposition to House Joint Resolution 114, the resolution on Iraq.

I have great respect for the President and for all my colleagues who disagree with me on this vote of conscience, but I must dissent. Simply put, the resolution on Iraq grants authority for the United States to unilaterally attack Iraq. It grants the President the right to go to war with Iraq tomorrow, without the support of any other nation and absent the support of the UN Security Council.

A little over a year ago, I voted to support the President when he asked for authorization to use force against those who attacked us on September 11. I believe that campaign remains the number one priority for our foreign, military and intelligence policy.

In Afghanistan we are still engaged militarily, hunting down the surviving al Qaeda leadership and its network of supporters. That work is far from over. There is a desperate need for more resources to rebuild Afghanistan and restore democratic government. The U.S. and the international community cannot, must not fail Afghanistan again.

Our work to take down al Qaeda's international organization and financial network is also far from over, and it requires the continuing assistance of the international community.

Some argue that we have the resources to do it all, to wage a war against terrorism, to unilaterally invade, occupy, and rebuild Iraq, and not compromise our troops deployed around the world. But why, when we can and should work with other nations to disarm Iraq, when our allies can share the cost?

The President was right to challenge the U.N. Security Council to carry out its mandate to disarm Iraq and ensure that it can no longer stockpile, develop, produce or use chemical, biological, or nuclear weapons. We must now work to ensure that the U.N. Security Council meets its responsibilities. If we get inspectors back into Iraq, then once again we will destroy Saddam's weapons. This time we must ensure that he remains disarmed.

I am not asking that we stand by or stand down. If Iraq continues to obstruct inspections, then the Security Council must approve coercive inspections or a broader military intervention. But we are not yet at that point, and this Congress should not approve immediate and unilateral U.S. action without the sanction of international law or the support of our allies.

I have no doubt that we can defeat Iraq, but I have heard nothing, nothing in the shifting rhetoric and rationale supporting unilateral action against Iraq to make me confident that the consequences of such an invasion have been fully considered. There is no genuine plan of who and what would come after Saddam Hussein, or the requirements of an occupation force to hold and protect Iraq from internal and external enemies, or the resources needed to rebuild Iraq and who would provide them, or the impact of invasion on Iraq's neighbors or on popular feeling throughout the world, let alone the impact of achieving peace in the Middle East.

If we take unilateral action outside the authority of the U.N. and without the direct involvement of our allies, invoking our new policy of preemptive strike, are we not setting a dangerous precedent for other nations? More than any other country, the U.S. has spent the past half century building a body of international law, rules of engagement, and multilateral institutions to guard against this very thing, nations taking matters into their own hands and deciding to fix what is wrong with the world as they see fit.

As the world's greatest military power, it is our first responsibility to build consensus, create coalitions, and move international bodies to protect and provide for our collective security. It should not be ''Plan B.''

People throughout my district have asked me, why are we going to war in Iraq? Veterans and seniors, students and CEOs have expressed their deep concern. They hate Saddam and recognize, as I do, that he is a brutal dictator, but they do not think we should go it alone.

When I vote whether to send our brave young men and women into harm's way, I must be absolutely sure that I can face their fathers and mothers, their husbands, wives, and children and tell them we have no other choice; war is the only option. And I simply cannot do that yet.

Last September, I voted for force. It was necessary. It was right. It was clearly in defense of our Nation. But today I must dissent.

□ 1045

Mr. DREIER. Mr. Speaker, continuing with our colleagues on the Committee on Rules, I am happy to yield 4 minutes to the gentleman from Miami, Florida (Mr. DIAZ-BALART), a true patriot and my great friend.

Mr. DIAZ-BALART. I thank the chairman for yielding me time.

Mr. Speaker, we can engage in no more important task than this, debating whether to authorize the use of the Armed Forces of the United States. This task is difficult, but the issue before us is fundamentally clear.

After it was expelled from Kuwait in 1991, Iraq agreed to end its production forever of weapons of mass destruction. Despite that requirement set forth by the international community by means of U.N. Security Council Resolution 687, Iraq has at this time a usable chemical and biological weapons capability, which has included recent production of chemical and biological agents.

As recently declassified intelligence reports have made clear, Iraq can deliver chemical and biological agents using an extensive rage of artillery shells, free-fall bombs, sprayers and ballistic missiles. Iraq continues to work on developing nuclear weapons, in breach of its obligations under the nonproliferation treaty and in breach of U.N. Security Council Resolution 687. Uranium has been sought by Iraq

that has no civil nuclear application in that country.

Iraq's military forces are able to use chemical and biological weapons with command, control, and logistical arrangements in place. The Iraqi military is able to deploy these mobile units within 45 minutes of a decision to do so. Iraq has learned lessons from previous U.N. weapons inspections and is already taking steps to conceal and disperse sensitive equipment and documentation in advance of the possible return of inspectors.

Despite having lost the war in 1991 and despite being required by the U.N. to eliminate his weapons of mass destruction and to acquiesce to free and open inspections by the U.N. to verify his compliance with the world community's requirements that he not possess those weapons, Saddam expelled the U.N. weapons inspectors in 1998.

What seems inconceivable to me is that we did not have this debate in this forum 4 years ago. But in reality, only the Commander in Chief can really lead in the field of national security.

Some say we should wait until we find a smoking gun with regard to nuclear weapons. As my friend, the gentleman from Illinois (Mr. HYDE), said last night in the Committee on Rules, that smoking gun would be a smoking city, and having to mourn 3 million innocent civilians instead of 3,000.

Regime change in Iraq is a strategic necessity. It cannot be postponed because time is not on the side of the United States and the international community. The world community should have removed Saddam from power when he expelled the U.N. weapons inspectors 4 years ago. Saddam must be removed before he has a single nuclear bomb and before he has the means to deliver his other weapons of mass destruction on a large scale.

The long-term cost in blood and tears of allowing Saddam to strengthen his position would be much higher than the cost of any action to remove him now.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

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

Mr. Speaker, the House of Representatives has begun a historic debate on the most serious topic that we have ever considered by this body, the question of whether to go to war. The Constitution states explicitly that Congress shall have the power to declare war. This great and terrible power is vested not in the individual of the President, but in the collective will of the electorate as embodied by its representatives. Members can cast no more weighty vote than this.

That said, Mr. Speaker, every bone in my body is telling me that the American people do not want this conflict, nor do they believe this resolution is warranted at this present time. The voices are drowned out by the drumbeat for war emanating from Washington. These voices are not confident that the body has asked the tough questions. They are not confident that the shifting rationales for the invasion are anything but a war in search of a justification.

In the last 2 months alone, more than 1,100 people have called or written my office expressing intense disapproval of any U.S. military action against Iraq. That contrasts with 15 who support it. These voices are not an anomaly. Members from both sides of the aisle are hearing them. I believe more and more that they represent the majority of the Nation.

Like most of my colleagues, I have thought and reflected at length on this vote. It is never an easy decision for a Member of Congress to make lightly. I would like to share with my colleagues and constituents the issues and questions that have led me to oppose this resolution as written and not to send young Americans into harm's way.

First I want to discuss the source of Iraq's bioweapons. Saddam Hussein is not a new threat for the United States. Since he took power in 1979, Hussein has committed a laundry list of human rights abuses, despotic acts and crimes against the global community. In 1990, this Chamber voted to empower the President to wage war against Iraq in order to free Kuwait and in order to preserve stability in the Middle East. Yet the policy by the United States has not always been clear.

Most people do not know that during the early 1980s the Reagan administration, followed by the first Bush administration, backed Iraq in its war against Iran on the theory that the enemy of my enemy is my friend.

At that time, the Commerce Department of the United States approved a series of exports to the Iraqi Government of substances that will now sound familiar to many Americans. The administration allowed Iraq to receive biological samples of anthrax, the bacteria that makes botulinum toxin, the germs that cause gas gangrene, and West Nile virus, among others. Sure, he has biological weapons. We gave them to him.

Clearly one must address Iraq and its arsenal, but we can go forward without alienating our friends and allies within the region. Indeed, our allies are critical to winning the war on terror, on which we have already embarked, just as they were an important part of the 1991 coalition that led to the expulsion of Iraqi troops from Kuwait. Moreover, our allies financed that conflict.

I am deeply troubled by the administration's unwillingness to address the long-term strategy of Iraq. The President has failed to articulate any plan for dealing with the future of Iraq if and when Saddam Hussein is removed. Is Saddam's removal the final goal? Or will the United States be expected to engage in the reconstruction of Iraq?

Will our country be involved in overhauling their political institutions, the Iraqi economy, or its infrastructure? What if our invasion sparks more terror and a wider war in the Middle East? Are the American people ready to make these commitments?

Why do we think that rank-and-file Muslims in the Middle East will support America in a war with Iraq, as they did in the early '90s? With millions of Muslims watching death and destruction on television, blaming the United States, is our strategy really one that will stabilize that region?

None of these questions have been addressed publicly by the President, and we should not vote to authorize any President to initiate an open-ended conflict with so many unanswered questions.

Finally, Mr. Speaker, I have to ask, why now? What has changed? Saddam Hussein has been a threat in the region since he invaded Kuwait 12 years ago, and yet we left him alone. He has not ever cooperated basically with the United Nations since shortly after the 1991 cease-fire when the Security Council demanded that Iraq cooperate with weapons inspectors. He has not fully cooperated in more than 10 years; and as President Bush has noted, it has been 4 years since a U.N. inspector has been allowed inside Iraq.

So if nothing has changed in the past 4 years, why are we going after Iraq now? If there are new developments and concerns, why does the administration not share them with us?

The emotional and financial costs of any such action can be felt for a generation or more. In a time when our economy is reeling, when our stock market is spiralling, when the safety nets such as Social Security and Medicaid that have sustained our seniors and our most vulnerable citizens are threatened, this body needs to take a hard look at what this Nation's priorities are and why we are undertaking this and ask again, Why now?

Mr. Speaker, I vote against this resolution with a heavy heart, but I am fortunate that there will be a resolution we can support by the gentleman from South Carolina (Mr. SPRATT) which does all the following things we have talked about, making sure that diplomacy and all other avenues have been explored before we make this extraordinary decision.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to one comment made by my friend from Rochester.

Mr. Speaker, it is very true that during the 1980s the United States did in fact provide biological materials to Iraq, but I should say it was done with the best of intentions, with the goal of trying to help the Iraqi people through fighting malaria and other diseases.

Now, it is very apparent, we have learned, Mr. Speaker, that fertilizer request could be utilized to create a bomb, as we found in Oklahoma City several years ago. The challenge that we have is in dealing with the intentions of Saddam Hussein, and that is the question that we face right here.

Mr. Speaker, I yield 4 minutes to a very hard-working, thoughtful member of the Committee on Rules, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, each of us comes to Congress for the first time with hopes and dreams of what lies ahead while we serve as Members of this great institution. But surely none of us here today and none who came before us could possibly have wished for the terrible choice facing us at the conclusion of this debate. And make no mistake, it is indeed the most terrible of choices.

For, one way or another, once we vote, lives will be lost. That will be the case whether military action against Saddam Hussein is authorized or not. And it goes without saying that none of us takes such a Hobson's choice lightly.

Whether we like it or not, a choice must be made, and made without delay. The imminent nature of the threat facing America and the world means that not to decide is to decide.

We all know too much about the plans that Saddam Hussein has made for those of us that love freedom and about his ongoing preparations to carry out those deadly plans.

Simply put, this is a man who must be stopped. To those who oppose military action in Iraq, we can only ask if we do not stop Saddam, who will?

Some say the case is yet to be made that military action is warranted. To them I say, the record is clear and unambiguous, as even the brief remarks highlighted to the Nation by President Bush last night made clear. That debate, Mr. Speaker, is over.

Others say we must wait for the United Nations or for the active support of a broad coalition of nations. To them I say, protecting American citizens from the likes of Saddam Hussein is America's responsibility and no one else's. After all, protecting the American people from foreign enemies is the first and most critical function of our Federal Government. It is the very reason the Federal Government was established by our Founding Fathers.

We cannot be the world's police force, but there are times when we must stand forcefully against threats to peace, both here and abroad. But far more important, we must never fail to protect the lives of American citizens, citizens who are at risk today from the attacks by the agents of Saddam Hussein.

So if we must go it alone, let us not shrink from that duty. We know our troops will not shrink from theirs.

But we should not assume, Mr. Speaker, that because some nations have yet to endorse this vital mission that we will be forced to carry this burden alone. Consider for a moment our experience in Kosovo. For the record, I voted against that military action. I did so because I was not convinced that the crisis in the Balkans threatened our American security, and I opposed military action there because I felt it was Europe's problem; and if the Europeans were not willing to support our efforts, it would be wrong to send young American men and women into harm's way on their behalf. But when my side lost that debate, I supported the President, because that is what we do in this country.

In hindsight, however, I believe it was correct to undertake that mission in the Balkans, which is now rightly considered a success.

I believe experience demonstrates that sometimes what the world wants from America is for America to lead. When the United States did what was right by moving militarily to stop the genocide in Kosovo, the Europeans fell into line and stood up for freedom. They continue to do so today. I believe, Mr. Speaker, the same thing will happen if we act resolutely to remove the threat posed by Saddam Hussein.

Once we act, freedom-loving nations everywhere will welcome the chance to rid this world of this deadly menace, but only American leadership will ensure that he is removed once and for all.

Protect American lives, end Saddam's reign of terror and send a message of hope that will echo around the world by supporting this rule and the underlying resolution and giving the President the authority he needs to do what is right.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

□ 1100

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the underlying resolution. The resolution presented to Congress by the administration gives authority to the President to act prior to and even without a U.N. resolution. It authorizes the President to use U.S. troops to enforce U.N. resolutions, even without the United Nations' request for it. In other words, America would be going it alone, and we would be stuck alone.

This is a violation, this resolution, of Chapter VII of the U.N. charter which reserves the ability to authorize force for that purpose to the U.N. Security Council alone.

My esteemed colleague, who is the chairman of the committee, quoted Abraham Lincoln. I, too, would like to quote Abraham Lincoln. ''With malice towards none, with charity for all; with firmness in the right, as God gives us to see the right.'' Lincoln spoke of principles of unity, not only unity in this Nation but unity in the world, and Lincoln's prayer was for unity.

At the beginning of this new century, our prayer should be for a world united by international law, for a world as an interconnected world. That prayer is already being answered. Changes in transportation and communication and trade have brought the world together.

Wherever the world is divided, let the world community work together to heal those divisions. Where global security is threatened, let the global community respond. No nation should be above international law. All nations must confirm international law. All nations should seek to bring back into the international community any nation which sets itself apart.

Inspections should occur in Iraq, through the United Nations, and the inspections should be unfettered and they should eliminate any weapons of mass destruction in Iraq to the extent that they exist. But the argument to destroy weapons of mass destruction in Iraq if they exist should not be a license to destroy the people of Iraq. Let our concerns about weapons of mass destruction cause America to lead the way toward destruction of all weapons of mass destruction anywhere and everywhere in the world.

I would say, Mr. Speaker, that of nations that possess, pursue, or are capable of acquiring weapons of mass destruction, there are 17 nations pursuing nuclear; 20 nations that have biological weapons capability or are seeking them; 26 nations that have chemical weapons capability or are seeking those capabilities; 16 nations that have missile capabilities or are seeking them. Are we to suddenly declare war on the world?

Now, we know about Saddam Hussein and that he does not respect the law. There is no question about that. But the question which the resolution that we will be voting on in the next few days poses is whether we, the United States, respect international law and whether we will act preemptively and whether we will uphold the United Nations, the Security Council, and the principles of our own Constitution.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Springfield, New York (Mr. REYNOLDS), my very good friend.

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

Mr. REYNOLDS. I thank the chairman for yielding me this time and for his leadership on the Iraq issue.

Mr. Speaker, today we begin an important and serious debate. The decision of whether we commit America's military and America's servicemen and women to a confrontation with a sovereign nation is not something to be taken lightly. I applaud our President and this Congress for ensuring that we begin this debate well-informed and well-prepared.

As the President has said in his radio address to the Nation on Saturday, ''The United States does not desire military conflict because we know the awful nature of war.'' But ''If the Iraqi regime persists in its defiance, the use of force may become unavoidable.''

Mr. Speaker, 16 times the world has come together to stop Saddam Hussein from threatening our peace, stability, and security; and 16 times this madman and murderer has ignored the will

of that world, continuing to develop weapons of mass destruction that have no valid defensive purpose. They have only one purpose: to wreak as much havoc and to murder as many people as possible.

Saddam Hussein has already used such weapons on his own people. Each day he comes closer to developing even deadlier weapons and more effective and longer-range delivery systems. Do we really want to see what these weapons are capable of before we force their destruction?

Mr. Speaker, the time has come for Saddam Hussein to open his borders for inspection anytime, anywhere. It is time for Iraq and its regime to destroy those weapons of mass destruction. ''Delay, indecision, and inaction,'' as President Bush said, ''are not options for America.''

I strongly urge my colleagues to support this rule and the underlying resolution.

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

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time. The rule is a fair rule, and I rise in support of it. I simply want to address a few of the comments of my friends and colleagues who have spoken before me.

The gentleman from Massachusetts and others, the gentleman from Ohio, argue that this is a resolution authorizing the unilateral use of force, and that is why they are against it. Literally, they are correct. A strict reading of the resolution makes that clear. However, it fails to put into context what we are trying to do.

Everyone knows that multilateral is better than unilateral. Everyone knows that approval by the Security Council for the use of force is better than not having approval for the use of force by the Security Council. It is the passage of this resolution, the strong statement by the Congress of the United States that we stand with the administration in the effort to disarm Iraq of its weapons of mass destruction, that maximizes the diplomatic and political chances of achieving the broadest possible multilateral support for a meaningful disarming resolution out of the United Nations, another resolution and, if necessary, and it may very well be, the right to use force on a multilateral basis.

We will have allies, and we will go to the U.N. Our effectiveness there is directly related to the extent to which we here today speak strongly in favor of this course of action, and that is why I support the resolution.

I do have to take issue with my very good friend, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules. We did not do what we did in the 1980s up through 1990 because we were trying to help the Iraqi people. We did not take Iraq off the list of countries supporting terrorism even though Abu Nidal was based there and was involved in terrorist activities using Iraqi passports and diplomatic pouches, bombing and killing civilians all over the Middle East because we wanted to help the Iraqi people. We did not provide dual-use equipment which had military as well as nonmilitary uses, including precursors to biological weapons, because we wanted to help the Iraqi people. We did not encourage our allies to send arms to Iraq during the Iraq-Iran War because we wanted to help the Iraqi people.

We made a strategic and foolish decision that Saddam Hussein was someone we could work with, that we wanted to tilt to Iraq during the Iraq-Iran war, and President Bush the first acknowledged his error and many others have acknowledged the errors of those policies during the 1980s.

So I think, as we come to terms with the past and what we have done wrong, we should acknowledge where our policies were wrong. Now that does not lead us to the conclusion that, because we had the wrong policies at one time, we do not take the decisive action we need to take now, but I think it is very important in the context of what is going to be a long debate that we stick to the historical record.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply respond to my very good friend with whom I have been pleased to work on this issue. That is, it is very clear that we need to focus on the fact that it is the intent of the recipient of this capability, and it would have been wonderful if the biological capability that had been transferred to Iraq would have been used to deal with the problem of malaria and other diseases there. That is my point.

What I am trying to say is that Saddam Hussein is the one who has posed the threat here. His use of this biological and chemical capability is what poses a very serious threat to the United States and to the rest of the civilized world.

Mr. Speaker, I am very happy to yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), another hard-working member of the Committee on Rules and our very good friend.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the chairman for yielding me this time and for his strong leadership on this resolution. I rise in strong support of the rule which will allow this body and the American people the opportunity to engage in over 20 hours of debate on the resolution to authorize the use of force against Iraq.

I would like also to take a moment to thank the distinguished Chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from California (Mr. LANTOS), for their efforts to put this country ahead of any other consideration.

Mr. Speaker, it is with a very heavy heart that we begin this debate on a resolution to authorize the use of force against another nation to protect freedom, the freedom of all Americans, the freedom of Iraq, the freedom of people all around the world. This is the freedom to be safe from fear, to be safe from oppression, and to be safe from hate. It is a choice that none of us wishes to make, but it is a choice that has been made for us.

The President made his case to the American people last night and to anybody able to hear his speech. Unfortunately, the major networks chose not to carry it, so anyone whose local affiliates carried it or who have cable were able to hear his impassioned plea. But anyone who could hear his speech knows that this President does not want to lead us into war, but little has changed since he identified the threat from Iraq in his January State of the Union address. Iraq continues to pose a serious and imminent threat from its development of weapons of mass destruction and the obvious potential for Iraq to transfer these weapons to terrorist groups, terrorist groups that, like Saddam Hussein, hate the United States of America.

There is no question that Saddam Hussein is a dangerous man and, under his leadership, Iraq is a dangerous nation. Our quarrel is not with the Iraqi people. They are among those who have suffered the most under this regime; and, like the Afghanistan people when liberated from al Qaeda, the Iraqi people will rejoice if liberated from Saddam Hussein and his regime of terror.

By acting today, we move to protect the American people. We do not abandon diplomacy, and we seek international support. However, we do serve notice to the Iraqi regime and, indeed, the world that the United States will defend itself against all threats.

As we move forward, we keep in mind that the goal of any decision with regard to Iraq must be disarmament. Saddam's arsenal of terror must be dismantled, and time may not be on our side. Each day we wait, each day we put off acting, each day we are led astray by idle delays puts us closer to real risk.

Iraq's claim that they are now suddenly willing to allow inspectors back in is extremely dubious. We have been down this road before. To achieve real assurance that Iraq is disarmed and cannot threaten our national security, more serious action may need to be taken.

For the last year, we have waged a war against extremism, against hate, and against terror. Today's resolution will give our President the tools he needs to continue and to win this fight. I urge my colleagues to support this rule to allow us to enter into this full and open debate.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I want to say to my good friend, the gentleman from California (Mr. DREIER) that one does not have to be a microbiologist, as I am, to know that we do

not send a country Anthrax, botulism, and deadly viruses to cure malaria unless we expect that cure to be death; and I believe that was precisely what the intent was. It was supposed to be used against Iran.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, first, I would like to offer my deepest sympathy to the young Marine that lost his life in Kuwait this morning; and to the brave men and women who serve our United States military and protect our freedom around the world, I offer my deepest appreciation.

The debate we begin this week is really a question of life or death. It is the most serious debate we have had in this Congress since the Vietnam War which saw 56,000 body bags come home to loved ones in America, and the Gulf War. That is why I agree with the gentleman from Texas (Mr. FROST) that this is not a partisan issue, it is not Democrats or Republicans, it is simply Americans. I hope that those of us who come to the floor to express a differing opinion will be respected for being patriots, the same as any of our colleagues.

□ 1115

The bill of particulars against Mr. Saddam Hussein is not new. It has been going on for a long period of time. That is why it seems that this resolution is premature; and in particular, it seems that we should have allowed 15 of the resolutions offered by thoughtful Members of Congress who wanted to be able to deliberate so the American people could know all of the facts. I believe they should have been made in order, all of our thoughts.

Nothing in the present resolution on the floor prevents a unilateral preemptive strike, which is in violation of international law.

Finally, as we begin this debate, as I hope to engage in the debate on a factual basis, nothing in the resolution prevents or allows or encourages the President of the United States to follow the Constitution and to come to this Congress for a separate, freestanding vote to declare war against Iraq.

That should be the question that the American people ask, whether or not, under the three branches of government and the Constitution, we are following the law: an actual declaration of war against Iraq.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to our friend, the gentleman from Dallas, Texas (Mr. SESSIONS), another hard-working member of the Committee on Rules.

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

Mr. Speaker, today the House begins debate on House Joint Resolution 114 to authorize use of the force of the United States Armed Forces against Iraq. This is a serious debate that needs to take place.

Mr. Speaker, I want Members to know that I support this resolution, and I support the President of the United States in what he is doing. But today we are here to debate the rule and to talk about what we are going to do as we debate the topic. I support this rule, I support what we are doing.

Mr. Speaker, if we dig deep within this resolution, we will see two important things.

Number one, August 14, 1998, Public Law 105–235, Congress concluded that Iraq's continuing weapons of mass destruction program threatened the United States and its allies; and, point number two, inspectors were withdrawn from Iraq on October 31, 1998, almost 4 years ago. The Iraqis have indicated through their administration, through the constant threat against the United States, that they intend to harm the United States and its interests around the globe. This is the same regime that attempted to assassinate former President Bush in 1993.

Mr. Speaker, what we are engaged in now is the support of the United States against enemies around the globe. Our foreign policy had to change on September 11 when we were attacked. I believe that what President Bush is doing now is to make sure that America will no longer be held hostage, will no longer allow a nation state, any nation state, to threaten the United States and get away with it.

It is time that we support our President. The process that has been laid out before the American people and to the United Nations is one that we can understand, that we can support.

I believe this President is well balanced, is articulate, and last night spoke with great favor towards the Nation of the United States that wants peace, not war, but that we will not allow ourselves to be pushed around.

Mr. Speaker, I support House Joint Resolution 114 and this rule, which is for peace, but making sure that peace through strength will be achieved through supporting our President. I intend to vote ''aye'' on the rule and ''aye'' on the resolution.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, I rise in support of the rule. I particularly want to commend the chairman and the ranking member for approving and bringing to the floor the separate substitute, which is supported by the following Members as it went to the Committee on Rules: the gentleman from South Carolina (Mr. SPRATT), the gentleman from Maine (Mr. ALLEN), the gentleman from Arkansas (Mr. SNYDER), the gentleman from North Carolina (Mr. PRICE), the gentleman from Connecticut (Mr. LARSON), the gentleman from Michigan (Mr. LEVIN), the gentleman from California (Mr. MATSUI), the gentleman from Virginia (Mr. MORAN), and the gentleman from South Carolina (Mr. CLYBURN).

Mr. Speaker, the separate substitute reflects four fundamental principles:

First, our mission should be clear: disarming Iraq of all weapons of mass destruction;

Second, it includes a sense of Congress supporting tough new, rigorous U.N. inspections;

Third, it authorizes the use of force if sanctioned by the U.N. Security Council; and

Fourth, it establishes a separate fast track congressional authorization of force if U.N. action is insufficient.

In other words, the separate substitute authorizes the use of force today through the United Nations, but it provides no blank check now for unilateral military action. Why does it do that? Because if the U.S. acts unilaterally or with just a few other nations, there is a far higher risk of fueling resentment in Arab and Muslim nations and swelling the ranks of the anti-U.S. terrorists. Our fundamental concern has to be to deal with the terrorist threat represented by al Qaeda and other international organizations.

Regardless of how Members vote on final passage, voting for the separate substitute is an important way to voice concern that the U.S. should work through the U.N. Security Council first and unilaterally only as a last resort. If unilateral action is necessary, Congress should have a vote on that issue.

We cannot fulfill our historic role if we end our consideration of this matter this week. We need to be more than the President's megaphone. We need additional consideration when the President has decided to use unilateral force and when he can tell us what it is he has in mind.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. SHERMAN).

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. SHERMAN) is recognized for 1 minute.

Mr. SHERMAN. Mr. Speaker, last night the President somewhat vaguely announced the right policy for this country: to invade Iraq only if unrestricted inspections are not available. This gives us a chance to disarm Iraq without war; but if war becomes necessary, at least the fact that we struggled to avoid it will minimize foreign opposition.

Unfortunately, the Resolution before us is far more vague than the President's speech. It allows for an invasion even if Saddam completely capitulates on the issue of inspections. Unfortunately, the Rule does not make in order a resolution limited to the President's rhetoric. So if we want to authorize force if inspections are not allowed, the Rule requires us to give the President a blank check.

On a completely different issue, I would like to point out that during the

1980s we did provide dual-use material to Iraq that could have been used to wage conventional war, but there is no evidence that we knowingly provided material to Iraq that could be used to conduct biological or chemical warfare.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in strong support of this rule and obviously the resolution, as well. It is very clear we were talking about the issue of biological weapons. The United States of America does not traffic in biological weapons, and the attack that has been launched by many on the other side against President Bush No. 41 is an unfair one.

We see much dual-use technology which, unfortunately, has been used in a wrong way. But the question that we need to address is the intent of Saddam Hussein. Saddam Hussein poses a threat to our stability, to the entire world. None of us is enthused about the prospect of going to war; but we face one of the most difficult issues we possibly can as Members of the people's House, that is, are we going to provide this President of the United States the support that he wants and deserves to proceed in defending the United States of America and our interests?

Mr. Speaker, it is a difficult time, and I think back to a debate that took place in the middle of the Civil War. John Stuart Mill wrote: ''War is an ugly thing, but it is not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which 'thinks nothing worth a war' is worse.''

Mr. Speaker, it is very important for us to realize how tough this is; but the United States of America is a very unique Nation, and we stand for freedom throughout the world. It is important for us to stand up now. Vote ''yes'' for this rule, and vote in favor of the resolution.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed on Monday, October 7, 2002.

Votes will be taken in the following order:

S. 2690, by the yeas and nays;

H.R. 5422, by the yeas and nays;

House Resolution 549, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

REAFFIRMING REFERENCE TO ONE NATION UNDER GOD IN PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2690, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2690, as amended, on which the yeas and nays are ordered.

This will be a 15-minute vote followed by two 5-minute votes.

The vote was taken by electronic device, and there were—yeas 401, nays 5, answered ''present'' 4, not voting 21, as follows:

[Roll No. 445]

YEAS—401

Abercrombie	Combest	Goode
Aderholt	Condit	Goodlatte
Akin	Conyers	Gordon
Allen	Costello	Goss
Andrews	Cox	Graham
Armey	Coyne	Granger
Baca	Cramer	Graves
Bachus	Crane	Green (TX)
Baird	Crenshaw	Green (WI)
Baker	Crowley	Greenwood
Baldacci	Cubin	Grucci
Baldwin	Culberson	Gutierrez
Ballenger	Cummings	Gutknecht
Barcia	Cunningham	Hall (TX)
Barr	Davis (CA)	Hansen
Barrett	Davis (FL)	Harman
Bartlett	Davis (IL)	Hart
Barton	Davis, Jo Ann	Hastings (WA)
Bass	Davis, Tom	Hayes
Becerra	Deal	Hayworth
Bentsen	DeFazio	Hefley
Bereuter	DeGette	Herger
Berkley	Delahunt	Hill
Berman	DeLauro	Hilliard
Berry	DeLay	Hinchey
Biggert	DeMint	Hinojosa
Bishop	Deutsch	Hobson
Blagojevich	Diaz-Balart	Hoeffel
Blunt	Dicks	Hoekstra
Boehlert	Dingell	Holden
Boehner	Doggett	Holt
Bonilla	Dooley	Hooley
Bonior	Doolittle	Horn
Bono	Doyle	Hostettler
Boozman	Dreier	Houghton
Borski	Duncan	Hoyer
Boswell	Dunn	Hulshof
Boucher	Edwards	Hunter
Boyd	Ehlers	Hyde
Brady (PA)	Ehrlich	Inslee
Brady (TX)	Emerson	Isakson
Brown (FL)	Engel	Israel
Brown (OH)	English	Issa
Brown (SC)	Eshoo	Jackson (IL)
Bryant	Etheridge	Jackson-Lee (TX)
Burr	Evans	Jefferson
Burton	Everett	Jenkins
Buyer	Farr	John
Callahan	Fattah	Johnson (CT)
Calvert	Filner	Johnson (IL)
Camp	Flake	Johnson, E. B.
Cannon	Fletcher	Johnson, Sam
Cantor	Foley	Jones (NC)
Capito	Forbes	Kaptur
Capps	Ford	Keller
Capuano	Fossella	Kelly
Cardin	Frelinghuysen	Kennedy (MN)
Carson (IN)	Frost	Kennedy (RI)
Carson (OK)	Gallegly	Kerns
Castle	Ganske	Kildee
Chabot	Gekas	Kilpatrick
Chambliss	Gephardt	Kind (WI)
Clayton	Gibbons	King (NY)
Clement	Gilchrest	Kingston
Clyburn	Gillmor	Kirk
Coble	Gilman	Kleczka
Collins	Gonzalez	Knollenberg
Kolbe	Ortiz	Shimkus
Kucinich	Osborne	Shows
LaFalce	Ose	Shuster
LaHood	Otter	Simmons
Lampson	Owens	Simpson
Langevin	Oxley	Skeen
Lantos	Pallone	Skelton
Larsen (WA)	Pascrell	Slaughter
Larson (CT)	Pastor	Smith (MI)
Latham	Paul	Smith (NJ)
LaTourette	Payne	Smith (TX)
Leach	Pelosi	Smith (WA)
Lee	Pence	Snyder
Levin	Peterson (MN)	Souder
Lewis (KY)	Peterson (PA)	Spratt
Linder	Petri	Stearns
Lipinski	Phelps	Stenholm
LoBiondo	Pickering	Strickland
Lofgren	Pitts	Stupak
Lowey	Platts	Sullivan
Lucas (KY)	Pombo	Sweeney
Lucas (OK)	Pomeroy	Tancredo
Luther	Portman	Tanner
Lynch	Price (NC)	Tauscher
Maloney (CT)	Pryce (OH)	Tauzin
Maloney (NY)	Putnam	Taylor (MS)
Manzullo	Quinn	Taylor (NC)
Markey	Radanovich	Terry
Matheson	Rahall	Thomas
Matsui	Ramstad	Thompson (CA)
McCarthy (MO)	Rangel	Thompson (MS)
McCarthy (NY)	Regula	Thornberry
McCollum	Rehberg	Thune
McCrery	Reyes	Thurman
McGovern	Reynolds	Tiahrt
McHugh	Riley	Tiberi
McInnis	Rivers	Tierney
McIntyre	Rodriguez	Toomey
McKeon	Roemer	Turner
McNulty	Rogers (KY)	Udall (CO)
Meehan	Rogers (MI)	Udall (NM)
Meeks (NY)	Rohrabacher	Upton
Menendez	Ros-Lehtinen	Visclosky
Mica	Ross	Vitter
Millender-McDonald	Rothman	Walden
Miller, Dan	Roybal-Allard	Walsh
Miller, Gary	Royce	Wamp
Miller, George	Rush	Waters
Miller, Jeff	Ryan (WI)	Watkins (OK)
Mollohan	Ryun (KS)	Watson (CA)
Moore	Sabo	Watts (OK)
Moran (KS)	Sanchez	Waxman
Moran (VA)	Sanders	Weiner
Morella	Sandlin	Weldon (FL)
Murtha	Sawyer	Weller
Myrick	Saxton	Wexler
Nadler	Schaffer	Whitfield
Napolitano	Schakowsky	Wicker
Nethercutt	Schiff	Wilson (NM)
Ney	Schrock	Wilson (SC)
Northup	Sensenbrenner	Wolf
Norwood	Serrano	Woolsey
Nussle	Sessions	Wu
Oberstar	Shadegg	Wynn
Obey	Shaw	Young (AK)
Olver	Shays	Young (FL)
	Sherman	
	Sherwood	

NAYS—5

Frank	McDermott	Stark
Honda	Scott	

ANSWERED ''PRESENT''—4

Ackerman	Velazquez
Blumenauer	Watt (NC)

NOT VOTING—21

Bilirakis	Jones (OH)	Neal
Clay	Kanjorski	Roukema
Cooksey	Lewis (CA)	Solis
Ferguson	Lewis (GA)	Stump
Hastings (FL)	Mascara	Sununu
Hilleary	McKinney	Towns
Istook	Meek (FL)	Weldon (PA)

□ 1149

Mr. TANNER changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, because I was attending a funeral for a close family friend on October 8, 2002, I was in my district and unable to vote on S. 2690, the Pledge of Allegiance and National Motto Affirmation Act. Had I been present, I would have voted ''yea'' on rollcall vote No. 445.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 445 on S. 2690 to reaffirm the reference to one Nation under god in the Pledge of Allegiance, I was unavoidably detained. Had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CHILD ABDUCTION PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5422, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5422, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 24, not voting 17, as follows:

[Roll No. 446]

YEAS—390

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Abercrombie
Blumenauer
Bonior
Clayton
Conyers
Filner
Frank
Holt
Honda
Lee
McDermott
Meek (FL)
Mollohan
Moran (VA)
Oberstar
Paul
Sabo
Schakowsky
Scott
Stark
Tierney
Watt (NC)
Waxman
Woolsey

NOT VOTING—17

Bilirakis
Cooksey
Ferguson
Hastings (FL)
Hilleary
Istook
Kanjorski
Lewis (CA)
Lewis (GA)
Mascara
Neal
Roukema
Solis
Stump
Sununu
Towns
Weldon (PA)

□ 1202

Mr. MORAN of Virginia, Mrs. CLAYTON, Mr. WAXMAN, Mrs. MEEK of Florida, and Mr. HOLT changed their vote from ''yea'' to ''nay.''

Mr. MCGOVERN changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, because I was attending a funeral for a close family friend on October 8, 2002, I was in my district and unable to vote on H.R. 5422, the Child Abduction Prevention Act. Had I been present, I would have voted ''yea'' on rollcall vote No. 446.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 446 on H.R. 5422, the Child Abduction Prevention Act I was unavoidably detained. Had I been present, I would have voted ''yea.''

EXPRESSING APPRECIATION FOR PRIME MINISTER OF GREAT BRITAIN FOR HIS LOYAL SUPPORT AND LEADERSHIP IN WAR ON TERRORISM AND REAFFIRMING STRONG RELATIONSHIP BETWEEN PEOPLE OF UNITED STATES AND GREAT BRITAIN

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 549.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) to suspend the rules and agree to the resolution, House Resolution 549, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, answered ''present'' 1, not voting 21, as follows:

[Roll No. 447]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)

Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

McKinney

ANSWERED ''PRESENT''—1

Owens

NOT VOTING—21

Bereuter
Bilirakis
Conyers
Cooksey
Cox
Ferguson
Hastings (FL)
Hilleary
Istook
Kanjorski
Lewis (CA)
Lewis (GA)
Mascara
Neal
Roukema
Schaffer
Solis
Stump
Sununu
Towns
Weldon (PA)

□ 1210

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. BILIRAKIS. Mr. Speaker, because I was attending a funeral for a close family friend on October 8, 2002, I was in my district and unable to vote on H. Res. 549. Had I been present, I would have voted ''yea'' on the rollcall vote No. 447.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 447 on H. Res. 549, expressing appreciation for the Prime Minister of Great Britain; I was unavoidably detained. Had I been present, I would have voted ''yea.''

CORRECTING ENROLLMENT OF H.R. 2215, 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 503) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215.

The Clerk read the title of the concurrent resolution.

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

Mr. HINCHEY. Mr. Speaker, reserving the right to object, I ask to engage in a colloquy with the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, as the gentleman wishes an explanation, this concurrent resolution directs the Clerk of the House to make certain technical corrections in the enrollment of H.R. 2215, the 21st Century Department of Justice Authorization Act, which passed both Houses in the last 2 weeks.

The concurrent resolution is supported by the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), the chairman and ranking member of the Committee on the Judiciary in the other body, and has been cleared by both the Republican and the Democratic leadership in the House.

Mr. HINCHEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 503

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2215), An Act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, the Clerk of the House of Representatives shall correct the bill by amending—

(1) section 206 of the bill by inserting ''the 1st place it appears'' after '' 'or complaint' '',

(2) section 2201(b) of the bill by striking ''1 year'' and inserting ''2 years'',

(3) section 2501 of the bill to read as follows:

''SEC. 2501. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

''Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

''(1) in subparagraph (I), by striking 'on October 17, 2000,' and all that follows through 'such drugs,' and inserting 'on the date of approval by the Food and Drug Administration of a drug in schedule III, IV, or V, a State may not preclude a practitioner from dispensing or prescribing such drug, or combination of such drugs,'; and

''(2) in subparagraph (J)(i), by striking 'October 17, 2000,' and inserting 'the date referred to in subparagraph (I),' '',

(4) subsection (j) of section 1512 of title 18 of the United States Code, as added by section 3001(a)(3) of the bill, by striking ''(j)'' and inserting ''(k)'',

(5) section 3001 of the bill—

(A) in subsection (c)(1) by striking ''(c)(2)'' and inserting ''(d)(2)'', and

(B) by striking subsection (d),

(6) section 4003(b)(3) of the bill by striking ''and inserting 'services contract made,' '',

(7) section 11006(3) of the bill by striking ''20110(2)'' and inserting ''200110(2)'',

(8) section 11009 of the bill—

(A) in subsection (b)(5) by striking ''7,200'' and inserting ''1,500'', and

(B) by adding at the end the following:

''(3) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

'' '(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.' .

''(f) DONATION OF FEDERAL SURPLUS BODY ARMOR.—

''(1) DEFINITIONS.—In this subsection, the terms 'Federal agency' and 'surplus property' have the meanings given such terms under section 3 of the Federal Property and

Administrative Services Act of 1949 (40 U.S.C. 472).

''(2) DONATION OF BODY ARMOR.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor—

''(A) is in serviceable condition;

''(B) is surplus property; and

''(C) meets or exceeds the requirements of National Institute of Justice Standard 0101.03 (as in effect on the date of enactment of this Act).

''(3) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this subsection shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

''(4) DONATION BY CERTAIN OFFICERS.—

''(A) DEPARTMENT OF JUSTICE.—In the administration of this subsection with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

''(i) The Administrator of the Drug Enforcement Administration.

''(ii) The Director of the Federal Bureau of Investigation.

''(iii) The Commissioner of the Immigration and Naturalization Service.

''(iv) The Director of the United States Marshals Service.

''(B) DEPARTMENT OF THE TREASURY.—In the administration of this subsection with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

''(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

''(B) The Commissioner of Customs.

''(C) The Director of the United States Secret Service.

''(5) NO LIABILITY.—Notwithstanding any other provision of law, the United States shall not be liable for any harm occurring in connection with the use or misuse of any body armor donated under this subsection.'',

(9) section 11011(b) of the bill by striking ''1 year'' and inserting ''2 years'',

(10) section 11016 of the bill by striking ''of 1953'',

(11) section 11017(c) of the bill by striking ''section 1 of this legislation'' and inserting ''subsection (a)'',

(12) Rule 16 of the Federal Rules of Criminal Procedure—

(A) in subdivision (a)(1)(G) of such Rule, as amended by section 11019(b)(1) of the bill—

(i) by striking ''Government'' each place it appears and inserting ''government'',

(ii) by striking ''shall'' each place it appears and inserting ''must'', and

(iii) by striking ''medical'' and inserting ''mental'', and

(B) in subdivision (b)(1)(C) of such Rule, as amended by section 11019(b)(2) of the bill—

(i) by striking ''Government'' each place it appears and inserting ''government'',

(ii) by striking ''Government's'' and inserting ''government's'', and

(iii) by striking ''shall'' each place it appears and inserting ''must'',

(13) part R of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 12102 of the bill—

(A) in subsections (a)(2) and (b)(1)(B) of section 1802 of such part by striking ''subsection (c)'' and inserting ''subsection (d)'', and

(B) in section 1808(b) of such part by striking ''90'' and inserting ''120'', and

(14) section 5037(b) of title 18 of the United States Code, as amended by section 12301(2)(B) of the bill, by striking ''imprisonment'' and inserting ''official detention''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. HYDE. Mr. Speaker, pursuant to House Resolution 574, I call up the joint resolution (House Joint Resolution 114) to authorize the use of United States Armed Forces against Iraq and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Pursuant to House Resolution 574, the joint resolution is considered read for amendment.

The text of House Joint Resolution is as follows:

H.J. RES. 114

Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Whereas in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in ''material and unacceptable breach of its international obligations'' and urged the President ''to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations'' (Public Law 105–235);

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President ''to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677'';

Whereas in December 1991, Congress expressed its sense that it ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1),'' that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and ''constitutes a continuing threat to

the peace, security, and stability of the Persian Gulf region,'' and that Congress, ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688'';

Whereas the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

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

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

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

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for the Use of Military Force Against Iraq''.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

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

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that the information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

The SPEAKER. Pursuant to House Resolution 574, the amendment to the preamble and the amendment to the text printed in the joint resolution are adopted.

The text of House Joint Resolution 114, as amended pursuant to House Resolution 574, is as follows:

H.J. RES. 114

Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Whereas in Public Law 105–235 (August 14, 1998), Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in ''material and unacceptable breach of its international obligations'' and urged the President ''to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations'';

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolution of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of United States citizens;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons

of mass destruction by international terrorist organizations;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 (1990) authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 (1990) and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687 (1991), repression of its civilian population in violation of United Nations Security Council Resolution 688 (1991), and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949 (1994);

Whereas in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1), Congress has authorized the President ''to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolution 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677'';

Whereas in December 1991, Congress expressed its sense that it ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1),'' that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and ''constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region,'' and that Congress, ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688'';

Whereas the Iraq Liberation Act of 1998 (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

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

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas it is in the national security interests of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

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

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for Use of Military Force Against Iraq Resolution of 2002''.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions regarding Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions regarding Iraq.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this joint resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

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

SEC. 4. REPORTS TO CONGRESS.

(a) REPORTS.—The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of the Iraq Liberation Act of 1998 (Public Law 105–338).

(b) SINGLE CONSOLIDATED REPORT.—To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of the War Powers Resolution (Public Law 93–148), all such reports may be submitted as a single consolidated report to the Congress.

(c) RULE OF CONSTRUCTION.—To the extent that the information required by section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of such resolution.

The SPEAKER. Pursuant to House Resolution 574, after 17 hours of debate on the joint resolution, as amended, it shall be in order to consider the further amendments printed in those House Report 107–724. Amendments in the report may be offered only in the order printed, may be offered only by a Member designated in the report, shall be in order without intervention of any point of order or demand for division of the question, shall be read, and shall be debatable for the time specified, equally divided and controlled by the proponent and the opponent.

□ 1215

After the conclusion of consideration of the amendments printed in the report, there shall be a final period of debate on the joint resolution, as amended, which shall not exceed 1 hour, equally divided and controlled by the chairman and the ranking minority member of the Committee of International Relations.

The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 8½ hours of debate on the joint resolution.

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 to include extraneous material on the joint resolution under consideration.

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

There was no objection.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House of Representatives.

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

Mr. Speaker, on September 11 those who hate freedom tried to silence the

voices of the American people as represented by this body. But free men cannot be silenced; and so once again today, as we have almost every day since September 11, we gather in this Chamber to do the people's business.

There is no more grave responsibility that we undertake as Members of this House than the protection of our Nation and the lives of our men and women who serve that Nation in our armed services.

So today and tomorrow and on Thursday, we will as free men should, passionately, but peacefully, debate what is best for America and for our freedom-loving allies around the world. We will do in this place what the ''Butcher of Baghdad'' and the remnants of the al Qaeda hiding in bombed-out caves in far-flung places around the world hate the most, we will exercise democracy; and we will show the world how free men and women behave.

I rise in support of this resolution, and I urge all of my colleagues to support it.

This resolution authorizes the President to use necessary and appropriate military force against Saddam Hussein's regime in Iraq to defend the national security interests of the United States and to enforce the United Nations Security Council resolutions that Saddam Hussein has routinely ignored over the last decade. We take this step knowing that Saddam Hussein is a threat to the American people, to Iraq's neighbors, and to the civilized world at large.

On September 11, 2001, this Nation changed utterly. On that fateful morning, Americans woke up with the usual expectations: go to work, provide for the family, feed the children, live the American dream. Firemen, stockbrokers, custodians, police officers, office workers, all started their day, perhaps with a cup of coffee, perhaps hurrying to get to work on time.

But those plans were shattered when planes hit the World Trade Towers, the Pentagon, and while attempting to strike this very building and silence the voices of democracy in this very Chamber were thwarted by brave passengers over the skies of Pennsylvania. All of us lost our innocence that day.

Before September 11, we all believed that the troubles that infected the rest of the world could not impact us. We lived in a splendid isolation, protected by two vast oceans. Before that fateful day, war and disorder were distant rumblings from a far-off land. But on September 11, that distant rumbling hit New York, Virginia, and Pennsylvania. We have a sacred duty to do all that we can to ensure that what happened on September 11 never happens in America again.

Some may question the connection between Iraq and those terrorists who hijacked those planes. There is no doubt that Iraq supports and harbors those terrorists who wish harm to the United States. Is there a direct connection between Iraq and al Qaeda? The President thinks so; and based upon what I have seen, I think so also. Should we wait until we are attacked again before finding out for sure; or should we do all that we can to disarm Saddam Hussein's regime before they provide al Qaeda with weapons of mass destruction?

Just a year ago, this Capitol building was attacked when someone mailed anthrax-laden letters to Members of Congress. We have never found the perpetrator. Was that a terrorist attack? Undoubtedly. Was it connected to al Qaeda or Saddam Hussein? We do not know. But it serves as a wake-up call to all Americans. Why do we not take the biological and chemical weapons away from this regime before we find out for sure?

For those Members who are worried about the doctrine of preemption, let me say this is not a new conflict with Iraq. Our planes which have been patrolling the no-fly zone since the end of the Persian Gulf War pursuant to U.N. resolutions have been fired upon by the Iraqi military hundreds of times.

This conflict is ongoing, but now it has become critical that we take the next step. We know Saddam Hussein is a bad actor. We know what he did to the people of Kuwait when he invaded there. We know what he did to his neighbors in Iran when he used chemical weapons in the Iran-Iraq war. We know that he gassed his own people, including women and children, to put down a rebellion. For those who argue that we must build a consensus with the United Nations, let me say that we are taking an effective action here in this Chamber to perhaps help the U.N. do what is right in their own chamber.

Earlier this century, fascist regimes in Italy and Germany routinely ignored the dictates of the League of Nations. Both Mussolini and Hitler built up their armies, invaded their neighbors and oppressed their citizens, all in the face of an ineffective League of Nations.

If the United Nations is to have relevance in the 21st Century, we must not let it go the way of the League of Nations. We must give the United Nations the backbone it needs to enforce its own resolutions. But if the U.N. refuses to save itself, and more importantly the security of its member states and the cause of peace in this world, we must take all appropriate action to protect ourselves.

Edmund Burke once said that the only thing necessary for the triumph of evil is for good men to do nothing. We must not let evil triumph. We must do something. We must pass this resolution, support the President of the United States as he works to disarm Saddam Hussein, and win the war against terrorism.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that one-half of my time be yielded to the gentleman from New Jersey (Mr. PAYNE) and that he be allowed to further allocate that time.

The SPEAKER pro tempore (Mr. BLUNT). Is there objection to the request of the gentleman from California?

Mr. HINCHEY. Mr. Speaker, reserving the right to object, I understand that the gentleman from California (Mr. LANTOS) is about to ask that the time allotted to the Democratic side of the aisle be divided equally between those Members who are in favor of the resolution and those Members who are opposed to the resolution.

This is a motion that I fully and enthusiastically support, but I would like to make the observation that while there are Members on the other side of the aisle who are opposed to the resolution, no similar request has been made to divide that time equally. If no request is made to divide that half of the time which is allotted to the debate for this resolution, then it will develop that we will have a debate dominated by those who favor the resolution because three-quarters of the time will be allocated to those Members who favor the resolution, and only one-fourth will be allocated to those who oppose the resolution.

It seems to me that this situation is inherently unfair. Therefore, I would request that the majority party also divide the time allotted to them so that half of that time may be distributed among Members who are opposed to the resolution. In that way we will have a fairer debate.

If we enter this debate with three-quarters of the time distributed to one side and only one-fourth to the other, it is obvious that the weight of the debate will be unfair going in, and that those who oppose the resolution will be facing a stacked deck. That is not appropriate or in keeping with the traditions of this House.

Now, I know a rule was passed earlier in the day, and perhaps it may have been more appropriate to make this statement or something similar to it at that time. Nevertheless, that time has now lapsed. This is the only time that is available to raise this issue and to make this request, which I make in all earnestness and all seriousness.

Mr. Speaker, we are about to vote on a resolution, the result of which is likely to cause the deaths of unknown numbers of unknown people should it prevail. This is the most serious matter that can be addressed by the Members of this free and open body. Therefore, it seems to me that this debate ought to be conducted in a free and open manner.

Allocating the time, and I believe that this is a very short time which has been allocated for this debate, it should be much longer, but given the fact that we have only this short amount of time, that time ought to be divided equally so that those people who are opposed to the resolution will have the opportunity to make their case in the same amount of time as those people who favor the resolution.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, I appreciate very much the gentleman's statement because it makes a very good point about fairness.

Prior to the writing of the rule, I did make some requests about getting some time because as a Republican, I have strong constitutional reservations about what we are doing, and I think they are worthwhile hearing. That was turned down. It was not written into the rule; and of course the amendment that I offered that may have offered an opportunity for me to make these constitutional points, that also was declined. But I have been informed today that I would be allowed 3 minutes to make the case for the Constitution.

I appreciate very much the gentleman bringing this up, and I hope our leadership will reconsider and allow Republicans on this side to have a fair share of the time, as the Democrats are doing.

□ 1230

Mr. HINCHEY. Mr. Speaker, I reclaim my time.

I earnestly thank the gentleman for his efforts made today. It seems to me that the rejection of the gentleman's efforts constitutes a mistake on the part of the people who made that decision. His voice ought to have been heard. He ought to have been listened to when he asked for a proper allocation of time. He ought to have been listened to when he asked for the opportunity to present an amendment on this resolution. He was not. We now have an opportunity to rectify those mistakes.

Furthermore, the allocation of 3 minutes to defend the Constitution of the United States seems to me to be wholly inadequate and unworthy of this body. So, therefore, Mr. Speaker, I earnestly request that the request of the gentleman who just spoke be recognized by the majority party in this House, that fairness be honored by the majority in this House, and that they divide the time that has been given to them so that those people who are opposed to this resolution, earnestly and devoutly opposed to it, will have an equal time to express that devotion and earnestness in opposition to this resolution as those who favor it. I make that request.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding.

It is my intention to yield time to every Republican who asks for it, regardless of what side they are on. I will not discriminate between people who are for it or against it. If they are Republicans and they want time, we will give it to him or her so long as we have time; and we will allocate it as fairly as we possibly can.

Mr. HINCHEY. Mr. Speaker, reclaiming my time, I thank the gentleman for that. But I would just like to make the observation that, while the gentleman's offer is made sincerely and I respect him, as I always do, and everything he says on this floor and everything that he does, I think that he is not providing the opportunity that many people in this House earnestly desire and I think the people of this country earnestly desire, and that is a fair and open exchange on the merits of this resolution.

I ask, how can we have a fair and open exchange on the merits of this resolution when those who are opposed to the resolution, regardless of what party they may belong to, are not provided the opportunity to make their case? They are only given a fourth of the opportunity, while those who favor the opposition are given three-fourths. This is inherently an unfair circumstance.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield on his reservation?

Mr. HINCHEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman and I thank the gentleman from Texas and the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS).

The gentleman from New York (Mr. HINCHEY) makes a very valid point. It was my understanding by the resolution that each Member was guaranteed 5 minutes. I am not sure if I heard the distinguished gentleman from Texas (Mr. PAUL) correctly, but my understanding is that he reported 3 minutes.

I say to the gentleman from Illinois (Mr. HYDE) I think it is extremely important in this debate that even 5 minutes may not be long enough to discuss the issues of life and death. I believe the distinguished gentleman from New York (Mr. HINCHEY) has made a very valid point about sharing of the time, and I thank the gentleman from California (Mr. LANTOS) for sharing the time.

I add my plea to the request that if we have to stay here into the weekend that this is such a vital discussion that there should be no limit and no limit on the amount of time and certainly we should equate the interests of the people of the United States with the interests of Members of the United States to be able to debate the issues of life and death in the full force and view of the American people, and it should not be limited, and certainly 3 minutes is not adequate.

I would ask that the gentleman's request and his reservation be, if the Members will, judged and judged appropriately and approved that we share the time for this enormous decision that we have to make.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, it seems to me these arguments should have been made when the rule was debated. The rule has been adopted. There was testimony before the Committee on Rules. I do not know that these folks were there making the same arguments, but to make it now comes rather late in the proceedings. We will be as fair as we possibly can, but the rule has been adopted. It does not address itself at all to how much time certain Members will have depending on their attitudes towards this resolution. This concern comes too late. The rule has been adopted by voice vote.

Mr. HINCHEY. Mr. Speaker, further reserving the right to object, and I thank the Chair for his forbearance and I ask an opportunity to go on for no more than another 2 minutes.

I appreciate what the gentleman said, and I recognize his sincerity. However, I believe that the House has made a mistake and that we have the opportunity now to correct that mistake and that people of goodwill recognizing the mistake will do so. That is, step forward honestly, forthrightly and correct the mistake that has been made in the context of the rule. We need to debate this issue fairly and openly, and it seems to me and I think it would seem to any fair-minded person, not just the Members of this House but any fair-minded American, that it is not possible to have a fair and open and equitable debate when the time has been so misallocated, three-quarters of it given to those who favor the resolution and a quarter for those who oppose.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I appreciate the gentleman's concern about how we manage our time on this side of the aisle, but I would point out to him as a matter of fairness that the manner proposed and being followed by the Chairman of the Committee on International Relations is the only fair way to apportion time on this side of the aisle.

If, for example, the preponderance of the speakers on this side of the aisle are in favor of the resolution, to give half of the time to those in opposition of the resolution would be grossly unfair to those who favor the resolution and would have only a small portion of time with which they could express their point of view relative to a very large amount of time that perhaps 10 percent of those on this side of the aisle might choose to exercise. So the chairman of the committee is absolutely right to reserve the time.

I commend the gentleman from California (Mr. LANTOS) for his decision to apportion the time on his side of the aisle because there may be greater division over there. But the gentleman should yield to this side of the aisle to determine how we will apportion our time.

I thank the gentleman for yielding.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman. I understand what the

gentleman is saying, and I appreciate it, but again I appeal to the House because I believe a mistake has been made.

A small amount of time, in my view too small amount of time, has been allocated to this debate. This is a matter of such utmost seriousness which involves issues of life and death as well as the interpretation of this body of the United States Constitution and the division of powers between the executive and legislative branches, so much so that to provide such a small amount of time is unreasonable and unwarranted in this case. We have the opportunity to provide as much time as we want. We do not have to limit this debate to 2 days. We can give it much more time than that. In that context, again, it seems to me that if we are going to have a fair and open exchange of views on this issue, it is essential that those people who are in opposition to the resolution have as much time as those who are in favor of it.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, I would merely like to suggest to all of my colleagues on both sides of the aisle that, should the allotted time be insufficient to deal with this issue, in the event some Members feel that they have not had an opportunity to express their views, I want to serve notice that I will request under unanimous consent to extend the debate.

I think this is a significant historic debate. No Member of this body should be deprived of the opportunity to express his views. So I want to assure my colleague that, should the initially allotted time to both sides prove insufficient, it is the intention of this gentleman to request additional time so that every Member will have an opportunity to express his or her views.

I thank the gentleman for yielding.

Mr. HINCHEY. Mr. Speaker, I deeply appreciate that sentiment on the part of the gentleman. I know that he is sincere. However, if that procedure is to be adopted, we ought to have a vote on it now. Now is the time to make that decision, because I do not know that at some point in the future the gentleman may change his mind or at some point in the future he may not be recognized or some other event might intervene between now and then. I think that that decision ought to be made now.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, I do not agree that a decision should be made now. We do not know whether the allotted time is sufficient or not. If the allotted time is not sufficient, I can assure the gentleman I will not change my mind and I will request an extension of time.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I would like to direct the House's attention to section 2 of the rule which says, ''It shall be in order for the majority leader or his designee, after consultation with the minority leader, to move to extend debate on the joint resolution, as amended. Such motion shall not be subject to debate or amendment.''

So this extension of time is provided for in the rule, which has already been adopted, and if and when the occasion arises I will do everything in my power to facilitate extending the time so nobody is muzzled or gagged in this Chamber.

Mr. HINCHEY. Mr. Speaker, I appreciate the gentleman's sentiment, and it is not my belief that it is the intention of the leadership of this House to muzzle any individual Member. My point is that we are debating an issue of such profound seriousness with such vital life and death implications, both for individual human beings, Americans, Iraqis and others, as well as the life of the Constitution of this country that we ought to do this in the most open and fairest way; and it is my contention that the rule governing this debate is neither open nor fair under those circumstances.

It is further my contention that this body possesses the ability to change that rule and to provide the Members of this House with an opportunity to engage in free and open and unfettered debate on an issue which is the most critical that one may contemplate as a citizen of this country and as a Member of this House.

Mr. BALLENGER. Mr. Speaker, could we ask for regular order on this?

The SPEAKER pro tempore (Mr. BLUNT). Is the gentleman asking for regular order?

Mr. BALLENGER. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. LANTOS) that 4¼ hours of his time be allocated to the gentleman from New Jersey (Mr. PAYNE)?

Mr. HINCHEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. HINCHEY. Mr. Speaker, I have a Parliamentary inquiry. I want to ask if it is appropriate to request an extension of the time allotted for this debate in accordance with the rules.

The SPEAKER pro tempore. The Chair would recognize the managers of the joint resolution as assigned by the special order adopted by the House for that purpose at this time.

The gentleman from California (Mr. LANTOS) is recognized on his time.

Mr. LANTOS. Mr. Speaker, I do not believe we have any problem on our side of the aisle. I have asked unanimous consent to yield half of the time I control to the gentleman from New Jersey (Mr. PAYNE) who, during the deliberations of the Committee on International Relations, voted no on the resolution; and he is the highest-ranking Member on the Democratic side to vote in such a manner. We are perfectly satisfied with time allocation on this side.

Mr. HINCHEY. Mr. Speaker, I simply want to restate my position for the record. I believe that the House is proceeding improperly. I believe that the allocation of time is wrong, unfortunate and does not provide for an equitable debate.

The SPEAKER pro tempore. Will the gentleman suspend?

Does the gentleman from California (Mr. LANTOS) yield at this point in time to the gentleman from New York?

Mr. LANTOS. Mr. Speaker, I believe we now need to proceed with the debate. I do not yield.

The SPEAKER pro tempore. The gentleman from California is recognized.

□ 1245

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

Mr. Speaker, today we begin a great debate, whether to grant our President the authority to use armed force against the threat posed to our Nation by the Iraqi regime of Saddam Hussein.

All of us who engage in this debate are patriots. All of us are deeply committed to safeguarding our national security, to promoting peace, and to waging war only as the very last resort. All of us weigh our words and cast our vote in accordance with the dictates of our conscience; and we are, therefore, deserving of each other's respect.

Some argue that the outcome of this debate is predetermined. It is not. Although the language of this joint resolution may undergo little change and its passage is all but assured, the level of support it will command is far from certain.

Will this debate demonstrate to the world this Nation's steadfast resolve, or our lingering doubts? Will it solidify our national unity, or expose national divisions? The answers to these crucial questions are far from predetermined.

It is with this in mind, Mr. Speaker, that I rise in strong support of this historic resolution, and I urge my colleagues to join me.

In managing this debate with my friend, the gentleman from Illinois (Chairman HYDE), I am committed not only to passing this joint resolution, but to securing for it the broadest possible support; for I believe, Mr. Speaker, that it is through a strong show of support for this joint resolution that war can best be avoided.

Against such an implacable foe as Saddam Hussein, peace can only be achieved through strength, the strength of conviction as much as the strength of arms. It is only when the Iraqi dictator is certain of our resolve and of our ability that peace becomes possible.

The strategic importance of this vote is undeniable, Mr. Speaker. We do not

have the luxury of considering this issue in splendid isolation. The whole world is watching, and it will measure the resolve of the United States by the outcome of this debate. Let the People's house seize this opportunity to lead.

Mr. Speaker, in debating this issue, I am haunted by history. As a young man resisting the Nazis in my native Hungary during the Second World War, I experienced firsthand the ravages of both air and ground war. The murderous shriek of dive bombers, the thunderous rumbling of panzers still reverberate in my memory. I know all too well the painful human costs of war, the lives lost, the families broken, the homes destroyed, the dreams shattered. I abhor war in the way only a survivor and the grandfather of 17 can.

But, Mr. Speaker, if the costs of war are great, the costs of inaction and appeasement are greater still. Had the United States and its allies confronted Hitler earlier, had we acted sooner to stymie his evil designs, the 51 million lives needlessly lost during that war could have been saved. Just as leaders and diplomats who appeased Hitler at Munich in 1938 stand humiliated before history, so will we if we appease Saddam Hussein today.

To grasp the consequences of our choice, I urge my colleagues to consider two futures: first, imagine a future in which Iraq continues to build its arsenal of chemical, biological and nuclear weapons. Wielding such weapons of mass destruction, Saddam Hussein not only assures his own survival, but rises to preeminence in the Arab world. Within Iraq, Saddam intensifies his brutal repression of the Iraqi people and crushes all internal opposition.

Beyond Iraq, Saddam Hussein seizes new territory, intimidates his neighbors into submission, and blackmails the United States and our allies. At the same time, terrorists sharing his anti-American hatred find refuge and resources under his wing.

Now, I ask my colleagues to imagine a different future based on the alternative that Saddam Hussein is disarmed, is discredited, and falls from power. With strong material and moral support from the United States and the entire international community, Iraq could emerge as a beachhead of democracy and a beacon of hope in the Arab world. The Iraqi people are freed from the yoke of repression and Baghdad reclaims its greatness as a center of enlightened learning. And the Middle East emerges from the dark shadows of Saddamism.

The choice is clear, Mr. Speaker. We must not allow Saddam's forces of repression to triumph over the forces of liberation. We must not allow tyranny to triumph over freedom. We must not allow fear to triumph over hope.

Although the choice is clear, Mr. Speaker, the course we may be forced to take is not easy. Despite our best efforts, the United States may be forced to act without the unanimous consent of the international community. Let me remind ourselves that in 1981 the Israelis attacked Iraq's nuclear reactor at Osirak. Although the strike was condemned by contemporaries, it is now applauded by history.

If Congress provides only tepid support for this joint resolution, fear may indeed triumph over hope. Saddam Hussein will undoubtedly seize upon U.S. indecision to divide the international community, to evade inspectors and to continue his deceptions while pursuing his clandestine weapons programs unabated. Weakness in the face of this mounting threat only plays into Saddam Hussein's grand strategy.

Many of my colleagues, Mr. Speaker, fear that the President seeks to implement a new and untested doctrine of military intervention in Iraq. They fear that a dangerous precedent will be set should we authorize the use of force. I disagree.

It is not the application of the doctrine of preemption we are considering here. We are dedicating U.S. power and prestige to upholding, not challenging, international law. We are devoting our efforts to strengthening, not weakening, the international system. Saddam Hussein and his henchmen are the international outlaws breaking their obligations while suppressing their own people.

Others of my colleagues, Mr. Speaker, fear the implications of the United States acting without the blessing of the United Nations. But let us recall 1998, when we were confronted with a similar challenge to the international order, but the United Nations remained divided. To prevent genocide in Kosovo and strategic instability in the Balkans, President Clinton led the United States and our NATO allies to victory against Milosevic.

Today the people of Kosovo live in peace, Serbia holds democratic elections, and in the Hague, Milosevic stands on trial for war crimes.

Mr. Speaker, for many of the same reasons our Nation acted in Kosovo, today we must act in Iraq. Saddam Hussein's brutal repression of the Iraqi people is a crime against humanity. His stubborn defiance of the United Nations is an affront to the civilized world, and his diabolical drive to develop weapons of mass destruction is a danger to the United States and to world peace.

Let us be clear. We seek to preserve peace, not to provoke war; we seek to maintain international order, not to disrupt it. In doing so, we seek the support of our friends and allies.

I support the President's decision to challenge the United Nations to enforce the Security Council resolutions Iraq has flagrantly and repeatedly violated. If the U.N. seizes this opportunity, it could prove to be its finest hour. The joint resolution before us is the best assurance that the international community may indeed rise to this challenge.

Mr. Speaker, Saddam Hussein represents the antithesis of freedom and is the principal antagonist in a struggle unfolding in the Middle East; and the United States, I believe, is destined to be a principal protagonist in this struggle. The great debate we begin today represents the opening act of a drama that promises to define the 21st century.

Each of us was elected to engage in just such a debate. Only in a democracy are the people, through their chosen representatives, entrusted with their own security. Only in a democracy must the protectors answer to those they protect. Only in a democracy must the Commander in Chief come to Congress in exercising military power. Debating war and peace as we do this day is the essence of democracy.

Many different views will be heard during the course of our debate. Let no one, Saddam Hussein especially, confuse debate with disunity. The ability to debate freely, but unite ultimately, is the hallmark of democracy. It is a source of strength, not of weakness.

Mr. Speaker, in debating this joint resolution, I urge all of my colleagues to consider the consequences of our decision. They will be felt far beyond the confines of this Chamber. Should we unite in strong opposition to Saddam Hussein, history will reward us. If we fail to do so, history will haunt us. A future of hope, or a future of fear hangs in the balance. I am confident that we shall make the right choice.

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

□ 1300

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

Mr. Speaker, first of all, I want to thank the gentleman from California (Mr. LANTOS) who did not give an opening statement but rather contributed to the literature of freedom, a remarkable statement and worth keeping.

Sixty-six years ago, on March 7, 1936, a brutal dictator who had terrorized his own people and instigated religious and ethnic persecutions on a massive scale declared his aggressive intent against his neighbors in a stream of gutter writings dating back a decade and a half and rearmed his country in defiance of solemn treaty obligations. He then flagrantly violated yet another international obligation by militarily reoccupying a portion of his country that had been demilitarized by international agreement.

His democratic neighbors said nothing.

Free men around the world did nothing, except protest weakly. The dictator, who may have been mad but who was certainly no fool, took those empty words of protest as further signs of the free world's weakness and fear.

The League of Nations did nothing.

Nine years and more than 40 million deaths later, the price of failing to confront aggression before the bombs started raining down on Europe had become horrendously clear. Hitler had

been allowed to turn Europe into a slaughterhouse because free men had failed to stop him before he set loose the greatest war in human history. That the Holocaust was permitted to occur stands as a permanent reproach to the civilized world.

Millions of innocents died because the free world lacked the will and the courage to face a brutal dictator's manifestly aggressive intentions, his burgeoning weapons capabilities, and his gross violations of international law.

Does this scenario, does this failure to recognize that evil intentions plus destructive capability plus unscrupulous wickedness equals clear and present danger, sound familiar? It should. And not from the history books, but from the morning newspaper.

We are faced today with a situation whose analogies to 1936 seem all too clear. An aggressive dictator has once again willfully and repeatedly defied the basic norms of international law. Having terrorized his own people into submission, Saddam Hussein has rearmed his country and feverishly sought weapons of mass destruction. It is sheer nonsense to suggest that he wants those weapons for anything but aggression. Does any sane person looking at this man's record over the past 2 decades imagine that he will be deterred by reason or by moral suasion?

We have spent more than a decade trying, without any success, to enforce Saddam's pledges to disarm. We have tried diplomacy. We have tried sanctions. We have tried inspections. We have established no-fly zones. We have run out of options.

In 1980, he attacked Iran and initiated a decade of warfare that killed and wounded over 1 million people, a conflict that included his use of chemical weapons on Iranian troops. In 1990, he invaded Kuwait and imposed a brutal occupation on that country, laying waste to everything within reach when his forces were finally driven out. He has indiscriminately used chemical weapons on unarmed civilians in his own country, and he has slaughtered any who dared oppose him.

Given this record, there can be no doubt that, once armed with weapons of even greater destructive power, he will have little reluctance to use them.

In a world of modern technology, the first strike might well be the last strike. If those who flew hijacked aircraft into the World Trade Center and the Pentagon had nuclear bombs instead of airplanes as weapons, do we doubt they would use them? We would then be mourning 3 million deaths, not 3,000.

Permitted to acquire and deploy even more lethal weapons of mass destruction, Saddam Hussein will use those weapons; and he will use them against us and against our allies. Some of us demand a smoking gun before we will approve the use of force. We may well get a smoking city like Hiroshima in place of a gun.

He must not be allowed to gain those nuclear capabilities. We cannot afford another reoccupation of the Rhineland, another gross failure to enforce the basic norms of international order, this time, in a world of weapons of mass destruction and intercontinental ballistic missiles. Saddam Hussein must be disarmed, because the world simply cannot permit this man to obtain usable weapons of mass destruction.

If the international community is so feeble as not to see that this man's threat to peace, justice, and freedom must be confronted boldly and decisively, then the United States and those allies who will stand with us must do the job for our own safety's sake and in defense of the minimum conditions that make a civilized world possible.

The menace posed by Saddam is undeniable, but we are confronted with an even greater danger. Despite clear and repeated warnings, it appears much of the world does not understand that we have entered a wholly new and increasingly perilous era, one with new and harsher rules.

Through repeated usage, the term ''weapons of mass destruction'' has become almost banal, but the unimaginable destructive power these represent requires our constant focus and the determination to do what we must to defend ourselves.

The problem is not merely that a murderous tyrant such as Saddam may be in possession of these weapons. In the aftermath of September 11, we must accept that he has been joined by many others of an even more fanatical purpose. Terrorists willing to commit suicide in order to kill large numbers of innocents cannot be stopped by the familiar conventions of deterrence. Their possession of weapons of mass destruction must be equated with a certainty that these will be used against us.

We cannot shield ourselves with hope. We must not guess the world into annihilation.

For those convinced of Saddam's murderous intentions, the debate has centered on whether or not we should focus our efforts on assembling a coalition of friends and allies and seek the enhanced legitimacy that approval by the United Nations might render our actions.

I believe that is the wrong debate. We all agree that these are desirable things, and we should do all in our power to secure them. I believe the President and his administration have done and are doing just that.

But the real question, the one which should occupy us, is one of far greater consequence: On whom does the final responsibility for protecting ourselves rest? Is it ours, or do we share it with others? Are decisions regarding our fate to be made in common with others?

I believe there is only one answer. We have no choice but to act as a sovereign country prepared to defend ourselves with our friends and allies, if possible, but alone if necessary. There can be no safety if we condition our faith on the cooperation of others, only a hope that all will be well, a hope that eventually must fail.

For more than half a century, whatever safety and security has existed in this world has been there largely because America has been unafraid to act against threats and to act alone, if necessary. The perception that we are resolved to do so has prevented many assaults on that security and continues to do so today.

On many occasions we have been joined in our efforts by our friends and allies; and, more rarely, we have enjoyed the world's approval. But often we have not, and still we acted.

If we are to have a chance of averting conflict in Iraq, a simple resolve on our part will not be sufficient. For the great danger we face with Saddam is ambiguity.

Saddam has often miscalculated in the past. His flawed judgments have resulted in wars that have killed hundreds of thousands of people. For that reason, any ambiguity regarding our course of action and our determination to act alone if need be risks yet another miscalculation on his part and a false grant of safety to call our bluff.

Vigorous debate in our deliberations is not only desirable, it is essential. The question before us demands it. But the result of that debate cannot be to condition our actions on the approval of others, for we might wait and wait and wait for an approval that may never come.

We must remember our debate here today is not for ourselves alone and that our audience is not confined to this Chamber. The world is watching. The allies are watching. Our enemies are watching. Saddam is watching.

They are looking for signs of indecision in our resolve, searching for a fatal sign of weakness that will come from binding ourselves to act only in concert with others. The voice of indecision would cut through any wording in which we might attempt to secrete it, however artfully phrased and cleverly contrived we might render it.

We do not have the luxury of pretending not to see the danger confronting us. All of our choices are difficult, but our only real option is to act.

Over a century ago, in another conflict, Abraham Lincoln said, ''We cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.''

A century ago, Britain stood majestically at the height of her power. Within 40 years, the knife was at her throat, and she survived only because we were there to rescue her. But there is no one to rescue us.

We cannot entrust our fate to others, for others may never come. If we are not prepared to defend ourselves and to defend ourselves alone, if need be, if we cannot convince the world that we are unshakeably resolved to do so, then there can be no security for us, no safety to be purchased, no refuge to be found.

Mr. Speaker, I rise in support of the President. I do so not simply because he is a good, honest, intelligent man who happens to be the leader of my party. I support the President because he is right, strategically, politically, and morally right. In the autumn years of my long life, I do not intend to see the free world repeat the errors it made when I was a teenager, errors that extracted an unfathomable cost in blood and treasure. I do not believe my country wants to be a party to appeasement.

We cannot defend America, we cannot build a world of peace, order, justice, and freedom by hope alone. The statesmen of the 1930s tried to secure the peace by hopes alone. They failed, and the results are with us still. We cannot repeat their failure. We must not. History will not forgive us another failure of imagination and will.

I propose there is a reason why you are here today and I am here today. That is because providence has burdened us with the terrible decision of what is best for America. I propose what is best for America is to support our President.

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

Mr. LANTOS. Mr. Speaker, let me first commend my good friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, for his powerful and brilliantly reasoned statement.

□ 1315

Mr. Speaker, I ask unanimous consent that one-half of my time be allocated to my good friend and our distinguished colleague, the gentleman from New Jersey (Mr. PAYNE), and that he may be permitted to control that time and yield it to others.

The SPEAKER pro tempore (Mr. BLUNT). Is there objection to the request of the gentleman from California?

There was no objection.

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

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

Mr. PAYNE. Mr. Speaker, let me begin by thanking the gentleman from California (Mr. LANTOS) for equally dividing his time.

Mr. Speaker, this signal from the gentleman from California (Mr. LANTOS), although he very strongly supports this resolution, and we have heard his eloquence as he has, in so many instances done, and his position is clear, and given the respect that we have for the gentleman from California (Mr. LANTOS), a survivor of the Holocaust, a person who stands for fairness, that he would yield 50 percent of his time so other voices could be heard is simply another example of the character of the gentleman from California. With that, I thank him.

Mr. Speaker, we have a very difficult decision to make here. We will be watched by the world. I think that the strength of America is that people can have different opinions. In my opinion, that does not weaken our cause. We come out as strong as Americans with our diversity. We are the most diverse Nation in the world, and we are the strongest; so I think that it is important that dissenting voices be heard.

First of all, let me say from the outset that I oppose a unilateral first-strike attack by the United States without a clearly demonstrated and imminent threat of attack on our soil. The President's resolution does not prove that the United States is in imminent danger of attack, and we in Congress have received no evidence of such an imminent and immediate threat.

If the United States is in fact in danger of immediate attack, the President already has the authority under the Constitution, the War Powers Act, the United Nations Charter, and international law to defend our Nation.

A unilateral first strike would be codified in this resolution. The fact that it could set an example for potential conflicts between India and Pakistan, between Russia and Georgia, between China and Taiwan, and many other corners of the world is something that we have to be concerned about.

Only Congress has the authority to declare war. House Joint Resolution 114 is not a declaration of war, but it is a blank check to use force without moral or political authority of the declaration of war that, for example, Franklin Delano Roosevelt did on December 8 to begin World War II.

Every diplomatic option must be exhausted. This resolution authorizes the potential use of force immediately, long before diplomatic options can be exhausted or even fully explored.

Other governments, including France and Russia, have proposed a two-step process in which the world community renews vigorous and unfettered inspections. This resolution, however, is a one-step process. Rather than letting the United Nations do its work to seek out and destroy weapons through inspections, it places immediate force on the table.

A unilateral first strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Middle East region, and undermine the ability of our Nation to address unmet domestic priorities. The President's resolution authorizes all of these outcomes by authorizing and codifying the doctrine of preemption.

This resolution can unleash all these consequences: destabilization of the Middle East; casualties among U.S. troops and Iraqi citizens; a huge cost, estimated at between $100 and $200 billion; and a question about our own domestic priorities, with such a cost looming over our heads.

Further, any post-strike plan for maintaining stability in the region would be costly and would require a long-term commitment. Experts tell us that the United States might have to remain in Iraq for a decade. Such a commitment would drain resources for critical domestic and international priorities. Failure to make such a commitment would leave another post-intervention disaster scene.

We still have the commitment that we were making to Afghanistan, where we said we would rebuild schools and we would repair roads and we would build water treatment plants to bring water out for the people there. We have been unable to do that in Afghanistan; however, now we are moving to Iraq.

Many have even suggested that Iran is more of a threat to us than Iraq. They are more advanced in their weapons of mass destruction. Therefore, is our next attack on Iran; after Afghanistan, Iraq and then Iran?

So many people have spoken recently, and we have heard many calls from our constituents. There has been a tremendous amount of discussion. Vice President Al Gore began it several weeks ago when he raised a question on the first resolution that was proposed by the President.

We heard Senator KENNEDY state that al Qaeda offers a threat he believes more imminent than Iraq. The Senator also underscored that our first objectives should be to get U.N. inspectors back to the task without conditions. Only when all responsible alternatives are exhausted should we discuss military action, which poses the risk of spurring a larger conflict in the Middle East. Furthermore, Senator KENNEDY correctly observed one's view on how to handle the situation in Iraq is not a reflection of one's loyalty to the United States.

Senator DODD noted that international cooperation is necessary to counter terrorism. This cooperation should not be diminished by our unwillingness to address Iraq through multinational channels.

Senator FEINSTEIN questioned the immediacy of the threat posed by Iraq and argued that there was time to build support within the international community.

Our own Representatives, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Michigan (Mr. BONIOR), went to Iraq to see firsthand. They support unfettered, unrestricted weapons restrictions and said, let us give that an opportunity.

Senator BREAUX observed that ''with America so divided on this issue, a strong burden remains on the administration to demonstrate the need for military action to address the threat posed by Iraq.''

Last night, Senator BYRD had strong observations about this and questioned whether at this time it is a time for us to move into the Iraq situation possibly unilaterally.

All of these opinions and observations bear testimony to the belief that the United States should confront the evidence on Iraq directly and should make decisions based from a broad base. I concur with many others who believe that we must work cooperatively with the United Nations, both to foster collective action and to reinforce the strength and sanctity of the United Nations Security Council.

I strongly believe that unfettered inspections must resume promptly in Iraq and that Iraq must allow the U.N. weapons inspectors to carry out their responsibilities. This and a full range of diplomatic efforts need to take place before we can conclude that military action is warranted.

Therefore, in conclusion, we must keep our eyes on the main objective, that of countering terrorism and working with others to ensure that this world will be a better place tomorrow for our children than it is today. This calls for cooperation, communication, consensus, and careful calculation.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that, in this debate or any other, it is inappropriate to refer to individual Senators, except as provided in clause 1 of rule XVII.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER), the distinguished chairman of the Subcommittee on the Western Hemisphere of the Committee on International Relations.

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

Mr. Speaker, the threats posed by Saddam Hussein are real. As President Bush forcefully said last night, we refuse to live in fear.

Only a few of us can remember the threat posed by an evil man a few generations back, a man by the name of Adolph Hitler. A lot of us in those days were discussing whether Hitler was a real threat. No, he is not very dangerous, they said. We do not need to worry about him.

All of a sudden, he wanted Alsace-Lorraine, and he took it. The world said, They are mostly Germans, so it is really not a big deal. A little while later he took Austria. Everyone said, you know, They are Germans, too. Then he took Sudetenland of Czechoslovakia. Again, the world said, They are mostly Germans, as well. We should not worry a great deal about that.

Then Hitler took Czechoslovakia. A fellow named Neville Chamberlain, the Prime Minister of Great Britain, joined the world leaders and created a settlement which Chamberlain declared would bring peace in our time.

Not long afterwards, Hitler decided that he wanted Poland, so he and Stalin cut up Poland. As a result, 51 million people died throughout the war, and some of them were my classmates. I do not know how many people could have been saved if Britain and France had shown the leadership that it was necessary to stop Hitler at the Alsace-Lorraine, but I am sure it would be a lot less than 51 million.

I do know this: we are in a similar position today, and we need to show the leadership that was lacking in World War II. I hope we are assisted by the United Nations in these actions. I hope that this resolution will give the U.N. a backbone to step up and speak out.

While I will vote for this resolution, I also have a personal problem and a great deal to worry about. I have grandchildren who are young men, bringing forth the possibility that they could become involved in this potential conflict; so I have not arrived at this decision without a great deal of thought.

Many times, because we have been lacking in leadership in this world, millions of people have been killed before someone decided to take preemptive action. We must and we will support President Bush in his request of this Congress to give him the authorization to use force.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), a distinguished member of our committee.

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

Mr. Speaker, we face a toxic mix in Iraq: dangerous weapons controlled by a dangerous tyrant. From the beginning of this national debate, I have felt strongly that we must act through the United Nations, in concert with our allies, and with multinational support, and focus on the weapons of mass destruction and disarming Hussein.

Clearly, we must rid Iraq of the weapons of mass destruction and the means of producing new weapons of mass destruction. If Saddam resists and regime change thus occurs, we must be prepared for what happens next, the very next day.

Accordingly, I oppose the initial resolution the President sent to the Congress. It gave credence to the fear that we would, as a first step, act in a preemptive unilateral military strike, which I would not support and do not support in the absence of an imminent threat to the United States. That resolution was too broad, did not require the President to work through the U.N., and did not address our plans for the future of Iraq.

Since then, the House and the administration, in a bipartisan manner, have negotiated a compromise resolution that addresses many of those issues. I support the resolution now. It strikes a good balance between urging a multilateral approach and preserving America's right to defend our citizens.

The President has promised congressional leaders he will exhaust all options at the U.N. before taking military action. At a White House briefing I attended last week, the National Security Adviser and the CIA Director made the same assurances.

The resolution, even with this balancing and moderating language, still represents a grant of broad military authority to the President, broad authority for the President to wage war. The question is, Do we trust the President's judgment to use this authority wisely? This President came to office without much background in foreign policy and without much apparent interest in foreign policy. The President's initial steps in foreign relations were an isolating brand of unilateralism that told the world that America would thrive if we acted alone in our own interests.

Then came 9–11 and the President changed his policies, and I am glad he did. In the war on terror, the President resolutely has led this country, skillfully assembled the international coalition against terror, and has made necessary and appropriate use of America's military power.

□ 1330

Presidential historians argue and teach that presidents grow fond of foreign and military exercise of power because they can more readily make things happen than in the domestic arena, and I think this President is no different. President Bush has clearly come to relish the exercise of American power on the world stage, and he deserves the strong public and congressional support generated to date by his policies against terror. I hope and pray the President also understands and respects the need for restraint in the use of America's awesome military power. I hope his judgments will be sound.

Mr. Speaker, I urge the President in the strongest terms to adhere to the letter and spirit of this resolution in exhausting all diplomatic options in order to disarm Saddam Hussein. But the use of American military power alone will not meet all of our challenges. We must be prepared for the challenges of nation building, prepared for challenges of peacekeeping. We must be prepared for the redevelopment of Iraq and other trouble spots around the world where people not just have to deal with the grinding poverty and the lack of day-to-day opportunity but they have to deal with day-in, day-out sense of hopelessness.

We must consider the demand for a new, modern-day Marshall Plan to address the development needs, the food and educational needs, the hope that people must have to lead to democracy and self-government.

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

Mr. Speaker, I rise in strong support of H.J. Res. 114, an important historic

resolution authorizing the use of force against Iraq. The distinguished chairman of our House Committee on International Relations, the gentleman from Illinois (Mr. HYDE), we thank him for his leadership in bringing this critical resolution before the House today. I also want to express our appreciation to the ranking member of our committee, the gentleman from California (Mr. LANTOS), for his staunch support of this resolution.

Since expelling U.N. inspectors from Iraq, Saddam Hussein has had 4 years in which to rebuild and rearm his country's weapons stock piles. It is imperative that the united front takes this threat seriously and takes preventive action against the tyranny of the Iraqi government to disarm before any of the events of September 11 are repeated. Accordingly, I fully support President Bush's ongoing efforts to demand Iraqi compliance with all previously adopted U.N. resolutions.

Saddam's continued breaches of these U.N. resolutions constitutes a real threat to our Nation and to our interest in the region, a threat that we can no longer ignore. Yet, in the same fashion that we have responded to Saddam Hussein's continued threats, we must be fully committed to the reconstruction of Iraq as a unified and a democratic state in the event of a military strike that topples Saddam Hussein.

President Bush has characterized Iraq as part of an ''axis of evil'' and has identified the key threat from Iraq as its development of weapons of mass destruction and the potential for Iraq to transfer those elements to terrorists.

We all know that Iraq has worked to rebuild its weapons of mass destruction programs in the 4 years since the U.N. weapons inspectors were forced to leave Iraq. We know, too, that Saddam is using mobile facilities to hide biological weapons research and even had placed underground some weapons of mass destruction; and there is a growing belief that in a few more years Iraq is going to be able to develop a nuclear weapon, if not sooner.

Mr. Speaker, Iraq has used chemical weapons against its own people, the Kurds, and against Iraq's neighbors in Iran. Moreover, Iraq did not hesitate in 1991 to send Scud missiles to strike at the very heart of Israel. Even if U.N. weapons inspectors return to Iraq, there are no assurances that Iraq is going to become free of weapons of mass destruction. The threat to our Nation's national security interest remains and, hence, this legislative need to provide President Bush with a maximum amount of flexibility to respond to this crisis.

In summation, no other living dictator matches Saddam Hussein's record of waging aggressive war against its neighbors; of pursuing weapons of mass destruction; of using weapons of mass destruction against its own people and other nations; of launching ballistic missiles at its neighbors; of brutalizing and torturing its own citizens; of harboring terrorist networks; of engaging in terrorist acts, including assassination of foreign officials; of violating his international commitments; of lying and cheating and hiding weapons of mass destruction programs; of deceiving and defying the express will of the United Nations over and over again.

As our President has noted in his recent speech to the U.N. General Assembly recently, ''In one place, in one regime, we will find all these dangers in their most lethal and aggressive forms.''

Accordingly, Mr. Speaker, I urge our colleagues to lend their full support to H.J. Res. 114, authorizing the use of U.S. Armed Forces against Iraq.

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

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise in opposition to this resolution.

Our Nation faces a monumental decision, one that could drastically change our lives, harm our national security, and one that could forever shatter the fragile stability that we have carefully rebuilt since September 11.

Thomas Jefferson once said, ''War is an instrument entirely inefficient towards redressing wrong and multiplies, instead of indemnifying, losses.'' Multiplies, instead of indemnifying, losses.

We are told this war, this invasion of Iraq, will right the wrongs that Saddam Hussein has created. We are told that this war will help end the evils of terrorism. And we are told that this war will bring peace and regional stability to the Middle East.

I do not share that view.

We have to be cognizant of what this war will unleash upon the world. I have never in my 30 years of public life and 26 years of serving here seen the world community so fragile. It is a tinderbox, and a hair trigger waiting to go off could unleash the violence that we all seek to avoid.

I am not ready to alter the course that we have taken since our founding to embrace the preemptive strike doctrine. If we strike first, what kind of message does that send to the tinderboxes of Pakistan and India, China and Taiwan, North and South Korea? Are we prepared to strike first in Iran, in North Korea? Where does it end? The broader global implications will be grave.

Second, I am not ready to act unilaterally and in potential defiance of the United Nations Security Council. Because, by going it alone, what signal do we issue by tossing aside diplomacy? What sirens do we set off by ignoring the rest of the world?

The Reverend Dr. Martin Luther King, Jr., once said, ''Destructive means cannot bring about constructive ends.'' And yet here we are thrown headlong into a decision that could cost thousands and thousands of American men and women their lives, could put our personnel in embassies all over the globe in harm's way, in danger, could unleash another round, another decade of untold suffering among innocent Iraqis, and we are told that we have no other choice.

By rushing into war, we alone will bear the burden of seeing this conflict to its blood end, most likely in the streets of Bagdad among innocent families and U.S. troops engaged in door-to-door combat. By rushing into war, we alone will be responsible for splintering the international coalition that has been built to fight the imminent threat posed by the terrorists, al Qaeda. And by rushing into war we alone will fuel far more extremist passions against the United States, a whole new generation of terrorists bent on our demise.

It will strain our military. It will cost us tens and tens, if not hundreds of millions of dollars, and it will erode any cooperation from Arab and Muslim nations in tracking down and neutralizing the remaining al Qaeda cells.

Instead of fighting a war against terrorism, we will have the potential instead of fighting the war against a quarter of the world. I am not ready to support a resolution that could take American people down that road. The sabers continue to rattle, the war drums pound louder every day, and it is quite clear that many people here believe that preparing for war ensures that it will truly happen.

I know that, as we talk of the enemy and of war, it is not popular to talk of the suffering of the other side. Our enemy here is Saddam Hussein and his brutal regimes, not the Iraqi people. Little discussion is being devoted to the humanitarian crisis in Iraq, a challenge that the American people will understand eventually and a challenge that we have a moral responsibility to deal with, regardless of victory.

No one wants to talk about that. No one wants to put a price tag on it, but it is there. And while we may not know about it in this country, I assure you that the people in the Arab world know about it, the people in Central Asia know about it.

They know about the 500,000 children who have died prematurely since the end of the war because of U.S. sanctions. They know of the 50,000 children who die prematurely each year because of sanctions. They understand because of depleted uranium attached to the bombs that we dropped on Iraq during the last war the leukemia rate and the cancer rate and the lymphoma rate of 10- and 12- and 13-year-old children have increased 100 to 120 percent.

I saw those children not a week ago in hospitals. I talked to those mothers who cannot feed their children because of the protein deficiency in their diet which has caused 25 percent of the children born in Iraq to have low birth weight. I have talked to doctors who have delivered babies who have said to me, The mothers used to say to me

when the child was born, is it a male or a female? Now they say to me, Is it normal or abnormal?

The costs are already been horrendous, and the question we have to ask ourselves is, is there not another way? I believe there is. Vote against this resolution.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chairman of our Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me time.

Appeasement does not work. The chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), spoke just a few minutes ago and he talked about what happened in the 1930s and how 40 to 50 million people died because of appeasement.

Nobody wants war. But what my colleagues failed to mention, the previous speaker, is that we are at war now, right now. Has anyone forgotten that we lost over 3,000 people on September 11 last year? There are al Qaeda cells and terrorist cells in the United States and around the world that want to do us ill.

Saddam Hussein is part of that terrorist network. We all know that. He has used chemical weapons on his own people, chemical weapons on the people next to him, killing tens of thousands of people. He has used Scud missiles. He has violated every U.N. agreement he has signed, and he has been shooting at our airplanes in a no-fly zone. Does anyone doubt his intentions?

Now, what are we to do about that? Are we to wait for another attack on America where maybe 10 or 20,000 or hundreds of thousands of Americans might die? Or do we take preemptive action?

I think if everybody thought very seriously about this, they would realize that we have to preempt Saddam Hussein and the terrorist network that he is a part of.

□ 1345

Do we preempt him or do we react? Do we react after the fact, after we lose 10 or 20 or 30 or 50 or 100 or 100,000 people?

Our responsibility in this Chamber and in this government is to protect American citizens, to protect our democracy, our freedoms and our rights; and if we do not take the right actions now, we will suffer the consequences later.

Let me just tell my colleagues, we have a chance now to avoid more carnage in America; and the only way to do it is to send a very strong signal to the terrorist network around the world that we mean business, that we are not going to appease them, and if they mess with us, we are going to take them out; and the first target ought to be, and I believe if President Bush has his way will be, Saddam Hussein.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. SHERMAN), a distinguished member of our committee.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding time.

Until September 11, we knew what the dangers were, but we chose to ignore them. We knew Saddam was developing nuclear weapons and had biological weapons. We knew that al Qaeda had killed hundreds at our embassies in east Africa. We knew of these dangers, and we did not act.

On September 11, the dangers did not change. America changed. We now look seriously at these threats, and we know that our victory in the Cold War does not immunize us from future danger.

Saddam Hussein has killed hundreds of thousands. He has gassed his own people. He has risked his own life many times, all in an effort to expand his power.

If he had nuclear weapons, he could smuggle one into the United States—after all a nuclear weapon is about the size of a person—hide it in an apartment building in some American city, and prove to us that he had it hidden there. Saddam could then blackmail America into inaction, as he invaded Kuwait, Saudi Arabia, et cetera. We would then never be able to quench Saddam's lust for additional power, and his imitators would be spawned as they, too, would seek nuclear weapons in an effort to become regional viceroys.

There are two approaches for dealing with this threat. One, associated often with the Vice President, is to invade now, no matter what. This approach has a legalistic version that says we must invade Iraq unless it immediately complies with all U.N. resolutions, including the resolutions that say Iraq should stop oppressing its own people. I do not think Saddam Hussein is going to morph into Mother Theresa; and if that is what it would take to prevent an invasion, we might as well invade now.

The other approach is not to focus on every U.N. resolution, but instead to demand robust inspections to make sure Saddam does not develop weapons of mass destruction.

Neither of these approaches is perfect, but I would point out that the invade-now approach has a number of flaws, including the fact that even if we achieve regime change today, 10 years from now we may be faced with another hostile regime in Baghdad, a Ba'thist regime or Ayatollah-led regime. War is not the perfect answer and I must admit that inspections are not perfect either.

I would have preferred a resolution similar to one I put forward in the International Relations Committee that garnered the support of the vast majority of Democrats on that Committee. That resolution would authorize the use of force only if Saddam interferes with a robust inspections program, only if, for example, he continues to try to lock the inspectors out of his presidential palaces.

We will not get the opportunity to vote for such a resolution, but we got the next best thing. Last night the President said he wanted to disarm Iraq without war, if possible. He said he would propose to the United Nations a resolution demanding a robust program of inspections, and effectively promised the world that if we got those inspections, we would not invade.

So this is where we stand today. Only one question is before us now. Will this resolution, when it comes to final passage, pass with 325 votes or 375 votes? That is important to the world because if America looks divided, Saddam may ''call our bluff.'' In 1991, the resolution authorizing the use of force just barely squeaked by each House. Saddam was misled. Saddam defied us and refused to withdraw from Kuwait, and war became necessary.

France, Russia, and China will take America more seriously if we look unified. And that is why I call on all my colleagues, because all of us desperately want to avoid war, to vote for this resolution, because if we look unified, Saddam is more likely to capitulate on the issue of inspectors.

We cannot expect foreign tyrants to understand our political system; and in the next month, they will hear the most violent and loud political clashes on pharmaceutical costs and Social Security. Let us help Saddam understand the resolve of America. Let us pass this resolution by an overwhelming margin.

Mr. GILMAN. Madam Speaker, I am pleased to yield 4½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN) the chairman of our Subcommittee on International Relations and Operations.

Ms. ROS-LEHTINEN. Madam Speaker, a year ago we stood in this Chamber trying to recover from the shock that no longer were U.S. interests threatened by terrorists; but the United States itself, our people, our way of life, our very existence was the target of terrorists. We were awakened and disbelief turned to a commitment, a commitment that we would work together as one Nation, one government, and take every appropriate and necessary action to prevent another day like September 11, 2001.

We afforded the President the resources and the broad support to ensure a swift, effective and successful campaign against a global terrorist network that killed thousands of our citizens on that fateful day a year ago.

That campaign was built on the impression, the understanding that our military objectives must also have a political objective, a requirement that was underscored by Secretary of State Colin Powell when he was chairman of the Joint Chiefs of Staff; and so it was that we not only dismantled the al Qaeda operations inside Afghanistan, but also helped the Afghan people free themselves from the oppression of the

Taliban regime, thereby diminishing future threats from Afghanistan by helping democracy to finally take root.

What we are authorizing the President today and the resolution that is before us, Madam Speaker, is not much different than what we afforded him a year ago. We steadfastly supported this effort a year ago as the debris of the World Trade Center continued to burn. Now that time has passed, the smoke has cleared, the fires have subsided. Let us not waiver in our commitment to destroy the terrorist network. Let us not waiver in our commitment to the safety and welfare of the American people.

A year ago we were surprised. Today, we have the opportunity to destroy the enemy's capabilities before they can be used against us. As President Bush so carefully articulated last night, Saddam Hussein's regime trained al Qaeda operatives in bombmaking, harbors these terrorists and provides medical treatment in Baghdad to some of its senior leadership. Saddam Hussein is not far from developing and acquiring the means to strike the United States, our friends and our allies with weapons of mass destruction. Thus, if we do not act now, when?

Saddam Hussein's regime is pursuing unmanned aircraft to deliver chemical and biological weapons. The United Nations weapons inspectors and the U.S. intelligence community concluded a few years ago, based upon intelligence reporting statements by Iraqi defectors and the Iraqi Government's own admission, that Iraq had a more extensive prohibited biological weapons program than previously admitted, including the weaponization of these deadly biological agents. The Iraqi regime has dozens of ballistic missiles and is working to extend their range in violations of United Nations restriction.

The former deputy chairman of the U.N. inspection team for Iraq and the dossier on Iraq's capabilities prepared by the British Government, both of these sources support the Bush administration's assertion that Iraq is at the threshold of possessing nuclear weapons. Satellite imagery has revealed that Saddam Hussein's regime is actively rebuilding its nuclear infrastructure and working to develop and acquire enriched uranium. Thus, if we do not address the problem now here today, will it be a better time when the Iraqi regime is stronger and its weapons programs are even more advanced?

The Iraqi regime has ordered the use of chemical weapons against its own people. It has committed genocide and ethnic cleansing in northern Iraq, ordering the extermination of between 50,000 and 100,000 people and the destruction of over 4,000 villages.

As former President Ronald Reagan once said: ''We have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth. If we fail, at least let our children, and our children's children, say of us, we justified our brief moment here. We did all that could be done.''

Let us all do what we can to protect our Nation and the American people. Let us vote ''yes'' on this resolution today, and I thank the gentleman for yielding me the time.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LEE), a leader in peace and humanitarian issues.

Ms. LEE. Madam Speaker, first, let me just thank my colleague, the gentleman from New Jersey (Mr. PAYNE), for yielding me time and for his leadership on this issue and on so many other issues of such critical importance to our world community.

I also would like to thank the gentleman from California (Mr. LANTOS), the ranking member, for his fairness in ensuring that democracy prevails, even during this very critical and important debate.

Madam Speaker, I rise today in opposition to this resolution authorizing a unilateral first strike against Iraq. Such an action could destabilize the Middle East and set an international precedent that could come back to haunt us all.

President Bush's doctrine of preemption violates international law. It violates the United Nations charter and our own long-term security interests. It forecloses alternatives to war before we have even tried to pursue them. We do not need to rush to war.

Furthermore, this resolution is not a declaration of war. In fact, we do not need this resolution. If the United States indeed faces an imminent attack from anywhere, the President already has all of the authority in the world for our defense.

President Bush called on the United Nations to enforce its resolutions, but here we are today voting to go to war before the United Nations has even had a chance to implement inspections. What kind of international cooperation is that? What kind of leadership is that? It does not take leadership to go drop bombs and go to war. It takes real leadership to negotiate and to develop peaceful resolutions to our security needs.

The President has called on the United Nations to assume its responsibilities. I call on the United States to assume our responsibilities by working with the United Nations to ensure that Iraq is not developing weapons of mass destruction.

□ 1400

I keep asking the question: Is our goal the elimination of weapons of mass destruction because they pose a potential danger, or is it regime change because we oppose the Iraqi government? We still do not have the answer to that question.

For all of these reasons and more, on Thursday, I will offer the Lee amendment to H.J. Res. 114, incorporating my legislation, H. Con. Res. 473, currently supported by 37 Members of the House. This amendment calls on the United States to work with allies to disarm Iraq through United Nations inspections and other diplomatic means.

Those inspections succeeded in destroying thousands of tons of weapons in the 1990s, despite Iraq's attempts at destruction, and they can work again. It was a search and destroy mission.

Now, today, as we face this vote, there are many questions that remain unanswered. Where is the proof that Iraq poses an imminent, clear, and present danger to the United States? What is our objective here, regime change or the elimination of weapons of mass destruction? Where would this doctrine of preemption lead our country? How could we be the first and then claim the moral authority to tell others not to do so? Is this the precedent that we want to set for India, Pakistan, Russia, China, and others?

How does all of this make the American people safer? Are our airports safer today? Are our seaports secure? What happens to the economic security of our country and our unmet domestic needs, given the enormous amount of money, upwards of $100 to $200 billion, that this war will cost us? And how many of our brave young men and women will be put in harm's way?

Going to war would result in substantial loss of life. We better be able to answer these questions before we spend $200 billion plus to create a new regime in Iraq.

Now, remember, we all have to focus on the fact that it was not weapons of mass destruction used on 9/11. This blank check to authorize a first strike would not restore peace and security. I am convinced that it will inspire hatred and fear and increase instability and insecurity.

There have been those who have questioned the patriotism of opposition and have claimed that those calling for war have a monopoly on this virtue. Yet I believe, like many, that it is our patriotic duty to seek each and every nonmilitary solution to eliminating the weapons of mass destruction. Containment, deterrence and disarmament should be our goal. That has been and continues to be the American way.

I urge my colleagues to oppose this rush to war. It is morally wrong, financially irresponsible, and it is not in our national security interests. We have options, and we have an obligation to pursue them.

Mr. GILMAN. Madam Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from New York (Mr. KING), a senior member of our Committee on International Relations.

Mr. KING. I thank the chairman emeritus for yielding me this time; and, Madam Speaker, I rise today in strong support of this resolution. In doing so, I want to commend the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from California (Mr. LANTOS), and the bipartisan leadership of this House for coming together and forging a compromise which will give the President of the United States the power he needs in

standing up to oppression and in standing up to a tyrant who has weapons of mass instruction.

I also want to give special regard to President Bush for the leadership he has demonstrated in bringing this matter to this moment today, because without his leadership we would still be caught up in the double-talk and moral hypocrisy which constitutes so much of the diplomacy in the world today.

So many countries choose to look the other way. So many countries just hope that somehow this problem will go away. But President Bush has brought this issue to the forefront; and because of that we are here today to take what I believe will be a very strong and manifest decision to destroy oppression, to eliminate a tyrant such as Saddam Hussein if he does not comply with the U.N. resolutions which have been passed to date.

More important than that, Madam Speaker, I believe President Bush deserves credit for asserting the fact that the United States is the world leader. Yes, the United States is going to the United Nations, and we should go to the United Nations, but at the end of the day we cannot be bound by some morally opaque decisions made by countries who do not share our values.

If the Security Council does stand with us, fine, and that is all to the better. Let us remember, when President Clinton was President, back in 1999, the U.N. Security Council would not give approval to attack Serbia because of what they were doing in Kosovo, but President Clinton went forward and led an attack, which I supported and which now has brought stability to Kosovo and, as the gentleman from California (Mr. LANTOS) pointed out, has brought Milosevic to the international criminal court. So this is the type of action that must be taken.

I have tried to listen carefully to those who are opposed, and I just cannot figure out really what the substance of their argument is. They say we should use more diplomacy. We have tried diplomacy for 11 years. They say that somehow the policy up to now has worked. Well, it has not worked because Saddam Hussein has more weapons of mass destruction now than he had before. He has constantly flouted and violated resolution after resolution.

The fact is, we saw on September 11 what happens if we are caught unaware. We have no excuses this time. We know the weapons that Saddam Hussein has. We know that Saddam Hussein will use those weapons if given the opportunity.

Another argument that is used is somehow that we should carry out the war on terrorism before we go after Iraq, before we take action against Iraq. To me, the two are intertwined and connected. You cannot have one without the other. These are people who work in collusion. They work in the same league. There is no doubt about that.

We are also told that if somehow we go forward we will lose allies in the war against terrorism. I am not aware of one country, whether it be in the Arab world or whether in Europe, which is backing away from supporting us in the war against terrorism because of our policy on Iraq.

The fact is, Madam Speaker, there is no alternative. We must go forward.

Let me just say, in conclusion, that I respect those who have honest differences, and I acknowledge that. I would just say, though, if this resolution does pass and does pass by a large vote, that once that has been done we should stand together and speak with one voice and send the world a united message that the people of the United States and the Congress of the United States stand behind the President of the United States in taking the action that he will take pursuant to this resolution.

I would also ask all those who vote for the resolution to not do so in any way grudgingly but to give it their fullest and total support. There is no such thing as an easy war. If there are tough days ahead and rough days ahead, not to use that as an opportunity to somehow back away. If we go ahead, we are in this for the long haul. We are in it until we succeed. We owe that to the men and women of our Armed Forces. We owe that to the people of the world and to the people of our country who look to us for guidance and direction and for leadership.

Mr. LANTOS. Madam Speaker, I am delighted to yield 4 minutes to the gentlewoman from California (Mrs. TAUSCHER), my good friend and colleague, a leader in the field of national security.

Mrs. TAUSCHER. Madam Speaker, I thank my colleague and friend for yielding me this time, and I rise today in strong support of this resolution because it puts our country back on the right track of working with the United Nations to disarm Iraq.

The passage of this congressional resolution in support of efforts to disarm Iraq will not provide President Bush with open-ended authority. In fact, Congress and the President's hard work is just beginning. The United States has a responsibility, as the world's only superpower, to set the standard for international behavior. We must consider every peaceful alternative and contemplate every possible outcome before we turn to force.

With this resolution, Congress is making clear that our first priority is building an international coalition through the United Nations. If the President decides that diplomatic efforts have failed, he must inform Congress and explain his reasoning. If the United States engages in military action, the President must provide continual updates to Congress regarding the status of the war. The President will also be required to declare that any military action against Iraq will not hamper our ongoing efforts on the war on terrorism.

I also expect the President to provide clear plans for military engagement that explain our military strategy, detail where our troops will be based, report to Congress on his efforts to secure international assistance, protect us against simultaneous threats from other parts of the world, and define plans for Iraq after Saddam.

While I am firmly committed to using diplomacy first and our military only if we must, I cannot ignore Saddam Hussein's track record of disdain for international law. With everything we know about his aggressive pursuit of weapons of mass destruction, it would be irresponsible not to at least make plans for what we may need to do in order to counter the threat that he poses.

If the President follows congressional intent and builds a successful international coalition to address the threat of Iraq's weapons of mass destruction, he will not only improve our national security and that of our allies but he will also put meaning into the will of the international community as expressed in the United Nations resolutions.

On a personal note, should the use of force become necessary, I will be sending young men and women from my local Air Force Base, Travis, and across California to fight in this war. So my role as a check to the administration's power and plans is something that I take very seriously. I will use my position on the House Committee on Armed Services to make sure we are protecting our fighting men and women and that the President is doing this every step of the way.

Madam Speaker, I urge my colleagues to work to unite this Congress and to work to support the American people in this effort.

Mr. GILMAN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our Committee on International Relations.

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend for yielding me this time, and I want to thank the gentleman from Illinois (Mr. HYDE), the chairman of the full committee for his exemplory leadership, as well as the ranking member (Mr. LANTOS).

I, too, like many of my other colleagues, respect those who disagree with this resolution. I think this debate is enlightening and is being carried out in the highest way befitting this institution, and I want to thank my friends on the other side of the issue as well.

Madam Speaker, President Bush has made, I believe, an extraordinarily convincing case that the Iraqi dictatorship poses a significant, lethal threat to the people of the United States, our allies, and to the tens of millions of people living in the region of the Middle East. Saddam Hussein's dark obsession with acquiring, developing, stockpiling, and using weapons of mass destruction can

no longer be ignored, wished away, or trivialized.

In the past, Hussein has used weapons of mass destruction, killing thousands of people, mostly Kurds, in the late 1980s. If not disarmed, pursuant to the terms and conditions that ended the Gulf War and all subsequent U.N. resolutions, he will likely use them again at the place and time of his choosing.

Madam Speaker, the loss of human life as a result of the hideous effects of these weapons cannot even be imagined. In like manner, the environmental and economic consequences would be staggering and possibly earth changing. The agony of death by mustard gas, VX, sarin or radiation sickness is absolutely numbing. The massive release of germs and microbes like anthrax, smallpox, and botulinum toxin would result in massive deaths and casualties and a regional or global epidemic that might not be stoppable.

And now, as we all know, Hussein is on an aggressive quest to develop nuclear warheads and the means of delivering them.

Madam Speaker, according to the U.S. and British intelligence services, Hussein's drive to develop nuclear weapons has been reconstituted, that is, if it ever went out of business in the first place. The British Joint Intelligence Committee assessment noted, and I quote, that Iraq had recalled its nuclear scientists to the program in 1998. Since 1998, Iraq has been trying to procure items that could be for use in the construction of centrifuges for the enrichment of uranium. The report notes that intelligence shows that the present Iraqi program is almost certainly seeking an indigenous ability to enrich uranium to the level needed for nuclear weapons.

Madam Speaker, last night, while brilliantly reiterating U.S. resolve to promote peace by disarming Hussein's brutal dictatorship, President Bush made it clear that war was not the only option, that war can be averted, but the burden rests squarely on the shoulders of Saddam Hussein.

The best outcome, of course, would be a successful redeployment of U.N. inspectors to Iraq, backed to the hilt by the international community, with a clear, nonambiguous mandate to inspect without condition, to have unfettered access to suspicious locations, and to compel Iraqi disarmament.

Madam Speaker, given Hussein's ugly, pathetic record on human rights abuse, widespread torture, systematic rape and mass murder, the only way to ensure that diplomacy and arms inspectors have a chance to succeed is by backing it up with the credible threat of overwhelming force. Standing up to the raving bully, especially when he is armed to the teeth with weapons of mass destruction, is the work of peacemakers.

No one, Madam Speaker, no one wants war. But if we fail to back the diplomacy with the credible threat of force, it seems probable to me that it is only a matter of time before Hussein and his allies in his network of terror use weapons of mass destruction again.

□ 1415

The question will not be a matter of if, the question will be when and where and how. Support the resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a leader in environmental affairs and a member of the Committee on International Relations.

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman yielding me this time and the leadership for promoting a full and thoughtful debate on this critical issue for our country. It has truly been a very positive experience on our committee, and I am looking forward to bringing it here to the floor of the House.

As I listened to President Bush attempt to make his case for war last night, what I heard him debate was debating with thousands of Americans who have voiced their concern to us in e-mails and letters and conversations. These are our constituents, ordinary citizens, raising straightforward, commonsense arguments against unilateral preemptive military action. Those voices were unanswered last night.

Unanswered was the learned warning of a respected Portland rabbi recently returning from another month-long stay in Israel who assures me that Israel will, in his judgment, undoubtedly respond with nuclear weapons if Saddam Hussein unleashes Scuds armed with chemical or biological agents against it.

Unanswered was the common knowledge that some allies have already used the rhetoric of this administration to pursue policies against their own terrorists, complicating the lives of our officials who must deal with the results.

Unanswered were the countless questioners in our meetings at home who asked why some of the same people who are promoting this action against Iraq are the same who aided Saddam Hussein in getting chemical and biological agents in the 1980s and who did not speak out when he used them against his own people then.

As the President confidently predicts our precise military strikes, I hear the viewers and readers of Black Hawk Down reminding us how things can go horribly wrong, all lessons learned by Presidents Reagan, Bush, and Clinton.

Unanswered are those critics, including my colleagues, who fear not that the United States would ultimately be defeated by Saddam Hussein, but that the young American soldiers lack sufficient preparation and equipment for chemical and biological warfare and could suffer horrible losses.

I was intrigued with the insight of my own son about to return to Southeast Asia calling this a policy of national insecurity, putting him at greater risk in the weeks ahead traveling amongst the Muslim populations in Asia, while increasing the likelihood of terrorist violence here at home.

Our constituents describe a much more complicated world, one where the United States has yet to develop a coherent strategy for democracy in the Middle East, a world where other elements are at least as great a threat. Persuasive cases have been made against Iran and North Korea. Remember the axis of evil.

And we are not yet finished in Afghanistan. President Karzai is barely the mayor of Kabul. It is uncertain whether we or the countries who supported us there are ready to do the job.

In addition, it is important to point out that this is not Munich. No one talks of appeasement. If Saddam Hussein takes one step outside his borders, his forces will be annihilated. There is no question about it.

It is interesting how recently the polls are starting to more accurately reflect the mood of the American public that has been expressed to us for months. But regardless of what the polls say, some things are just wrong. Unilateral preemptive action as an operating principle is wrong. Delegating the unfettered authority to this President or any President to wage war is wrong. Missing the chance to build a more secure future with a more coherent foreign policy is also wrong.

This debate does not yet capture the nature of the many challenges we face or the legitimate concerns and observations of the American public. It does not prepare America for the real struggle ahead. I will vote ''no,'' and I urge Members to do likewise.

Mr. GILMAN. Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PAUL), a senior member of the Committee on International Relations.

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

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

Madam Speaker, I rise in opposition to this resolution. The wisdom of the war is one issue, but the process and the philosophy behind our foreign policy are important issues as well. But I have come to the conclusion that I see no threat to our national security. There is no convincing evidence that Iraq is capable of threatening the security of this country, and, therefore, very little reason, if any, to pursue a war.

But I am very interested also in the process that we are pursuing. This is not a resolution to declare war. We know that. This is a resolution that does something much different. This resolution transfers the responsibility, the authority, and the power of the Congress to the President so he can declare war when and if he wants to. He has not even indicated that he wants to go to war or has to go to war; but he

will make the full decision, not the Congress, not the people through the Congress of this country in that manner.

It does something else, though. One-half of the resolution delivers this power to the President, but it also instructs him to enforce U.N. resolutions. I happen to think I would rather listen to the President when he talks about unilateralism and national security interests, than accept this responsibility to follow all of the rules and the dictates of the United Nations. That is what this resolution does. It instructs him to follow all of the resolutions.

But an important aspect of the philosophy and the policy we are endorsing here is the preemption doctrine. This should not be passed off lightly. It has been done to some degree in the past, but never been put into law that we will preemptively strike another nation that has not attacked us. No matter what the arguments may be, this policy is new; and it will have ramifications for our future, and it will have ramifications for the future of the world because other countries will adopt this same philosophy.

I also want to mention very briefly something that has essentially never been brought up. For more than a thousand years there has been a doctrine and Christian definition of what a just war is all about. I think this effort and this plan to go to war comes up short of that doctrine. First, it says that there has to be an act of aggression; and there has not been an act of aggression against the United States. We are 6,000 miles from their shores.

Also, it says that all efforts at negotiations must be exhausted. I do not believe that is the case. It seems to me like the opposition, the enemy, right now is begging for more negotiations.

Also, the Christian doctrine says that the proper authority must be responsible for initiating the war. I do not believe that proper authority can be transferred to the President nor to the United Nations.

But a very practical reason why I have a great deal of reservations has to do with the issue of no-win wars that we have been involved in for so long. Once we give up our responsibilities from here in the House and the Senate to make these decisions, it seems that we depend on the United Nations for our instructions; and that is why, as a Member earlier indicated, essentially we are already at war. That is correct. We are still in the Persian Gulf War. We have been bombing for 12 years, and the reason President Bush, Sr., did not go all the way? He said the U.N. did not give him permission to.

My argument is when we go to war through the back door, we are more likely to have the wars last longer and not have resolution of the wars, such as we had in Korea and Vietnam. We ought to consider this very seriously.

Also it is said we are wrong about the act of aggression, there has been an act of aggression against us because Saddam Hussein has shot at our airplanes. The fact that he has missed every single airplane for 12 years, and tens of thousands of sorties have been flown, indicates the strength of our enemy, an impoverished, Third World nation that does not have an air force, anti-aircraft weapons, or a navy.

But the indication is because he shot at us, therefore, it is an act of aggression. However, what is cited as the reason for us flying over the no-fly zone comes from U.N. Resolution 688, which instructs us and all the nations to contribute to humanitarian relief in the Kurdish and the Shiite areas. It says nothing about no-fly zones, and it says nothing about bombing missions over Iraq.

So to declare that we have been attacked, I do not believe for a minute that this fulfills the requirement that we are retaliating against aggression by this country. There is a need for us to assume responsibility for the declaration of war, and also to prepare the American people for the taxes that will be raised and the possibility of a military draft which may well come.

Madam Speaker, I rise in opposition to this resolution, which regardless of what many have tried to claim will lead us into war with Iraq. This resolution is not a declaration of war, however, and that is an important point: this resolution transfers the Constitutionally-mandated Congressional authority to declare wars to the executive branch. This resolution tells the President that he alone has the authority to determine when, where, why, and how war will be declared. It merely asks the President to pay us a courtesy call a couple of days after the bombing starts to let us know what is going on. This is exactly what our Founding Fathers cautioned against when crafting our form of government: most had just left behind a monarchy where the power to declare war rested in one individual. It is this they most wished to avoid.

As James Madison wrote in 1798, ''The Constitution supposes what the history of all governments demonstrates, that the executive is the branch of power most interested in war, and most prone to it. It has, accordingly, with studied care, vested the question of war in the legislature.''

Some—even some in this body—have claimed that this Constitutional requirement is an anachronism, and that those who insist on following the founding legal document of this country are just being frivolous. I could not disagree more.

Madam Speaker, for the more than one dozen years I have spent as a federal legislator I have taken a particular interest in foreign affairs and especially the politics of the Middle East. From my seat on the international relations committee I have had the opportunity to review dozens of documents and to sit through numerous hearings and mark-up sessions regarding the issues of both Iraq and international terrorism.

Back in 1997 and 1998 I publicly spoke out against the actions of the Clinton Administration, which I believed was moving us once again toward war with Iraq. I believe the genesis of our current policy was unfortunately being set at that time. Indeed, many of the same voices who then demanded that the Clinton Administration attack Iraq are now demanding that the Bush Administration attack Iraq. It is unfortunate that these individuals are using the tragedy of September 11, 2001 as cover to force their long-standing desire to see an American invasion of Iraq. Despite all of the information to which I have access, I remain very skeptical that the nation of Iraq poses a serious and imminent terrorist threat to the United States. If I were convinced of such a threat I would support going to war, as I did when I supported President Bush by voting to give him both the authority and the necessary funding to fight the war on terror.

FURTHER BACKGROUND/POINTS ON H.J. RES. 114 AND IRAQ, 8 OCTOBER 2002

Claim: Iraq has consistently demonstrated its willingness to use force against the U.S. through its firing on our planes patrolling the UN-established ''no-fly zones.''

Reality: The ''no-fly zones'' were never authorized by the United Nations, nor was their 12 year patrol by American and British fighter planes sanctioned by the United Nations. Under UN Security Council Resolution 688 (April, 1991), Iraq's repression of the Kurds and Shi'ites was condemned, but there was no authorization for ''no-fly zones,'' much less airstrikes. The resolution only calls for member states to ''contribute to humanitarian relief'' in the Kurd and Shi'ite areas. Yet the U.S. and British have been bombing Iraq in the ''no-fly zones'' for 12 years. While one can only condemn any country firing on our pilots, isn't the real argument whether we should continue to bomb Iraq relentlessly? Just since 1998, some 40,000 sorties have been flown over Iraq.

Claim: Iraq is an international sponsor of terrorism.

Reality: According to the latest edition of the State Department's Patterns of Global Terrorism, Iraq sponsors several minor Palestinian groups, the Mujahedin-e-Khalq (MEK), and the Kurdistan Workers' Party (PKK). None of these carries out attacks against the United States. As a matter of fact, the MEK (an Iranian organization located in Iraq) has enjoyed broad Congressional support over the years. According to last year's Patterns of Global Terrorism, Iraq has not been involved in terrorist activity against the West since 1993—the alleged attempt against former President Bush.

Claim: Iraq tried to assassinate President Bush in 1993.

Reality: It is far from certain that Iraq was behind the attack. News reports at the time were skeptical about Kuwaiti assertions that the attack was planned by Iraq against fmr President Bush. Following is an interesting quote from Seymore Hersh's article from Nov. 1993:

Three years ago, during Iraq's six-month occupation of Kuwait, there had been an outcry when a teen-age Kuwaiti girl testified eloquently and effectively before Congress about Iraqi atrocities involving newborn infants. The girl turned out to be the daughter of the Kuwaiti Ambassador to Washington, Sheikh Saud Nasir al-Sabah, and her account of Iraqi soldiers flinging babies out of incubators was challenged as exaggerated both by journalists and by human-rights groups. (Sheikh Saud was subsequently named Minister of Information in Kuwait, and he was the government official in charge of briefing the international press on the alleged assassination attempt against George Bush.) In a second incident, in August of 1991, Kuwait provoked a special session of the United Nations Security Council by claiming that twelve Iraqi vessels, including a speedboat, had been involved in an attempt to assault

Bubiyan Island, long-disputed territory that was then under Kuwaiti control. The Security Council eventually concluded that, while the Iraqis had been provocative, there had been no Iraqi military raid, and that the Kuwaiti government knew there hadn't. What did take place was nothing more than a smuggler-versus-smuggler dispute over war booty in a nearby demilitarized zone that had emerged, after the Gulf War, as an illegal marketplace for alcohol, ammunition, and livestock.

This establishes that on several occasions Kuwait has lied about the threat from Iraq. Hersh goes on to point out in the article numerous other times the Kuwaitis lied to the US and the UN about Iraq. Her is another good quote from Hersh:

The President was not alone in his caution. Janet Reno, the Attorney General, also had her doubts. ''The A.G. remains skeptical of certain aspects of the case,'' a senior Justice Department official told me in late July, a month after the bombs were dropped on Baghdad. . . . Two weeks later, what amounted to open warfare broke out among various factions in the government on the issue of who had done what in Kuwait. Someone gave a Boston Glove reporter access to a classified C.I.A. study that was highly skeptical of the Kuwaiti claims of an Iraqi assassination attempt. The study, prepared by the C.I.A.'s Counter Terrorism Center, suggested that Kuwait might have ''cooked the books'' on the alleged plot in an effort to play up the ''continuing Iraqi threat'' to Western interests in the Persian Gulf. Neither the Times nor the Post made any significant mention of the Glove dispatch, which had been written by a Washington correspondent named Paul Quinn-Judge, although the story cited specific paragraphs from the C.I.A. assessment. The two major American newspapers had been driven by their source to the other side of the debate.

At the very least, the case against Iraq for the alleged bomb threat is not conclusive.

Claim: Saddam Hussein will use weapons of mass destruction against us—he has already used them against his own people (the Kurds in 1988 in the village of Halabja).

Reality: it is far from certain that Iraq used chemical weapons against the Kurds. It may be accepted as conventional wisdom in these times, but back when it was first claimed there was great skepticism. The evidence is far from conclusive. A 1990 study by the Strategic Studies Institutes of the U.S. Army War College cast great doubts on the claim that Iraq used chemical weapons on the Kurds. Following are the two gassing incidents as described in the report:

In September 1988, however—a month after the war (between Iran and Iraq) had ended—the State Department abruptly, and in what many viewed as a sensational manner, condemned Iraq for allegedly using chemicals against its Kurdish population. The incident cannot be understood without some background of Iraq's relations with the Kurds . . . throughout the war Iraq effectively faced two enemies—Iran and elements of its own Kurdish minority. Significant numbers of the Kurds had launched a revolt against Baghdad and in the process teamed up with Tehran. As soon as the war with Iran ended, Iraq announced its determination to crush the Kurdish insurrection. It sent Republican Guards to the Kurdish area, and in the course of the operation—according to the U.S. State Department—gas was used, with the result that numerous Kurdish civilians were killed. The Iraqi government denied that any such gassing had occurred. Nonetheless, Secretary of State Schultz stood by U.S. accusations, and the U.S. Congress, acting on its own, sought to impose economic sanctions on Baghdad as a violator of the Kurds' human rights.

Having looked at all the evidence that was available to us, we find it impossible to confirm the State Department's claim that gas was used in this instance. To begin with. There were never any victims produced. International relief organizations who examined the Kurds—in Turkey where they had gone for asylum—failed to discover any. Nor were there ever any found inside Iraq. The claim rests solely on testimony of the Kurds who had crossed the border into Turkey, where they were interviewed by staffers of the Senate Foreign Relations Committee. . . .

It appears that in seeking to punish Iraq, the Congress was influenced by another incident that occurred five months earlier in another Iraqi-Kurdish city, Halabjah. In March 1988, the Kurds at Halabjah were bombarded with chemical weapons, producing many deaths. Photographs of the Kurdish victims were widely disseminated in the international media. Iraq was blamed for the Halabjah attack, even though it was subsequently brought out that Iran too had used chemicals in this operation and it seemed likely that it was the Iranian bombardment that had actually killed the Kurds.

Thus, in our view, the Congress acted more on the basis of emotionalism that factual information, and without sufficient thought for the adverse diplomatic effect of its action.

Claim: Iraq must be attached because it has ignored UN Security Council resolutions—these resolutions must be backed up by the use of force.

Reality: Iraq is but one of the many countries that have not complied with UN Security Council resolutions. In addition to the dozen or so resolutions currently being violated by Iraq, a conservative estimate reveals that there are an additional 91 Security Council resolutions by countries other than Iraq that are also currently being violated. Adding in older resolutions that were violated would mean easily more than 200 UN Security Council resolutions have been violated with total impunity. Countries currently in violation include: Israel, Turkey, Morocco, Croatia, Armenia, Russia, Sudan, Turkey-controlled Cyprus, India, Pakistan, Indonesia. None of these countries have been threatened with force over their violations.

Claim: Iraq has anthrax and other chemical and biological agents.

Reality: That may be true. However, according to UNSCOM's chief weapons inspector 90–95 percent of Iraq's chemical and biological weapons and capabilities were destroyed by 1998; those that remained have likely degraded in the intervening four year and are likely useless. A 1994 Senate Banking Committee hearing revealed some 74 shipments of deadly chemical and biological agents from the U.S. to Iraq in the 1980s. As one recent press report stated:

One 1986 shipment from the Virginia-based American Type Culture Collection included three strains of anthrax, six strains of the bacteria that make botulinum toxin and three strains of bacteria that cause gas gangrene. Iraq later admitted to the United Nations that it had made weapons out of all three . . .

The CDC, meanwhile, sent shipments of germs to the Iraqi Atomic Energy Commission and other agencies involved in Iraq's weapons of mass destruction programs. It sent samples in 1986 of botulinum toxin and botulinum toxoid—used to make vaccines against botulinum toxin—directly to the Iraqi chemical and biological weapons complex at al-Muthanna, the records show.

These were sent while the United States was supporting Iraq covertly in its war against Iran. U.S. assistance to Iraq in that war also included covertly-delivered intelligence on Iranian troop movements and other assistance. This is just another example of our policy of interventionism in affairs that do not concern us—and how this interventionism nearly always ends up causing harm to the United States.

Claim: The president claimed last night that: ''Iraq possesses ballistic missiles with a likely range of hundreds of miles; far enough to strike Saudi Arabia, Israel, Turkey and other nations in a region where more than 135,000 American civilians and service members live and work.''

Reality: Then why is only Israel talking about the need for the U.S. to attack Iraq? None of the other countries seem concerned at all. Also, the fact that some 135,000 Americans in the area are under threat from these alleged missiles is just makes the point that it is time to bring our troops home to defend our own country.

Claim: Iraq harbors al-Qaeda and other terrorists.

Reality: The administration has claimed that some Al-Qaeda elements have been present in Northern Iraq. This is territory controlled by the Kurds—who are our allies—and is patrolled by U.S. and British fighter aircraft. Moreover, dozens of countries—including Iran and the United States—are said to have al-Qaeda members on their territory. Other terrorists allegedly harbored by Iraq, all are affiliated with Palestinian causes and do not attack the United States.

Claim: President Bush said in his speech on 7 October 2002: ''Many people have asked how close Saddam Hussein is to developing a nuclear weapon. Well, we don't know exactly, and that's the problem . . .''

Reality: An admission of a lack of information is justification for an attack?

Also worth mention:

President Bush claimed that our deposing Saddam Hussein . . .

Mr. LANTOS. Madam Speaker, I yield 6 minutes to the gentleman from New York (Mr. ACKERMAN), a member of the Committee on International Relations.

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

Mr. ACKERMAN. Madam Speaker, the President continues to make his case before the Congress, before the American people, and before the United Nations to garner support and legitimacy in the case against Saddam Hussein. There is no question about any of the facts the President has cited in making the case for urgent action against the threat posed by the Iraqi current regime.

Only the deliberately obtuse can doubt that Saddam Hussein is a murderous, rapacious dictator with an addiction to aggression, and a long record of gross miscalculations.

Since seizing power and killing all of his domestic rivals, Saddam spent the entirety of his rule either committing acts of gross unprovoked aggression, preparing for war, conducting war, brutalizing his own countrymen, or committing crimes against humanity.

Madam Speaker, if we believe there is good in the world, surely we must recognize that there is also evil. Saddam Hussein is pure evil. The litany of Iraq's bad behavior is very familiar, and there is no real question about Iraq's appetite for weapons of mass destruction and his thirst for nuclear

weapons. We know beyond a shadow of doubt that even after defeat in the Gulf War, and even while the United Nations inspectors were attempting to verify Iraq's United Nations mandated disarmament, Saddam Hussein's regime continued his covert and comprehensive plans to acquire those weapons and the means to deliver them.

All of these facts are established and known, and the President made them all very clear last night. The single question we must answer, the single decision from which all other decisions will naturally descend is what to do about this threat. It is grave. It is immediate, and it will not satisfactorily resolve itself without action. We cannot simply hope that Saddam Hussein will be deterred. He has shown himself to be an inveterate and dangerous gambler.

We cannot simply hope that Saddam will not share weapons of mass destruction technology with terrorists. We know al Qaeda elements have already been at work soliciting Iraqi aid in this field. We cannot simply hope that U.N. inspections will rout out Saddam Hussein's weapons of terror. We know that he has defeated inspections for 10 years and is prepared to risk his regime in order to preserve them.

Madam Speaker, hope is not a plan; nor will hope ensure our national security. I believe that we all want a nonviolent resolution to this problem.

□ 1430

As the President said last night, ''Military action is not imminent or unavoidable.''

Madam Speaker, it is not our first choice, but the only way for us to be clear about Saddam's obligation is for us to speak with one voice. Madam Speaker, we have fought wars that we have not declared, and we have declared wars that we have not fought. Let us hope that this is one of the latter.

I believe that authorizing the President to use force, if necessary, is the best way to avoid war and is the best way to make clear that preservation of peace depends on Iraq's compliance with its obligations. But if we must use force, then the central issue to my mind is how to secure the greatest and the broadest international endorsement for our proposed course of action.

Madam Speaker, since World War II, the United States, on the basis of broad bipartisan consensus, has been leading the world through the creation of a system of international security based on shared norms and institutions. The international order our Nation has established and sustained since the presidencies of Roosevelt and Truman and Eisenhower, the so-called Pax Americana, has succeeded for decades because it has been perceived internationally as legitimate and is not just self-interested. The peace of the Americans, not just the peace for the Americans.

The goodwill that we have built up for decades is not simply the product of our support for democracy and free markets but rather our enduring and substantial material support for international institutions such as the United Nations and NATO and, through them, our commitment to international cooperation in the pursuit of global security. The global idea that we are all in this together has enabled our country to lead for decades without any significant backlash.

The real questions that we should be asking are not about whether something should be done about Iraq. Something must be done. Our national security requires it. The key questions that remain are about international order and our relationship with the rest of the world.

The President's speech to the U.N. seemed to be the first step in our effort to build a coalition. Last night's speech was another. These were necessary efforts, and we must continue. Because a preventative war devoid of any sort of international consensus is not a precedent that we choose to establish. Our Nation used to refer to that kind of project as aggression. Like it or not, we will need the international community when and if the time comes for the reconstruction of Iraq.

But beyond our efforts in Iraq, we continue to need the international support for the war on terror. We cannot scorn international concerns and reservations without lasting harm to our larger and longer-term objectives.

While I am prepared to endorse the President's request for authorization to use force to respond to the threat by Iraq, I continue to have grave concerns about the administration's complete failure to explain what an unsupported war on Iraq will do to our efforts to establish a stable global order. I continue to have grave concerns about the administration's complete failure to explain how an unsupported war in Iraq will advance international cooperation in the war on terror. And I continue to have grave concerns about the administration's complete failure to explain how we will restore a post-Saddam Iraq to the family of nations.

Madam Speaker, all that being said, we must recognize Saddam Hussein's regime is a reign of evil, promising the world nothing but terror and death. A decent people have an obligation to confront evil in its womb.

Madam Speaker, I will support the resolution, but I fear that defeating Iraq and deposing Saddam are likely to be orders of magnitude much easier than repairing a potential breach in international perceptions about our Nation's intentions and our values.

Mr. GILMAN. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

(Mr. GREEN of Wisconsin asked and was given permission to revise and extend his remarks.)

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

Over the next few days, this House is taking up yet another momentous decision in a session that is sadly full of historic challenges. The American people are watching and listening to our debate today. History is watching and listening to our debate today. And make no mistake, the Iraqi regime is watching and listening and weighing our words carefully.

This debate can be a debate in the highest and best sense of that term, a serious exchange of ideas and opinions. That is the only opinion, that is the only mechanism that will do justice to this body, a body that has all too often been saddled with great and momentous decisions.

But for that debate to be potentially realized, however, we must understand what our resolution is about and what it is not about. Despite what a misguided few will argue over these next few days, we are not debating a choice between war and peace. If it were only that simple.

Make no mistake, I stand for peace, firmly and proudly. The real peace coalition is more than a handful of members who give themselves that label in the media. The real peace coalition is comprised of nearly everyone in this body today. As Americans we must all stand for peace.

The real issue before us is how we secure that peace in long run, peace for our children and peace for their children. The real debate is over what means will give us the best chance to stop a gathering storm in the terrorist world.

There are some in this House and some in this Nation who are ready to put their faith solely in diplomacy. They believe that, given more time, there will be more discussion and more parley and somehow that can produce a result that it has not yet produced in the course of more than a decade.

Others of us, I think most of us, would dearly like to put our faith in diplomacy alone, but we know that history does not allow us the easy way out, neither the history our dealings with this tyrant nor the even dimmer and longer-term history of containment and appeasement. The gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) have painted that picture all too well, I am afraid.

I support the resolution before us because I believe it strikes the right balance. It specifically requires the pursuit of diplomacy. In a civilized world like ours, diplomacy should always be the first path chosen, but it also backs that talk up with the threat of serious action. The resolution wisely faces the reality that a tyrant aimed at gamesmanship and amassing power instead of living up to universally accepted obligations is unlikely to take diplomacy very seriously without the potential for enforcement waiting in the wings. Under this resolution, the President must first determine that peaceful means cannot accomplish our goals.

If we have learned anything over this decade, it is surely that Saddam Hussein will do everything he can to manipulate the diplomatic process for his own nefarious advantage. This is exemplified by his recent announcement that he will permit ''unconditional'' weapons inspections to resume but only if they do not include 12 square miles of his presidential palaces and thousands of buildings.

He has hidden behind diplomacy, while continuing to develop his weapons of mass destruction. He calls for more negotiations, while firing thousands of times at coalition planes in the no-fly zones. He cynically declares to the civilized world he would never support terrorism, and yet we know every day more and more why that is not true.

We cannot ignore this history. We dare not ignore this history. Yet some would put all their faith in diplomacy. Others of us would like to put our faith in diplomacy alone, but, again, we are all too aware of its shortcomings. Force or the threat of it seems to be the only language Saddam Hussein understands. It is how he speaks, and it is the only way he listens. Diplomacy without the threat of force I am afraid is sure once again to get lost in the translation, the translation between the civilized world and the savage mind of Saddam Hussein.

The resolution pushes diplomacy. It requires diplomacy. But, thankfully, it empowers diplomacy. This is how, God willing, we can secure real and lasting peace for our children and grandchildren.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a member of the Committee on the Judiciary and the Committee on the Budget.

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

Ms. BALDWIN. Madam Speaker, I rise today in opposition to this resolution to authorize the President of the United States to go to war with Iraq in a unilateral first strike.

It is clear that Saddam Hussein has been and continues to be a threat to Iraq's neighbors and to all peace-loving nations. The United States and the United Nations have recognized the dangers posed by his pursuit of nuclear, biological, and chemical weapons. The very existence of these types of weapons in our world is exceedingly dangerous. They are dangerous in the hands of a dictator like Saddam Hussein, but they are also dangerous stockpiled in the former Soviet Union. They are dangerous even in our own stockpiles. Control and destruction of weapons of mass destruction are essential to our national security and to world security.

The world has wisely taken action to proactively address this threat, and I am proud that the United States has been a leader in addressing the threat of weapons of mass destruction. Right now, the United States is spending $1 billion per year to prevent the proliferation of these weapons, but we must do more.

The question before the world today and the Congress of the United States is, what steps do we take to ensure that Iraq does not use weapons of mass destruction? The President has indicated a willingness to work together with the United Nations to renew international inspections and the disarmament process. We must let this process begin, and we must do everything we can to ensure that it succeeds.

In the absence of an imminent threat to the United States, in which case the President, as Commander-in-Chief, already has the legal authority to respond, but in the absence of an imminent threat, working with our allies and other nations to address this threat is the appropriate way to proceed.

The administration's skepticism about Iraq's agreement to allow weapons inspectors without conditions is understandable. However, we must allow weapons inspections a chance to proceed before concluding that they have failed. The world community is with us in demanding inspections and disarmament. Establishing an inspection process that is complete, thorough and comprehensive can be done, but it will require resources and it will require our determination and it will require the active cooperation of our allies and the world community.

War against Iraq should not be our first choice but rather our very, very last resort. The United States has many tools, I mean many tools, to address the threats of weapons of mass destruction. Absent an imminent threat, we must exhaust our other tools before hauling out the machinery of death and destruction, and there are alternatives between doing nothing and declaring war.

It is our responsibility to address the threat to the safety of Americans and our allies from Iraq. Nothing is of greater concern to a Member of Congress than the health and safety of our citizens. A military first strike on Iraq, absent the support of the international community, may be more dangerous to our citizens than using means short of war. War against Iraq could further destabilize the Middle East. War against Iraq could make it more likely that weapons of mass destruction are used on our civilians. War against Iraq could endanger our allies in the region. War against Iraq could reinforce anti-American extremism and terrorism recruitment. It is absolutely essential to weigh these costs of war, also.

The President's case for war emphasizes the potential threat from Iraq, while minimizing the dangers inherent in military action targeted at a regime change. War is far from risk free. In fact it may be far more dangerous an option to American security.

A rat backed into a corner will fight, not surrender. If Saddam Hussein has no other option, he is more likely to use weapons than under our current containment policy. He could use them against American troops. He could use them against Israel. He could use them against the Kurds in northern Iraq. He may even decide that, with nothing to lose, why not give them the weapons to anti-American terrorists.

Madam Speaker, we should be very aware that Iraq's neighbors are not clamoring for us to attack. They understand the danger of war with Iraq.

An attack on Iraq would likely be perceived by some as an attack on Islam, generating more anti-Americanism and encouraging radical fundamentalism. The precedent set by a go-it-alone first strike would shape the future of this century. Is that how we will approach the nearly 30 other countries that possess or are developing the weapons of mass destruction or the means to deliver them? And how will we speak with any moral authority to other sovereign nations who seek to take things into their own hands against other states they see as threats?

Madam Speaker, issues of war and peace are never easy. The decision we will make will shape our century. I do not know what the future will bring. However, I firmly believe that we must pursue diplomacy and every other tool first. War with Iraq now is not the answer.

Madam Speaker, I rise today to oppose this resolution to authorize the President of the United States to unilaterally go to war with Iraq.

It is clear that Saddam Hussein has been and continues to be a threat to Iraq's neighbors and to all peace-loving nations of the world. The United States and United Nations have recognized the dangers posed by his pursuit of nuclear, biological and chemical weapons. The very existence of these types of weapons in our world is exceedingly dangerous. They are dangerous in the hand of a dictator like Saddam Hussein. They are also dangerous stockpiled in the former Soviet Union. And they are dangerous even in our stockpiles. Control and destruction of weapons of mass destruction are essential to our national security and world security.

The world has wisely taken action to proactively address this threat. I am proud that the United States has been a leader in addressing the threat of weapons of mass destruction. Right now the United States is only spending $1 billion per year to prevent the proliferation of these weapons. We must do more.

The question before the world today and the Congress of the United States is: what steps do we take to ensure that Iraq does not use weapons of mass destruction? The President has indicated a willingness to work together with the United Nations to renew international inspections and the disarmament process. We must let this process begin. And do everything we can to make sure it succeeds.

In the absence of an imminent threat to the United States (in which case the President already has the necessary legal authority as Commander-in-Chief to respond) . . . in the absence of that imminent threat, working with

our allies and other nations to address this threat is the appropriate way to proceed.

The Administration's skepticism about Iraq's agreement to allow weapons inspectors without conditions is understandable. However, we must allow weapons inspection a chance to proceed befor concluding they have failed. The world community is with us in demanding inspections and disarmament—we should do all we can to make them effective. Establishing an inspection process that is complete, thorough and comprehensive can be done. It will require resources. It will require determination. And it will require the active cooperation of our allies and the world community.

War against Iraq should not be our first choice, but rather our last resort. The United States has many tools to use to address the threats of weapons of mass destruction. Absent an imminent threat, we must exhaust our other tools before hauling out the machinery of death and destruction. And there are alternatives between doing nothing and declaring war.

The President has articulated his case against Iraq by citing the danger posed by its weapons on mass destruction. He has envisioned a Middle East dominated by a nuclear-armed Iraq, bullying its neighbors, blackmailing the region, threatening the United States, and arming terrorists. I believe the United States and the United Nations should take actions to prevent this nightmare scenario from occurring.

It is our responsibility to address the threat to the safety of Americans and our allies from Iraq. Nothing is of greater concern to a Member of Congress than the health and safety of our citizens. A military first strike attack on Iraq, absent the support of the international community, may be more dangerous to our citizens than means short of war. War against Iraq could further destabilize the Middle East. War against Iraq could make it more likely that weapons of mass destruction are used on civilians. War against Iraq could endanger our allies in the region, like Israel and Turkey. War against Iraq could reinforce anti-American, extremism and terrorist recruitment. It is absolutely imperative to weigh these costs of war against the threat.

The President's case for war emphasizes the potential threat from Iraq, while minimizing the dangers inherent in military action targeted at a regime change. War is far from risk free. In fact, it may be a far more dangerous option.

A rat backed into a corner will fight, not surrender. If Saddam Hussein has no other option, he is more likely to use these weapons than under our current containment policy. He would use them against American troops. He would use them against Israel. He would use them against the Kurds in northern Iraq. He may decide that with nothing to lose, why not give the weapons to anti-American terrorists.

Madam Speaker, we should be very aware that Iraq's neighbors are not clamoring for us to attack. They understand the danger of war with Iraq.

An attack on Iraq would likely be perceived by some as an attack on Islam, generating more anti-Americanism and encourage radical fundamentalists.

In addition to the military dangers posed by an invasion of Iraq, we must consider the post-war challenges. Rebuilding Iraq will be a major challenge that will take many years and a great deal of money. There is no history of democratic government in Iraq. The Iraqi opposition is disorganized and divided, despite U.S. efforts to pull them together. The economy and infrastructure is in ruins after years of war and sanctions.

If we look at previous wars and occupations that the United States has undertaken, success has meant an extended commitment of time, resources and American forces. We did successfully rebuild Europe and Japan after World War II. It has been an unqualified success. Yet more than fifty years later, we still maintain military forces on their soil and in their defense. Are we prepared to keep 100,000 or more troops in Iraq to maintain stability there? If we don't, will a new regime emerge? If we don't, will Iran become the dominant power in the Middle East? If we don't, will Kurdish separatists declare a new state, destabilizing our NATO ally Turkey? Will Turkey react? If we don't, will Islamic fundamentalists take over Iraq? We cannot know what will happen in a post-war Iraq, but all of the good outcomes clearly require a substantial U.S. commitment, far more than any other in the region, even Afghanistan.

International law is clear in reserving for a sovereign nation the right to self-defense. It is also generally accepted that this right of self-defense extends to a preemptive attack in the case of an imminent threat. Thus, should Iraq pose an imminent threat to the United States, we would be justified in taking preemptive action. The President has not made the case that an imminent threat exists. Instead, he has made a much broader and more troubling argument: that we are unlikely to ever have enough evidence of an imminent attack from Iraq and therefore must act now. The fundamental problem with this line of reasoning is that it blurs the standard of evidence required to justify a preemptive attack under international law, undermining the ability of the world community to maintain peace and security.

The precedent set by a go-it-alone first strike would shape the future of this century. Is that how we will approach the nearly 30 other countries that possess or are developing weapons of mass destruction or the means to deliver them? And how will we speak with any moral authority to other sovereign nations who seek to ''take things into their own hands'' against other states they see as threats?

Absent an imminent threat, it is imperative that we build a strong case for taking preemptive action against Iraq. The standard of evidence must be high, not low. The best way to build a convincing case is to work with the world community to build that case. Coercive weapons inspections will help us build that case in two ways. If Saddam Hussein cooperates, even reluctantly, we will know far more about his weapons capability and the threat. We will also be able to disarm him of all that we find. If Saddam Hussein refuses to cooperate, or undermines the work of the inspectors, the world will be more willing to accept a military solution. A coercive inspections effort over the next several months will strengthen our ability to deal with the threat.

The President should be commended for going to the United Nations last month to urge a resumption of the inspections. We should work with our allies and other nations to implement a strong inspections program. The goal of these inspections should be to find all weapons of mass destruction and disarm Iraq. I believe that the United Nations Security Council would support a strong inspections program that meets the goals articulated by the President.

I believe it is a mistake to demand that the Security Council authorize the use of force now, just as I believe the U.S. Congress should not authorize the use of force today. We should move forward as quickly as possible with unconditional inspections. Authorizing the use of force to enforce these inspections and disarm Iraq should come after our diplomatic efforts have been attempted and found to fail. They may fail. But they also may succeed. And they are more likely to if it is a united world against Saddam Hussein instead of the United States and Britain on our own.

Madam Speaker, issues of war and peace are never easy. The decision we make will shape this century. I do not know what the future will bring. However, I firmly believe that we must pursue diplomacy and every other tool first. War with Iraq now is not the answer.

□ 1445

Mr. GILMAN. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), a distinguished member of our Committee on International Relations.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today in support of the resolution on the use of force in Iraq. This resolution may very well determine where America's future lies, and I do not take this responsibility lightly.

I fully understand what it will mean to watch the carriers leave port in Virginia, or see the men and women leave the many military bases that I represent back home.

This vote may send them in harm's way, in defense of liberty and freedom; and that is a very heavy weight to carry. However, we cannot forget the attack that struck America over a year ago, and we must act to ensure that our way of life is protected and preserved.

It has been asked almost in unison across America how that fateful day last year could have been avoided. The answer is simple: we do not avoid these disasters; we prevent them. I support this resolution because I firmly believe that prevention is the only way to preserve our way of life, and a regime change in Iraq is necessary to restore global peace.

I believe that if we do not remove Saddam Hussein and his regime from power and bring liberation to Iraq, the terrorist attacks of last year will simply serve as a preamble to countless acts of terrorism across American soil.

We are certain that Iraq has continued with development of nuclear, biological and chemical weapons; and we know of their effectiveness. Hussein's maniacal use of these agents on his own people proves not only his disregard for human lives, but also proves their effectiveness. He has killed thousands in his very own country.

We know that without intervention, Iraq's weapons programs will only increase and improve; and the longer we

wait to intervene, the more seriously our troops will be threatened by Iraq's nuclear, biological, and chemical warfare programs. The possibility of Hussein having long-range nuclear capabilities in the near future is very, very real.

America cannot afford to allow its people to live in a world where Iraq has nuclear weapons. Saddam Hussein is the world's most dangerous terrorist; and as the attacks of last year have shown, terrorists do not consider the consequences. America must prevent these disasters before they happen and ensure that nuclear war never enters the pages of 21st-century history.

America's Iraqi policy of containment must be replaced with a policy of prevention. We must prevent future disasters by disarming Saddam Hussein of his nuclear, his chemical, and his biological weapons and overthrowing his regime.

Madam Speaker, I urge all my colleagues to support our President and to support this resolution.

Mr. LANTOS. Madam Speaker, I am delighted to yield 7 minutes to my good friend, the gentleman from Tennessee (Mr. CLEMENT), one of our leaders in the field of foreign policy and national security.

Mr. CLEMENT. Madam Speaker, to my good friend and colleague, the gentleman from California (Mr. LANTOS), a visionary thinker and planner, and also one that is a Holocaust survivor, our only one in the U.S. House of Representatives, I rise in support of the resolution before us today. As a veteran, I understand the importance of this vote and the enormous impact it may have on the men and women who serve in our Armed Forces and their families, as well as our country and our world.

As debate on this issue has progressed over the last several months, I have repeatedly heard one concern from the citizens of Tennessee: exhaust diplomatic alternatives first; engage the international community before taking any military action.

Let me say for the record that I am pleased that the resolution does not call for the U.S. to act alone. Quite simply, this resolution makes clear the convictions of Congress that the President should pursue all diplomatic options first; but if Iraq resists diplomatic solutions, then the President is authorized to use all necessary means to enforce U.N. Security Council resolutions.

I believe the language in this resolution offers a balanced approach that is limited in scope and specific in its goals. This resolution gives the President the flexibility he will need, while ensuring that Congress is consulted and has a meaningful role.

Most importantly, it reflects the importance of putting diplomacy first and working with the international community to address the Iraqi threat. While we must pursue a diplomatic solution, we cannot afford to ignore the threat Saddam Hussein poses to his neighbors and to our national security.

According to the terms of the 1991 cease-fire that ended the Persian Gulf War, Iraq was required to destroy its stockpiles of chemical and biological weapons and stop its development of nuclear weapons.

Before the Gulf War, the U.S. intelligence community estimated that Iraq was between 5 and 10 years away from building a nuclear weapon. However, when international inspectors went in after the war, they discovered that Iraq was less than a year away from building a crude nuclear device. In fact, the inspectors found that Iraqi scientists had crafted a workable weapon design and were very close to refining enough heavily enriched uranium to produce a nuclear bomb.

Fortunately, over the course of the next 7 years of internationally supported weapons inspections, Iraq's nuclear program was largely wiped out. But in 1998 the Iraqis stopped cooperating with U.N. mandates and Saddam threw out the weapons inspectors.

Since that time, our intelligence indicates that Saddam has moved quickly to reconstruct his nuclear program. He has hired 200 nuclear Ph.D.s and 7,000 technicians to build a nuclear bomb and has tried to obtain nuclear components from the black market; and he has continued to stockpile huge quantities of chemical and biological weapons, including mustard gas, VX nerve gas, sarin gas, and anthrax.

Hussein's pursuit of these weapons of mass destruction presents a clear and present danger to U.S. national security, and disarmament of his regime must be our top national priority.

Unlike the Gulf War in 1991, we are not dealing with a threat posed by Iraq's conventional forces. Iraq's military has largely been contained and isolated and is unprepared to take the kind of aggressive action it did against Kuwait in 1990. The danger we face from Iraq is much more dire, because it involves Iraq's pursuit of weapons of mass destruction which could devastate our Nation on a scale that we have never seen before. And the longer we wait, the greater the chance is that Saddam Hussein will turn over his weapons of mass destruction to al Qaeda or other terrorists who share his hatred of the United States.

We know that Osama bin Laden and al Qaeda seek weapons of mass destruction to kill innocent Americans in large numbers and destroy our way of life, and we know Hussein is working around the clock to build his nuclear capacity.

How long will it be until these two forces join together against the United States? If we wait until we are attacked, the loss of life could be devastating. The detonation of only one nuclear device in a highly populated urban area could cause the deaths of tens of thousands of people. This is an unacceptable threat to our national security, and we must do everything we can to disarm his regime immediately.

We have given Saddam Hussein 11 years to comply with United Nations resolutions, and he has chosen not to do so. Saddam Hussein has defied the international community for far too long. Diplomatic efforts have failed. Economic sanctions have failed. Saddam has thumbed his nose at the international community for more than a decade by ignoring U.N. Security Council resolutions that required him to disclose his weapons stockpiles, to disarm, and to cut ties to terrorist groups.

The time is now for Saddam Hussein to live up to the 16 U.N. resolutions he has defied. This is Iraq's last chance. Confronting Saddam Hussein now is a necessary step to rid the world of his deadly potential. Saddam must clearly understand that swift and decisive force will be the automatic consequence, should he continue to ignore and avoid the inspections regime he agreed upon.

Madam Speaker, I remain hopeful that we will see a diplomatic solution, but we must be prepared to act if those efforts fail. There is no more difficult decision that we as Members of Congress are called upon to make than a decision to authorize the President, the Commander in Chief, to put the men and women of the United States military into battle. Each Member of Congress must make this decision according to his personal conscience and his sense of what is best for the securities of the people of the United States of America. For my part, I have made that decision. We must be prepared to use force if diplomacy fails.

Mr. GILMAN. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Madam Speaker, the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Chairman HYDE), and the gentleman from New York (Mr. GILMAN) and others have done outstanding work on this resolution; and I commend them.

Madam Speaker, I want to apply hindsight. Hindsight inevitably is 20–20. But as I apply hindsight, my train of thought reverts to the Second World War. I wonder aloud how, if there had been four or five or even two or three additional Winston Churchills who would have dared stand up to Adolf Hitler, would the Second World War have been averted. Perhaps. I think certainly its impact would have been diminished if that had occurred.

Saddam Hussein, in my opinion, is the modern day version of Adolf Hitler. I have read that he is not as astute as Hitler. I do not know their respective intelligence quotients; but I do believe that Saddam is as brutal, as wicked, and as evil as Adolf Hitler was.

The time for us to act is now. As the President told us last evening, Saddam and his thugs are not only willing to do us in, they are eager to do us in; and that distaste is shared by sizable numbers around the world.

I am pleased, Madam Speaker, that President Bush last evening made it

clear that we Americans are friends of the Iraqi people. This is not an effort to be adversarial to those people. They are the victims of this schoolyard bully; and Saddam, not unlike the schoolyard bully, has no respect for anyone. They are afraid of him.

I think many of the Arab states would like to see him removed, but they do not want their fingerprints on it. If he is in fact removed, I think they would silently applaud enthusiastically.

I was in the Middle East recently, Madam Speaker, and was confronted by a journalist who accused President Bush of being abusive to Saddam Hussein. I reminded that journalist that it was not President Bush who was being abusive, but that Saddam himself had been ruthlessly abusive, not only to others, but to his own people. The journalist did not respond to me, because he knew I was speaking factually and accurately.

The time to act is now. I am uneasy when I think about nation building, because that could involve disastrous results. But the point is, and we need to drive this home, that nation building can be avoided with mere compliance. All Iraq must do is comply with the U.N. resolutions is to permit these inspectors back in, unfettered, no strings attached, in full view; and if this is done in a compliant manner, I see no need for war.

□ 1500

President Bush himself last evening said, this is avoidable. It lies upon his table, and he can act accordingly. I urge him to do so. We do not want war. I think most people do not want war. But the time to act is now. Because, not unlike Hitler, if he is permitted to continue to defy the U.N., to violate this resolution or that resolution, who knows when he may well attack?

Madam Speaker, the time to act is now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). The Chair notes a disturbance in the gallery in violation of the Rules of the House and directs the Sergeant-at-Arms to restore order.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairperson of the Congressional Black Caucus.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I thank the gentleman from New Jersey for yielding me this time.

I rise before my colleagues today with a high degree of frustration as we consider the grave prospect of authorizing the President to send our uniformed men and women into military action in Iraq. I believe I speak for all Members of Congress when I say that I am awed by the moral weight of this decision. We all know that any military action would likely lead to an immediate and substantial loss of human life and have untold implications on the security of our Nation in years to come.

Madam Speaker, no one desires to be on the opposite side of our President in times like these, but I regret to tell my colleagues that I am unable to support this resolution in its present form. I would like to add to the RECORD the statement issued by the Congressional Black Caucus outlining specific principles we believe must be addressed before military action should occur:

''We oppose a unilateral, first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.

''Only Congress has the authority to declare war.

''Every conceivable diplomatic option must be exhausted.

''A unilateral first strike would undermine the moral authority of the United States, destabilize the Middle East region and undermine the ability of our Nation to address unmet domestic priorities.

''Further, any post-strike plan for maintaining stability in the region would be costly and require a long-term commitment.''

Madam Speaker, I believe that the President has failed to address these principles.

There is no doubt that Saddam Hussein's regime poses a threat to the Iraqi people, to his neighbors in the Middle East, to the United States, and to the world at large with his biological and chemical weapons and his nuclear program ongoing. For this reason, I cannot unequivocally count future military action out in the face of this legitimate threat.

However, I strongly believe that the most effective way of combating this menace is by solidifying the support of the international community and acting within the auspices of the United Nations, not by acting unilaterally.

In the 1990s, we made significant progress in conjunction with our international allies through the United Nations weapons inspection program which led to the destruction of 40,000 chemical weapons, 100,000 gallons of chemicals used to manufacture weapons, 48 missiles, 30 warheads, and a massive biological weapons facility equipped to produce anthrax.

Inspections are a proven, nonviolent, and internationally supported method of thwarting Iraq's acquisition of weapons material and technology. What is more, a clear majority of the American people want us to give the inspectors the opportunity to work before we take military action.

To this end, I am not convinced that giving the President the authority to launch a unilateral, first-strike attack on Iraq is the appropriate course of action at this time. While I believe that under international law and under the authority of our Constitution, the United States must maintain the option to act in its own self-defense, I strongly believe that the administration has not provided evidence of an imminent threat of attack on the United States that would justify a unilateral strike.

I also believe that actions alone, without exhausting peaceful options, could seriously harm global support for our war on terrorism and distract our own resources from this cause.

I am disappointed that those who favor this resolution make no mention of the long-term commitment for nation-building that will be necessary in order to maintain stability in the Middle East region following an attack on Iraq. Thus far, this administration has not made public any plans for our role in Iraq in the years to come, if not decades, after the attack.

I cannot imagine that any of us believe this administration and our Nation is prepared to orchestrate and assume the entire financial burden of economic reconstruction, democratization, and nation-building that would be necessary to stabilize post-conflict Iraq. Let us not forget that this Congress would have to authorize aid for this long-term task at a time when we are still engaged in the Balkans and have only recently started to help in Afghanistan.

Furthermore, our Nation's economic recovery demands our immediate attention; and I am disturbed by reports that our Nation's poverty rate, joblessness, and health care costs continue to rise at the same time personal wealth and retirement savings are being desecrated. I fear the prospect of military action in Iraq will further distract our attention from an ominous economic outlook.

So, before we undertake military operations in Iraq, we must ask ourselves some very basic questions:

Does a war with Iraq improve our national security?

Does it allow the United States to make peace through the power of our example?

Does it allow us to focus on the economic suffering of our own people?

Madam Speaker, I believe the answer is a resounding ''no.'' Therefore, I regret that I cannot vote with the President for this resolution.

Mr. BEREUTER. Madam Speaker, it is my pleasure now to yield 5 minutes to the distinguished gentleman from New York (Mr. HOUGHTON), a valued member of the Committee on International Relations.

Mr. HOUGHTON. Madam Speaker, I thank the gentleman from Nebraska for yielding me this time.

The American people are now going to experience a wonderful and lengthy debate, something that is just absolutely essential for this country, and they will have their fill of it.

I want to stand here, though, and say that in 1944 I enlisted in the Marine Corps. I voted for Desert Storm. I have always felt that the first dollar of Federal money should go into defense, to be able to protect our country. But I am prepared to vote against this resolution. This is a sad day for me, because I want to support my President.

I admire him greatly. But I guess, with thousands of votes which we make over the years, I have found that conscience is probably the best thing to follow and is most honest if one is going to be true to one's self, if not always politically popular.

Following September 11 of last year, we were told that terrorism is the enemy. We have to get rid of al Qaeda. We have to take out Osama bin Laden. We have to eliminate the pockets who hate Americans. We have to rebuild Afghanistan. Secondly, we were told that to win the war against terrorism, our main objective, it required the cooperation of our allies around the world. And I bought that, and the President spelled it out very clearly and very eloquently.

But now we hear that the priorities have changed and that Iraq is the prime target. Saddam Hussein is a bad man, he has horrible weapons, and I believe all of that. But as a single-minded believer I asked, what does this have to do with September 11? There is very little evidence that Iraq had anything to do with the attack on September 11 or on terrorism itself. As a matter of fact, probably Saddam Hussein and Osama bin Laden are mortal enemies. One is from a secular country and the other is a religious fundamentalist.

Now, I happen to be a hawk on Iraq. Saddam Hussein is bad, and some day we should deal with him. But, right now, the security of the American people is at stake, and I believe we must fight terrorism in its emerging and subtle forms.

So, I see that, without finishing what we started to do and with no intimate knowledge that there is nuclear weapons at hand or that there is a relationship to terrorism, why is it that we refocus our objectives? It is hugely costly. We are not backed by some of our key allies, and we potentially can unleash even more of the thing which we are fighting: terrorism.

I met with some Arabs the other day, with a group of Israelis and Arabs who were talking about the Middle East, and they said, the Iraqis in general hate Saddam Hussein, but they hate the United States even more.

So Iraq is now one of the only secular countries in that region. And the Sunnis and the Shiites could create such a mess following a war that we could find ourselves against a religious fundamentalist state that could develop, where that is not the case now.

The bill here today says that the President, ''is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate.''

Now, I have great respect for this President. He is an unusual man. And he may be right. We do not know. This is all the future that we are dealing with.

But I am given the opportunity as a Congressman to express my feelings and to cast my vote; and I, frankly, feel uncomfortable. Unilateralism scares me. We have not shown a lot of patience. Our goal as a Nation is to bring people together, not divide them. This is not going to be a cakewalk. People fighting for their own country fight, just differently. And what about the dire Arab-Israeli or Palestinian—Israeli situation?

I think we have the cart before the horse. I think the U.N. ought to do its will first. Frankly, I feel that a right decision at the wrong time is a wrong decision; and somehow we must finish our war on terrorism before we take on another fight.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from Florida (Mr. DAVIS), a valued member of the Committee on International Relations.

Mr. DAVIS of Florida. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in support of this resolution.

I intend to support the resolution for three reasons.

First, I believe the President needs, as has been said by a number of speakers, the credible threat of force to maximize the chances of negotiating a peaceful settlement to disarm Saddam Hussein through the United Nations.

Secondly, I believe that we should at least attempt, if necessary, to use military force to back up an attempt to inspect and disarm. Obviously, Saddam Hussein has been very difficult to deal with in the past, and a more muscular form of inspection may be a further way to avoid a more broad military attack.

Finally, if Iraq fails to disarm and then, in fact, if it is clear that Iraq poses a likely risk of serious harm to this country, I believe we should be prepared to defend ourselves by the use of force as a last resort.

I think it is important to point out that this very difficult decision before us today has been made more difficult by the mismanagement of this issue by the Bush administration in the days leading up to this. Originally, the presentation by the White House was very much of a unilateralist tone and, as the previous speaker mentioned, many Americans, many Members of Congress have had difficulty recovering from that initial misstep. I am pleased that the resolution reflects a change in heart by the President to work with our allies through the United Nations.

Secondly, it was originally suggested to the Congress and the country that there was some additional information that made the risk of Iraq to the United States imminent. This also proved ultimately to be incorrect. There was no additional information of a heavily significant nature in terms of the level of risk that Saddam Hussein posed to this country, and I personally do not believe the case has been made that the threat is imminent.

I do believe the case has been made that the threat is significant and, if we do nothing, it will grow; and that is one of the reasons why I support acting. But the case of regime change, based on any additional information and the allegation of the NSC, has not been made.

Finally, all of the tone coming out of the administration in the early days was force as a first resort, not as a last resort. That is not what has made this country great. It is our strength and our wisdom that has allowed us to succeed and enjoy the moral authority that we enjoy today.

I am pleased that, as recently as last night, the President has changed his tone and is saying correctly that force should be used as a last resort, and the resolution reflects that as well.

□ 1515

But let me add, I think we can do better. It would be my intention to continue to pursue an amendment to this resolution similar to what I offered in the Committee on International Relations. That amendment borrowed from the proposal of the chairman of the Senate Foreign Relations Committee, Senator LUGAR, supported then by Senator HAGEL.

What that amendment provided for was that before the President would use force, in the event the United Nations was not successful in negotiating disarmament, that the President must make a determination and a declaration to Congress and the American people that the risk that Iraq posed to our country was so great as to justify the use of military force.

I believe that higher standard, that moderation, is what will help bring this Congress together to give the President the tools he needs to do his job and to demonstrate that what we are acting with is a combination of strength and wisdom.

Secondly, and most troubling of all, we should adopt an amendment that clarifies that the mission of the United States of America and our allies is to disarm Saddam Hussein, not to engage in regime change. The way the resolution is currently written, it is far from clear, it is far from precise, that the Security Council resolutions that we are authorizing the President to enforce through force deal strictly with disarmament.

These two changes should be adopted to make the resolution stronger, more precise, and more clear. For that reason, I hope the House will take that amendment up later in the action.

Mr. BEREUTER. Madam Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Indiana (Mr. KERNS), a valued member of the Committee on International Relations.

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

Mr. KERNS. Madam Speaker, we are faced today with an important decision regarding Iraq, a decision that we wish were not before us; but we cannot simply wish our responsibilities away. We are faced with a frightening proposition. However, I have concluded after

much prayer that the failure to act or the failure to support our President is even more frightening.

Saddam is a cancer to society. I think most of us have lost someone dear to cancer. I have loved ones that are battling cancer today, a father in Indiana and a mother-in-law in Baltimore. Would we tell them or advise them to ignore their spread of cancer because it is too costly to fight, because the treatment is too unpleasant, because the treatment will upset our day-to-day lives, or because the treatment might not work, or perhaps they could lose their life in the fight? I think not.

As is true with cancer, it is true with Saddam Hussein and the regime in Iraq: it is a cancer that is spreading, and is spreading at an alarming rate. While it is true that we may be able to survive the day, we know ultimately what he will do: Saddam will kill. He will kill anyone in his way; and make no mistake, he will kill Americans, he will kill our children, and he will kill our grandchildren.

Today, Madam Speaker, my fellow Members have quoted great Americans. I would like to share the words of another great American, the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), who said shortly after the attacks of September 11, ''I hope someone is thinking about the enemy we face today, that they do not think that they are dying when they fly airplanes into buildings, they think they are going to meet their God.''

Well, someone has been thinking about the type of enemy we face today, and that someone is President Bush. He has courageously led the world in its fight against terrorism. He has brought the world community together. Perhaps never in history has the world community been so united in its denunciation of terrorism and the attacks that the world has seen.

I ask my colleagues to support the President. Let the rest of the world know that the Congress stands with our President and the American people will not tolerate the slaughter of innocent people anywhere.

Mr. PAYNE. Madam Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a great addition to the Committee on International Relations with his extensive background.

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding time to me. I urge defeat of the resolution.

In the landmark case of Schenck versus The United States, Justice Oliver Wendell Holmes ruled that freedom of speech should not be abridged, even in wartime, unless the circumstances are of such a nature as to create a clear and present danger to the United States.

That doctrine, I suggest, offers an appropriate standard for any preemptive unilateral action. It creates a burden of proof that was best articulated by a patriot from New England who served as Secretary of State in 1837, Daniel Webster. He stated that the need for self-defense must be ''instant, overwhelming, and leaving no chance of means and no moment for deliberation.''

I would add that the quantum of evidence necessary must be compelling and convincing; not the higher criminal standard of beyond a reasonable doubt, but at least compelling and convincing, because of the obvious magnitude of the consequences that are implicated here.

The resolution before us permits the President to take us into war without satisfying either of these requirements. In terms of the clear and present danger test, only last Friday the CIA stated publicly that without material from abroad, Iraq probably would not be able to make a weapon until the last half of the decade; and further, the evidence needed to support the proposition that Iraq is a clear and present danger is not compelling and convincing, but rather, murky and speculative.

I was particularly disturbed to learn that a national defense intelligence estimate had not even been done before the option of unilateral preemptive military action had become administration policy. It is as if a policy had been crafted and there was no need for a factual basis based on our own historical precedents, the evidence, and the rule of law; a conclusion in search of facts, if you will.

Now, the factual basis for congressional authorization is incorporated in the preamble of the resolution before us, but the allegations that are recited therein could be made about a number of countries, such as Iran and North Korea, the other original members of the ''axis of evil'' club, both of whom are further along in the development and capacity to deliver a nuclear device, and both of whom possess biological and chemical weapons. Our own intelligence for years has claimed that North Korea has enough plutonium for several nuclear bombs. So why the focus on Iraq?

It is asserted that Saddam has used chemical weapons and thereby demonstrated the necessary intention. Well, in fact, we do know of at least 10 occasions in the 1980s that he used chemical weapons during the war with Iran because we supported him; yet we still took him off the terrorist list, opened an embassy in Baghdad, shared intelligence with the Iraqi military, and provided billions of dollars in agricultural credits.

But since the last incident occurred in 1988, I would submit that that evidence is stale and fails the clear and present danger test. What is not mentioned is that he did not subsequently use weapons of mass destruction during the Gulf War because he was told that our response would be devastating.

Yes, he is despicable and truly evil, but he is not stupid. He can be deterred. He is not an al Qaeda fanatic seeking martyrdom. That is not Saddam Hussein. Rather, he is a survivor; and his only concern is maintaining power.

Now, the President in his remarks last night mentioned links between al Qaeda and Saddam Hussein, but that conflicts with reports that both the FBI and the CIA have failed to corroborate any relationship between Saddam and al Qaeda with credible evidence.

The President further noted that some al Qaeda leaders who fled Afghanistan went to Iraq; and that is true, but they are in northern Iraq. They are in northern Iraq, protected by Iraqi Kurds who are opposed to Saddam. It is difficult to imagine such an alliance because they are natural enemies.

One of the goals of al Qaeda is the destruction of secular Muslim regimes such as Iraq because they believe they have corrupted Islam. Remember, Iraq did not recognize the Taliban, unlike our allies, Pakistan and Saudi Arabia and the United Arab Emirates.

Like all Members, I fervently hope that if this resolution passes, and I am sure it will, a preemptive military offensive will not be necessary; but sadly, this is not just about Iraq, because what we will have done goes far beyond the instant moment. It will have established, I fear, a precedent that will be used by other nations who have aggressive intentions against their neighbors and others that all they need is stale evidence, historical sins, and ill-defined allegations that can serve as the basis for unilateral preemptive military action.

Madam Speaker, I urge defeat of the resolution.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

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

Ms. DUNN. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, today we are taking a necessary step to hold a tyrant accountable for his actions. For over a decade now, Iraqi President Saddam Hussein has thumbed his nose at every resolution approved by the United Nations Security Council. He continues to develop weapons of mass destruction to repress the Iraqi people, to support acts of terrorism, and to deny unconditional access to United Nations weapons inspectors.

Further, he continues to evade the United Nations economic sanctions by violating the principles of the oil-for-food program in order to solicit illegal arms and materials to develop weapons of mass destruction.

It is now time to hold Saddam accountable for his refusal to abide by specific agreements made with the international community, especially when his actions can be devastating, not only on his Middle Eastern neighbors but also on the citizens of our country.

As President Bush stated in his speech last night, the attacks of September 11 showed our country that vast oceans no longer protect us from danger. We see a threat whose outlines are far more clearly defined and whose consequences could be far more deadly. Saddam Hussein's actions have put us on notice, and there is no refuge from our responsibilities. We cannot sit idle, Madam Speaker, while Saddam Hussein empowers people with fanatic ideas, with weapons of mass destruction, against our citizens and against our American values of freedom and democracy.

Through the course of my briefings with the National Security Adviser, the Director of the CIA, the President, others, I have become convinced that Iraq poses an immediate threat to the United States. We must not lose time. The safety and the security and prosperity of our Nation, as well as that of the world, hinge on confronting the immediate threat Iraq poses to its neighbors, as well as to the international community.

The President will not send America's sons and daughters to war without serious study and deliberation; and I agree with him that war should always be the final option. But I will not shirk from my responsibility to protect the American people against this tyrant if all other means have failed.

I support this resolution that grants the President the authority to continue leading the world in eradicating future acts of terrorism.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

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

□ 1530

Mr. PENCE. Madam Speaker, after much study, reflection and prayer, I rise in support of the resolution authorizing the use of force against Iraq. While I am certain that little of what we say here will be long remembered, I am also confident that this is a time of conscience and judgment for this Congress.

We will be subject to the judgment of the American people and of the world. Time will judge us. History will judge us. And each of us will also answer to him who created and sustains this very Earth we inhabit.

And when that judgment is rendered what of the verdict, Madam Speaker? I grieve at the very thought of the United States in armed conflict, and I cannot escape the thought of the American families that may be called upon to send their loved ones into harm's way on our behalf.

It is a terrible burden, yet one from which we dare not shrink or retreat. For it is not just peace or liberty that hang in the balance, but, as our President has said, potentially the lives of millions. For we decide today whether and in what manner our great Republic might call upon its military arsenal to compel a persistent enemy to disarm and embrace the civilized world and its principles.

Madam Speaker, the United States does not seek to start a war. We seek to finish one. For Saddam Hussein has been America's warring foe for more than a decade.

In 1991, we ceased hostility. We ended the battle. But, Madam Speaker, his war took no respite. It shows no mercy.

And yet if in some horrible, yet possible, day Saddam and the metastasizing network of terrorists he harbors and protects bring to America another World Trade Center, another Pentagon, another Oklahoma City or Khobar Towers, when, and not if but when, Saddam creates and uses nuclear weapons, what will we tell the American people then?

Will we tell the survivors that we did not realize that Saddam Hussein had never finished his war against America? Will we tell them we thought the war was over? Will the judgment of the American people find that, even though we knew of the danger, they will accept that we waited for public opinion, for world opinion to congeal across the globe?

It is my profound hope and fervent prayer to the God who intervenes in the affairs of men, by whose hand nations rise and fall, that well before this Nation fires a single shot in anger that Saddam Hussein would relent and disarm, that he would see and believe the strength of our resolve, that he would know the lengths to which we will go and the price we are willing to pay to protect freedom. Then his own mind would be turned and the cup of conflict and destruction which is now poised might pass us by.

But, Madam Speaker, that cup is at hand. It is appropriate, even necessary, that this Congress, this day, authorize this President to use the full and unrelenting force of America's moral and, yes, if necessary, military might to eclipse the night of terror and usher a dawn of security and freedom. Our enemies should pay heed to our resolve.

In closing, Madam Speaker, I also would offer that our soldiers and their families should also heed the word that has comforted so many of our heroes throughout the history of this Nation and all of those who have said in their hearts of the Lord, that he is my refuge and my fortress and the God in whom I trust. Let them be comforted with the knowledge that surely he will save you from the fowler's snare, from the deadly pestilence. He will cover you with his feathers and under his wings you will find refuge. You will not fear the terror of night, nor the arrow that flies by day, nor the pestilence that stalks in the darkness. A thousand may fall at your side, 10,000 at your right hand, but it will not come near you. You will only observe with your eyes and see the punishment of the wicked.

May it be our prayer as our new heroes are forged in this act of Congress and during the ominous days ahead.

Mr. LANTOS. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GREEN), our good friend and distinguished colleague.

Mr. GREEN of Texas. Madam Speaker, I thank my good friend and colleague from California (Mr. LANTOS) for yielding me time.

Madam Speaker, this vote is the most important vote that many of us will cast in our congressional service. This vote is not one to be taken lightly or in haste. We have asked our young people who serve in our Armed Forces to put their lives in harm's way for our Nation. This vote and debate must be in the most serious of nature.

It is our job as Members of Congress to protect our people, to make sure Americans can raise their families and go to work without the fear of attack. Our defenses did not work on September 11, 2001; and we saw the devastation that killed 3,000 people. Our job is to protect our fellow Americans; and that is why, after a great deal of listening, discussing and learning, I will support the resolution.

Our Nation does not go to war easily. We are inherently a peaceful Nation. We want to be left alone, to live our lives, to raise our families and enjoy the freedoms of our country. We had to be attacked to enter World War I and World War II. But when they attack or threaten our Nation, we respond.

As with other Members of Congress, during August I was at home in Houston meeting with my constituents, doing town hall meetings and listening to the people I am honored to represent. My Houston constituents were as surprised as I was at the aggressiveness of our administration in relationship to Iraq. It sounded like we were beating a war drum. The impression it left on many people was the administration will wage war no matter without regard to Congress or international support. Many people wondered what this threat that suddenly in August Iraq became the prominent issue discussed by President Bush.

My folks were and are more concerned about our deteriorating economy, increasing unemployment, drop in the stock market, the increasing national deficit. This deficit was and is increasing without addressing additional unemployment assistance, without addressing the loss of health care, without addressing increased spending for education, without addressing the plunging stock market or without addressing a jobs program that reverses our economic decline.

My folks are still concerned about their everyday lives, and that is true with this as previous generations. We need to protect our people but not lose sight of our economic problems.

I will work with the President to protect our people, but let us not forget we must revive our economy. Tax cuts, permanents or temporary, are not working. We need an economic revival plan, not more foreign entanglements.

Saddam Hussein has been a problem for last month, the last 6 months, and

the last decade, for that matter. I am pleased that the administration and Congress has come together in a bipartisan fashion to draft a balanced resolution. I think this bipartisanship is evident in several changes contained within the resolution, issues like compliance with the War Powers Act, language more clearly defining the length and scope of any conflict with Iraq, affirmation to Congress that all diplomatic avenues have been exhausted prior to using military force.

I am pleased because these changes strengthen the lines of communication between the President and Congress on this most important issue. Unity is critical if our Nation is going to move against any enemy. The United States is prepared to fight for the safety of our Nation, regardless of whether our allies choose to stand with us. It is our job to protect our people, not the U.N.'s. The time for diplomacy is short, and the only acceptable solution we should hear coming from Bagdad is that U.N. inspectors will have complete and unannounced access to anything they want to see. That includes the presidential palaces that constitute hundreds of buildings that are guarded like Ft. Knox.

America will not tolerate a weapons shell game played by the Iraqi military designed to foil international weapons inspectors. Saddam needs to play by the rules or suffer the consequences. And let there be no doubt that the penalty for noncompliance will be severe.

Mr. BEREUTER. Madam Speaker, I yield 4 minutes to the gentleman from Florida (Mr. KELLER).

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

Madam Speaker, I rise today on this solemn occasion to speak in support of the joint resolution authorizing the use of force against Iraq. The choice before us is clear. Do we sit back and allow Saddam Hussein to keep his weapons of mass destruction and hope that he voluntarily chooses not to use them against us, our allies, or do we take action to separate him from those weapons of mass destruction?

I support this resolution authorizing the use of military force against Iraq for two reasons: First, Saddam Hussein has thumbed his nose at the United States and the United Nations by failing to destroy his weapons of mass destruction, failing to destroy his long-range missiles, and by kicking out the U.N. weapons inspectors in 1998.

A second reason to support this use of force against Iraq is because time is of the essence. Saddam Hussein is now less than a year away from developing nuclear weapons, according to reports we have received in the last month from the CIA and the International Institute for Strategic Studies. The only thing Saddam is missing now is enriched uranium. We know he has 200 Ph.D.s working around the clock on this process. We also know he could assemble these nuclear weapons within months if he obtains the enriched uranium on the black market from foreign sources. And we know from a recent CIA report that he has up to $3 billion to spend to obtain this enriched uranium as a result of his recent sale of oil on the black market.

Given these facts, does anyone really believe that it is beneath Saddam Hussein to bribe some down-and-out vulnerable nuclear scientist from North Korea or Pakistan who regularly works with enriched uranium?

But even if Saddam Hussein is not successful in obtaining nuclear weapons within a year, time is still of the essence. Because we know that Saddam Hussein has chemical and biological weapons of mass instruction such as anthrax and nerve gas which he could easily give to terrorist organizations such as al Qaeda. And we know that Saddam Hussein is sympathetic to al Qaeda and Osama bin Laden because, after September 11, Saddam Hussein callously told the world that he was happy that thousands of Americans were killed. Specifically, just after September 11 Saddam Hussein said, ''Bush wants me to send my condolences, but if I do that I would be lacking respect for my people. Americans should feel the pain they have inflicted on other peoples of the world.''

The decision before this Congress could not be any more serious, but it also could not be much clearer. We are on notice. Saddam Hussein is a remorseless, pathologically aggressive dictator with a history of striking without warning, a history of using weapons of mass destruction to kill people, and a burning desire to have his finger on the button of a nuclear weapon pointed in our direction.

The danger from Saddam Hussein's arsenal is far clearer than anything we could have seen prior to September 11. History will judge harshly any of us who saw the dark cloud on the horizon but passively chose to look the other way.

Mr. Speaker, we have discussed this issue at length. It is the only course for us to follow. Why should we wait any longer? We owe it to our children and to future generations to take action to deal with this problem right here, right now. Let our country boldly move forward, not to devastate and to concur, but to reestablish the reign of peace.

Madam Speaker, I urge my colleagues to vote yes to authorize the military force against Iraq.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms DEGETTE), a leader in the Democratic Caucus and a member of the Committee on Energy and Commerce.

Ms. DEGETTE. Madam Speaker, I rise in opposition to this resolution.

I commend the President for his vigilant efforts to protect the security of the United States. We stand united in our commitment to this cause. But there are legitimate differences about the best way to protect our Nation.

The President has failed to present clear and convincing evidence to Congress that unilateral military action against Iraq at this time is justified. We have seen over the last 10 years that Iraq is trying to amass chemical, biological and perhaps even nuclear weapons. But we have seen no evidence of their success, and we have seen no evidence of a delivery system.

I would ask, given the evidence we have today, is this reason why we should vote for this resolution which essentially gives the President unfettered ability to go into Iraq with a first strike military attack in a unilateral fashion, potentially destabilizing the entire world order at this time? I say it does not.

Why are we discussing a war with Iraq right now? What has changed in the last 10 years to make the threat from Iraq imminent? So imminent, in fact, that Congress has got to rush to pass this resolution now before we can let the weapons inspectors back in, before we can find any evidence of an imminent threat? What information have we have recently obtained that has led the President to believe the war is absolutely necessary now?

□ 1545

Many of us in Congress felt that it was essential that the President come to Congress for action before he attacked another country unilaterally, and we were pleased when he did come to Congress; but if he is going to come to us and ask us to pass this type of resolution, he has to give us the information on which we can base our vote, and to date, I have not, and many Members of Congress, no one I know, has been given information by the administration that Iraq indeed poses an imminent threat to the United States. We must have that information before we can pass a resolution like this, especially since the U.N. Security Council is working hard to send weapons inspectors back in and to have international cooperation in dealing with Iraq and in dealing with Saddam Hussein.

International cooperation and the support of the United States people are what will make any action against Iraq successful, just as we had success in our initial action in Afghanistan. I might add, I have had myself now over 3,000 phone calls and letters from my constituents and congressional office, and five have supported this type of uninformed unilateral action. This is not the support of the United States people.

Some of my colleagues have made the tortured analogy that we face the same challenge with Saddam Hussein that our predecessors did with Adolph Hitler in 1936; but Iraq is not Nazi Germany, as evil as they are. We have been given no evidence that the Iraqi military has grown stronger in the 10 years since 1991. We have been given no evidence that Iraq intends to cross its borders into Turkey, Kuwait, Saudi Arabia or Iran, as it did in 1991 when the

U.S. did intervene; and we have been given no evidence that Iraq is close to possessing nuclear weapons, merely that it would like to.

If the President has acquired intelligence that answers these questions, he must provide it to Congress and let us know because today he is asking Congress to authorize unilateral action against Iraq. This is a not a debate about appeasement versus action. We must not and cannot try to appease someone like Saddam Hussein; but what it is is a question of acting alone or at most with one ally versus building a global coalition as we did 11 years ago to oppose Iraq's aggression against a peaceful neighbor. To triumph in this effort we must do that again.

The United States is at a crossroads in the war against terrorism. To this point, we have shown the world the threat posed by terrorists to our national security. We have successfully built an international coalition to combat this threat, and together we have led the coalition to rout terrorism from its role in Afghanistan. This is the path we must take, and that is why we must oppose this resolution today.

Mr. BEREUTER. Madam Speaker, it is my distinct pleasure to yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), who chairs the House Committee on the Judiciary.

Mr. SENSENBRENNER. Madam Speaker, I thank the gentleman from Nebraska for yielding me the time, and I rise today in support of the resolution calling for disarmament by Iraq and authorizing the President to use force to protect America from the threats posed by Saddam Hussein.

It has often been said that those who do not remember history are condemned to repeat it. Today, by passing this resolution, we are showing that we have learned the lessons of World War II and September 11 and that we are committed ourselves to ensuring that those horrors are not repeated.

After World War I, the international community came together to form the League of Nations in order to resolve international conflicts without war. Stiff requirements were placed on Germany to ensure that it could no longer pose a threat to its neighbors; but when Adolph Hitler came to power and began testing the world's resolve, he was only met with appeasement, allowing Hitler to build his military and his territory.

The appeasers of the 1930s were content to receive paper agreements for peace and stability from the German dictator, and when those agreements were shredded by Hitler's words and his actions, the international community refused to enforce its own agreements. Only when Hitler brutally invaded Poland and launched World War II, did the world finally realize his true intentions and take stock of the enormity of the failure of appeasement; and to defeat him, 30 million people died.

After the failures that led to World War II, the United Nations was formed in an attempt to fulfill the worthy ambitions of the League of Nations. Today, the U.N. is facing a stern test of its resolve by another dictator.

The U.N. has placed stiff mandates on an Iraqi dictator who has shown a thirst for more territory, more power, more deadly weaponry, no matter how horrific. Just as in the past, today's dictator has violated agreement after agreement, 16 U.N. resolutions by my count.

Now, by passing this resolution, Congress is showing that we have learned the lessons of history. We will enforce our international agreements, and we will not allow rogue dictators to bring about the deaths of thousands or millions of Americans and others by our inaction.

I commend the President for recognizing the need for this resolution. By passing this resolution, Congress will show that the U.S. speaks with one voice to counter the threat posed by Iraq. Further, we will send a message to the United Nations that failure to enforce its international agreements will only lead it down a path of irrelevance and ineffectiveness that the League of Nations went down over 60 years ago.

This is not a resolution that must lead to war. It rightly calls first for disarmament through diplomacy and inspections. These efforts alone could bring more security to the world and could prevent conflict if Saddam Hussein cooperates fully with the demands laid out before him by the Congress, the President, and the United Nations; but if disarmaments through diplomacy and inspections fails, and it can only fail at Saddam Hussein's own choosing, this resolution shows that Congress and America have the resolve to protect those who live in freedom from the dangers of tyrants.

I urge my colleagues to support the resolution.

Mr. LANTOS. Madam Speaker, I am pleased to yield 6 minutes to the distinguished gentleman from New York (Mr. ENGEL), a valued member of the Committee on International Relations.

Mr. ENGEL. Madam Speaker, I thank my friend from California, whose wisdom gets greater with each passing day, for yielding me the time.

Madam Speaker, there is no jumping for joy in this debate. This is a very solemn moment. Each Member of Congress has to do a lot of personal soul searching. There should be no finger pointing, no questioning of patriotism. This is the American way of life, the American Congress at our best, democracy where everyone can speak. This makes me so proud to be an American and so proud to be a Member of the United States Congress.

Madam Speaker, for me, I will support this resolution, even though I must say there are some unanswered legitimate questions. I think it is best to speak about some of those questions up front.

There are serious questions about the timing of this. Why is this the absolute right time to do it? Why not 3 months ago? Why not 3 months from now? Why not 6 months from now? I think that is a very legitimate question, and I am not totally satisfied with the answers.

Secondly, I do not think there has been enough thought about what happens after we get into Iraq. We have to stay the course. We cannot pick up and run. We have to make sure that democracy sets root in that country.

Thirdly, there is a question about our war against terrorism and other nations that support terrorism. For me, Iran and Syria have supported terrorism and terrorists like Hezbollah and Hamas far greater than Iraq. They support terrorism against us. They support terrorism against our ally Israel; and very little has been done to confront Syria and Iran, and I hope the looking at Iraq does not turn us away from other nations that support the evil of terrorism.

I think for me, Madam Speaker, what is most important and the bottom line for me is that as a New Yorker and as an American, after September 11, the equation changed.

I was in New York when the World Trade Center went down. Three thousand lives were lost, including many of my own constituents. The Cold War arguments of deterrence and containment I do not think apply anymore.

In this era of terrorism, the U.S. has to be proactive. When there is evil around the world, and the evil threatens our country, and the evil threatens innocent people, we have to act. We did so in Kosovo. We did so in Kuwait back in 1991. We did so in Bosnia. We should have done so in Rwanda where a million innocent lives were lost. I am not willing to let that happen again.

I have no apologies when the U.S. does what is in our national interests to save our people and to save innocent lives, but we have to try to work with many nations. We have to work with U.N. resolutions. We have to work with others.

Madam Speaker, back in 1991 with the invasion of Kuwait, we knew then that Saddam Hussein was a tyrant, a menace to his people, a menace to our people, and a menace to the world. I said in 1991 that we should have removed him then, and I am consistent. He has weapons of mass destruction. He flaunts U.N. resolutions. He supports destruction of our ally Israel. He has played a shell game for years with weapons inspectors. We cannot allow this to continue.

In the Committee on International Relations, I voted yes on this resolution because it is an improvement from the original resolution that was sent down by the White House. This resolution does not give a blank check. This resolution limits the scope. This resolution is no Gulf of Tonkin resolution. This resolution strikes the right balance.

I am willing to look at some of the amendments. I am willing to listen to what our colleagues have to say; but in

terms of this Congress, in terms of final passage, we need to stand together as a Nation. I believe it would be a monumental mistake not to support the President on this.

The arguments against this resolution are similar arguments that were made against Operation Desert Storm in 1991. Time has shown that those arguments were wrong, and backing down now would allow Saddam Hussein and others who wish us ill to conclude that they can simply violate U.N. Security Council resolutions, kill their own people, threaten their neighbors and the world, become a danger to the United States and our way of life while we simply stand idly by. This cannot stand.

Years later, when my children ask me what did I do when confronted with evil, I want to be able to say to them that we rose to the task and did not let tyrants and terrorists threaten our way of life. I urge my colleagues to vote ''yes'' on the resolution.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 6 minutes to the distinguished gentleman from California (Mr. ROHRABACHER), a member of the Committee on International Relations.

□ 1600

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of this resolution. I would like to remind everyone that we are not really talking about a resolution. We keep hearing this ''war on Iraq,'' ''war on Iraq.'' We are not talking about a war on Iraq. That is totally misleading. We are talking about helping the people of Iraq liberate themselves from this monster and, in doing so, alleviating a major threat to the security and well-being of the people of the United States of America.

There is nothing for us to apologize about in terms of helping those people free themselves from a tyrant who is renowned in the world among all tyrants. We are talking about helping them, liberating them. They will be dancing in the streets, waving American flags, just as people of Afghanistan still are grateful to us for freeing them and helping them free themselves from the horror of the Taliban and bin Laden, who held them in their tyrannical grip for years.

And let me remind those people who are so concerned, and, by the way, there will always be the hand-wringers among us, believe me. There would be no action that we could possibly take that is going to get the support of people who will always find an excuse for doing nothing. It takes courage to step forward.

This job in Iraq will be easier than what happened in Afghanistan. I spent a long time familiarizing myself with Afghanistan, as my colleagues know. Afghanistan, perhaps 10 percent of the people supported the Taliban. Perhaps that many. Nobody supports Saddam Hussein in Iraq. He has almost zero support among the people. They are frightened to death. Even his Republican Guard has been purged, and they now are not reliable for him. They are waiting for us to help them free themselves. They are, and will be, friends of the United States.

We are not declaring war on Iraq. We are declaring that Saddam Hussein must go. And Saddam Hussein must go for the sake of the people of Iraq and for the sake of the safety of our own people.

And let me note this. Rebuilding Iraq will be much easier than building Afghanistan. Iraq has enormous resources that have been channeled away by Saddam Hussein to develop chemical and biological weapons and to develop nuclear weapons. Those billions of dollars can be put to use to build a better Iraq, and the people will applaud us for helping them to that end.

No, this is much easier than the job in Afghanistan, yet we have the naysayers among us who would lead us in the other direction. Twelve years ago, we heard similar naysayers. It was this urge to be overly cautious that led to, I would say, the devastatingly wrong decision not to finish the job we started. Twelve years ago, and this is not going to be partisan, because I will have something to say about Republicans in a minute, the majority of our colleagues on the other side of the aisle voted to keep our people out in the desert without the ability to go on the offensive and, thus, it would have destroyed our ability to win that conflict. What would it have been like if they had been stuck out there and able to just absorb attacks?

That is what the majority of people on the other side of the aisle voted for, and their entire leadership voted for that. It was wrong. It was wrong and almost did a major disservice to our country.

Let me note what also did a major disservice to our country. When we moved forward, a Republican president decided not to finish the job. A Republican president, once we had achieved victory, stepped back from that victory; and now we are stuck with finishing the job today. Now we are stuck with an enemy that could get his hands on nuclear weapons, chemical and biological weapons, and murder millions of our own people because that dictator now has a blood grudge against the United States of America.

It is long past the time that we should have finished the job. But it was not until 9/11 that the American public would support the military commitment necessary to rid the people of Iraq and to rid the United States of this monstrous threat to both our peoples.

This is not just a dictator. There are many dictators in the world. This is a dictator who holds a blood grudge against us, who has now the ability, or he is trying to achieve the ability, to obtain those weapons that would permit him to murder millions of Americans. This is not just any dictator. This is a dictator with billions of dollars of oil wealth that he is using to obtain these weapons of mass destruction.

Over the last few weeks, we have witnessed what I consider to be unconstructive nitpicking on our President. Let us face it. First, he was told to go to the U.N.; and that is where he went. Then he was told he should go to Congress. So here we are. Now what we are hearing from the other side is, we cannot support this resolution because it will permit us to have some sort of preemptive strike. What that means is we have to wait until we are attacked before we can act. That is what that means.

Do we really want to wait in this world to be attacked by the likes of Saddam Hussein once he gets his hands on weapons of mass destruction? Instead of having 3,000 people, as on 9/11, we would have millions, or at least hundreds of thousands, of Americans slaughtered.

This makes no sense whatsoever. We must step forward today. If we back down today, we are sending a message of cowardice to the despots, to the tyrants and the terrorists around the world.

We must back up our President, who has gone the extra mile to reach the compromises with us, to make the democratic system work, and to make sure that the American people have the protection that they deserve.

We want to join with the people of Iraq, helping them liberate themselves from this problem. We should be supporting the President of the United States in this effort to protect us and to expand democracy.

Mr. PAYNE. Madam Speaker, I am delighted to yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY), a leader in the Committee on Education and the Workforce and a leader in progressive ideas.

Ms. WOOLSEY. Madam Speaker, we are at a very important place in the history of our Nation and I believe a turning point for the future of our world.

The United States, as the world's wealthiest economy, the superpower and leader, is faced with a decision that will truly mark who we are as Americans, as participants in the world community, and as human beings. Our choice is whether we use our power to make the future better or whether we repeat the mistakes of the past, like World War I or Vietnam, mistakes that do not work, do not solve the problem, do not make the world safer for our children.

I will vote against the President's resolution because I do not believe we are making anyone safer if we alienate our allies or set a precedent that it is acceptable to preemptively attack other countries because we do not like their leader or because we think that country could be dangerous someday.

I will vote against the President's resolution because we must not risk the lives of our sons and daughters or

the lives of Iraqi civilians when we have no evidence that our country is in imminent danger.

I will vote against the President's resolution because we should not spend our scarce tax dollars on war when money is so desperately needed here for education, for prescription drugs, health care, Social Security, and Medicare.

Americans demand that we fix the economy. Workers want to know what has become of their pensions. Families worry about their health care. Seniors question whether they will ever be able to afford prescription drugs. Yet we stand here listening to those who are threatening war. We have no business voting on a resolution while there are so many unresolved issues on the table.

What happened to finding Osama bin Laden? What happened to rebuilding Afghanistan? What happened to helping create an Israeli-Palestinian peace?

My constituents want us to concentrate on saving Social Security and Medicare. They want us to pass an energy policy that will make us a safer, more secure Nation; and they want us to prosecute corporate criminals and prevent corporate crime.

I believe, as my constituents do, that we need to work through the United Nations to remove weapons of mass destruction, working multilaterally to address the lack of cooperation or aggression that would put the United States or our allies in imminent danger. I would make certain that the energy policy of the United States will become independent from fossil fuels, especially foreign oil.

Finally, Madam Speaker, realizing how small our world has become, with communications and transportation bringing us together as one big neighborhood, I would invest what this war will cost, $100 to $200 billion, in the human infrastructure needs in our country and in other nations around the globe. Because in a neighborhood we are only as well off as the least of us, it is time in our history to invest in humanity, not destruction. It is time to protect the earth's environment, the resources we have been given. And it is time to make a safe and peaceful world for our children, all children around the world, now and forever.

To that end, I will vote against this resolution and any resolution that I believe will not make the world a safer and better place.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Committee on Appropriations.

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

Mr. FRELINGHUYSEN. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in support of this resolution, because there is nothing more frightening and the prospect of Saddam Hussein or any terrorist using poison gas, germs, or radiation bombs against innocent people in freedom-loving nations. The stark reality is that Saddam Hussein has committed these horrific acts before, and he may do so again without warning.

Such a catastrophe or the threat of such terror against humanity is what the President says in his own words is ''a permanent condition with no nation being immune.'' We may need to act against Iraq now to prevent such a nightmare and lessen the potential for another attack on our fellow Americans here at home.

Madam Speaker, there is no more important task before this Congress and our President than the responsibility to help defend America and protect our citizens. This is our charge to keep. Nothing else we do here matters unless our children and future generations are assured of a safe, secure Nation where there is freedom and justice and where we can be free of fear. As our President has said, ''We refuse to live in fear.''

Even without the passage of this historic resolution, we are a Nation at war, engaged in a global battle to rid the world of terrorism. This is a critical fight and one we are resolved to win. But as your young men and women in uniform continue to make us proud, serving in the war against terrorism, our President has asked our Nation and this House to consider very seriously the prospect of war with Iraq, part of the terrorist network.

Our President's request is not taken lightly. It is serious. There is no more solemn duty given to a Member of Congress than considering the President's request for authority to send our troops to war, if he eventually decides to do so.

As a veteran, I am keenly aware that wars are fought by the young. Indeed, we have called upon our young men and women in uniform to wage and win the war against terrorism. And if we go to war against Iraq, and we may not, our future and freedom will rest again on their shoulders.

After September 11, we were a changed Nation. We have grieved together. We have also risen together to meet the many challenges our Nation has faced and will continue to face. As a country that loves freedom, we have been reminded that liberty, our way of life, and those we love must be protected, because they can be so easily taken away from us.

As Americans, we have renewed our historical obligation to fight to protect our citizens and our American values of life, liberty, and the pursuit of happiness. These values are endangered by Saddam Hussein. In Saddam Hussein, our Nation faces another grave challenge. He is armed and very dangerous; and, like other terrorists, his regime is a threat to our everyday existence. We cannot trust him, and it is this distrust that may compel us to act. We must do everything possible to ensure our children do not grow up in a Nation and in a world that fears his weapons of mass destruction.

Iraq persists in violating United Nations resolutions on almost a daily basis. Saddam Hussein, as the world knows well, is a barbarian who has used nerve gas against tens of thousands of his own people, innocent men, women and children; and we have seen the pictures, as horrible as they are. He has waged war against his neighbors, launched missiles at countries in the region, and has given safe harbor to terrorists.

Madam Speaker, to my colleagues and to those I represent, there are some cold, hard facts about Iraq, its capabilities, and its deception:

In recent years, Baghdad has diverted some of the $100 billion worth of humanitarian goods contracted under the Oil for Food program for military use and has actively sought materials and ingredients that are going towards the manufacture of weapons of mass destruction.

□ 1615

He has retained a cadre of nuclear scientists and technicians and capability to constitute nuclear weapons programs.

Mr. LANTOS. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Speaker, two summers ago before deciding whether to run for Congress, I sat down with my two daughters. They were, at the time, 13 and 10. They asked how much time I would spend in Washington and how frequently I would be away from Long Island.

I said Congress usually meets on Tuesdays through Thursdays, Members spend plenty of time back home, and we adjourn in October. And then in that tranquil summer I said, unless there is a war, and that is not going to happen.

That summer we made the decision I should run for Congress. The people of New York's Second Congressional District sent me here; and in the 22 months I have served those people, we have been required as a Congress to vote on two resolutions to send young Americans into battle. Today on the verge of our second vote authorizing the war, I think of my two daughters and all of the children of my congressional district; and it is for them and for their future that I will support the resolution in the fervent hope that the diplomatic efforts required by the resolution will be effective and that war is not inevitable.

I have relied on the diverse views of those I represent, as well as exhaustive information I received in classified briefings and public hearings, published reports, in-depth discussions. I have spoken with analysts as diverse as President Bush's National Security Adviser and President Clinton's National Security Adviser. I have talked with colleagues who support the use of force now and with colleagues who oppose any force ever.

I have read several books and journals on the subject, including a book

by the former head of Saddam Hussein's crusade to build nuclear weapons. Last week I joined with just 10 of my colleagues in the Cabinet Room of the White House with the President and Vice President. This week I am meeting again with Secretary Rumsfeld. I have talked with hundreds of my constituents at supermarkets, in churches and synagogues; and, in fact, just before flying to Washington yesterday, I met with a group of clergy representing religious institutions throughout my congressional district.

We have all weighed the risks and the benefits and the provocations. The United States since the 1970s has pursued a policy of containment and deterrence towards Saddam Hussein. This policy failed to prevent him from attacking the Kurds in 1974, Iran in 1980, and Kuwait in 1990. He has used weapons of mass destruction against his own people and his neighbors viciously, brutally, and repeatedly.

In 1998, Saddam Hussein threw U.N. weapons inspectors out of Iraq. Since then he has accelerated the development of weapons of mass destruction in unchecked secrecy. He has developed short-range ballistic missiles; he is working on longer-range and more efficient delivery systems. In 1990, he constructed a nuclear device, but did not have the fissile material to arm it.

Saddam Hussein has demonstrated a deluded determination. He has the proven technology. He has shown an irrational motivation, and I fear that unchecked he will have nuclear weapons capability and the capability to deliver it by missile against our allies or smuggle it into the United States to be used against the American people.

I am not prepared to let this happen. We must remove this capability sooner rather than later. Former NSC specialist on Iraq Ken Pollack was absolutely right in his book ''The Threatening Storm.'' For me the most vital argument is this: fighting sooner is less costly than fighting later. Today Saddam Hussein has a limited quantity of weapons; tomorrow he will have more. Today Saddam Hussein's forces are weak; tomorrow they will be stronger. Today Saddam Hussein has no nuclear capability; tomorrow he will. Today the risk to our troops is serious; tomorrow it will grow worse. Why wait until tomorrow?

Madam Speaker, in 1938 Britain and France were stronger than Nazi Germany. They knew Germany would challenge them at some later time. They knew Germany was belligerent. They knew that Germany was rebuilding its armaments and its decision makers were not rational; yet they chose to wait. The cost of waiting was millions of lives, the devastation of their homelands, and mass destruction. There is no parallel between Hitler and anyone else on the world stage, but the world has an obligation to learn from history's mistakes.

Finally, we must learn other lessons as well. We have an obligation to address the long-term issues that will arise from this conflict. We must help the Iraqi people rebuild a democratic society, and we must ensure that those who fight bravely for our freedom today are not forced to fight a bureaucratic and budget battle for their health and veterans' benefits tomorrow.

Madam Speaker, I close by returning to my daughters. I do not want them or any children in America to grow up in a world dominated by Saddam Hussein with a nuclear weapon; nor do I want to increase the risks to the young Americans that we will commit to battle today by committing them to a harder battle against a nuclear-armed Saddam Hussein tomorrow. We are all dedicated to peace and freedom on both sides of the aisle, but we know from history that freedom is not free. For all of these reasons, I support the use of force in Iraq with the very strong belief that we must go to war only as a last resort, but also in firm agreement with President John Kennedy: ''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and success of liberty.''

Mr. BEREUTER. Madam Speaker, I yield 4½ minutes to the gentleman from Virginia (Mr. WOLF), a member of the Committee on Appropriations.

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

Mr. WOLF. Madam Speaker, I rise in support of the resolution. I understand the concerns that have been raised about the United States taking action against the Iraqi regime; but I believe that the President, as Commander in Chief, should have the flexibility he seeks in responding to the very real threat that Saddam Hussein poses to freedom.

We witnessed the vulnerability of America on September 11, 2001, when hijacked jetliners were used as weapons of destruction in New York City, and even close to this Capitol just across the Potomac River at the Pentagon. The families of several dozen people who live in my congressional district gave their lives that day knowing all too well the evil of terrorism.

The devastation of 9–11 must never again be allowed to come to our shores. We must take all appropriate action to stop terrorism and tyrants who would do harm to America and allies. That action includes enforcing the more than a dozen resolutions of the United Nations which calls for the disarmament of weapons of mass destruction.

America also saw the face of terrorism in 1998 when two American embassies in east Africa were bombed by terrorists linked to Osama bin Laden, killing 12 Americans among the 230 who died. Because of my concern at that time about the emerging threat to our country, I authored the legislation to create the National Commission on Terrorism. Quite frankly, it was hard to get the Congress interested at that time, but we were successful in establishing a bipartisan commission to assess the terrorist threat and recommended a response in June 2000.

The Bremer Commission said: ''U.S. policies must firmly target all states that support terrorists.'' The State Department clearly lists Iraq as a state sponsor of terrorism. Evidence shows, and we have heard the debate today, that Saddam Hussein's dictatorship has provided headquarters, operating bases, training camps, and other support to terrorist groups.

The President has made the case to the American people, to the Congress, to the United Nations, and to our allies that Saddam Hussein poses a clear, lethal threat to our Nation and the world. He has failed to live up time after time to U.N. resolutions. Saddam Hussein has used chemical and biological weapons on his neighbors and even on his own people. Evidence shows he has tried for years to develop nuclear weapons; and if he gets a nuclear bomb, I believe he may use it on America or our Armed Forces somewhere around the world.

It is critical that Congress come together united now behind the President to approve this resolution before us today to give the President authority to enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, noncompliance, and promptly and strictly complies with all relevant Security Council resolutions.

America is a peace-loving Nation, and we have never sought war. We never seek the use of force; but when we are attacked or our security is threatened, we will and must act in the Nation's best interests. Our Nation was attacked on September 11, 2001; 3,000 people were killed. We acted swiftly to declare war on terrorism. We are in a long and difficult battle.

As the President has declared, the war on terrorism includes not only the terrorists who attack us, but also the nations that harbor or give aid. We must work to exhaust all peaceful options to enforce the will of the United Nations in disarming Iraq. But if those peaceful means fail to accomplish that goal, America must stand up for freedom and security, as history has witnessed our great Nation doing in past causes to fight evil, and forcefully remove Saddam Hussein and the threat he brings.

This is a difficult challenge before us. The fight for peace and freedom is never easy, but we must respond to this call for action. The challenge before our President, the Commander in Chief, and before this Congress as the representatives of the United States is sobering. To cast a vote to send America's troops into harm's way to face

what could be the supreme sacrifice for freedom is our most solemn duty. But to wait and do nothing could lead to weapons of mass destruction being used against the United States, our allies and others, resulting in the death of thousands and thousands of people. It is not a vote we seek with eagerness, but we all must do what we believe in conscience is the right thing to do; and I believe the right thing to do is to help make the world a safer, more secure and peaceful place where people can live in freedom without fear of tyrants and terrorists.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Speaker, no person or nation should doubt our country's commitment to eradicating the threat of terror. That is why I voted last year to support the President's actions in Afghanistan. But before we authorize the President to go to war with Iraq, Congress must have clearer answers to several crucial questions.

What is the nature and the urgency of the threat to the United States posed by Saddam Hussein? What is the clearly defined mission of our troops? Is it to eliminate Iraq's potential chemical, biological or nuclear weapons? Is it to remove Saddam Hussein from power and establish a friendly regime in Baghdad? Is it to engage in nation building, to create a democratic Iraqi government and society?

What is the extent of the international support? What will be the position and role of the United Nations? Which nations will provide troops, planes and ships for the military operations? Which nations will provide financial support to pay for the military operations in the aftermath?

Will the military operations in Iraq make it less or more likely that America will suffer from terrorist attacks? Finally, what is the exit strategy to withdraw our troops from Iraq? When and how will they be withdrawn once they have accomplished their mission?

Madam Speaker, we must ask these questions, and we must have answers to these questions. We have made mistakes other places in the world. We certainly did not ask or answer all these questions in Somalia. In Korea, we had our troops there 50 years. These questions must be asked and answered.

Madam Speaker, I listened to the President's speech last night, and I look forward to the debate in this House over the next few days. However, at this point I have not heard any clear answers to the questions I have posed here today. For that reason, Madam Speaker, I cannot yet support the resolution authorizing the President to go to war with Iraq.

Mr. BEREUTER. Madam Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

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

Madam Speaker, today our Nation stands at a crossroads. I noticed that it is quieter today, it is a solemn day, it is a serious day as Members of Congress individually try to make the right decision and hope and pray that we do.

□ 1630

Are we to move ahead protecting America and free people by authorizing the use of military force against Iraq, accepting the very grave danger that we know will come with that decision, knowing that there are many, many questions that we have in Congress that go unanswered and, frankly, cannot be answered in many cases except in the future? Or are we to wait on the U.N. Security Council to decide for us? Are we to allow the Security Council to determine what is the appropriate course of action for Americans and when that action should be taken? All the while waiting for these answers, many of which that cannot be answered, while Saddam Hussein plots and plans or even strikes us with a terrorist armed with chemical or biological or nuclear weapons.

The question is not whether he has nuclear weapons. He has weapons now of mass destruction that can be put into this country at any time. It seems to me the greater of the two dangers is for us to wait and wait until Saddam Hussein strikes. And make no mistake about it, if given the opportunity, and it will be there, he will strike.

When this madman has carried out his mission and New York City is gone, not just the towers but the city, or Atlanta, Georgia, is gone or Washington, D.C., is gone, what then, Madam Speaker, will we debate? What will the sleeping tiger do then? The possible answers to that are extremely frightening.

For the past 11 years, the U.N. has basically been a paper tiger. The Security Council resolutions that we put in place to protect the world from Saddam Hussein and his regime have gone from being resolutions to suggestions to really a very bad joke. Today we see where the U.N.'s policy of turning a blind eye has gotten us. None of us know if France or China will give us permission to protect ourselves or if the U.N. will ultimately join us.

But we do know one thing for sure. It is the Congress and the President's responsibility to protect this country. It is not the responsibility of the U.N. or any other nation. It is our job. I do believe the President is to be commended for working with the U.N. Security Council and certainly should continue to do so, and we should welcome their help if it is offered, but should the U.N. disagree with the President on the correct course of action or if they stall to the point that our national security is put in even greater peril, our President needs the authority to make the best decision for our Nation and ensure our safety.

With all due respect, the President is the leader of the Nation, Commander-in-Chief. I, for one, trust his judgment and his decisions on my behalf and everyone else in my district, but not necessarily so for the U.N.

Madam Speaker, I believe time is of the essence. Every Member of Congress should support this authorization for the President to protect us and our borders and provide our national security in dealing with Saddam Hussein.

In the wake of last year's dastardly terrorist attack on September 11, many have asked this body and in this town, could it have been prevented? Today, Madam Speaker, this Congress has an opportunity, I believe, to do the right thing, to ensure that another equally criminal and reprehensible attack against humanity is not carried out and to rid the world of this madman. Our President, this Congress, must now be prepared to say in a loud and a united voice we will protect our country with whatever military force is necessary. Without this united voice, there will be no diplomatic solutions. There will be only, for sure, war.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WEXLER), my good friend and distinguished member of the Committee on International Relations.

Mr. WEXLER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, now is the moment which Congress must act to defend freedom, confront a brutal dictator and rid the world of his increasingly devastating threat.

Our decision will not be easy or without consequence. It will pose severe implications for the stability of the world, the security of the Middle East and, ultimately, the future of the United States. It will alter the course of history, change the lives of millions, and resonate in the collective memory of America for generations to come.

It is in this regard that I have contemplated this issue with great deliberation, taking into account the concerns of my constituents in South Florida, many of whom fought in World War II and Korea, who have, time and again, expressed their profound reservation concerning the President's rush to engage in military action in Iraq.

I will vote for this resolution because it has become painstakingly clear that Saddam Hussein represents the epicenter of hostility and conflict throughout the entire Middle East. His very presence threatens to undermine America's war against terror and compromise all prospects for regional security, stability, and peace. There is no doubt in my mind it is long past time for Saddam to go.

I will vote for this resolution, not because I support the irresponsible manner and timing in which President Bush has proceeded with his plans for war, not because I support the President's attempt to handcuff Congress into granting a blank check for unilateral military action, and not because I

accept the President's shameful neglect of our spiraling economic crisis and other domestic issues of imminent concern. Homeland security and foreign policy threats must be addressed in conjunction with, not instead of, America's economic and social needs.

I will vote for this resolution because I believe, without a doubt, that the threats posed by the current Iraqi regime supersede politics and that America and our allies would be undeniably safer without Saddam Hussein.

Since the Gulf War, the threats posed by Saddam Hussein have not dissipated. They have only increased, making it all the more clear that former President Bush should have ousted him when we had the chance in 1991. Since then, Saddam has cultivated his contempt for the international community, his hostility towards the United States, his intent to develop weapons of mass destruction, and his unbridled willingness to use them.

While I agree that we must disarm Iraq and oust Saddam Hussein, I share the deep misgivings of the American people that President Bush appears all too ready to accept the military, financial, and diplomatic burden of going it alone. Unilateralism is a grave mistake, and President Bush must make every attempt to build support in the international community for regime change in Iraq.

We must give the U.N. and the international community a credible chance to fulfill the demands laid out by President Bush. This would place America and the world in the strongest possible position to disarm Iraq, oust Saddam Hussein, and liberate the Iraqi people from tyranny and oppression.

Ultimately, we will best achieve our goals in Iraq not through alienation and unilateral aggression but, rather, through determined diplomacy and partnership with nations that share our vision of stability and peace. This has been America's legacy, and we owe it to future generations to proceed along this path.

Mr. President, you will get your resolution and with my support, but I implore you to exhaust all options and reserve war as the very last resort.

Mr. President, my constituents are terrified that you are leading America into war with unnecessary impulse and haste. I trust you will prove them wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members are reminded to address their comments to the Chair and not to the President of the United States.

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

I rise in support of House Joint Resolution 114, which would authorize the use of military force against Iraq.

Since August, the intense national debate that has developed in Congress, in the American public, and internationally about whether the United States should use military force if necessary against the regime of Saddam Hussein, and to use such force preemptively, has served a very salutary, even necessary, purpose. Both as a former Army counterintelligence officer and a member of the House Permanent Select Committee on Intelligence, this Member hates security leaks. The massive leaking about sharp internal disagreements within the executive branch, especially the Pentagon, unfortunately preceded the necessary international diplomacy, essential consultation with at least key committees in Congress, and any concerted effort to inform the American public as to why military action may be required now and why an Iraqi regime change may be necessary.

It also seems clear that the discussions of U.S. military action to eliminate Saddam's weapons of mass destruction, WMD, stocks and efforts for a regime change in Iraq had gotten ahead of the planning and decisionmaking for such possible action.

Many of this Member's colleagues, in both Houses of Congress on a bipartisan basis, and this Member, along with a sufficient number of voices from the American public, helped make it clear to the Bush administration that a congressional resolution authorizing the use of force was an essential step before any preemptive military action against Iraq could be launched. Despite an earlier White House counsel's advisory opinion that a congressional resolution was not required, in a September 4 meeting with elected congressional leaders, President Bush advisedly agreed that his administration would first seek such a resolution. Thus, the House is here today embarked on this gravely important duty.

Another very positive result of the leaking and the resultant intense controversy over the issue of military action on Iraq is what likely will be the outcome of the international community's furor about a potential unilateral and preemptive American strike against Iraq. That strenuous opposition is especially the case among our traditional European allies and the Arab states.

As was the case in the Gulf War, the administration sought international support for actions on Iraq through the United Nations as a result of President Bush's exceptional speech to the U.N. General Assembly. Finally the international community has become serious about demanding the reintroduction of U.N. weapons inspectors in Iraq with the unfettered access demanded to search out and destroy production in storage sites of chemical, biological, and possible nuclear weapons.

The U.S. is right to insist upon an unconditional time-certain demand for any new inspection regime to begin and to insist upon full compliance with unfettered access for U.N. inspectors. The international community now has this forceful proposition before it: Either an effective U.N. weapons inspection program resumes and continues in Iraq now or the U.S. has established more forcefully the legitimacy of military action for regime change with the reasonable expectation of a supportive international coalition for military action against Iraq and for the perhaps more difficult task of Iraq reformation in its aftermath.

Because of an intense public debate on the necessity of military action against Iraq and especially the involvement of Congress, the resolution the House has before it today has evolved into a far more acceptable one and the legislative process has not yet been completed. The broad language extending the authorization for the military force to ''secure peace and stability in the Middle East'' has been narrowed to Iraq. The War Powers Act's requirements with reporting requirements to Congress are now included in the resolution. A limited notification to Congress by the President about the intent to use or the use of the authorization for military force is now included in the measure. And importantly now included in the resolution is the requirement to report to Congress under Section 7 of Public Law No. 105–338 about the U.S. planning and actions to be conducted or undertaken by America in Iraq after the Saddam Hussein regime is removed from power.

In other words, according to that Act and that report, humanitarian assistance, democracy transition assistance, and methodology for Iraq to repay its debts are all elements explicitly required.

□ 1645

Before using military force, the President now under the procedures specified in H.J. Res. 114 must make available to Congress his determination about two things: that ''reliance on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq and is not likely to lead to enforcement of all relevant U.N. Security Council resolutions regarding Iraq,'' and (B) that military action is consistent with the U.S. and international war against terrorism. These are among the important changes to a proposed congressional resolution that evolved to the one before us today.

Now, what is the case against Saddam Hussein? Especially important, what is it that justifies the preemptive use of military force?

This Member's colleagues will recall, of course, that without provocation, Saddam attacked and occupied Kuwait with an attempt to annex it. Crucially, however, as the House considers preemptive force, it must be recognized that Saddam has used weapons of mass destruction, specifically chemical weapons, against Iran and against the Kurdish population of his own country. Is there any legitimate doubt that he would be willing to use them again?

Unfortunately, I have no such doubts that he would indeed use weapons of mass destruction again.

There also is no legitimate reason to doubt that he has a significant stock of both chemical and biological weapons. The U.S. recovered unused SCUD warheads with traces of both such types of chemical and biological agents in 1991, and in this forum this Member can only say that Saddam Hussein has now developed further ways to deploy such chemical and biological agents against his enemies.

The evidence is clear too, obtained from numerous verifiable sources, that Saddam attempts to develop nuclear weapons, that he did so in the past and today again. Ongoing attempts by Saddam to acquire dual-use technology for use in a nuclear development program continue, and that is notwithstanding the controversy about the intended use of one such attempted acquisition.

Should anyone have any doubts that Saddam has and is attempting to procure plutonium to substantially shorten the time of developing nuclear weapons, I have no such doubts. Thus, WMD remains a great threat to a widening circling of Saddam's neighbors and our own forces and facilities in the area.

However, again, what is also crucial and urgent is whether after the terror strikes of 9–11, we have any doubt that he would provide such WMD chemical, biological, and perhaps nuclear, in the future to terrorist groups who would use them against our citizens and those of our allies. This Member does not doubt in the slightest, and it is a risk that the U.S. cannot accept.

In saying this, this Member does understand that the administration cannot yet present incontrovertible evidence of a link between al Qaeda and Saddam. There are, of course, reasons for strong suspicions about such links.

That logically brings the House to the question of why at this time Congress should authorize the future potential use of military action by the administration.

This Member believes it is clear that the threat Saddam poses will only intensify. The U.S., the Western democracies, and Iraq's neighbors should never have permitted Saddam to hamper and then bar the reentry of U.N. weapons inspectors.

In the 11 years since the end of the Gulf War, and certainly in the 4-year absence of such inspections, Americans are now in more danger because of that collective lack of resolve to enforce WMD disarmament and because of the commercial and foreign policy goals of some of America's European allies and Russia.

Now, of course, in a post-September 11 world, the U.S. knows all too well that mass terrorism has been waged against civilians, in this country and abroad. It is a terrible part of the equation that the American President and the Congress now must responsibly consider. Does the U.S. now have a reasonable basis to conclude that Saddam is not an imminent threat against the United States? Is there a clear justification for attempting to override the conclusions of the Commander in Chief?

The answers are, unfortunately, no. Delaying action is a greater risk to America's national interest, the security of our citizens, than the uncertainties that always attend a war and its aftermath. The resolution authorizing the use of force, or one that we might craft by amendment, is an authorization this Congress should approve.

As the House takes this extraordinarily important step, fully mindful that Congress in passing the resolution authorizes putting members of the U.S. Armed Services in harm's way, and recognizing no citizen in this country is assuredly safe now from related terrorist events either, Congress has additional important responsibilities. Congress needs to take every step to assure that the executive branch has given adequate consideration and provided contingency planning and resources on the following questions, which, bear in mind, are beyond the questions about adequately helping and preparing and deploying our military force.

These questions are: number one, has the U.S. taken adequate steps to broaden the international coalition for not only the military operations, but especially for the more important and long-term task of developing a democratic regime in Iraq that will not threaten the security and stability of the region? The gentleman from Florida (Mr. WEXLER) made reference to this question.

Number two, has the administration prepared contingency plans to take into account that Saddam may use chemical and biological weapons of mass destruction, directly or through anonymous terrorists, against other nations in the region before or during the conflict which may ensue, for example, to be used against Israel? Has the U.S. prepared for what could be a rather extraordinary Israeli response?

Number three, has the administration taken steps to understand and prepare for the international consequences of such military action against Iraq in the region and elsewhere in the world? Will U.S. action strengthen the influence of Iran in the region, even in Iraq? Will U.S. military action strengthen demands for an independent Kurdish state in Iraq, including areas in neighboring countries? Will a victory in Iraq unleash a Shi'a Muslim bloodbath against the Sunni Muslim population or a large part of the Iraqi population that supported or is perceived to have supported Saddam Hussein? Is the U.S. ready to control it? Certainly the Shi'a have suffered tremendous provocation for such retribution.

Number four, has the administration adequately considered the resources the U.S. will need in this Iraq war-peacekeeping scenario in order to successfully pursue the ongoing American war effort against al Qaeda and terrorism, including the far-from-finished military, peacekeeping and broad reconstruction requirements in Afghanistan?

Mr. Speaker, this list of questions is only illustrative. It could be much longer. The passage of H.J.Res. 114 today, momentous as it is, as necessary an action as it is, constitutes but the first step in many important duties the Congress must pursue in this arena. Congress must be ready and fully committed to accomplishing them in a constructive, bipartisan effort with the executive branch.

Mr. Speaker, this Member strongly encourages his colleagues to vote ''aye'' on H.J.Res. 114 and then to join in a constructive bipartisan effort to insist and assure that the executive branch has considered and proposed contingency plans and resources to meet the unexpected challenges and the unattended consequences of military action against Iraq, if it is necessary, if it is necessary, I emphasize, to use military force to eliminate the danger that Saddam Hussein poses to the countries in the region, to our allies, and to our citizens here at home and abroad.

Mr. PAYNE. Mr. Speaker, it is a pleasure for me to yield 5 minutes to the gentleman from New York (Mr. RANGEL), the leader in our party and the ranking Democratic member of the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, in over 32 years I have never seen an issue that has been more important to me and probably to many of you who have served here than to decide the question of putting our men and women in the Armed Forces in harm's way. It just would seem to me that there is no question that if anyone in the House or the other body thought that our Nation was in eminent danger, that we would have no doubts about taking a preemptive strike and destroying that force before they attempted to harm us.

The President of the United States has said to us that time is not on our side. Well, it may not be, but there are a lot of questions I would like to believe that our constituents will be asking us and that we should be getting answers to these questions before we give up our authority to declare war and turn it to the President of the United States to subjectively make a decision as to whether or not we are in danger.

We are not talking about a danger like 9–11. We are talking about a potential danger that is somewhere in the future. Whether it is 1 month or 1 year, one thing is clear, nobody has said that we are in danger before November 5. That date just comes up, not as frequently as 9–11 does.

But it seems to me as I have traveled around the world, one of the things that I have been so proud of in saying

is that with all the problems we have in the United States of America, one thing is that we never start a fight with anybody; that we were always there talking about democracy and believing that when people and communities and nations had disputes, that we were there to talk about those bonds of law, of due process, of diplomacy. We felt so proud to set up the United Nations in such a way as to say that before we destroy each other, let us attempt to talk this out.

The President has reluctantly, but beautifully, gone to the United Nations and laid our case before the leaders of the nations of the world, and I have never felt more proud of being an American than to hear him prod them to do the right thing and to complain about the negligence in which they have not enforced the United Nations resolutions as relates to Saddam Hussein and Iraq.

But, strangely, it ends up with him saying, ''And if you don't do the right thing, if you don't abide by international law, if you don't respect the resolutions that you have enacted, then I will unilaterally go into these countries and justice will be done.''

I do not expect that I would want the defense of the United States to be left to other countries. But if there is no imminent danger, but danger that is perceived, especially as the President has said, danger to the surrounding nations around Iraq, those that are within the direct threat of bio-chemical weapons, those that can be hit by the missiles, then I wonder why, when the President talks about coalitions, that he does not mention any of these countries?

Israel is in direct danger of a strike by Iraq if we invade, as well as Turkey, Iran and Saudi Arabia. Why at least, if not the European countries, why are these countries not saying let us go to the United Nations and we will prove to you that this man is a demon and not just a threat to the United States of America, but a threat to everything that free countries believe in?

It just seems to me that we will never, never, never be in a position to chastise the governments of Pakistan and India, of North and South Korea, of Georgia and the Soviet Union, that we will never be able to tell them that they cannot take their subjective fears and strike against the other nation without taking their complaint to the United Nations, because we are the ones that have said that, yes, we will go to the United Nations, but we are not bound by the United Nations.

I think we should say that, but I think we should come back to the United States Congress and ask for permission, if that is necessary.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, I rise in support of the bipartisan resolution on Iraq. I want to congratulate the leadership and Members of both sides of the aisle who worked hard to craft this bipartisan resolution.

I am certain that if left to our own devices, each of us would write this resolution differently than the one before us today. But while it may not be what each of us would want perfectly, it goes a long way towards addressing the concerns raised by many in this body, and, more importantly, by many of our constituents.

It calls on the President to work with the international community in ending the threat posed by Saddam Hussein. But should diplomatic efforts fail, it authorizes the President to take military action to protect Americans from the threat posed by Iraq.

The distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), put it best when he said this resolution means we should act diplomatically if we can, and militarily if we must. All of us hope military action will not be necessary and that Iraq will abandon its strategy of delay and evasion and instead act responsibly.

□ 1700

But should diplomacy fail, we are making it clear that America will act decisively to remove the threat that Saddam Hussein and his regime poses not only to our citizens but to all freedom-loving people everywhere.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BENTSEN), my good friend and our distinguished colleague.

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

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

Mr. Speaker, last night in his address to the United States on the administration's policy towards Iraq, the President laid out his indictment of the Iraqi regime and particularly its leader, Saddam Hussein. In doing so, he answered a number of questions that Members of this body, as well as the American public, have raised regarding the administration's policies.

While I will argue that I have few differences with the President on those issues with respect to the Iraqi regime's efforts to produce weapons of mass destruction and its efforts against its own people, even the tenuous, but troubling, allegations regarding its connections with al Qaeda, the President still did not answer a lot of questions and a lot of questions that have been raised on this floor. That is why I intend to support the substitute offered by the gentleman from South Carolina (Mr. SPRATT).

As poignant as the President's speech was with respect to his indictment of Iraq, it lacked crucial substance with respect to the means by which the United States can achieve the containment and dismantling of the regime and its threat to the region and, ultimately, our Nation. The President made limited reference to the need for a strong international coalition to rid the world of this menace.

Unlike the last war with Iraq, the present administration has given insufficient attention to building the broad coalition to achieve the end we all desire. I do not believe, nor do I believe most Members believe, that the United States must obtain permission from other nations of the world to ensure our own safety. Clearly, we possess the military might. But, at the same time, our strength to defend ourselves and interests is bolstered by our ability to build coalitions with our friends; and undermining that ability will no doubt have costs.

We do not know whether or not acting unilaterally will undermine our efforts with Iraq, with the Middle East, with our interests throughout the world, and our own long-term security. We risk losing the moral high ground that was so helpful in our last war with Iraq and has become the cornerstone of American policy. We run the risk of alienating our friends and foes alike, and I think that is a risk that this body should consider.

Unfortunately, this administration has built a record on eschewing alliances in favor of unilateral approaches to foreign policy, contrary to the scope of American foreign policy by Republican and Democratic administrations for the last 60 years; and it is one that I think is of grave consequence as we go further.

No question that we can address Iraq militarily, but what will be the cost in the long run? How long will we have to leave ground troops if we do not have a coalition going in with us?

I think the administration is on the right track with respect to the regime, but I am concerned about whether or not the United States will have to shoulder the full burden and what will be the security risk of leaving tens of thousands of American troops on the ground in Iraq? No one in the administration, no one in this body or the other body knows how long it will take. And our recent experience in Afghanistan and in the Balkans tells us that it can take a long time before we can rebuild a nation.

Mr. Speaker, the Spratt resolution very clearly lays out where the Congress stands with respect to the Iraqi regime and their flagrant disregard for international law, their flagrant disregard for the U.N. Security Council resolutions. But it also says that the administration should try and do what every administration going back since the beginning of the United Nations has done, which is to build a broad-based coalition, just as President George Herbert Walker Bush did in 1991 that worked so masterfully in Desert Storm.

Should that fail, it gives the President the authority to come back to the Congress and then ask for an authorization of war. We can do this now without risking the United States, putting the United States at grave risk,

but we can also do it to ensure that the United States has a long-term foreign policy that is in our best interests, that ensures that we have our allies throughout the world working to ensure that we protect our interests throughout the world as well as defending the homeland here.

Unfortunately, I am afraid that this administration too often seeks to ignore the attempts that all of these prior administrations have attempted to do in ensuring U.S. national security.

So, Mr. Speaker, I have yet to see where the resolution, which I agree that the bipartisan leadership crafted in bringing it closer to where we ought to be and having consultation with the Congress and trying to build a coalition, but I am afraid it still gives a blank check. I think the resolution by the gentleman from South Carolina still puts the U.S. firmly on record with respect to the regime but also does it in a way that protects the historical precedents of American foreign policy and the defense of the Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. BLUNT), the deputy chief whip.

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

Mr. BLUNT. Mr. Speaker, Aflatoxin, a biological weapon that has no battlefield use, something I only recently read about, as it has become apparent that this weapon has been designed and put on missiles able to be delivered by Saddam Hussein, no battlefield use, no military advantage. Somebody has written it could keep a lieutenant from becoming a general, but otherwise has no effect on the battlefield that day. It is designed to end life, it is designed to end life in a slow and painful way.

The greatest target of aflatoxin are children, children who, many of whom, would eventually die from liver cancer if this particular weapon is used.

In so many ways it sums up Saddam Hussein. Other countries have developed weapons of mass destruction, but only one person in charge of a government today has ever used these weapons. He has used them against his own people. He has used them against a neighboring country. Saddam has stepped beyond the bounds of civilized nations. I am convinced, Mr. Speaker, that the President will use the authority of this resolution after exhausting all reasonable alternatives.

For too long, Saddam Hussein has terrorized his own people. For too long, Saddam Hussein has encouraged international terrorism. For too long, Saddam Hussein has defied the international community. For too long, Saddam Hussein has ignored his agreements with other nations and with the United Nations.

The United States did not seek the decision we have before us today. It was forced on us by a discredited dictator and the cowardly forces of terrorism he encourages. Our leadership today will encourage the international community.

The United Nations was created specifically to deal with this type of situation, this kind of aberration among civilized nations. Hopefully, the United Nations will act and act soon. In any case, we must show our willingness to enforce the standards of civilized nations on this dictator. We will be joined by many immediately and others as we demonstrate our commitment to the cause of freedom.

Mr. Speaker, I urge my colleagues to support this resolution, a decision we all come to reluctantly but necessarily as we maintain and understand our position of leadership in the world.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I intend to vote to authorize the President to use military force against Iraq, provided that we are part of an allied coalition under the authority of a new U.N. resolution. But if the President cannot obtain the support of our allies or passage of such a U.N. resolution, then the congressional resolution must provide an opportunity for Congress to evaluate the situation at the time before deciding on unilateral action.

I would not be comfortable supporting any resolution that is an immediate blank check, Gulf of Tonkin, take-it-or-leave-it abdication of congressional responsibility that would not provide for that opportunity.

Saddam Hussein is a bad actor who must be dealt with. The issue is not whether Saddam will be dealt with, but how. The United States' interests are best preserved over the long haul if we act in concert with our allies and with the approval of the United Nations. The U.N. cannot have a veto, but Congress should know where it and our allies stand and how much of the effort and cost they will bear before we decide to proceed unilaterally.

The best way to unite this country and the world in this effort is to follow a careful, two-step process; and I am convinced that this is the wisest course to follow if we want to minimize regional instability and maintain the broadest possible international support for our war against terrorism.

It is more important that we do things right than that we do things fast, because the fight against terrorism is a long-term, not a one-week struggle, and we must think long term. Over the long haul, we will not be able to conduct a successful war against terrorism without the sustained support of our allies.

Senator Vandenberg, the wise Republican foreign policy leader, once told Harry Truman that if presidents wanted Congress with them on what could be crash landings, they needed to be with him on the takeoffs. That is just as true for our allies as it is for the Congress. It takes a little longer, but it makes us stronger.

Despite the dangers involved in an initial attack on Iraq, the most serious consequences could well be those we face after Iraq is occupied, unless this effort is well thought out. Based on discussions with the administration and the intelligence community, I believe much more work needs to be done to put together a plan that will avoid an anti-U.S. backlash in the Arab world, a backlash that could generate thousands of new recruits for al Qaeda, Hamas and other terrorist organizations.

We need an after-the-attack plan that demonstrates we are not just going after another Arab country and not just doing it for oil. Part of that plan should be an effort with our European and Middle Eastern allies to attack the poverty, anger, and ignorance that plague so many in a region in which a small elite displays almost obscene palatial riches.

If we are to deny bin Laden and other terrorists thousands of recruits because of our actions, we must show what we are for as well as what we are against in that part of the world.

One of the things we must be for is a resolution of the Palestinian problem. We must be ready to immediately demonstrate our determination to resolve that problem in order to make clear that our target is Saddam's reckless despotism and not the Arab world in general, and we need allies to make that believable. That is why I will vote for the Spratt amendment.

Mr. Speaker, I would also hope that once this debate is over we will also give equal attention to the problems that we have in this country, problems of unemployment, problems of retirement insecurity, problems of a deteriorating economy. We must have a strong economic base if we are to have the social and political cohesion necessary to fight any war against terrorists or anyone else. I urge that this Congress give at least as much attention to those problems as it has given to the Iraq issue over the last month. That will truly produce the kind of balance that will be best for our country.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, after about 20 meetings and briefings over the last couple of months, last Thursday the Committee on International Relations reported out this resolution, H.J. Res. 114, which would authorize the President to use force in Iraq, if necessary.

Before this came up in the Committee on International Relations, I met with CIA Director George Tenet and National Security Adviser Condoleezza Rice at the White House last Wednesday to get answers to some

of my remaining questions. They related classified information about Saddam Hussein's buildup of chemical and biological and radiological and nuclear weapons, as well as the buildup of technology and equipment to deliver those weapons.

This information is very alarming. I suggested to the White House that they try to work at declassifying more of this information and make it available to the American people so that there would be a better understanding of the real threat that Saddam Hussein's regime in Iraq is posing against the United States.

□ 1715

As an old Air Force intelligence officer, let me suggest that it is my conclusion that Saddam Hussein represents the same terror that we experienced on September 11, a year ago.

We know that he has a buildup of these weapons of mass destruction. We know that he has shown a willingness to use these weapons against his own people up north in the Kurdish area. We know that he is a bully that wants power, we know he is bloodthirsty, we know that he tried to take Kuwait to expand his power and influence as far as expanding his ability to export his products.

I offered an amendment in the Committee on International Relations to emphasize one important point, that was, that our quarrel was not with the Iraqi people. The Iraqi people had little to do with any of the decisions leading us into this conflict. The aggression and buildup of weapons has happened because the Iraqi Government was seized by Saddam Hussein, who has used Iraq's resources and the Iraqi people for his own delusional purposes. In fact, I believe the people of Iraq will be our allies against Saddam Hussein's regime, as the Afghan people were our allies against the Taliban.

In conclusion, let me recall what we were talking about a year ago after the September 11 attack. There were accusations of who knew what when and what could have been done to prevent that kind of attack.

Well, Mr. Speaker, this is what we can do: we can take a stand. We can inform ourselves of the seriousness of the information that is now available to us to know that this is a real threat. We can have strong support in this Congress so that the United Nations Security Council is going to pass a strong resolution there with ramifications for enforcement.

That is what we can do for this country, and that is what we can do for the free world.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5½ minutes to the distinguished gentleman from New York (Mr. CROWLEY), a member of the Committee on International Relations.

Mr. CROWLEY. Mr. Speaker, the decision to declare war is one of the most important responsibilities our Constitution has charged to us as Members of Congress.

As a parent, there is no responsibility that weighs on my mind more heavily than the decision to send our sons and daughters off to war. Yet as a New Yorker, I want to ensure that our country never again faces anything as horrific as the September 11 attack of last year.

I have sought out as much information as possible on the threats and risks posed by launching a military confrontation by Iraq, as well as the risks of not acting at all. I have heard intelligence briefings on Saddam Hussein's military capabilities. I have heard administration officials and experts make both sides of the argument in testimony to Congress. I have thought about the thousands of young men and women who may be put in harm's way, and I have thought of their families.

During the Vietnam War, my neighborhood of Woodside, Queens, the 11377 ZIP code, lost the highest number of people per capita in our Nation during that conflict. Countless constituents have called me and written to me to express their concerns about the impact that a war against Iraq will have on our Nation, our economy, our communities, and our daily lives.

After carefully considering the evidence regarding Saddam's continuing efforts to develop chemical, biological, and nuclear weapons, I believe that it is clear that his regime poses a severe threat to the Middle East, our allies in Israel, the United States of America, and to the entire world.

Many of my colleagues have called for weapons inspections to be given one last try; but years of U.N. weapons inspections and international monitoring have demonstrated that such efforts cannot work as long as the Iraqi regime remains determined to thwart them.

It is also clear that Saddam has no plans to end his support for terrorism. While the administration has not, in my mind, proven that Iraq has provided support to al Qaeda, Saddam has funded Palestinian terrorist attacks against innocent civilian Israelis, paying a sliding scale of benefits to the families of Palestinians who are killed or injured in such attacks.

The families of Palestinians who blow themselves up in homicide bombings receive $25,000 in cash; the families of those killed in other attacks against the Israelis receive $10,000. Palestinians seriously injured in attacks on Israelis receive $1,000, and Palestinians slightly injured in such attacks receive $500.

Saddam Hussein has volunteered to be the workers' compensation plan for Palestinian terrorists whose homicidal intentions are no different, no different from those of the 19 murderers who flew airplanes filled with innocent people into the World Trade Center, the Pentagon, and a field in Pennsylvania, killing nearly 3,000 people. Only when Iraq ceases to be a threat and takes its place as a responsible member of the international community will our future be secure.

Because of Saddam's continued support for terrorism and the serious threat posed by his efforts to develop weapons of mass destruction, I want to express my support for this resolution. It now includes several provisions that I and other Democrats have fought for to focus the authorization more clearly on Iraq's weapons of mass destruction.

First, I am pleased that the resolution calls on the President to work through the U.N. Security Council to secure Iraq's compliance with existing U.N. resolutions. None of our allies, save Great Britain, have indicated support for military action unless it is authorized by the U.N. Security Council. If we want to bring an end to religious extremism and terrorism in the Middle East, we must work with and not against leaders in the region and in the international community. It is imperative that the United States act in concert with allies and partners, with the authorization of the U.N. Security Council.

Second, it is important that the resolution prevents the President from using force against Iraq unless and until he declares that he has exhausted all possible diplomatic efforts and attests that further diplomatic initiatives will have no effect. This means that the use of force will truly be a last resort.

Third, the resolution also requires the President to submit to Congress a determination prior to using force that taking military action against Iraq is consistent with actions needed to eliminate international terrorism. This ensures that the war against terrorism, which must remain our top national priority, will not be pushed aside by efforts in Iraq.

Finally, the resolution requires the President to report every 60 days on military operations and on the planning for post-conflict activities such as reconstruction and peacekeeping. This provision is critical, as I believe that the administration has yet to develop a strategy for rebuilding Iraq. We will need to lead a reconstruction effort, not just because the Iraqi people need such assistance after decades of living under a despotic regime, but rather because ensuring that Iraq is a democratic, prosperous and stable country furthers all of our national interests.

Mr. Speaker, despite my misgivings, and though I wish the administration had decided to wait to pursue this campaign until we and our allies made more substantial inroads in the war against terrorism and groups that support terrorism around the world, I will nonetheless support this resolution. I urge my colleagues to do the same.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution. Winston Churchill is

purported to have once said: ''An appeaser is one who feeds a crocodile, hoping it will eat him last.''

I contend that Saddam Hussein is that crocodile. For more than a decade, Saddam Hussein has wreaked havoc on our world. He has established a pattern of deception and untold cruelty against humanity. The Iraqi dictator has made a mockery of the international community by defying 16 United Nations resolutions. He has deceived and defied the will and the resolutions of the United Nations Security Council. He has gassed, tortured, starved, and executed the people of Iraq, including tens of thousands of innocent men, women, and children. He has provided a support network for, and has housed, terrorists. He has refused to account for missing Gulf War prisoners. He has refused access multiple times to U.N. weapons inspectors, in spite of his promises to allow complete inspections of weapons of mass destruction. He has refused to return stolen military equipment. He has fired upon American military forces patrolling the no-fly zone. He has sought to circumvent economic sanctions.

Most alarming to me, Mr. Speaker, as a physician, he has developed weapons of mass destruction, including biological and chemical weapons, with long-range ballistic missiles capable to create untold devastation and human misery. Worse, he is close to possessing a nuclear weapon.

Mr. Speaker, as a physician, I can tell the Members that we can remediate and protect to a certain degree against chemical and biological attacks, but there is no way to deal with a nuclear explosion. All of these findings are well documented and are a matter of public record.

While there are many dangers in the world, the threat from Saddam Hussein stands alone because, as President Bush said, it gathers the most serious dangers of our age in one place under the leadership of a merciless dictator.

Some critics have argued that the U.S. should only take military action against Saddam Hussein if the U.N. Security Council endorses military action. While I believe it is important to seek international support, including support of the U.N. Security Council, I do not believe it is wise to give other nations like Russia, China, and France veto authority over the national security interests of the American people.

Military conflict is not something to be undertaken lightly, nor is it something we should undertake without exhausting efforts to resolve the issues at hand in other ways. Unfortunately, over the past 10 years, since the end of the Gulf War, Saddam Hussein has chosen to be an outlaw from the international community. He has chosen to disregard the will of the international community.

Some would like to pretend that he has not done this, that he has not been continuing the development of weapons of mass destruction, that he has not been harboring terrorists, that he is not aiding those who seek to harm America. The record of his dictatorship demonstrates otherwise.

We have been students of history. While conflict is not something that we desire, it is something a peaceloving people sometimes have to engage in in order to protect the peace. This often is the only way to stop greater evil from being brought to bear on millions of innocent men, women, and children.

What would have been the course of history had a policy of appeasement toward Adolph Hitler not been adopted in 1938? The world was promised peace then, and 6 months later the world was engulfed in World War II. We have been engaged in an appeasement of Saddam Hussein over the past decade. He has been unwilling to respond to the pressure of the international community. How much longer should we continue this policy of appeasement?

What if we refused to take the necessary action to stop the Iraqi dictator from building these weapons? I feel the results could be catastrophic. I urge my colleagues to support the resolution.

Mr. PAYNE. Mr. Speaker, it is a pleasure to yield 6 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

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

Mr. LEVIN. Mr. Speaker, the most important questions before the House today and tomorrow and the next day are posed by the resolution introduced by the gentleman from South Carolina (Mr. SPRATT) and many others of us.

The question is not whether action must be taken to disarm Saddam Hussein of weapons of mass destruction; that action must be taken. The question is not whether the U.S., as the sole superpower, should exert leadership to bring this action about; it must. The basic question is where the emphasis should be in the use of our superpower standing.

□ 1730

What messages do we want to send the rest of the world? In meeting the challenge posed by Saddam Hussein, is the emphasis on using our leadership to form a broad partnership with other nations or to go it alone? And should any decision as to how and when to use unilateral force be essentially in the hands of the executive alone or should the elected representatives of the public in this U.S. Congress be an active participant? Should we be authorizing the President to use the U.S. Armed Forces to go it alone in a war against Iraq now, before the U.N. Security Council has acted further, or not? Before Iraq has responded completely to those demands or not? Before a new inspection regimen occurs or not? Before we might use force as a member state in compliance with U.N. resolutions?

I believe there is a role for Congress and the American people in evaluating the success or failure of those efforts in reaching any decision to authorize unilateral military action in a war against Iraq. From the very beginning, the thrust of the administration's approach has been to discount collective international efforts and towards unilateral action by the U.S. Urged by a broad array of critics, the President went before the U.N. He delivered a strong speech urging that the U.N. live up to its responsibilities. The President was appropriately applauded for that speech.

It is critical that we keep the emphasis on achieving collective international action. That does not mean, and I emphasize this, that we are ceding a final decision to the U.N. Quite the opposite. We are leading the way for the U.N. to act.

The Spratt resolution, as does Senator LEVIN's resolution in the Senate, makes clear the U.S. will make final decisions about our policies. But the emphasis needs to be on forging collective action through the U.N., with a strong resolution requiring unfettered inspections as to all weapons of mass destruction and their elimination.

The outcome of this international effort remains today uncertain. The odds of effective collective action will be more uncertain to the extent the U.S. position is not total disarmament but a change in regimes. And the President's speech last night veered toward regime changes as a prerequisite.

Further, the chances of collective action are dim to the extent the President's approach to Iraq is framed against the broad doctrine enunciated by the administration several weeks ago. As written, it is a doctrine of preemptive action in cases short of imminent danger with only cursory references to the strength of collective action and our responsibilities under international law.

The President says that the U.N. action will be enhanced if the U.S. speaks with one voice. True. The approach adopted in the Spratt resolution would have provided a much clearer opportunity for one voice to be spoken and to remain so. The focus of the Spratt resolution is on Iraq. It is total disarmament, not a variety of goals stated in the administration's resolution. Its emphasis is the effort to achieve collective action. Collective international action rather than unilateral will likely maximize the chances of success in disarming Saddam Hussein and will minimize the potential adverse consequences for the U.S., adverse in terms of reactions throughout the world, stability in the region, cooperation in the war against terror, and in broad participation in the aftermath of any war on Iraq.

The Spratt resolution gives the President authority to proceed militarily, to enforce a strong U.N. resolution that provides for enforcement by member states; and it makes clear that the U.S. stands ready to consider unilateral action through this Congress if

the U.N. fails to act effectively. That surely sends a clear message to the U.N. and Saddam Hussein.

The approach in the Spratt alternative lays out a more effective course than the majority resolution. It keeps the emphasis in the right place both in terms of the U.S. using its superpower status to try to achieve collective international action, allowing for the use of military force in that context and, importantly, in preserving an adequate role for the elected representatives of the public in this U.S. Congress in reaching a decision to go to war against Iraq.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from South Dakota (Mr. THUNE).

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

Mr. Speaker, in 1991, the United States left Iraqi dictator Saddam Hussein in power after his unprovoked invasion of Kuwait. The U.S. and our coalition powers failed to understand the depths of evil that Saddam would sink to as the leader of Iraq or the willingness of the international community to look the other way as he continued to develop weapons of mass destruction.

Over the last decade, Saddam has systematically negotiated and then violated multiple international agreements with the United Nations, allowing him to develop and stockpile weapons of mass destruction, while at the same time terrorizing his own people.

President Bush has called for an end to the international appeasement of Saddam. The President has challenged every nation of the world to face up to its responsibility and stop this evil man with his evil designs. The President said that if the international community is not willing to meet this challenge, that the United States is.

Mr. Speaker, I support the President's call for action; and I call on my colleagues to do the same by supporting this resolution. Let me explain why.

In 1991, the world came together to defeat a common enemy and then demanded through the United Nations that Iraq stop the repression of its people, return prisoners of the Gulf War, renounce terrorism and end its program to develop and stockpile weapons of mass instruction. Iraq agreed to each of these demands. Instead, in the last decade Iraq has systematically and uniformly defied each and every one of these agreements. These actions alone warrant international action. But, of course, there is more.

We know that the Iraqi government maintains successful biological weapons laboratories. We know that Iraq maintains a chemical weapons stockpile it has shown a willingness to use. And we know that Iraq continues to attempt to develop nuclear weapons. These are not guesses. These are facts.

Mr. Speaker, it is clear that the development, manufacture and stockpile of weapons of mass destruction and ballistic missiles is the overriding goal of the Iraqi regime. It is also clear that Saddam Hussein would use every weapon in his arsenal to damage the United States and its citizens, whether within our borders or overseas.

Mr. Speaker, these deadly weapons are in the hands of a dictator who has invaded both Iran and Kuwait. These deadly weapons are in the hands of a dictator who has fired ballistic missiles at Iran, Saudi Arabia, Israel and Bahrain that have killed and injured U.S. military men and women. These deadly weapons are in the hands of a dictator who has gassed Iranian troops and villages in his own country.

Mr. Speaker, obviously, diplomacy is the preferred course of action to solve this problem. In fact, the United Nations and the United States have been patient over the last decade. Yet Iraq continues to defy U.N. resolutions demanding international inspections for weapons of mass destruction. Yet Saddam continues to block, ignore or defy the 16 separate U.N. resolutions. He clearly has no interest in yielding to the international community.

Amazingly, there are some in the international community who want to give Saddam additional opportunity. They believe that the 16 U.N. resolutions are insufficient evidence of Saddam's intractable opposition to inspections. I disagree. Saddam has had his opportunity. Unless inspectors are immediately allowed unfettered action to the entire nation, the United States must act.

Others here in the United States believe that we must wait for the U.N. to act before the United States can protect its national security. Again, I disagree. The United States must determine for itself how we should protect our nation and our citizens. It is we, Members of Congress, the President, and the American people, who should determine the fate of our Nation.

Now we, as Members of Congress, have the terrible task of determining whether or not our Nation should go to war. As a Member of Congress, I cannot avoid my responsibility to protect our Nation and ensure that Americans both at home and abroad are safe.

I have concluded that to protect the lives and safety of our country and our people we must act. Mr. Speaker, it is time to give the President the authority he has requested to deal with the imminent threat Saddam Hussein poses to the United States and to the world.

I hope the diplomacy will work and that Saddam will finally yield unconditionally to international inspections for weapons of mass destruction. I also hope that the U.N. will join the U.S. in this effort. However, we cannot as a Nation make our national security dependent upon this body.

In the end, the growing coalition of countries supporting our efforts will see the overwhelming bipartisan vote this week as a symbol of our unity and commitment to disarming Saddam Hussein.

Mr. Speaker, I urge my colleagues to join me in support of the resolution and of the President of the United States in this action.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

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

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

Mr. Speaker, I rise today to discuss the resolution to authorize the use of force and deal with Saddam Hussein once and for all. No one can dispute that Saddam Hussein is a tyrant and a thug. His brutal dictatorship has enslaved the Iraqi people in a state of terror for many, many years. His outlaw regime has long been characterized by vicious political repression and a denial of basic human rights. He has unleashed the horrors of chemical and biological weapons against innocent men, women and children in his own country.

Saddam Hussein's international crimes are well known. On two separate occasions he has invaded neighboring countries to launch wars of conquest against nations that presented him no threat. He has attacked civilian population centers in our allied countries of Israel and Saudi Arabia. He has threatened the security of the Middle East region and peace in the world. And his military routinely fires upon American and allied aircraft patrolling the Iraqi skies to enforce the United Nations Security Council's resolutions which he agreed to abide by at the conclusion of 1991 Persian Gulf War.

Make no mistake, Saddam Hussein is an international outlaw who must be confronted once and for all. He must be thoroughly disarmed so that he no longer poses a threat to world peace. Frankly, we should have taken care of this festering problem when we had the chance, but the first Bush administration walked away and let this murdering thug ravage his country and consolidate his iron grip on power.

The Clinton administration contained Saddam Hussein for 8 years, but Iraq's progress in obtaining weapons of mass destruction renders ''containment'' a policy no longer sufficient to the task.

I support President Bush's policy of confronting Saddam Hussein, but we must not wage war without making every effort to achieve our goal without further bloodshed. We must not take a go-it-alone approach. Rather, we should assemble an international coalition among the family of nations of the world to present a united front in the struggle against this evil dictator.

International cooperation must not be considered a luxury to be obtained if convenient. Rather, we must recognize a great lesson of the 20th century, that international cooperation is essential to American security and prosperity.

We must also not lose sight of our ongoing worldwide military campaign

to eradicate the threat of al-Qaeda terrorist network. The wounds of 9/11 still ache. America has unfinished business with Osama bin Laden and his fanatical followers. Bin Laden may be dead or he may be alive, but let there be no doubt that his loyalists still lurk in the shadows ready to strike America in our unguarded moments. We must have no relent in our pursuit of our terrorists, and we must not mishandle the present Iraqi situation in a manner that breeds suicidal maniacs begging for the chance to kill Americans. Rather, we must engage moderate Arab republics and leaders of the Islamic faith to demonstrate that our cause is just, our intentions are noble, and our friendship is genuine and enduring.

Mr. Speaker, I want to commend my Democratic colleagues who have stood on principle to address the important shortcomings of the White House's original resolution. Now is not the time for partisan politics, and I am pleased that we have arrived at language that a broader cross-section of this House can support, while leaving individuals Members free to vote their conscience.

Mr. Speaker, as a veteran of the United States Army, my thoughts and prayers are with our brave men and women in uniform and the families who love them. Our military is the finest fighting force ever assembled in world history.

□ 1745

They are well trained, highly motivated and superbly trained. Should force be necessary, their mission may well be a very difficult one, but I have no doubt our warriors will rise to the occasion and win the day.

Finally, Congress must get back to addressing the critical issues facing our families every day. Congress must act to improve education, reduce health care costs, protect Social Security, and get our economy back on track. We must balance the budget and pay down the national debt for long-term economic growth. We must lower health care costs. We must fund education so that every American willing to work hard can have the most of his God-given abilities.

In conclusion, I will vote for this use of force resolution; and at the end of the day, the leadership of this country must speak with one voice. As President Kennedy said in his inaugural address: ''Let every Nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty.''

Saddam Hussein is the world's leading threat to human liberty. I support this resolution as a last resort to eliminate this threat.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON), a courageous war hero from Vietnam and former POW.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I stand here today in full support of giving the President the tools he needs to protect the lives of Americans at home and around the world. The United States and United Nations have tried sanctions. We have tried inspections, we have tried no-fly zones, we have tried treaties, peace talks and 16 different Security Council resolutions. Saddam has violated every agreement.

Anyone who holds hope after 11 years of Saddam Hussein's outright rebellion against the world must be the eternal optimist. Saddam Hussein has no intention of allowing inspections inside his palaces or weapons facilities. Saddam Hussein has no intention of allowing his scientists and families to be questioned outside of Iraq as President Bush has asked for; and Saddam Hussein has no intention of giving our government or the family of Scott Spiecher, the downed American pilot, any information on their son's whereabouts.

Saddam is a blood-thirsty madman who cannot be left to his own devices. If left alone, Saddam Hussein will continue to build biological and chemical weapons and obtain a nuclear capability.

Last night, the President told us that Saddam is now building unmanned vehicles and airplanes to disperse those weapons almost anywhere. As a representative of the people of the State of Texas, I cannot sit back and allow Saddam Hussein more time to plot the demise of the United States and our allies.

As one of the few Members of Congress to fight in combat and the only Member held captive as a POW in Vietnam, I know we cannot fight a war from the Congress of the United States and win. Our President, with the passage of this authority, can and will deliver.

Let us learn from our Vietnam experience and ensure that President Bush has all the tools he needs to protect freedom in America and in the world. A resolution without restriction must be passed. Our future is at stake.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), a member of the Committee on Resources and the Committee on Transportation and Infrastructure, and a real leader in our delegation.

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

One of the most solemn duties given by us to the Constitution is before the House because the resolution before us is most certainly a declaration of war. It lacks the specificity of the last declared war, World War II, but it closely mirrors the open-ended authority granted President Johnson in the Gulf of Tonkin resolution in 1964.

The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the U.S. against the continuing threat posed by Iraq. That is it. That is the key part of this, despite all the whereases and everything else.

So, with this resolution, Congress will preauthorize the first-ever preemptive war in the history of the United States, a war that may be fought unilaterally, without a single ally, conducted without restraint or clear objective, potentially in violation of the U.N. charter and widely accepted international law. I do not believe our Nation's founders would think that this was the proper use of our authority under article I, section 8 of the Constitution.

What is so extraordinary about Saddam Hussein and the threat he poses that would justify this broad grant of authority? What has changed in the 2 years since then-candidate Bush said, The United States will not be the world's 911, the world's police force, and that we will not engage in nation building? There were the horrendous attacks of September 11, attacks against the United States; but neither the United States nor British intelligence services can find the slightest link between al-Qaeda and Iraq. So that cannot be the reason.

The President went to the U.N. 3 weeks ago, and he repeated in Cincinnati a long litany of charges against Iraq, most of them true. Saddam Hussein is a brutal psychopathic dictator. He has committed crimes against humanity. He used chemical weapons against Iranian troops, against rebellious Kurds in his own country. He killed tens of thousands, but that was during the Presidency of Ronald Reagan and Bush 41; and the United States turned a blind eye because Saddam was allied with the U.S. against Iran.

He has violated a number of U.N. resolutions, but all along before the last Presidential election. So something else must be behind this.

Is this an attempt to obtain nuclear weapons? Two other members of the axis of evil are much further along. Iran has a very well-developed nuclear weapons programs and much stronger proven ties to terrorist groups, including harboring al-Qaeda; and of course, North Korea has probably nuclear weapons and two-thirds of an almost functional intercontinental missile which is having us rush to build Star Wars. So, is that the reason? I do not know.

It really seems to me there is something else going on here. Perhaps it is because the President brought a number of people from his father's administration who felt that they were frustrated because they did not get to go to Baghdad the first time when Colin Powell and George Bush 41 stopped them short of that goal; but these men,

these old men, these oil men, most of whom have never fought in a war or have never served in the military, are very deaf to the substantial concerns of Colin Powell, General Clark, and others in the war all too well.

They are deaf to the concerns of Middle East experts and Arabists at the State Department and our intelligence services. They are deaf to the very vocal concern of our allies around the world. They are deaf to the concerns of millions of Americans who have doubts about this adventure, and they are blind to the potential repercussions of the Pandora's box they will open with this war, the first war fought under the new Bush doctrine of preemptive war.

Never has the United States of America launched a preemptive war. The prospect of the United States pursuing a unilateral preemptive war with Iraq with little or no support from allies in the international community is gravely disturbing; but the international application of this doctrine could launch a war against a threat, that is, U.S. or any nation, could launch a war against a threat or perceived threat by another nation. Just think, India and Pakistan, China and Taiwan, Russia and Georgia. The list is long and frightening.

The administration proponents of this resolution would have us believe we have no option, but we do. Continued containment, deterrence and intrusive, unfettered inspections. There is a long list of the success of the last inspections rendered by Tony Blair to the Parliament, not by the Bush administration to the Congress: destruction of 40,000 munitions for chemical weapons; 2,610 tons of chemical precursors; 411 tons of chemical warfare agent; dismantling of Iraq's prime chemical weapons development and production complex at LAl-Muthanna; the destruction of 48 SCUD-type missiles; the destruction of the Al-Hakam biological weapons facility. The discovery in 1991 of samples of indigenously produced highly enriched uranium made them disclose their program so that led to the removal and destruction of the infrastructure for the nuclear weapons program, including the Al-Athir weaponization testing facility.

Intrusive inspections, despite the harassment, did work. We do have an alternative. We should return to that regime. We should go with our allies under the auspices of the United Nations. We should root out and destroy his weapons of mass destruction. We have an opportunity and a proven alternative before us, unfettered inspections, destruction of the arsenals; but it is not clear that that is the sole objective of this administration.

War should be a first resort? No. War should be a last resort.

Do not vote a blank check to this administration. They are all too determined to have this war no matter what occurs.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, as we engage in this most patriotic debate, I am struck by how much we all seem to agree upon. We all seek to avoid using our troops and unleashing our military might unless we are forced to. The greatness of our Nation is not measured in our muscle, but in our restraint. We are a Nation of awesome power; but we do not use it to conquer other peoples, to expand our borders. We are rightly proud of our history of taking the first blow before we move to respond. On this we all agree.

We all seem to understand and support the imperative of operating in cooperation with international institutions and multilateral coalitions when tackling truly global challenges. It is moral leadership to act in concert with others, and it is smart politics. We prefer this path for it speaks to our respect for others, and we follow this path because it makes the road to our national goals that much smoother. On this we all agree.

We all agree that the regime in Iraq is a menace to the region and anathema to international law, not to mention a disgrace to our common humanity. Even the most fervent opponent of use of force does not contend that Saddam Hussein is not a tyrant. On this we agree.

Finally, we all agree that in some degree or another preemption has to be part of our national defense. Perhaps this is more clear to those of us who once lived in the shadow of the World Trade Center or those of us who attended a funeral for one of the fallen of September 11 or those of us who looked into the eyes of a child whose parent was taken from them in the attacks.

We all agree if we could strike first to prevent the terror of 9–11 we all would have. We all would have. Preemption is not immoral. Permitting an attack that we can deter is immoral. On this we agree.

So how is it that we agree on so much yet differ on this resolution so starkly? Let me address three points I have heard today and, commonly, over the last weeks.

First, I have heard those that oppose the resolution argue that there is no imminent threat, nothing dire enough for us to act immediately. First, let me concede that this debate should have taken place after the election. It could have taken place after the election, and it would have been most appropriate for it to take place after the election; but I find it astounding that some suggest that because there is no smoking gun we ought not act.

To employ the same metaphor, we have a madman who hates us, gun and bullets in the same room. After hundreds of hours of hearings and thousands of pages of revelations about our failure to connect the dots on so many occasions, why is it now we hear this insistence on metaphysical certainty of the madman's intent before we act? News flash. What we do not know about his intent could fill a book. The same critics of our intelligence capability are now expecting perfect intelligence.

Secondly, some have argued that Saddam has not been belligerent. In fact, he has. The U.N. resolutions that were passed as part of the ceasefire in 1991 were agreed to by the parties to ensure that Saddam would not be belligerent. He has violated every one. Is not the violation of anti-belligerence agreements itself a sign of belligerence?

Finally, I have heard the argument that Saddam's capabilities are so degraded that he posed no threat to us or to his neighbors. I remind my colleagues that the cost of the entire September 11 attacks on our Nation were less than that of a single tank. How much does it cost, how hard is it to strap nerve canisters to a terrorist posing as a tourist and have them walk into Times Square or into the National Archives? He does not need an ICBM to reach New York or Washington. Saddam Hussein just needs a chance.

□ 1800

I will vote for the resolution, but I say to the President that I am voting for all of it. I am voting for the part that encourages that all diplomatic measures possible be taken, including a final round of inspections. Use of force as a last resort must truly be a last resort.

And to my colleagues who seek disarmament and concession for Saddam, as do I, I would urge we consider the need to demonstrate with no uncertainty that we mean business. The best way to avoid the use of force, I would argue, is to authorize the use of force. Cajoling, negotiating, strong language, harsh proclamations alone will not work against Saddam Hussein. Saddam Hussein must understand today that the jig is up, no more delay, no more obstruction. We will take your weapons either with your assent or without it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

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

I come to the floor, as we all have today, to address one of the most serious, probably the most serious matters that Congress can consider, and that is the use of America's military to preserve peace and defend our citizens. I rise in support of this resolution to authorize the use of force against Iraq.

The Iraqi regime, controlled by Saddam Hussein, remains a threat to the Iraqi people, Iraq's neighbors, the U.S., our allies, and American citizens. Saddam Hussein has weapons of mass destruction at his disposal, biological and chemical; and he has used them, as we

all know, on his own people and against other countries. He has continuously expressed hostility toward and a willingness to attack the United States. In fact, he was the only world leader to publicly applaud the horrific September 11, 2001, terrorist attacks on America. Members of the al-Qaeda terrorist organization are known to be in Iraq.

These facts simply cannot be ignored, and we cannot afford to wait while further terrorist attacks against the United States are being planned.

Today, Iraq continues to withhold important information about its nuclear program, weapons design, procurement logs, experiment data, an accounting of nuclear materials and documentation of foreign assistance. Iraq employs capable nuclear scientists and technicians and retains physical infrastructure needs to build a nuclear weapon. Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon, and the country's state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

Mr. Speaker, in order to preserve the security of the United States and our allies, we must move forward to address the threat posed by Saddam Hussein's regime. However, congressional approval of this resolution does not mean military action against Iraq is imminent or unavoidable. The military option is only one option. We are continuing, as we should, to work with our allies to address this threat together.

What Congress is doing by passing this resolution is showing the United Nations and all nations that America speaks with one voice. By passing this resolution, we are showing the world we are determined to support the President, and we are showing Saddam Hussein that full compliance with the demands of the civilized world is his only option.

I am pleased the President has moved forward to press for a new resolution on Iraq within the United Nations. This is appropriate, and I hope our efforts will be successful. However, in order to be successful, any new inspections, sanctions, or enforcement mechanisms will have to be different than the ones that the Security Council has already passed.

I remain concerned about the United Nations' inability to address Saddam Hussein. The Iraqi regime remains in unacceptable breach of numerous United Nations' Security Council resolutions, including those requiring full and unfettered weapons inspections.

Since the end of the 1991 Persian Gulf War, Iraq has fired many hundreds of times at American and British pilots as they enforce these resolutions. Every time the Iraqi regime fires a missile at our military, it further expresses its contempt for the U.N. resolutions, for America, and the international community. We should move forward to address this issue within the U.N., but the U.N. must move forward as well.

Mr. Speaker, I must also stress my concern for the innocent Iraqi people who continue to suffer under the regime of Saddam Hussein. This regime has forced them to suffer immeasurably, and my heart goes out to those people and their families. As we consider the use of force against Iraq, we must focus on the Iraqi people and ensure that any military action fully minimizes any civilian casualties. Our action must be taken to help the Iraqi people, not force them to suffer even more than they already have.

Mr. Speaker, in order to preserve the security of the United States, our interests and our allies, I urge my colleagues to join me and all of us supporting this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the distinguished chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution.

Mr. Speaker, the Committee on International Relations conducted 2 days of spirited debated last week and has reported out a bipartisan resolution that I believe all my colleagues can and should support. The resolution before the House today clearly lays out the case for the use of United States Armed Forces against the Iraqi regime of Saddam Hussein.

What brings us to this point? Why must we consider taking such grave action? Let us review for a moment the recent history of Saddam's reign.

He has already used chemical weapons against Iran and against his own people. He has launched an ethnic cleansing campaign against Kurdish people, killing thousands of civilians. He has invaded Kuwait. And during the ensuing Gulf War, he conducted an unprovoked missile attack against Israel.

Following his defeat in the Gulf War, Saddam agreed to eliminate his nuclear, biological, and chemical weapons program and to end his support of international terrorism. He has done none of that. In fact, he has repeatedly violated 16 United Nations' Security Council resolutions designed to ensure that Iraq does not pose a threat to international peace and security.

We know that Saddam possesses and manufactures chemical and biological weapons. We know that he seeks nuclear weapons. Many of us believe that, given nuclear capability, he would no doubt use it against his enemies, including, and perhaps most especially, the United States, for which he has shown nothing but disdain.

We also know that the Iraqi regime continues to serve as a supporter and sponsor of international terrorism, and that members of al-Qaeda, the terrorist group responsible for the murder of thousands of Americans on September 11, 2001, are known to be in Iraq. Saddam, of course, praised those attacks on innocent people.

We know that Iraqi military forces continue to fire upon American and British military aircraft as they seek to enforce the no-fly zones in northern and southern Iraq. The Pentagon confirmed last week that, since April of 1991, Iraq has fired on our coalition aircraft some 2,500 times, 406 times this year and 67 times in the last 2 weeks.

As long as Saddam Hussein remains in power in Iraq, the Middle East remains a potential powder keg, and countless innocent people throughout the world face imminent danger. By all accounts, the immediate threat posed by Iraq's possession, creation and/or acquisition of weapons of mass destruction is a substantial one. The President's request for congressional authorization to eliminate that threat is entirely appropriate.

Last night, in my hometown of Cincinnati, Ohio, President Bush made the case for adoption of the resolution before us here today. The President eloquently stated, and I quote, ''Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun, that could come in the form of a mushroom cloud.''

Mr. Speaker, many of the critics of this resolution have wondered what terrible things will happen if we take action against Iraq. The real question, I would submit, is what terrible things will happen to our Nation and the rest of civilized world if we do not take action.

Throughout the history of Saddam Hussein's long and brutal reign, he has shown no interest in being part of the world community. He has terrorized his countrymen and his neighbors, he has supported and provided safe haven for terrorists, and he continues his long-standing efforts to develop and deploy weapons of mass murder and destruction. All the while, he has shown no signs of remorse and he has given no reason to believe that he will change.

My colleagues who remember their history will recall a tyrant who terrorized Europe a few decades ago. The British Government at the time chose a policy of appeasement. Soon, Adolph Hitler's forces marched across Europe, raining death and destruction. Fifty-one million people went to their graves. We cannot let that happen again. As Americans, we will not let that happen again.

Mr. Speaker, I urge support of the resolution.

Mr. PAYNE. Mr. Speaker, it is a pleasure for me to yield 5 minutes to the gentleman from Georgia (Mr. LEWIS), a member of the Committee on Ways and Means and the Chief Deputy Democratic Whip. The gentleman from Georgia has personally been terrorized and has been a man of peace for so many years.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, my colleague, the gentleman from New Jersey (Mr. PAYNE) for yielding me this time.

Mr. Speaker, I rise to speak against this resolution. I rise to speak for peace. Blessed are the peacemakers, for they shall be called the children of God. Be they Christian, Jew, Muslim, Buddhist, Sikhs; be they white, black, yellow, red, or brown, blessed are the peacemakers, for they shall be called the children of God.

Today, we must ask ourselves, are we peacemakers? Will we cast aside our fears, our prejudices, our hate and embrace peace? Will we sow the seeds of peace, or are we just another nation sewing the seeds of war?

War with Iraq will sow seeds in the desert sands of the Middle East and throughout the world. What fruit will our actions bear, not just for us but for our children? And not just for the children of our land, but for the children of the West and the Middle East and the world? For it is the children, our little boys and girls, who must live with the consequences of our war.

What do we gain? What do our children gain when we have destroyed another nation? What do we gain when we have killed hundreds and thousands of their men, women, and children; when hundreds of our sons and daughters have died?

War with Iraq will not bring peace to the Middle East. It will not make the world a safer, a better, a more loving place. It will not end the strife and hatred that breed terror. War does not end strife; it sows it. War does not end hatred; it feeds it.

War is bloody, it is vicious, it is evil, and it is messy. War destroys the dreams, the hopes and aspirations of people. As a great Nation and blessed people, we must heed the words of the spiritual, ''I am going to lay my burden down by the riverside. I ain't gonna study war no more.''

For those who argue that war is a necessary evil, I say that they are half right. War is evil, but it is not necessary. War cannot be a necessary evil because nonviolence is a necessary good. The two cannot coexist. As Americans, as human beings, as citizens of the world, as moral actors, we must embrace the good and reject the evil.

As Ghandi said, ''The choice is nonviolence or nonexistence.'' The Reverend Dr. Martin Luther King, Jr., said, ''We must learn to live together as brothers and sisters, or perish as fools.'' There is something greater than military victory, bigger and greater than regime change and toppling governments. It is to this greater good that as a Nation and as a people we must aspire.

The scriptures say, ''What does it profit a man to gain the whole world and lose his soul?'' America's strength is not in military might but in our ideas. America ingenuity, freedom, and democracy have conquered the world. It is a battle we did not win with guns or tanks or missiles, but with ideas, principles and justice.

We must use our resources not to make bombs and guns but to solve the problems that affect humankind. We must feed the stomach, clothe the naked bodies, educate and stimulate the mind.

We must use our resources to build and not to tear down, to reconcile and not to divide, to love and not to hate, to heal and not to kill. This is the direction great nations should move.

War is easy, but peace, peace is hard. When we hurt, when we fear, when we feel vulnerable or hopeless, it is easy to listen to what is most base within us. It is easy to divide the world into us and them, to fear them, to hate them, to fight them, to kill them. War is easy, but peace is hard. Peace is right, it is just, and it is true. I know it is not easy to love thy enemy. No, peace is hard.

So we have war in Israel, and no peace. We have war in Kashmir, but no peace. We have war in Afghanistan, in Colombia, in Sudan and the Philippines, and no peace. It may be hard, it may be difficult, but the quest for peace is as old as the dawn of history and as fresh as the morning newspaper.

□ 1815

Mr. Speaker, my brothers and sisters, sometime, some place, leaders of a great Nation will have the courage to say, ''We will lay down the burden, the tools and the instruments of war. We will wage peace, not war.'' And that nation will be blessed, for they shall be called the children of God.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, this morning at 9:07, each Member of this body received an e-mail message, an alert; and it asked all of us to take precautionary measures. It told us all to restrict our activities at home and in our office. We were asked to share it with each member of our staff. I have that e-mail here. That e-mail dealt with a killer, a killer who we all know had murdered 5 people in Montgomery County, Maryland, and now is expanding his range.

The question has been asked this entire weekend, What motivates this person? Why is he doing what he is doing? Last night if one listened to the news stories, there was an answer given, a profile. The profile gave his motive; it gave his weapon. We all know his weapon is a high-powered rifle. It showed the geographic area he was operating in.

But what caught my attention was his motive. They said he is not a serial killer because a serial killer selects a certain type of victim. They said no he is motivated by something else, he enjoys killing. It is sport. He must kill again. He is what we call a thrill killer.

In that regard he shares something with another thrill killer, a thrill killer we know as Saddam Hussein, a thrill killer that is not equipped with simply a high-powered weapon, but we have heard the litany of weapons at his disposal. We are also told that he started out killing members of his own family in his own village and then he moved on to members of his cabinet, members of his political party, his countrymen, whole villages at a time, then Iran, then Kuwait. Then in the Gulf War, the first two victims of this thrill killer were two majors from the Alabama National Guard that served at the same base I served in in Birmingham, a thrill killer.

What is the response to a thrill killer when we identify, when we learn the identity of that thrill killer who started his rampage in Maryland? Will we react with resolutions? Will we try to establish a dialogue? Will we restrict him to home? Will we give him a notification that we would like to inspect his home from time to time? Will we simply rage about the violence and say that we are good people and he should not do these things?

Thank goodness when we find him it will not be the United Nations that goes after him; it will be the Montgomery County Sheriff's Department, and we will not have to build a consensus all over the United States among every sheriff's department and every group as to what to do. We will know what to do with him; and it will not be home restrictions, and it will not be inspections with notifications and limitations.

Mr. Speaker, I close with the words of George Washington, our greatest President when he responded at a moment like this as to how do you preserve peace, how do you make the community safe once again, how do you assure the safety of the people. He said: ''To be prepared for war is one of the most effective means of preserving peace.''

I close by saying that what this Congress needs to do is give our President what he needs to prepare our Nation for war, and in doing so we will preserve the peace and ensure the peace for our children and our grandchildren.

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

Mr. Speaker, I think it is appropriate that we pause briefly in this debate as we debate our fundamental responsibility about how we best protect our country and what role our constituents will play in protecting our country to appreciate the fact that at 4:15 this morning Eastern Standard Time two Marines with the 11th Marine Expeditionary Unit from Camp Pendleton, California, were outside of Kuwait City participating in a training exercise. One of those young Marines was shot and killed, and the other was seriously injured. We are waiting an update as to his condition. This was merely a training exercise taking place with the Kuwait military, and one person lost his life and another may because of a senseless act of terrorism.

Mr. Speaker, I would like to ask Members to join me in a minute of silence to give thanks to these two brave Marines and appreciate the sacrifice they have made.

Mr. Speaker, I thank the Members for joining me in that minute of silence.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I rise today in strong support of the resolution authorizing the President to use force against Iraq if necessary and under certain circumstances. He has laid the proper predicate. He seeks the support of Congress; and if successful here, he will pressure the United Nations to do their job.

If the U.N. succeeds in a full and acceptable inspection and finds no major violations, they file their report. If they find major violations, they should be forced to take the proper action. If they do not act, the President has a decision to make; and I trust his decisions, just as I trusted Harry Truman's decisions 57 years ago.

Thus, he has, and as much as the Nation has requested him to do, he has taken the steps they have asked him to take prior to asking for this resolution.

The fight against terrorism is a long and difficult mission. I along with most Americans have stood behind President Bush in his campaign against terrorism and the invasion of Afghanistan, and I continue to stand behind him. The President has consulted the American people and the Congress throughout this war. He is consulting us now before any decisions are made concerning Iraq. He will continue to put pressure on the United Nations and give them the opportunity to do their work. He will continue to call for Saddam Hussein to comply with the U.N. resolutions and for weapons inspectors to have unfettered access to do their job. He will continue to insist that any resistance, evasion, or delay must be dealt with clearly and decisively.

I believe that if force becomes necessary, the President's timing will be the right timing. The President has the benefit of information from international fact-finding sources, the Joint Chiefs of Staff, the United States intelligence, information that Congress and the average American citizen might not have available to them. I am convinced that the United States will not act until our actions are justified.

Saddam Hussein's past refusal to allow weapons inspections is a strong indication that his regime poses a very real threat to the civilized world. As cited in the resolutions we are debating today, Iraq has ignored 16 United Nations Security Council resolutions to date, and we expect that there will be more contempt for the United Nations. Saddam Hussein's continued pursuit of weapons of mass destruction, the appalling treatment of his own people and the neighboring countries around him, and his outward defiance of the United Nations mark him as a man who is not only dangerous in his only country, but also dangerous to many others, including the United States.

I think we are all in agreement that no one wants to go to war; but during these turbulent times, in order to preserve freedom and liberty, we are given sometimes very little choice. Thomas Jefferson once said: ''The price of freedom is eternal vigilance.'' Men like Saddam Hussein will not stop until they have accomplished their objective, or until they are forced to stop. We must be prepared to do what is necessary to remove the threat to our country and to all peace-loving people.

The Congress and the United States stand with the President in his strong resolve to defeat terrorism. The United States stands ready to carry out this mission in Iraq if necessary, and we ask that our allies and all free-loving countries join us in this just cause.

Mr. Speaker, I urge Members to support this resolution and give President Bush the authority he needs in order to protect the United States of America and the world from Saddam Hussein's oppressive rule.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I rise today to express my support for H.J. Res. 114. My support comes after many hours of personal consideration of the facts that are clear, as well as what may be the consequences of military action against Saddam Hussein. I have concluded that clear and present threat of military force is the only way to forge both a meaningful and enforceable resolution in the United Nations Security Council and hopefully a peaceful disarmament and destruction of weapons of mass destruction by Iraq. If the U.N. falters or Hussein continues his deception, then the United States must act.

President Bush has made a clear case against Iraq, and last night he answered the questions that all of us have heard from our citizens in our districts. I respect and understand the concerns that some of those in this Chamber have regarding preemption and a military strike. I understand those who speculate on the consequences of military action against Iraq. In my mind I fear the consequences of a failure to preempt the use of weapons of mass destruction far more.

On September 11, 2001, terrorists made an unprovoked attack using airplanes as weapons of mass destruction and killed over 3,000 innocent men, women, and children in New York, Washington, and Pennsylvania. Saddam Hussein praised them. In the Middle East, the families of suicide bombers are rewarded with cash by Saddam Hussein. Saddam Hussein considers mass murder an acceptable practice. If there were ever a case for preemption to be made, Saddam Hussein has made it himself.

Twice before in my lifetime two great American Presidents, John Kennedy and Ronald Reagan, used the American military and the fear of its use to peacefully resolve two of the world's greatest threats: the Cuban missile crisis and the Cold War. They were right then, and President Bush is right now. Our country and the world deserve a united Congress behind the President of the United States.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

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

□ 1830

Mr. GEORGE MILLER of California. Mr. Speaker, there is no question that this is a serious debate about the future of our country and about the future that our country will play in the world in which we live. The decision to be made here after this debate is whether or not the United States would declare war on Iraq because, that is what in fact is being debated before the Congress of the United States.

The President can argue, as he has, that he wants this resolution for a number of different reasons. He has said that he wants it to have a regime change. Later, he said he wanted it to disarm Saddam Hussein. He now says that he wants it simply to get leverage against the United Nations so that they will do what he has asked them to do, what he has quite properly asked them to do.

But, at the end of the day, we will be saddled with a vote to declare war on Iraq. I say this because this is the same administration that was arguing that they did not have to come to the Congress because, from the resolution that we passed in 1991, that they had inherent authority to do this. So I suspect you will be living with the results of the vote here for a long time to come.

There is no debate, I believe, in the Congress of the United States or most places in the world that Saddam Hussein is an evil man, that Saddam Hussein is engaged in some of the most atrocious acts against his own citizens and others around the world. But there is also no debate that he is in violation of the agreements that he signed at the end of the war, he is in violation of the United Nations' resolutions that have been passed, and a case can be made and clearly was made by the President of the United States that the United Nations should take action because of his contempt of those resolutions and his failure to comply.

Those were the agreements that he signed; and, if necessary, the United Nations should back that up with force.

This is not a matter of trusting Saddam Hussein or allowing Saddam Hussein to dictate where the United Nations will inspect or not inspect, and we have all been through that. This is not about him. This is about us, and

these are the terms and conditions, and they should be enforced.

If that fails, then it is not to suggest that the United States should go to war against Saddam Hussein. It is to suggest that the President then must come back to the Congress and meet the burden of proof that he, in fact, poses an imminent threat to the national security of the United States.

So far, from the best information I have been able to receive from my colleagues on the various committees of jurisdiction dealing with intelligence and defense and in the briefings that I have attended, that case has not been made. That does not mean that it cannot be made. It does not mean that maybe there is information that they are not sharing with the Congress. But understand this: They are supposed to share it with the Congress.

But that is a different burden of proof. That is a burden of proof of whether or not we will unilaterally make a decision to put American men and women in harm's way and whether or not we will invade another country for those reasons. That is a far different burden of proof. That is a far different decision than whether or not we will be part of or whether the United Nations will assemble a multi-lateral force to go in and to deal with the violations and the failures to keep the agreements that the United Nations has passed when he surrendered to the multi-national force in 1991.

But I suggest to my colleagues that if we do it in the manner which was presented in the resolution, not only do we undermine the idea of working with the United Nations, I believe that in the long term we undermine our position in the world and our moral authority to conduct these activities. I think when we combine this with the announcement by the Bush administration of its doctrine on national security of preemptive strikes, preemptive war, it is a declaration of war. Be it preemptive or be it defensive, it is war. That is what it is about. We can dress it all up into fancy policy language, but the question is whether or not American men and women will be called upon for that sacrifice to this country.

I think that, when we do that, we have got to make the case to the Congress and to the American people; and I think it is clear that case has not been made. I think it is also clear that the American people believe that we have got to deal with Saddam Hussein. I do believe that the President set out that course of activity when he went to the United Nations and rightfully asked the United Nations to take the action in support of those resolutions.

The suggestion is here that somehow if we pass this resolution this will give meaning to the United Nations because they will know, whether they do it or not, we will do it anyway. I suggest it is just the opposite. That suggests to the United Nations that they really need not act because somehow the United States alone will take care of Saddam Hussein, even if that violates the tenets of the reason the United Nations exists, so that nations can act together. But if the United Nations does not act, then they remove the means by which we can prevent the unilateral action that so many people say they do not want.

At the end of the day, I believe we have an obligation to vote against this resolution. I believe that if we are unsuccessful in the United Nations, then this President should come back to this Congress of the United States, make his case that Saddam Hussein/Iraq are an imminent threat to the United States, and let the Members of Congress vote how they will when that case has been presented and keep it out of just the notion of giving speeches and going to the newspapers. Come to the Congress and make the case. To date, the administration has not done so.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from North Carolina (Mrs. MYRICK), a senior member of the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank the chairman for yielding me this time.

If I had not been one who was given intelligence briefings, I may well have opposed this resolution. But since I know the facts, I support it.

I am a mother and a grandmother, and no one knows the horrors of war more than I do. None of us wants to rush into this war.

For months, our President has demonstrated that he will exhaust all avenues for peace before taking military action. However, we must remember that America has been trying for years to stop Iraq's weapons program through diplomacy; and it has not worked. Saddam Hussein threatens America and his allies at home and abroad.

It is easy to point out that Saddam is not at present invading other sovereign nations. However, it is not 1940. Saddam Hussein does not have to leave home to wreck havoc on humanity all around the globe. We Americans cannot understand the mind of a tyrant or a terrorist. If we think we can just live and let live, we must understand that they read that as weakness; and they will not let us live.

America has always achieved peace through strength and not always by going to war. Remember the Cold War. Some say, if we attack, it will further inflame the Muslim world. But we do not have a problem with all Muslims, only terrorists and tyrants. People who have been taught hate and have nurtured that from birth, hate for America, they do not need further cause. It is ingrained in their psyche, and pacifism on our part will not change that.

I am hearing people today say, well, let us wait until we see what they do and then we will discuss what we do. Or Saddam Hussein will not have weapons of mass destruction for another 10 years. Let us wait and see.

Wait until they attack us and kill who knows how many more Americans? What will then be the satisfaction in being able to say, well, gee, I guess President Bush was right?

President Bush is not the aggressor. Saddam Hussein is the aggressor who has chosen to live by the sword. Let us never forget that 9/11 was not the first terrorist attack on America or American interests. We not only have a right but we have a responsibility to defend our Nation and its citizens.

I urge my colleagues to join me in support of this resolution.

Mr. SHERMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

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

Mr. STENHOLM. Mr. Speaker, often when we Members come to the House floor to make our arguments about public policy, our rhetoric differs significantly because we have sharply different visions. Our policies are aimed towards different goals and priorities, and those various goals dictate various approaches.

Today, I do not believe we have different goals or hopes. I am convinced that every Member of Congress and, in fact, virtually every American citizen shares a common goal: protecting the safety and security of our Nation.

Everyone I know would prefer to avoid war. Everyone I know hopes that diplomatic measures will cause Saddam Hussein to disarm. Everyone I know agrees that multi-lateral action which brings international allies to the side of the United States is far more desirable and effective than unilateral action. These goals and preferences are shared by every Member of Congress who speaks on the floor this week.

I spent a great deal of time over the past few weeks listening to the concerns and anxieties of my constituents, the arguments of this administration, and the whispers of my own heart. Following that time of listening, these are the things I now conclude:

First, the message of September 11, 2001, was undeniable. The United States has enemies who will stop at nothing to harm us in the most insidious and destructive ways possible. Their disregard for their own lives means that they can and will take the lives of thousands of innocent Americans on our own land.

Secondly, despite this horrible truth, we must refuse to live in fear. If we allow ourselves to be intimidated, our enemies have conquered not only our bodies but our spirits as well.

Thirdly, Saddam Hussein has left no room for doubt about his willingness to amass and use weapons of mass destruction. Knowing of his character and capacity, we simply give time for Hussein to become stronger and more

dangerous if he believes there will be no consequences for his actions.

Fourth, I do not believe the United Nations will take the action it must take to defend its own credibility and, most importantly, the safety of the world absent a forceful statement of conviction from the United States.

This resolution which will pass the House of Representatives by a strong bipartisan vote tells the world of our resolve. Having reached those conclusions, I am now prepared to vote for the amended bipartisan resolution authorizing force against Iraq.

Like every one of my colleagues who votes the same way, I reach this point with a great sense of somberness. The President made it clear that military action is not inevitable, but it is possible, and this means that some of our finest young men and women will once again risk their lives to protect our Nation. As the father of three and the grandfather of two, I have great empathy for every family whose young people will be at risk. I also have an enormous sense of gratitude for the men and women in uniform who put their lives on the line day after day.

The vote we take this week is difficult because it acknowledges the hard and potentially painful work we have ahead of us. This is just one step of a very long journey towards national security. I am convinced, however, that we risk only greater pain if we do not take this step. Ignoring the threat Saddam Hussein poses will not eliminate that threat. It will not remove the potential pain. We must face Hussein head on so that he has no more time or opportunity to become stronger and more dangerous. I sincerely hope and pray that freedom-loving nations around the world will join us in that cause.

President Bush, his administration, this Congress and the American people will need wisdom and strength for the days ahead. My prayer for all of us is that we might be granted just that as we continue down this path together.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, we all stand in this Chamber once every 2 years in January and hold up our right hands and take an oath to defend the Constitution of the United States of America and defend our great Nation against all enemies, foreign and domestic. That same Constitution that we swear an oath to defend gives the President of the United States the right to serve as Commander-in-Chief and to also conduct foreign policy.

Today, our President has come before the Congress and asked us to support a resolution so that he can conduct foreign policy and that if he needs to serve as Commander-in-Chief, defend our Nation against an enemy who is both foreign and domestic. Because Saddam Hussein, as leader of Iraq, has engaged in terrorism, has sponsored terrorism, has said repeatedly that he wants to do the United States of America harm.

Some would have us believe that we should not take Saddam Hussein at his word, that we can continue to use diplomatic means to try to get him to back away from developing biological weapons and chemical weapons and to get him to back away from calling the United States the Great Satan, things of this sort.

□ 1845

It has not worked in the 11 years since we were last in the Middle East; there is no reason to expect that it would work today. But that is an option.

Others would have us believe that if we just go to the United Nations and get one more resolution, one more sanctions resolution, that somehow Saddam Hussein, although he has violated repeatedly every other U.N. resolution, one more U.N. resolution he might honor.

The proof is in the pudding. If we wait for the U.N. resolution, there is a probability, almost a certainty, that our great Nation will probably be subjected to some sort of an act of terrorism that is in fact orchestrated by Saddam Hussein.

So I think the President is right when he says that he wants to work with the U.N., he wants to get international cooperation. But the fact of the matter is that the Constitution that we swore an oath to defend says we have to protect our great Nation against all enemies, foreign and domestic. We cannot wait for diplomatic means; we cannot wait for U.N. resolutions that might or might not have an effect in the future.

What should we do? We should vote for this resolution. What if we do not? Well, Iraq has used chemical weapons in the war against Iran. It has used biological weapons in the war against Iran. It has developed at least six chemical weapons and eight biological weapons. It is developing the means to develop a nuclear weapon. It is developing the means to transport these biological and chemical weapons by bomb and by missile.

So I think the time is now to act. I think we vote for the resolution. We show the President of the United States we will support him as Commander in Chief, if need be. He certainly has conducted our foreign policy.

We prepare for the worst; but, hopefully, by doing this, we will yet engender some solution that does not require the use of military force. But if it does, as the resolution says, we should give the President that right.

So I intend to vote ''yes'' on the resolution, ''no'' on the Democratic substitute, and hope we can move in a unified way to support President Bush and defend our Nation as we said we would when we took the oath of office when we stood up here in January of 2 years ago.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a senior member of the Committee on International Relations and vice Chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, as we debate the most important choice that any Member is called upon to make, that of war or peace, of life and death, I begin with the earnest view that in the defense of our beloved country there are no Democrats or Republicans, only patriots. Together we exhibited this idea after the attack on our homeland on September 11. I, along with others, voted to give the President unprecedented powers and resources to fight the war against terrorism, bin Laden and al Qaeda. That is the war I want to stay focused on. I have voted in the past for the use of force in the national interest and security, and I stand ready to do so again.

But I am not willing to invoke that power in the passion of the moment, or at the beat of someone's drum. So I say, Mr. President, I have yet to see your evidence of the clear and present danger, the imminent threat to the United States.

I listened intently to your speech at the United Nations and to that of Secretary Powell before our committee. You cited a long litany of Saddam Hussein's violations of U.N. resolutions, and these violations are real. But, Mr. President, they were real when you took office nearly 2 years ago. They were violated before you took office, and they were real before September 11. Why the rush now?

Mr. President, I have heard you describe Iraq's possession of weapons of mass destruction, chemical and biological; and, yes, Saddam Hussein has had those weapons since you took office and before you took office. Yet you did not beat the drums of war then.

Yes, Saddam wants to acquire nuclear weapons; but that has always been his goal, both before and after you became President. And yet, Mr. President, you did not beat the drums of war then.

Saddam does not have nuclear weapons, and the estimates are that it may be years before he can achieve that dark reality. Who did we attack after September 11's tragedy? Was it Saddam Hussein? No, it was al Qaeda and Public Enemy Number One, bin Laden.

This September, Mr. President, you challenged the United Nations to act or be irrelevant. I agreed with you in that assessment. But you cannot ask the United Nations to act and be relevant while you tell them that we, nonetheless, intend to be a Lone Ranger, regardless of their actions.

The war on terrorism is working because we are working as an international team. Let us not tear that apart.

The doctrine of preemption, if carried out precipitously on Iraq, without the exploration of viable alternatives, without the full support of a coalition we have built to fight terrorism, and without a serious consideration of the attendant risks, may cost America in lives, money and international cooperation, far more than the presumed benefits may justify.

Like the Statue of Liberty, America's foreign policy has been a symbol, a powerful beacon that guides the world towards peace and cooperation. This is not to say that America can never act preemptively in self-defense. But it most certainly is to say that we must consider how unilateral action might affect the international system we have worked so hard to build for the last half century. It most certainly is to say that attacking Iraq without the support of the world community will create more enemies and expose the United States to more dangers.

Mr. President, the drum of war has left no room for the answer to these questions: If we do not have an international alliance to disarm Iraq, what will be the damage to our alliance on the war on terrorism?

If we invade Iraq alone, are we ready to lose thousands of American lives in a ground attack in urban warfare?

Since you have said regime change is our goal, is it not more likely that Saddam will use weapons of mass destruction against our troops and our allies, which he withheld during the Gulf War?

If he strikes our ally, Israel, what will be the consequences of the stated intention of Israel to strike back, in the rest of the Middle East? Will we fan the flames of a wider regional war and create a new crop of al Qaeda recruits? In such a regional conflict, will President Musharref in Pakistan hold on to power or will he lose it, and the nuclear weapons Pakistan has, to dangerous fundamentalists?

What is our post-Saddam strategy? In a country that has separatist desires by Kurds and Shiites, how long will we stay, how many lives will be lost and how much will it cost? Are the estimates of $200 billion to prosecute this war the floor, or the ceiling?

If we seek to disarm Iraq, we need an international coalition to do so. Not only should the international community be enlisted in this cause, they must be part of shedding the blood and spending the money for global security. Such a coalition ensures that America is not left alone in our fight against global terrorism.

You have said that Iraq is a continuing threat. America faces many continuing threats which we have not sought to preemptively strike. The standard must be higher.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair would remind Members that their comments should be directed to the Chair and no other person.

Mr. MENENDEZ. Finally, Mr. Speaker, there is another grave and gathering threat to the United States. It is the threat of economic insecurity at home that leaves us ill-poised to have the resources to prosecute the multiple wars the President has asked us to pursue.

A war against Iraq could be a dangerous blow to our fragile economy at this time. It is a grave and gathering economic threat to the self-confidence and stability of American families who have already seen their retirement security squandered by corporate crimes and their children's educational savings squandered by the blows to a market at 4-year lows.

But to these threats, we have heard no drumbeat, only silence.

Mr. President, we stand with you in defense of the United States, but we cannot sign on to a blank check that has no clear exit strategy, that will leave us all but alone in the world community, and that will strain our ability to deal with other security challenges that we may simultaneously face. And that sets an unwise precedent that will be paid with the lives of thousands of young Americans.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska, Mr. OSBORNE.

Mr. OSBORNE. Mr. Speaker, in 1941 President Roosevelt asked Winston Churchill what the new war should be called. Churchill replied that it should be called the ''Unnecessary War,'' because throughout the 1930s Hitler had done this: he had declared his intent; he had written a book about it; he had built his arsenal and military; started the Holocaust; invaded Poland and Denmark; and refused diplomatic settlement.

Most of Europe, and the United States in addition, hoped that Hitler would be satisfied with his latest conquest. So we sat and we watched, and we sat and we watched.

Churchill's point was this: Hitler could have been stopped in 1935 or 1936 or maybe 1937 with few or no casualties at all. By 1941 he was poised to conquer the world; and as a result, 50 million people died.

There are some parallels I think with our present situation, because Saddam Hussein has, number one, declared his intent to move against his neighbors. No one doubts his motives or intentions. He has killed thousands of his own people, which is very similar to the Holocaust. He has invaded Kuwait, similar to what Hitler did in Poland. He developed weapons of mass destruction, and he has used them. And he has defied all diplomatic resolution of the problem.

One thing is different in 2002 from that which was present in 1941, and that is that today's weapons can kill hundreds of thousands of people, where in 1941 a bomb or a shell could maybe kill 100 or tens or whatever.

We would be foolish not to heed the lessons of history. The President is correct, we cannot afford to do nothing. It will only cost more human lives if we wait. The best chance we have for a peaceful resolution with Iraq is to convince Saddam Hussein that we will not settle for less than complete disarmament, even if this involves military action. I urge support of the resolution.

Mr. SHERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the distinguished gentleman from California for his generosity in yielding me time.

Mr. Speaker, I regret that the intentions of this Congress and the people of this Nation are turned to the question of war. I would greatly prefer that we take the floor of this People's House tonight to engage the keenest minds and truest hearts of my colleagues on both sides of the aisle in the difficult and persistent struggles for better health care and financial security for our seniors, economic and social justice for people of color in this Nation, and to begin again to set this country on a course that will revive the prospect of economic growth for our business community and for labor.

In fact, as a member of the Committee on Veterans' Affairs, given a choice, I would rather we wrestle tonight with the issue of how we might as a government meet our obligation to care for our aging and disabled armed service veterans.

But instead, tonight we face the prospect of war. And a new generation of good Americans from cities and towns all throughout our districts, who, like their grandparents and parents before them, will be the ones who will answer the call to duty. From my perspective in my district, they will come from neighborhoods like South Boston and Dorchester and Hyde Park and West Roxbury and all across the city of Boston. They will come from the historic blue collar city of Brockton and from the proud communities and historic communities in Braintree and Milton and Norwood and Dedham and Bridgewater, whose streets and town commons are marked row after row with memorials of heroes past, from battles that begin at the birth of our country to the present, and whose grandsons and granddaughters will now be asked to serve in the defense of our freedom.

We have been asked tonight to decide whether the President of the United States shall be granted the authority to use military force to eliminate the threat posed by the regime in Iraq led by Saddam Hussein, in the event that all diplomatic efforts fail.

This is a question that weighs heavily on me, and it is the gravest question that will confront this Congress.

After attending with my colleagues from both sides of the aisle numerous briefings at the White House and with

defense officials, as well as independent briefings with foreign policy experts, including the former chief U.N. weapons inspector during the Clinton administration, I have come to the conclusion that the danger to the American people as a result of a failure to act against Iraq is simply too great.

In reaching my decision to support this authorization resolution, I have focused on the undisputed facts: Saddam Hussein has developed and deployed chemical and biological weapons. Despite Saddam Hussein's denials, we know that he has actively sought to develop a nuclear weapon since the early 1970s, a pursuit that he accelerated during the Gulf War.

□ 1900

Saddam Hussein has murdered thousands of his own citizens with chemical weapons, and we know that Saddam Hussein has already given aid and support to terrorist organizations and indeed has engaged in terrorist actions himself as he attempted to assassinate or give directions for the assassination of our former President George Bush in 1993.

Saddam Hussein has committed environmental terrorism by setting fire to Kuwaiti oil fields and dumping raw crude oil into the ocean during the Gulf War. And he most recently has authorized payments to the families of suicide bombers who would take the lives of innocent civilians, and he has given shelter to terrorists within his own country.

As one who shares with my colleagues the responsibility to protect Americans at home and abroad, I cannot and will not stake tens of thousands of American lives or our long-term national security on a hope that Saddam Hussein will reverse 25 years of deceit and aggression.

The consequences of a failure to act in this instance will be visited upon our cities and towns. That is the nature of the threat that we face. Unless this man is disarmed, until we know that he no longer has and will not ever develop these devastating weapons, we will not be safe; and international peace will continue to be threatened.

Mr. Speaker, we are working with the international community through the United Nations to build a consensus on a course of action that will force Hussein to comply with U.N. mandates. This process is important; and I believe we must continue to try to work with the United Nations, as Saddam Hussein is not just a threat to America, he is a threat to world peace. As well, the consequences of the use of weapons of mass destruction are global and the effort to prevent their use should be global as well.

I respect the right and the position of my colleagues, especially from my own delegation in Massachusetts who have come to a different conclusion, but I feel in my heart that in the best interests of our country we should support the President's resolution, and I ask the Members to support that resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce.

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

Mr. Speaker, more than 200 years ago, the first President of the United States addressed the Nation's first Congress with these prophetic words: ''The preservation of the sacred fire of liberty and the destiny of the Republican model of government are, finally, staked on the experiment entrusted to the hands of the American people.''

Today, we find ourselves in a new century confronted by new trials. We have withstood attempts at invasion, survived a bloody Civil War, endured two world wars, and prevailed in the long twilight struggle President Kennedy spoke of more than 40 years ago.

Ten years ago, confronted by the specter of Kuwait brutally overrun by Iraqi forces, the United Nations and the United States led a coalition of more than 28 nations in a war of liberation. Then President Bush plainly outlined our war aims. He said, ''Our objectives are clear. Saddam Hussein's forces will leave Kuwait. The legitimate government of Kuwait will be restored, and Kuwait will once again be free.'' All of this was achieved.

He then went on to say that, once peace was restored, it was our Nation's hope that Iraq will live as a peaceful and cooperative member of the family of nations. This hope has been unfulfilled.

So in Franklin Roosevelt's words, ''There has come a time in the midst of swift happenings to pause for a moment and take stock, to recall what our place in history has been, and to rediscover what we are and what we may be.''

There is no greater example of what we are than how we responded to the terrible events of September 11. Confronted with the massacre of innocent lives, the attack on the World Trade Center and the Pentagon and the horror of the instruments of modern technology being used as a means of our destruction, we did not falter. In the weeks and months since, we have buried our dead, cared for our wounded, aided the widows and orphans, improved our defenses, and taken the war to our enemy. Now, we are asked to do more.

Over the past few months, I have agonized, along with my neighbors and constituents, on the degree of threat the renegade regime in Iraq represents to our safety and security. It is for these and other reasons that I set the bar so high on what I would require before I would embrace any presidential action that included the use of force to remove Hussein and his henchmen from power.

The most compelling reason, as I have written to my constituents, was the realization that any decision to finally remove Hussein and his regime, once begun, could not be permitted to fail. For those reasons, I urged the administration to work to promote a regime change short of the use of the military option.

I went on to argue that, should these efforts fail, then it was incumbent upon the administration to make its case to the United Nations, to the American people, and to Congress before inaugurating any major military undertaking against Iraq.

This our President has done. Now it is time for us to decide.

I will vote ''yes'' on this resolution. While I still hold out hope that by its passage the United Nations will be empowered to force Iraq to comply with the will of the international community, that it will eliminate all its weapons of mass destruction, I bear too great a responsibility to allow my actions to be governed by that hope alone. As a Member of Congress, I must act upon information I possess in a way that most clearly protects our people and our way of life, and what I know is this: Should the U.N. fail in its mission, we will have very little choice but to act.

I am now persuaded that, left to his own devices, Saddam Hussein will not be content until he has the means to murder his own people and the people of many nations with the most horrible weapons of war. This we cannot permit.

Mr. Speaker, I ask for an affirmative vote on the resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS), the voice of the boisterous and a senior member of the Committee on Education and the Workforce.

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

Mr. OWENS. Mr. Speaker, I urge all Members to vote ''no'' on this resolution which seeks to stampede the Congress into granting the powers for unilateral declaration of war on Iraq. Aggressive action against terrorists is needed, but we should not damage our own capability to wage the broader war against terrorism by succumbing to an all-consuming tunnel vision action on Iraq.

Certainly, all Members of Congress recognize that we are living in a time of new dangers and new kinds of unique risk. The Cold War era, with its possibilities of nuclear annihilation restrained only by threats of mutual destruction, was also a time of great danger. We did not succumb to panic and hysteria during the Cold War; we should not succumb now. Our present recognition, our new awakening to the possible lethal potency of terrorist tactics perpetrated by hidden worldwide terrorist organizations is the new national defense reality. The massacre at the World Trade Center on September

11 has seared the reality of this new danger into our minds.

This is a debate about how our great democracy will coexist with this new set of challenging dangers. It is about how we will cope with a new set of recognized risks.

I contend that this administration has made the wrong analysis and has set the wrong priorities. President Bush mistakenly proposes that the obliteration of the capacity of Iraq to deliver biological, chemical, or nuclear weapons must be at the center of our strategy for national security and safety. In particular, the President proposes that we go to war to prevent Iraq from acquiring nuclear weapons. The assumption, which is certainly correct, is that, through Iraq, terrorists would have access to nuclear weapons. It is absolutely necessary that we do all that we can to prevent nuclear weapons from falling into the hands of terrorists.

In connection with this overwhelming need to keep nuclear weapons out of the hands of terrorists, Mr. Speaker, to the President and to all advocates of the invasion of Iraq, I would ask one simple question: Do you all realize that the simplest route for terrorists to gain access to nuclear weapons is through the takeover of our embattled and endangered Islamic ally, the Nation of Pakistan, which already at this moment has nuclear weapons?

Al Qaeda terrorists and other extremists are already on the borders and inside Pakistan. This Muslim Nation is our most vital ally in our fight against terrorism, but Pakistan is an endangered ally. Each $1 spent to strengthen the friendly government of Pakistan, whether it is for economic development or education or whatever, each dollar would produce more safety and more security for America than $1 million spent invading Iraq.

Mr. Speaker, my contention is that our present all-consuming focus on Iraq is a major blunder. I repeat my common-sense observation: Iraq may acquire nuclear weapons within a year, but a successful terrorist coup in Pakistan would place nuclear weapons in the hands of terrorists immediately.

Saddam Hussein, the monster who pays bonuses to the families of Palestinian suicide bombers, is truly one of the most dangerous tyrants in the world. All that has been said and charged against Saddam Hussein on this floor are true charges, and he must be contained. But blind obsession with Iraq represents dangerous American policy and strategy tunnel vision.

Wake up, FBI, CIA, colleagues here in the Congress. Wake up and understand that the war on terrorism must remain a comprehensive war. If we are sucked into the bottomless pit of a war with Iraq, we will be unprepared and shocked by calamities that rain down on us from other theaters of conflict.

Our cocksure experts have already blundered and allowed the leadership of al Qaeda to escape in Afghanistan. I challenge these same experts in their assignment of maximum priority to an invasion of Iraq. Protecting nuclear capabilities of friendly Pakistan from terrorists should be a greater priority.

We must not remain silent and compliant. We must understand that it is important that we fight terrorism, the wider war against terrorism, and it must be fought more effectively and not jeopardized by a focus on Iraq. Vote ''no'' on the resolution to declare war on Iraq.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, in an ideal world, we would all choose peace, words could be trusted, and war would be unnecessary.

But we do not live in that world. Our world has tyrannical thugs and fanatical terrorists who choose to make us their enemy.

Supporting the resolution that would send Americans to war is not easy. We all know young people that wear our Nation's uniform and we know that when we send Americans to war, some do not come home.

But we also know that 3,000 people died right here at home, the result of fanatical terrorists. We know that we must lead. The world wants America to lead. We need to keep that line in the sand, but if we must wage war, we must also wage peace. We must show the world that we are not aggressors, that we want peace and stability and that America will stand to improve the region and improve stability.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. GRUCCI), my good friend and colleague.

Mr. GRUCCI. Mr. Speaker, before all of America, President Bush declared our war on terror begins with al Qaeda, but does not end there. Without fully disarming Saddam Hussein and his weapons of mass destruction, America and our allies cannot be safe; and the war on terror cannot be won.

□ 1915

The safety of all Americans, both here and abroad, is directly threatened by the weapons of terror already developed by Iraq. We must not allow America's cities to become the testing grounds for Saddam's nuclear capabilities, which is just around the corner. We must now act to protect our children, our neighbors, and our future generations from the evils that lie ahead.

The case against Saddam Hussein and his regime is clear. He continues to stockpile chemical and biological weapons and actively seeks nuclear capability; he threatens his neighbors and has stood in defiance of U.N. resolutions time and time again. Saddam must be stopped before we find him and his evil regime dispensing terror within our borders.

Mr. Speaker, I ask my colleagues to join me in supporting House Joint Resolution 114.

Mr. SHERMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

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

Mr. Speaker, this week marked the 1-year anniversary of American efforts to drive al Qaeda from Afghanistan and liberate the Afghan people from the Taliban. We have already learned important lessons from that conflict. First, we reaffirmed that the men and women of America's Armed Forces are strong and that they are courageous; second, we saw the benefits of acting with regional partners and other friends united behind us; third, we continued to see every day the long-term commitment required to help a society transition from a ruthless dictatorship to a more representative government.

The way we fought in Afghanistan offers important lessons as we now confront the threat posed by Saddam and his weapons of mass destruction. He is a menace to his people and to the entire region; but his weapons of mass destruction pose the most significant risk, and it is because of these weapons that we must today authorize the President to act, including with military force.

In saying that, I am not accepting the administration's line uncritically. The first resolution submitted to Congress by the President was patently unacceptable. It would have allowed the use of force not just against Iraq, but throughout the region. It did not link the authorization in any way to the essential negotiations now occurring within the United Nations Security Council.

Critically, in my mind, the resolution also did not address the broader implications of action. The administration has said that the risk posed by Saddam is too great to do nothing, but this risk must be balanced against the long-term risk of reckless or ill-considered action.

On September 4, Mr. Speaker, before the original resolution was submitted to Congress, I drafted a letter to the President asking three critical questions: First, how would we manage Iraq's transition to a stable post-Saddam regime? Second, how can we ensure that action in Iraq does not undermine international support for the broader war on terrorism? Third, how can we ensure that the United States military can still execute its other missions?

The resolution originally sent to Congress offered no means to ensure that these questions were answered. Through meetings and hearings by the Committee on Armed Services and in private conversations, I have discussed these issues with the White House, the Defense Department, the State Department, the Central Command, and numerous retired senior officers and foreign policy experts. What chilled me were the implications of getting the long-term implications wrong.

If we act without international support, we risk losing support for the broader war on terrorism, as well as our credibility as a global leader. If we do not immediately plan for the post-Saddam transition, we risk fueling resentment and creating anarchy that could destabilize the Middle East and create legions of new terrorists.

In the history books, Mr. Speaker, this resolution will constitute only a footnote, and any conflict with Iraq will constitute but a paragraph; but Iraq's future beyond Saddam and the role we play in its transition will fill a chapter, as its implications cascade far beyond Iraq to the rest of the region.

That is why, with the gentleman from South Carolina (Mr. SPRATT), I drafted a resolution that would deal with all these points. Through the leadership of the gentleman from Missouri (Mr. GEPHARDT) and others, the resolution before us now incorporates almost all of them.

This resolution authorizes the use of force, but strongly supports the President's efforts to work through and with the United Nations to enforce its resolutions and to force Iraq's compliance with them. It expresses a strong desire to work multilaterally, but reserves the right to act alone if we must. It requires certification, before force can be used, that diplomatic efforts will not achieve the goal of Iraqi compliance and that actions entailing military force will be consistent with the global war on terrorism.

Finally, the resolution requires the President to report to Congress both on the conduct of any military action and on what comes next.

This is not a perfect resolution, but it is a resolution that simultaneously supports the United Nations and our men and women in uniform who every day risk their lives to defend our national security. It makes clear to Saddam Hussein that we will work with our friends and with our allies, but that his efforts to blackmail the world with his weapons of mass destruction will not succeed.

So, Mr. Speaker, it is with heavy heart, great hope, and mindful of the responsibilities borne by Congress alone that I urge my colleagues to support this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), a combat Vietnam veteran who was wounded during his service and is chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans.

Mr. GILCHREST. I thank the gentleman from New Jersey for yielding time to me, Mr. Speaker; and I urge my colleagues at the end of the debate to vote for the resolution that is now before us for the following reasons:

Blessed are the peacemakers, who freed the prisoners at Auschwitz; blessed are the peacemakers who freed Europe from the yoke of Nazism; blessed are the peacemakers who saved the people of Kuwait from Saddam Hussein; blessed are the firemen, the policemen, the medical personnel, and others who sought and brought comfort to those wounded and to the families of those who were killed on September 11; blessed are those men and women over the generations who sought peace.

We are not in a panic tonight about Iraq; we are moving deliberately and methodically in a way to understand and to base our decisions on the following facts: Saddam Hussein has waged aggressive war, brutal war, against his neighbors over the last 20, 25 years; he is pursuing weapons of mass destruction to do it again; he is pursuing weapons of mass destruction against his own people on a tragically experimental basis; he has launched ballistic missiles against his neighbors; he is brutalizing and torturing his own citizens; he is harboring a network of terrorists. The list goes on, and it is endless.

It is not a matter for us as peacemakers of if we go into Iraq. It is a matter of when we do it, how we do it, and who we do it with.

The world has had, for thousands of years, three main enemies that have wrought despair and destruction. Those enemies are ignorance, arrogance, and dogma. When we put them together in the form of a man like Stalin or Pol Pot or Hitler or Milosevic or Saddam Hussein, we wreak despair and destruction.

The solution to those things in a democratic process is knowledge, humility, and tolerance. Those are the tenets upon which a democratic process finds its strength. They are absolute, in an absent way, in a dictatorship like Saddam Hussein's. Absent democracy, we have an Auschwitz, we have Pearl Harbor, we have September 11.

It is difficult for us, yes, as we debate this to understand naked brutality, a psychological nemesis like Saddam Hussein; it is not difficult to understand what must be done. What must be done now is for the United States, the only country in the world that can do it, to take a leadership role in this time now, with the international community, to remove Saddam Hussein from his power and restore peace, life, hope, and dignity.

Blessed are the peacemakers.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member of the Committee on Resources.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from New Jersey for yielding time to me.

Mr. Speaker, we meet today to debate and cast one of the most important votes we are asked to make as a Member of this body. None of us can look lightly nor politically upon the decision to send American men and women to war. This is a resolution to grant one man unprecedented, unconstitutional, unprovoked, and unsupported power to start a war.

As was the case 11 years ago, this vote has weighed heavily on my mind; but unlike 11 years ago, today we debate the issue within 30 days of political elections, versus 11 years ago, when we were in a rare January session after the elections and in a much calmer atmosphere.

I supported President Herbert Walker Bush. The evidence back then was clear and convincing: Iraq had invaded a neighbor. The United States had strong international support which even helped us pay the costs of that war.

Today, the situation is starkly different. Not only is the evidence circumstantial, at best; but we will have to pay our allies or cut them in on oil deals to buy either their silence or reluctant support for this war. These costs are on top of what President Bush's top economic adviser, Lawrence Lindsey, estimates to be a 100 to $200 billion cost of an invasion of Iraq, figures that are mind-boggling.

I have had many questions about the prospect of U.S. military engagement with Iraq. This vote is so important to me that I did travel to that country to seek answers to some unanswered questions. I thought it was important to open a dialogue with the Iraqi people for several reasons. I did not get all the answers which I sought, either in Iraq or here in this country.

I will not be bullied by this or any President of the United States. I do not work for the President of the United States. I think it is time to cool the war rhetoric, the cowboy rhetoric, if you will. I think it is important for Iraqi civilians to see that Americans, among them West Virginians that I represent, are not a warmongering people. I work for the people of West Virginia.

The President has, and rightly so, asked Congress to debate and vote on this issue. We do not wage war simply for war's sake. The State of West Virginia proportionately sends more of our men and women to wars than most other States. West Virginians could die. We consider the life and death of people on both sides of this war, and even beyond. That is what we are considering today.

As an Arab-American Member of Congress, having extensively traveled in the Middle East and having questioned U.S. policy in this region under both Democrat and Republican Presidents, I felt myself to be a credible messenger. I would go again, even if I remotely thought the door to peace would be ajar.

I wanted to deliver a message to the Iraqi leadership that President George Bush is serious; that the only hope whatsoever of any possible peaceful resolution, and in order to prevent further devastation and suffering of the Iraqi people, would be to accept unconditional and unfettered access to U.N. weapons inspectors into the country, period. No gimmicks. No games. No kidding.

My repeated message to Iraqi officials during my trip was to allow the unconditional and unfettered access by

U.N. inspectors. I told them the moment was right if the fruits of peace are to be harvested.

□ 1930

But Iraq had to take a dramatic new approach. I was pleased when, upon my return to the United States, the Iraqi government announced it would allow U.N. inspectors back into the country unconditionally. Was this all that I asked? No. No. It certainly was not, but it was a step in the right direction, but it should not be so out rightly rejected by slamming shut airtight the door to peace.

There is no question, and I recognize as well as the next person that Saddam has played games in the past, there is no question that past weapons inspectors have also been spies, seeking pernicious embarrassing minutia on the Iraqi leadership.

Today's inspectors must be objective, professional and no doubt will have more advanced technologies than 4 years ago. They must have the time to do their job, and they no doubt will have international support. Weapons inspectors must have access to presidential palaces, mosques, schools, hospitals, places where Saddam will, if he has anything to hide, no doubt use so as to be able to claim collateral damages when we hit these sites.

So I do not trust the man. No, I do not. I recognize the deceit and the lies of the past and the fact that he has used chemical weapons against his own people, during which time the U.S. said little because we cared little for victims and Saddam knew that at the time. We cared little for those victims whom Saddam was gassing and using chemical weapons against.

I want America to give peace a chance. I want Iraq to give peace a chance. As hard as it is for them to say anything, Iraqis may be the first to say that Saddam Hussein must go. But I guarantee you, Americans are the last from whom they want to hear the message. Iraqis feel that U.S. policy in the region robs us of any credibility and morality whatsoever.

I ask the administration to abandon its cowboy war rhetoric. Remember your campaign words, Mr. President, for a more humble approach to international affairs. We have and will be able to continue to contain Saddam. He loves himself more than he hates us.

I know we all are and will continue to seriously reflect and ask what is in America's best interest. I know that we will all continue to seriously reflect and ask what is in America's best interest here, and I do hope we not take as gospel what one particular country in the region tells us nor follow their agenda above our own. We should plan what is best for America in the whole region and our future, not to be perceived as siding and consulting and planning every detail with another country. Only one voice and one view is needed.

Let us consider the feelings, whether public or private, of all of our allies in the region. Let us recognize the tremendous strains and pressures we put upon the very effective coalition that President Bush has put together to fight the true terrorists, al Qaeda, America's war on terrorism. I strongly support those efforts. That is the war that should be ratcheted up. That is a direct and imminent threat to the United States for which we have proof.

So I say to my colleagues as I conclude, let us defeat this resolution. Let us recognize that we must tread carefully in a region that is already volatile, where U.S. military engagement could tip the region into further chaos and further bloodshed. I urge defeat of the pending resolution.

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

Mr. Speaker, let me note that the gentleman from California (Mr. HUNTER) has been very gracious. The time for the Committee on International Relations was supposed to end a half hour ago. We have had so many speakers, some of whom have waited. In the case of the gentleman from New York (Mr. SWEENEY), he has been waiting for 2 hours; and he has been very kind. We want to thank the distinguished gentleman from California (Mr. HUNTER).

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SWEENEY), a man who lost friends in the 9/11 attack on the World Trade Center.

Mr. SWEENEY. Mr. Speaker, I thank my friend for yielding me time, and I also thank the gentleman from California (Mr. HUNTER) for his graciousness.

Mr. Speaker, I come to the floor understanding the great gravity with which we debate this resolution. In particular as one who has two out of my three children in their late teens, I understand fully well what we contemplate here. But I believe that the arguments for voting in support of it have never been stronger.

With each day that passes, Saddam Hussein and his regime in Iraq take another step towards building a weapon of mass murder, reach out with another hand to embrace and support terrorism, and turn another back on the peaceful diplomacy of the international community.

It would not only be unwise not to confront this grave danger here before us, but it would be irresponsible. If the United States were to sit on its hands and wait for the meritless theory of nonintervention to somehow negotiate a compromise with Saddam Hussein, then we will have abdicated the greatest charge the world has ever bestowed upon America, that of the steward of freedom and democracy around the world.

Mr. Speaker, our Nation has proceeded forward with the utmost dignity and courage of the aftermath of our darkest hour, September 11, 2001. We have forged ahead, determined to defend our precious creed of freedom and democracy. We have done so by turning to international diplomacy as a first option and military action as our last. But Saddam Hussein has chosen instead to resist, deceive and defy the international community by continuing to flout more than a dozen U.N. resolutions.

The United States through its actions will rise to the occasion and help channel the greatest intentions of the United Nations. By doing so we will, as a Nation, help the U.N. make its case for relevance in this world and propel it forward. It is wholly appropriate, Mr. Speaker, for citizens, both American and throughout the world, to insist that this debate transcends international borders since Saddam Hussein's propensity to target his weapons of mass destruction does not stop with the United States but extends to every nation in the world.

It is impossible to refute the fact that Saddam Hussein is intent on developing a delivery system for nuclear weapons or any other weapons of mass destruction that will reach well beyond the Middle East. Saddam Hussein has one eye on the United States. He most surely has the other eye on our allies throughout the world.

The depth of Saddam Hussein's dark heart and cruelty should never be underestimated. To underestimate Saddam Hussein would amount to tolerance of provocations he has already displayed towards the United States and the freedom-loving world.

It is with the utmost clarity and conviction that we must anticipate our Nation's self-defense against a tyrant like Saddam Hussein. The argument that anticipatory self-defense is a preemptive strike in my mind has no merit. Is it preemptive since Iraq has ignored dozens of U.N. resolutions? Is it preemptive since Iraq has repeatedly and recklessly fired at U.S. aircraft patrolling a U.N. no-fly zone established so the U.N. community could protect his own people? Is it preemptive since Saddam Hussein is complicit in his role of harboring and supporting those responsible for the attacks of September 11 or those who could presumably do the same or worse?

President John F. Kennedy faced down one of the most perilous threats this Nation has ever faced 40 years ago when he embraced the doctrine of national defense that reserved the right of this Nation to act with a singular, individual, national interest in protecting the lives of its people. In this world, Mr. Speaker, in this new world community which has brought nations together in the most plentiful times and most desperate of times, the neighborhood has gotten much smaller. But in facing down the most dangerous threats, the challenge of protecting it has become that much greater.

We must prove to the world that we will not tolerate such a ruthless and belligerent regime as it continues to threaten world stability. We cannot

waiver. We cannot wait. Our Nation must persevere in the face of doubt. We must stay united despite regional dissent, and we must remain resolute when others acquiesce. This is our charge as a people. This is our charge as a legislative body. This is our charge as a Nation, and it is our duty as leaders of the free world.

Mr. SHERMAN. Mr. Speaker, I yield 6 minutes to the gentleman from South Carolina (Mr. SPRATT), 6 minutes of the time set aside for those who will ultimately vote for final passage to a man who has offered this House a very thoughtful amendment in the nature of a substitute, the ranking Democrat on the Committee on the Budget, a senior member of the Committee on Armed Services.

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

Mr. SPRATT. Mr. Speaker, the resolution that the White House has sent us is a decided improvement over the original draft, but it could be better.

If the amendment that I am offering is adopted, I believe that this resolution could draw even more votes and pass this House by a huge bipartisan majority. And in passing a war powers resolution, surely, surely, that should be one of our objectives.

Our resolution supports the President's campaign in the Security Council for coercive inspections backed up by force. If the Iraqis defy the inspectors this time and the Security Council replies with military action, my amendment gives President Bush the power to use our Armed Forces just as his father did in the Persian Gulf War in 1991 in a military action sanctioned by the U.N. Security Council.

If, on the other hand, the Iraqis defy the inspectors and the Security Council fails to respond with force, then we will be faced with going it alone. In these dramatically different circumstances, my amendment called for a second vote by Congress to approve a military attack, but it ensures that the President will have a fast track for its consideration.

Those of us supporting this amendment, and we have a broad cross-section of our caucus behind it, see Saddam Hussein as a menace. We agree with the President in demanding that the Security Council enforce its resolution and allow no quarter. But for several reasons we do not want to see the United States act alone unless there is no other viable choice.

If we act alone, instead of being the United Nations versus Iraq, a war legitimated by the U.N. charter, this will be the United States versus Iraq; and in some quarters it will be the United States versus the Muslim or Arab world. This is why one general officer, a former Commander of Central Command which has jurisdiction over the Middle East, told us, I fear that if we go it alone, we may pay a terrible price.

If we act alone, it will be harder to build a broad-based coalition, particularly an alliance of contiguous countries like Saudi Arabia and Turkey. If we can count on these countries as allies, their airspace and ports and airfields will be open to us; and the fight will be far easier. If we act alone, we will not have allies this time to help us share the cost of this war, as they did in 1991 when they picked up $62 billion out of an overall cost of $66 billion.

Right now, the administration is seeking new and tougher resolutions of the Security Council to disarm Iraq through inspection, if they work, but through armed force if it is necessary. Our resolution fully supports that objective. But if these arms inspections do not work and the Security Council does not pass a resolution calling for Armed Forces against Iraq, we believe there should be a separate vote on military action.

I know that some will say that a second vote is an imposition on the President's powers, but in truth it is the age-old system of checks and balances at work. It is one way Congress can emphatically say what we prefer, that any action against Iraq should have the sanction of the Security Council and the support of a broad-based coalition.

As a practical matter, I doubt that further action of Congress will be needed. The British seem to be bent on securing approval of the Security Council before war. And if Saddam stiffs the arms inspectors, the French have insisted on a second vote of the Security Council before any military action is taken.

One way or another, I think a Security Council resolution is likely; and, once it passes, our resolution authorizes the President to use our Armed Forces to enforce it without further action of the Congress.

But over the last 6 weeks we have heard from a host of general officers, all retired, Chuck Boyd, Wes Clark, our former commanders in Europe; Generals Hoar and Zinni, the former commanders of Central Command. They virtually agreed on two things:

First of all, in any conceivable confrontation with Iraq, with or without allies, the United States will prevail. But having allies, especially in the region, will make victory more certain and less costly in money and, more importantly, in human lives.

Secondly, the outcome after the conflict will be the hardest part and far less certain. We do not want to win this war only to lose the peace and swell the ranks of terrorists who hate us. A broad-based coalition will help enhance our chances of success in that post-war period.

Some will say, I know, that this resolution depends too heavily on the Security Council. But the precedent it follows is the one that was set by the first President Bush in 1990–1991, an action that I have voted for and supported. Within days after Iraq's invasion of Kuwait, President Bush defined his goal as nothing less than a new world order. He turned to the United Nations first and sought a series of Security Council resolutions culminating in Resolution 678, which authorized the use of force. He obtained all of these Security Council resolutions with the apparent and evident support of Congress but without an actual and expressed war powers resolution until just days before the war.

Rather than asserting that he could go it alone, he sought the Security Council's approval and allies to stand with us and bear the cost and the burden of war and all but a fraction of the cost. The result was a successful military action and I believe a model that is still worth emulating.

My substitute does just that. I urge my colleagues to consider it carefully, and I hope that you will all support it. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 90 minutes to the distinguished gentleman from California (Mr. HUNTER) and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

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

Mr. Speaker, the House Committee on Armed Services has spent a great deal of time working on this issue.

□ 1945

We have had 5 major open hearings. We have had three classified briefings in which we invited every Member of the House to come in and listen to our intelligence agencies with respect to Iraq's capability and weapons of mass destruction. Most Members came. We did have over almost 200 Members appear at those particular briefings, and our Members put in a great deal of time on this.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in support of America's freedom, our Nation's security, and the resolution before us.

We have the responsibility to deal with Saddam Hussein, not only because we have the most to lose, but because it is American leadership that the world looks to in times of crisis. While it is always preferable to lead a large coalition, America must be willing to go with a few like-minded friends or even alone if the situation demands it.

Indeed, the United Nations is at a crossroads. Either it proves itself to be relevant to the 21st century or, in the words of Winston Churchill, it will be known that ''they decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all powerful for impotence.''

Our actions here in Congress speak to the world, and our resolve can only

strengthen our case. For its own sake, the U.N. must act, not just engage in endless chatter.

That our Nation is willing to stand up to the most despotic and corrupt regime speaks not only to American leadership but to our vision for humanity. We desire only to see the peaceful development of Iraqi society and to witness Saddam Hussein's veil of insanity lifted from the minds of the Iraqi people.

We cannot sit idly by while Saddam Hussein stockpiles weapons of mass destruction to use against our allies and for distribution to those terrorists that would use them to attack America.

Mr. Speaker, Iraq poses a clear and present danger to the United States security and to the stability of a peaceful world; and, Mr. Speaker, in the words of Edmund Burke, ''The only thing necessary for the triumph of evil is for good men to do nothing.''

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER), a leader of that delegation, a member of the Committee on Appropriations.

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

Mr. Speaker, there is no question that Saddam Hussein has been a menace to the international community. He has used chemical and biological weapons on his own people and in the war he started with Iran. Saddam Hussein has defied the United Nations by failing to dismantle his weapons of mass destruction and by repeatedly obstructing monitoring and verification by U.N. weapons inspectors.

Nobody in this House doubts that Saddam Hussein is a treacherous dictator, but Congress has not been presented a compelling case that Saddam Hussein poses an imminent threat to the peace and security of the United States that must be dealt with immediately.

The President's resolution coincides with his introduction of unilateral preemptive military action as a cornerstone of U.S. foreign policy; and in fact, this resolution gives the President the authority to conduct a unilateral preemptive war against Iraq. That is a major shift in U.S. foreign policy. Such a strategy invites other nations to assert their right to use unilateral preemptive action outside the U.N. charter. In my view, a world where nations rely on unilateral preemptive force as a tool of foreign policy would be an exceedingly more dangerous world than we live in today.

In asserting the right to use unilateral preemptive force in Iraq, the administration appears unconcerned about the consequences of an attack on Iraq, but unilateral preemptive force is virtually certain to further destabilize the region. Pakistan, a nuclear power, and Saudi Arabia, probably the most despotic Islamic regime after Iraq and the country of origin for 17 of the 19 suicide terrorists responsible for the heinous attacks of September 11, are the most likely to be destabilized.

Such an attack by the United States against Iraq is a made-to-order event that al Qaeda and other terrorist groups will use to recruit poverty stricken, disaffected young men and women in these countries and throughout the Islamic world to their cause. Thus our unilateral preemptive action could threaten the peace and security of Americans and American interests around the globe.

War with Iraq will clearly divert attention from the war against al Qaeda, which is not yet won, and from Afghanistan, which we and our coalition allies are committed to rebuilding. Furthermore, unilateral preemptive action would make the quest for peace between Israel and the Palestinians more difficult. Were Saddam Hussein to launch weapons of mass destruction at Israel, Israel would likely respond with overwhelming force.

Like many of my colleagues, I favor working through the U.N. to disarm Iraq by the strongest possible resolution, for unconditional inspection of any and all sites in Iraq and the destruction of chemical, biological and nuclear weapons. If Iraq refuses to allow full and unfettered inspections and refuses to fully disarm its weapons of mass destruction, military force may become necessary; but that action would best be sanctioned by the U.N. Security Council and be a deliberate, multilateral response to Saddam Hussein's refusal to disarm rather than the unilateral preemptive action we are asked to authorize today.

As all of us are aware, the decision to authorize the President of the United States to commit troops to battle is the gravest decision that we can be called upon to make. War with Iraq will bring untold American and Iraqi casualties. War should be considered only as a last resort after all possible alternatives have been exhausted by the international community.

For these reasons, I cannot in good conscience vote for the resolution.

Mr. HUNTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCHROCK), a gentleman with a long and distinguished military background.

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

Mr. Speaker, I rise tonight to support the resolution before us today. Yet in my heart of hearts I hope it will never be needed.

As a representative of more military personnel than any other Member of this body, I do not take our discussion on the use of military force or vote on this resolution to authorize the use of force lightly.

The families of Virginia's 2nd Congressional District know firsthand the effects of the war on terrorism. To date, two Navy Seals from the district I represent have been killed while fighting to eliminate al Qaeda terrorists in Afghanistan. Others lost their lives in training accidents while en route to the Persian Gulf.

These families and many others throughout southeastern Virginia understand why this war resolution is necessary, particularly at this time in our Nation's history. On Saturday, we will commemorate the second anniversary of the attack on the USS Cole where 17 Norfolk-based sailors lost their lives during a terrorist attack in Yemen. We will never forget the aggression that was waged against our military and Nation by these terrorists.

Today, we debate a resolution authorizing the President of the United States to use force against an enemy who constantly strengthens his grip on a terror-stricken people, has defied a peace-loving world, and aids terrorists who sow seeds of fear around the globe.

There is much we know about Saddam Hussein's regime of terror. He has ignored 16 resolutions passed by the United Nations Security Council calling on him to dismantle and to destroy all weapons of mass destruction within his arsenals.

He has defied the cease-fire agreement from the Persian Gulf War that ordered him to eliminate all missiles with a range greater than 90 miles. Yet he continues to build weapons of mass destruction, and he possesses SCUD missiles that can reach distances of 400 miles. These weapons give Saddam Hussein the ability to attack American bases and allies such as Turkey, Israel, and other neighboring nations with chemical, biological and, in time, nuclear warheads.

We know from experience that Saddam Hussein is not afraid to use his weapons. Saddam Hussein does not respect human rights or human life. Iraqi citizens speaking words of dissent often find themselves or a member of their family, including their children, being tortured to death.

Saddam Hussein is an aggressor who threatens every nation and every person on Earth. No one knows when, where, or how he may use his weapons of terror. What we do know is his bad history shows that he will use these weapons against his enemies, including the United States.

Waiting for a smoking gun is a risk that America cannot afford to take. If unfettered weapons inspections are not allowed in Iraq, a preemptive strike against Iraq is the only way to build a lasting peace in the Middle East and around the world. The brave men and women of the Armed Forces they represent are prepared to protect America against this threat.

I hope military action will not be necessary in Iraq, but I do not foresee Saddam Hussein conceding to unfettered weapons inspections throughout Iraq. If military action is necessary, the President and our troops should have the support of this Congress.

Let us send a message to the United Nations and indeed the world that the

United States is united behind our President in his efforts to remove weapons of mass destruction from Iraq.

Mr. Speaker, I urge my colleagues to support this bipartisan resolution, and I urge continued support for our President and our troops.

Mr. SHERMAN. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Texas (Mr. ORTIZ), a member of the Committee on Armed Services.

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

Mr. ORTIZ. Mr. Speaker, today we have a grave decision to make on the resolution before us to authorize our Commander in Chief to use force supporting the United Nations resolution calling for Saddam Hussein to rid its nation of weapons of mass destruction.

My constituents and I share the same concerns about this resolution. As in any war, we face battlefield casualties in Iraq if we go to war with them. We must be prepared for a vicious war. Will our build-up be sufficient for the force we need to strike and overwhelm? Will our forces be properly prepared for the special battlefield needs of Iraq with chemical and biological gear?

The consequences of this action will be large, at home and abroad. I do commend the President for seeing the wisdom of coalition building, and we strongly and very strongly recommend the United States proceed with a united coalition.

This debate in Congress must be a message to Saddam Hussein and his army that we are not playing games. There is a narrow opportunity for Saddam Hussein to prevent a military attack on his hiding places and on the protectors around him.

Saddam Hussein has ignored 15 United Nations Security Council resolutions. The United Nations was created to provide a forum in which nations can confront offensive nations for their behavior, and the entire world can stand together to oppose offending Nations. This is why we must proceed. We must not go to war alone. We must have a coalition.

Many things are pointing to the fact that time is our enemy in this moment. Whether or not Saddam now has usable nuclear weapons, he is fast approaching the moment he will possess them. While this is a tortured decision for all of us to make, it is time.

Saddam can offer unlimited inspections under the resolution being debated at the United Nations, and the United Nations can remove the threat of weapons of mass destruction in Iraq. Failing that, the military force of the United States and our allies would remove the threat of weapons of mass destruction.

This is a hard decision, and I was in Saudi Arabia 11 years ago when I met this young Marine, 22 years of age, and he says, ''Congressman, we need to go in there and do our job against Saddam Hussein, and let me tell you why.'' He said, ''My wife gave birth to a little boy. He is 2 months old now, and I do not want him to come and do the job that we did not do here.''

We are facing that threat again. I do not want to second-guess our Commander in Chief or those who advise him on a daily basis. Therefore, I reluctantly support the resolution and ask for the prayers of the American patriots for the soldiers we would likely send to Iraq.

□ 2000

Mr. MCHUGH. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Colorado (Mr. HEFLEY), one of the most senior, one of the most distinguished members of the Committee on Armed Services, as well as the chairman of the Subcommittee on Military Readiness.

Mr. HEFLEY. Mr. Speaker, this is a difficult decision. I do not think anyone here takes this decision lightly. And so I ask myself some questions as I approach this. The first one is, Can we do what needs to be done without going to war? And the answer I come to is, maybe. I hope so. But not if we show lack of resolve. That is why I am supporting this resolution. That is why I encourage my colleagues to support it.

Saddam Hussein has said he will give inspectors unfettered access; however, his regime has in place an elaborate organized system of denial and deception to frustrate both inspectors and outside intelligence efforts. Unfettered access to him does not include the presidential palaces. And when I say palaces, my colleagues may think of some nice building with some scenic grounds and gardens around it. That is not what a presidential palace is in Iraq. Many of these palaces are many acres. One of these palaces is about the size of Washington, D.C., 40,000 acres, with thousands of buildings, including warehouses. That is what he calls presidential palaces.

Some ask, now that Iraq has agreed to unconditional inspections, why does Congress need to act? Well, my colleagues, the issue is not inspections; the issue is disarmament. The issue is compliance. Four years of satellite surveillance has shown these complexes he calls palaces are expanding. What is inside or underneath them we do not know, and we must know.

The next question is, Does he have the means to be a threat? And the answer is, and we have heard it over and over today, of course he does. Iraq has a 30-year history of weapons of mass destruction programs. His regime is actively pursuing weapons of mass destruction. His regime has amassed large clandestine stockpiles of biological weapons, including anthrax, botulism toxin, and possibly smallpox. His regime has an active program to acquire and develop nuclear weapons. The answer to that question is, yes, indeed, he does have the means.

The next question I ask myself is: Does he have the intent? Saddam Hussein's history of using weapons of mass destruction demonstrates the likelihood that he will use them in the future. In 1982, Iraq used riot-control agents against Iranian attacks. Iraq has used more deadly agents, including mustard gas in 1983, and tabun in 1984, becoming a nation in the world today who has used nerve agents in a time of war.

The State Department lists 10 incidents of Iraqi chemical attacks between August 1983 and March 1988. All were launched against the Iranian and Kurdish populations, resulting in casualty tolls in the tens of thousands. Saddam Hussein has ordered the use of chemical weapons, sarin, tabun, VX, and mustard agents against his own people, in one case killing 5,000 innocent civilians in one day.

Well, then, what kind of a history does he have with these kinds of things? Saddam Hussein's regime has invaded two of its neighbors and threatened others. In 1980, Iraq invaded Iran and used chemical weapons against Iranian forces. In 1990, Iraq invaded Kuwait and was responsible for thousands of documented cases of torture, rape, murder, and on and on the story goes. The answer is, yes, he has the will, the intent, the history to use these things and to thumb his nose at the world's society by violating United Nations' resolutions.

A decision to use military force is never an easy decision, and no one with any sense considers war a first choice. It is the last thing that any rational person wants to do. We do not want to go to war. But there are times when we have to be prepared to go to war to stand up to such despotic psychopathic killers as Saddam Hussein. I encourage the support of this resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a member of the Committee on Government Reform and the Committee on Transportation and Infrastructure, and a long-time voice for justice.

Ms. NORTON. Madam Speaker, I thank the gentleman for yielding me this time and for his great leadership on matters of international affairs.

Madam Speaker, I rise to express my strong opposition to the majority resolution. I still get dizzy trying to figure out which of President Bush's multiple and often contradictory rationales for preemptive war to credit. First, he belittles Members of Congress who wanted him to go to the U.N. to assure an international coalition; then he goes there, but only after American and world opinion compelled him to go there, and even to come here.

We must go further. We must repudiate the improvident and dangerous doctrine of preemption. Others will speak on the floor of Iraq. Iraq is the least of it. It is no accident that the President chose this same period to announce a brand-new American doctrine of preemption. Iraq is only the first case in point. Bush has already announced Iraq will not be the last.

It is bad enough that if we vote for the majority resolution we are for the first time in 226 years of American history voting to allow an American President to go to war, and I am quoting, ''as he determines to be necessary and appropriate,'' not as Congress determines to be necessary and appropriate. As clear as it gets, this vote would be an unconstitutional delegation of the exclusive power of Congress to declare war. It is simply shocking to give away the unique life and death power to declare war bestowed on the Congress by the framers.

The majority resolution is an equally perilous violation of the rule of law itself and of the law of nations. There is no rule of law unless it applies equally to all. And there is no law at all if not determined by precedent. Thus, a vote for the majority resolution is a vote not only for a preemptive war on Iraq, but for the new Bush doctrine of preemption that would then be available to all nations. There is no way to get away from what precedent means in our law and in the law of nations. Because preemption is unlawful under international law, passage of this resolution would make our country an instant international outlaw. Worse, the Iraq precedent means that all bets are off for all nations to do the same.

This resolution gives over the power the people have given to us to the sole discretion of one man, the President of the United States. And who will fight Mr. Bush's preemptive wars? Today, we have a volunteer army whose race and class composition speaks to the absence of equal opportunity in civilian society. The middle- and upper-middle classes, for the most part, no longer serve and will not be on the front lines. African Americans are 25 percent of the U.S. Army today, Hispanics are 9 percent, an Army more than one-third made of people of color. Already the American people have pulled Bush back. They would surely pull harder if the average son or the average daughter were subject to service today.

Preemptive war is a doctrine that could only survive, if it does, when those who would be the ground troops have had other opportunities preempted. Let the Congress do its own preemption. Let us preempt this President by reclaiming our constitutional right to declare war and reclaiming two centuries of American principles. Let Congress speak up so that none may be sent to war without Congress sending them there, whether those who fight look like you or look like me.

Let Congress take hold of this manmade crisis that has already introduced instability into a world that can least afford it now. Let Congress guide our Nation back to its own most precious principles.

Mr. HUNTER. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SAXTON), who chairs our Subcommittee on Military Construction and has spent many hours on this issue as the chairman of the Panel on Terrorism on the Committee on Armed Services.

Mr. SAXTON. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the resolution, while I certainly hope that it will never be used.

Madam Speaker, in 1991, when the coalition broke off the fight with Saddam's army northeast of Kuwait City, I was curious as to why that happened. And in garnering an understanding later, I understood it was because the United States and the coalition partners played by the rules. The United Nations had authorized certain activities, we carried out those activities, and we understood that the U.N. set the rules for that conflict and we abided by them.

But I also had the opportunity a week or so later to be a part of the first civilian delegation to go to Kuwait City after the war, and I saw something different. I saw how Saddam Hussein ignored the rules, ignored the rules of warfare, ignored the rules of humanity, ignored the rules of being a human being. I saw how he burned the city, how he destroyed the homes, how he executed innocents.

As a matter of fact, let me just share this one few-minute story with my colleagues. We were hosted during that trip to Kuwait City by a citizens group who showed us a videotape that had been taken a week or so earlier, while the Kuwaitis still occupied the city. And it was a videotape of the Iraqi military marching a young man out, tying his hands behind him on a post, and without a blindfold shooting him, firing-squad style. And has he lay there drooped on the pole, the leader of the firing squad walked over to him with a handgun and shot him one more time in the head. It was enough to make our group cry and to realize what a success it had been expelling such a despot from Kuwait.

And of course during the war with Kuwait, the war with Iraq at that time, Saddam decided to attack two other countries. He attacked the Saudis with SCUDs and he attacked the Israelis with SCUDs, both Tel Aviv and Haifa. Innocent people were subject to SCUD attacks. And, of course, in 1980 through 1998, during the war with Iran, he used weapons of mass destruction. He killed people with gas by the thousands.

And so this is the kind of a guy that we dealt with, where we realized we had to have a northern no-fly zone to protect his own people, the Kurds, and a southern no-fly zone to protect his own people, the Shiites.

So I guess I would make two points in kind of finishing up here. We know from history the nature of tyrants, and Saddam has demonstrated time after time that he is a typical tyrant of our time and one who has to be dealt with, apparently, as a tyrant. We know that he rules by fear. In fact, the Ba'thist regime is held together only by fear. They gassed the Kurds, as we all know, their own people. They execute anyone who poses an opposition to the Ba'thist party, even Saddam's own family. So I say to my colleagues, we know what Saddam is like.

The second point I would make is that while Saddam has not changed, something else has. Something else has changed a great deal, despots of the past. The Hitlers, for example, by and large, killed people one at a time. If an individual did something they did not like, or in Hitler's time if someone was a Jew, or they said something that was against him, he would simply shoot them and think nothing of it.

□ 2015

But that has changed because Saddam has the potential to kill people by the thousands. So we tried to deal with him as a possessor of weapons of mass destruction in the conventional way through the U.N. 16 resolutions, and here is the list:

In 1991 we started by saying in a resolution through the U.N., Iraq must return Kuwaiti property seized during the Gulf War. He did not do it.

In 1991, a second resolution, Iraq must unconditionally accept the destruction, removal or rendering harmless under international supervision of all chemical or biological weapons. He did not do it.

In April 1991, a resolution, Iraq must immediately end repression of its own civilization. He did not do it.

On August 15, 1991, Iraq must halt nuclear activities of all kinds until the Security Council deems Iraq to be in full compliance. He did not do it.

On October 11, 1991, Iraq must cooperate fully with the U.N. and IAEA inspectors. He did not do it.

In 1994, Iraq must cooperate fully with U.N. weapons inspectors. He did not do it.

On March 27, 1996, Iraq must report shipments of dual-use items related to weapons of mass destruction to the U.N. and IAEA. He did not do it.

Beginning in 1996, we passed resolutions in the U.N. that said Iraq must cooperate fully with U.N. weapons inspectors. Did he not do it.

In June 1997, Iraq must give immediate unconditional, unrestricted access to U.N. officials. He did not do it.

A similar resolution on March 2, 1998. He did not do. September 9, 1998, Iraq must cooperate fully with U.N. and IAEA weapons inspectors. Again, he did not do it.

On two more occasions, once in 1999 and once later that year in 1999, Iraq must fulfill its commitment to run Gulf War prisoners and cooperate with U.N. inspectors, and he did not do it.

So for those who say give Saddam Hussein one more chance, I have to disagree. I think he has had plenty of chances. I hope that a big vote will occur on Thursday and show Saddam Hussein that this body stands together against tyranny.

Mr. SHERMAN. Madam Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

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

After much thought and with deep conviction, I rise in strong support of this resolution. There is no task more grave or serious than the task of putting at risk the lives of people. The decision we are about to make will in fact put at risk the lives of the young patriots who wear the uniform of this country so well and so proudly. And it will put at risk innocent lives of people in Iraq who deserve better.

I support this resolution because it will save lives. It will manifest the principled purpose of this country to use our great might and power as a force for saving life. Tonight Saddam Hussein and the Iraqi Government maintain an arsenal of weapons of mass death. Iraq tonight possesses biological weapons. It possesses chemical weapons. The best estimate of the most optimistic observers, in 5 to 7 years Iraq will possess nuclear weapons. Others are more pessimistic. They believe it will be a matter of months.

I believe that failure to act is the greatest risk to innocent life in this country, in Iraq, and around the world. There are principled and patriotic people in this debate, many of my friends who take a different position than I do. I respect their patriotism. I listen carefully to their views, but I must say I disagree with what they have to say. Some say Iraq will not use these weapons of mass death because the leader of Iraq, although evil, is not suicidal.

I share with the President the conviction that I am not willing to risk the lives of any Americans or any people anywhere on a prediction on the behavior of Saddam Hussein. There are others who argue that although Saddam Hussein possesses these weapons of mass death, he cannot use them against us because he cannot deliver them against us. This is not the case.

Tonight American troops are within the range of his missiles, and perhaps even more importantly, we are all within reach of the use of these weapons through unconventional means: anthrax sprayed by crop dusters, sarin gas pumped through our subway system, smallpox virus dumped into the heating or air conditioning system of a shopping mall or an office building.

Anyone who believes that we are beyond the reach of terrorist weapons has missed the lessons in the last 13 months in America. There are those that argue that we should wait for the United Nations Security Council to agree with our assessment of the compelling need to remove this risk. I support and encourage the President and his administration to seek that support from the United Nations.

But Madam Speaker, make no mistake about it, these weapons of mass death are not pointed at the Germans who doubt the scope of this risk. They are not pointed at Saddam's Arab neighbors who scoff at the necessity of this mission. These weapons of mass death are meant to kill Americans, and we will not and should not ask anyone's permission to defend the people of this country.

There are those who say that we should give weapons inspections another chance. The gentleman from New Jersey (Mr. SAXTON) laid out chapter and verse just how many chances we have already given. On 13 occasions since the end of the Persian Gulf War in 1991, Iraq has violated the weapons inspection agreements. After each such occasion, they promised the next time to comply. The next time never comes.

We should heed the advice of four dozen U.N. weapons inspectors who told this Congress and this country on the record that there will never be effective disarmament of the Iraqi arsenal of mass death until there is a government in Baghdad that fully cooperates with that effort.

We hear others say that we should not proceed because what follows Saddam Hussein in Iraq might be worse, that it will cause disruption around that area of the world. This is not a matter that we should take lightly. However, there is nothing worse than a despot with weapons of mass death that can be used against the people of this country.

Madam Speaker, throughout history Members of this body have faced moments when they have to change history. Our predecessors during the American Revolution had their moment, and they chose to rebel and create independence for this country.

Our predecessors at the time of the Civil War had the painful choice of waging war to keep the Union whole. They had their moment, and they rose to the occasion. Our predecessors in the 1940s had their moment when they had to die to frontally take on the evil of Nazi Germany and its allies around the world, and they rose to the occasion.

Madam Speaker, this is our moment. This is the moment when we will begin to change history toward a path where there is liberation, liberation of the people of Iraq from tyranny and liberation of the people of America and the rest of the world from the fear of terror. Let us seize our moment, Republicans and Democrats together, and vote for this resolution.

Mr. HUNTER. Madam Speaker, I yield 4 minutes to the gentleman from Utah (Mr. HANSEN), who has been a 22-year member on the Committee on Armed Services and is leaving this year. The gentleman has been a very wise contributor to this debate in the committee.

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

Mr. HANSEN. Madam Speaker, there have been very few times in history when there has been a nation that has had the will and the military might to stop a murderer, a despot, a dictator. I have often wondered about the time in the thirties, as I read history, when Chamberlain, the Prime Minister of England, talked to Hitler about the idea of him not going into Czechoslovakia. He returned to Parliament, and he explained to Parliament that Hitler was not going to do it. There was another man in Parliament who stood up and said, No, we cannot trust Hitler. That will not happen. His name was Churchill, and he was booed off the floor for doing that, but Churchill had the courage and the vision to see what Hitler was actually going to do.

Madam Speaker, what if there had been a nation with the determination, the understanding, and the military might to stop Hitler at that time, a nation which said we better stop him before he gets stronger than he is? What would have happened at that time? Literally millions of people would have been saved. But no, no one seemed to have it.

In the early 1980s, many Members who were here remember our Israeli friends when they saw the build up of Iraq on heavy water. What did they do? The Israelis did not wait very long. They sent in F–16s with 500-pound bombs on their wings, and they bombed it to smithereens to stop it from being built.

I think we have some short memories around here. I have been listening to this debate today. Some Members say we cannot do a preemptive strike or go ahead with this on our own. How about Grenada? We walked in there because we could see a big problem starting out at that time. What about Panama? What about Muammar Qadhafi when he stood up and he talked about the line of death, and Ronald Reagan sent three F–111s, and that kind of calmed him down at that time. But he was getting pretty big for his britches at that point.

I have heard Members talk about inspections. I am given to understand Iraq is about the same size as Big Sky Country that the gentleman from Montana (Mr. REHBERG) represents. How many Members have been to Montana? It is pretty good-sized. I think we could put 10,000 inspectors over there, and if Saddam Hussein did not want us to find anything, we would not have a prayer of finding it. It is a big country. Keep in mind, he is much better at hiding than we are at finding, and that seems to be the question that we have with him at this time.

I do not think that Americans want inspection; we want disarmament. We want him to give up the weapons of war that he has.

It reminds me of the old saw that Al Capone said to Elliot Ness, Sure you can come in and inspect the place, but you cannot look in the back room where the girls and the booze and the drugs are. I think basically that is what we have had during this time that we have had our inspectors over there.

Madam Speaker, let me point out that our first President made a very

wise statement and one we have to live by. He said, ''The best way to keep the peace is to be prepared for war.'' It always bothers me when I have heard our past Secretary of Defense, and now Vice President, when he gives that great talk about the yo-yos of war. We are prepared, we get ready, and then we disarm; and we do it time and time again.

Madam Speaker, this time if we want to save ourselves some great problems, we should support this resolution and support the President of the United States.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. COYNE), a member of the Committee on Ways and Means.

Mr. COYNE. Madam Speaker, I believe that the United States has legitimate concerns about weapons of mass destruction in Saddam Hussein's hands and that our government should be working to eliminate the threat presented by those weapons.

Consequently, I believe that Saddam Hussein must comply with the U.N. mandate and guarantee U.N. inspectors unfettered access to any sites in Iraq that might be harboring weapons of mass destruction.

□ 2030

I object, however, to the approach that the Bush Administration is taking to deal with this particular problem. The administration has pursued a head-long, almost unilateral rush to war with the implicit goal of regime change in Iraq. The administration has yet to make a convincing case to Congress that military action against Iraq at this time is necessary or even desirable. I am gravely concerned that the policy of preemptive attack and U.S.-imposed regime change may produce a situation in the Middle East that is even more dangerous for the United States than it is today.

Military action might eventually be necessary but only with clearer proof of that necessity and only after all other options have been exhausted with regard to Iraq. I oppose this resolution because it permits the administration to invade Iraq without first exhausting its diplomatic options. The administration should first pursue action through the United Nations to deal with the potential threat posed by the Iraqi government and then and only then should we consider unilateral action against Iraq.

Mr. HUNTER. Madam Speaker, I yield 6 minutes to the gentleman from New York (Mr. MCHUGH), who is the very distinguished chairman of the Subcommittee on Military Personnel.

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

Madam Speaker, truly one of the most profound powers bestowed upon this or any other Congress is the authority to send our American men and women into armed conflict. The loss of human life that invariably attends every war, no matter how swift or certain its course, demands that such action be executed carefully, with a full understanding of the consequences likely to arise both from the conflict itself as well as from its aftermath.

This debate will, as it should, reveal many such questions, many doubts that we have heard here already this evening, many pleas to adopt a different course.

I want to say to those who raise those concerns I extend my gratitude. In my mind, their pleas are not a product of weakness, as some have suggested but, rather, to the contrary, a necessary challenge for all of us to carefully weigh every possibility, every path.

The question, Madam Speaker, now for those of us entrusted with this awesome authority is to ensure that we have met those challenges, to ensure that the use of force that we contemplate on this floor for the next 20 hours is our one true choice, the one necessary step to protect the lives and the well-being of more than 280 million Americans who have bestowed upon us this trust in making such weighty decisions.

For me, Madam Speaker, the answer is sadly a resounding yes.

The most vital question before us at this moment is, should we fail to act, what does tomorrow bring? The answer is clear. More debate, more doubts. As President Bush said so clearly in his address to the American people last night, a future of fear.

For the past 11 years we have placed our hopes as a good and decent people against the reality of the unabashed deceptions, deceits, and deeds of one of the most despicable tyrants the civilized world has ever known, Saddam Hussein. For 11 years, Madam Speaker, we have hoped Saddam would abandon his murderous ways and at long last obey the dictates of the world community and the rule of international law. We have hoped, hoped he would dismantle and destroy his stockpile of biological and chemical weapons of massive death and forego his feverish pursuit of nuclear weapons. We have hoped Saddam would respect the clear resolutions, 16 in number, of the United Nations and follow the terms that he himself committed to at the end of the 1991 Gulf War.

While we have hoped, Saddam Hussein has plotted and marched forward.

How can we in the aftermath of September 11 tell the American people through this vote that all we can now offer is hope? How can we merely hope the next cloud we see rising from an attack on our shores will not be from the stockpiles of Saddam's terrible weapons? How will hope dull his affection for, and known support of, numerous terror organizations? And how can hope alone prevent the transfer of his horrible agents of death into the hands of those who have already declared war on our country?

I ask my colleagues, can our message to the American people possibly be at this critical hour we hope the judgment, common sense, and humanity of Saddam Hussein will spare us one more day, just one more day so we can what? Begin to hope again.

Madam Speaker, I will continue to hope. I urge our leaders to further pursue their ongoing efforts with the United Nations Security Council to produce a workable and just resolution of a dangerous situation too long ignored. I yearn for a way that a timely, unfettered, unconditional, and effective weapons inspection system can be put into place that Iraq will accept and cooperate with to the benefit of not just America but peace-loving nations throughout the world. And, most of all, I pray we may yet avoid the conflict that this resolution considers, avoiding the need to yet again call our servicemen and women into harm's way.

But in the end, Madam Speaker, should all else fail, we cannot entrust the future of the world's greatest democracy and the very lives of its people to a man who trades not in hope but in destruction, to a man who rules not by favor but through fear.

This country has seen many great yesterdays. It is our solemn duty this day, Madam Speaker, to ensure that we realize many equally bright tomorrows. It is at long last time for Saddam Hussein to hope and for this Congress to act.

Mr. BERMAN. Madam Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MCINTYRE), a member of the Committee on Armed Services.

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

Mr. MCINTYRE. Madam Speaker, I rise in strong support of this resolution but in even stronger support of our brave men and women who have dedicated their lives to the common defense of the United States and who stand firm with America, as we well should, in this critical hour of our history.

If Saddam Hussein continues to threaten the security of our Nation by harboring terrorists, producing chemical and biological weapons, and developing nuclear weapons, then the use of military force becomes not a question of if but when.

In adopting this resolution, we must do everything in our power to ensure that our forces have the means, the necessary tools, and the unequivocal support of every American to accomplish the daunting task before us. With U.S. forces stationed both here at home and abroad, from America to Afghanistan, from Kosovo to Korea and regions between and beyond, our military must be provided with the necessary support to achieve its objective. This means financial support, the best equipment possible, a clear objective, and continued diplomatic efforts, always hoping and praying that peace can be achieved.

We must put American troops in the best possible position to do the job

they are called to do. We must commit ourselves to ensuring that the United States will continue to remain the backbone of freedom and the beacon of democracy throughout the world.

Putting our brave men and women in harm's way is a difficult decision but one for which they are prepared and we should be prepared. We owe them our unwavering commitment to provide all the means necessary to carry out the mission before them.

Madam Speaker, I support this resolution before us because it contains three important components:

First, it ensures that we have first exhausted all diplomatic efforts.

Second, it authorizes the use of force once those efforts have been exhausted.

And, third, it requires the administration to work with the Congress so that we can make sure that our troops are in the best position possible to do the job they are called to do.

Our military is the most highly trained and well-equipped fighting force in world, and we owe each and every American serviceman and woman the thanks and prayers of a grateful Nation. May God bless our Armed Forces and all those who seek to protect the precious freedoms that so many have fought for throughout the history of this Nation, and may God grant us the wisdom and the will to stand firm for the blessings of freedom wherever duty may call.

Mr. MCHUGH. Madam Speaker, on behalf of the Committee on International Relations, I yield 60 minutes to the gentleman from Florida (Mr. GOSS) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HAYES. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Kansas (Mr. RYUN), a member of the Committee on Armed Services, very active.

Mr. RYUN of Kansas. Madam Speaker, I thank the gentleman for his kind comments.

Madam Speaker, a vote to place the men and women of our Armed Forces in the harm's way is one of the most crucial decisive votes I will ever have to make. Having fully considered the matter, I am convinced that Saddam's continued possession of weapons of mass destruction poses a significant threat to the United States. If he continues to refuse to comply with the demands to disarm, the use of force will be justified.

Information provided by the Central Intelligence Agency and the Defense Intelligence Agency and testimony received by the House Committee on Armed Services clearly establishes that Saddam Hussein currently possesses chemical and biological weapons and is actively pursuing nuclear weapons. Saddam has already demonstrated his belief that the use of weapons of mass destruction against both his own citizens and his enemies is a legitimate means to preserve his power and achieve his goals. Saddam's capabilities and willingness to use weapons of mass destruction pose a threat to the security of the United States.

This threat to our national security is imminent. The attacks of September 11, 2001, demonstrate that our enemies have embraced nontraditional warfare. They will not operate under traditional notions of warfare and will not confine their methods to conventional combat. Saddam's options for employing chemical, biological, and radiological weapons against the United States and our Armed Forces are not limited to bombers and missiles and artillery shells. In fact, Saddam's most effective uses of weapons of mass destruction could come through surrogates that obtain these weapons by Iraq.

I know some urge reliance on additional inspections and sanctions. While I applaud the President's proposal for a new U.N. Security Council resolution and hope that U.N. member nations will follow the United States' lead in confronting this threat, we must remember that, after more than a decade, U.N. actions to this date have simply not worked. I am convinced that an inspection regime dependent upon Saddam's compliance will not result in disarmament.

Since 1991, Saddam has flagrantly violated the conditions of cease-fire that ended the Gulf War. As a part of the cease-fire, Saddam agreed unconditionally to give up his weapons of mass destruction. However, Saddam has retained possession of chemical and biological weapons produced before the Gulf War and has restored his ability to produce these weapons.

Additionally, Saddam is vigorously pursuing a nuclear weapons program. It appears that if Saddam were able to acquire fissile material, he would be able to as quickly assemble nuclear weapons in a manner of months, not years.

On September 16, 2002, Saddam promised the United Nations unrestricted access for weapons inspection in Iraq, but the U.N. agreement announced on October 1 does not provide such access. Saddam's presidential palaces, which are comprised of vast tracts of land and hundreds of buildings, are not open to inspection without prior notice. Under this program, Saddam will show the inspectors and the world empty buildings, while covertly continuing his weapons programs. One of his former weapons developers has testified that this was Saddam's regular practice while the U.N. inspectors were taking their action in other places.

□ 2045

Faced with these facts, I am convinced that Congress must give the President the authority and the flexibility he needs to confront this threat. The authorization of use of force against Iraq in this resolution does just that. While we hope the diplomatic efforts will be successful, we must be prepared to act if they are not. Certainly military action against Iraq, if it becomes necessary, will involve risk. However, the risk posed by delaying action are even greater. I urge my colleagues to support this resolution.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentleman from Maine (Mr. ALLEN), a member of the Committee on Armed Services and a person who has put in a tremendous amount of time and effort in this very important matter.

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

Madam Speaker, I rise in support of the Spratt substitute and in opposition to the underlying resolution.

Saddam Hussein is a tyrant, a brute, a danger. Were this simply a referendum on him, the vote would be unanimous. But Saddam is not on the ballot.

The two questions before us are, first, how do we diminish the threat from Iraq without empowering Islamic fundamentalism and creating new recruits for terrorist groups; and, second, how do we avoid setting a dangerous global precedent for other nations to launch unilateral preemptive attacks as a legitimate tool of public policy?

Our country is strong enough to attack Iraq and win, but we ought to be wise enough to achieve our ends with allies and without war. In the past year, terrorism has threatened us as never before. We should face that new threat resolutely, but not frighten our own people by overstating the risk to Americans.

Some who support the resolution have morphed Osama bin Laden into Saddam Hussein and Saddam into Hitler and Stalin, yet the classified briefings that I have received do not lead me to conclude that the threat is imminent. We have time to work with our allies to enforce U.N. resolutions.

Actions often have unintended consequences. An invasion of Iraq to enforce U.N. resolutions may cost hundreds of Americans lives, maybe more, and thousands of Iraqi lives. But the future is obscured to us and predictions on this floor can easily turn out to be wishful thinking.

The resolution negotiated between the President and the House leadership has two fundamental shortcomings. It is still a blank check. I quote: ''The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate.''

The Gulf War resolution of 1991 did not delegate decisions on ''force as he determines.'' The post-September 11 use-of-force resolution did not use the words ''as he determines.'' Not even the Gulf of Tonkin resolution used the words ''as he determines.''

Under the Constitution, the President and Congress share war-making powers, yet the underlying resolution represents an abdication of Congress'

constitutional role. This is the people's House. Pass this resolution, and the people's voice will be silenced. Pass this resolution, and Congress' role in this matter is finished as of this week.

We are being used as a megaphone to communicate the President's resolve. We should have a larger role, an equal role.

The underlying resolution is also troubling for how it is rationalized. The President has justified his action under new doctrines of preemptive strike and regime change. What precedent do these doctrines set, for ourselves and for others? How many wars will start when another country launches a preemptive strike against a nation that it determines to be a threat?

The United States created the institutions and laws that have governed the international system for the last half century precisely because no nation benefits more than the United States from a rule-based international system. There are serious questions about the precedents we set and the dangers we create. This House should reserve to a later time the question of whether or not unilateral military action in Iraq should be authorized.

We should, instead, pass the Spratt substitute. It reflects four fundamental principles:

First, our mission should be clear, disarming Iraq of all weapons of mass destruction;

Second, it contains a sense of Congress supporting tough new rigorous U.N. inspections;

Third, it authorizes the use of force if sanctioned by the U.N. Security Council; and,

Fourth, it establishes a separate fast track congressional authorization of force if U.N. action is insufficient. In other words, the President gets expedited consideration by Congress on an up or down vote without amendment on the second resolution set forth in the Spratt amendment.

The Spratt amendment affirms that the U.S. should work through the United Nations Security Council first, and unilaterally only as a last resort.

In the war on terrorism, we need more friends and allies and fewer enemies. We are unlikely to succeed through unilateral preemptive policies so poorly received overseas. The Spratt substitute is our best opportunity to disarm Iraq without inflaming the Middle East and to keep this Congress relevant in the decisions that lie ahead.

Support the Spratt substitute, and reject the underlying resolution.

Mr. HAYES. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. RILEY), a hard-working member of the Committee on Armed Services.

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

Madam Speaker, God has truly blessed America. Through his guidance and grace, we have built and preserved a nation more free and prosperous and peaceful than any in history; and it is written of those to whom much is given, much is required. I believe those words, and they have helped me to make my decision.

Madam Speaker, it is my firm belief that Saddam Hussein is a clear and present danger to the world community. America has been given the ability to stop Saddam; and, therefore, I believe that America is required to stop Saddam. If we do not, no one will. That much is clear.

The price of America's hesitation will be measured in lives lost and nations ruined. I, for one, Madam Speaker, am not willing to pay the terrible price that appeasement will eventually cost.

I ask, if one less nation is willing to help in this endeavor, is Saddam any less dangerous? Americans have learned and learned tragically that we must confront the danger or else we will suffer the aftermath. Appeasement did not work with Hitler, and appeasement will not work with Saddam.

Madam Speaker, tyrants like Saddam do not understand the language of peace. Therefore, Congress must give President Bush the ability to speak Saddam's language, which is force. But if we hesitate, if we fail to act, I believe history will judge this Congress with a single word, naive.

Mr. BERMAN. Madam Speaker, I yield myself 6 minutes.

Madam Speaker, I would like to address the points made by my colleague and friend, the gentleman from Maine (Mr. ALLEN), who gave really a very intelligent and thoughtful presentation of his position in opposition to this resolution. There are a couple of points he made that I would like to respond to.

One, the question of this being an open-ended grant of authority to allow the President to get the United States into the war and analogizing it to the Gulf of Tonkin Resolution.

I remember the Gulf of Tonkin Resolution. This is not the Gulf of Tonkin Resolution. At that particular time, based on an incident on the high seas, Congress quickly and without much discussion authorized a response that hardly anyone in either Chamber believed was an invitation to a massive expansion of U.S. participation in Vietnam. The subsequent use of that resolution to justify that action was not known at the time.

Here it is totally different. We know what we are talking about. We are talking about authorizing the use of force, i.e., war, against Iraq, a major difference between now and the Gulf of Tonkin. This is what we are debating, this is what the American people understand this authorization to be, and the after-the-fact justification of the war in Vietnam based on that resolution is not what is taking place here. It is up front, and we know it.

Secondly, it is not open-ended. The President's original proposal was quite open-ended, but H.J. Res. 114 is much more limited. The language authorizing the use of force to restore international peace and security in the region was deleted. The joint resolution and the report from the Committee on International Relations made quite clear that the threats that are the basis for using U.S. Armed Forces are Iraq's weapons of mass destruction and the missile programs, the means to deliver them, and its support for international terrorism, not all the different resolutions passed by the U.N. that Saddam has violated.

Page 42 of the committee report provides that the President is authorized to use force against Iraq to defend the national security of the United States from the continuing threat posed by Iraq ''which primarily consists of its continued possession, development and acquisition of chemical and biological weapons and prohibited ballistic missiles, nuclear weapons and its continued support for and harboring of international terrorists.''

That resolution also provides that the authority is to be used against Iraq's continuing threat, that of yesterday and today, not of some potential and new threat at some point in the future.

This is not a blank check; it is a broad, but circumscribed, authority to use the Armed Forces against a current threat.

Mr. ANDREWS. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Madam Speaker, I thank my friend for yielding.

Madam Speaker, I share my friend from California's profound respect for the gentleman from Maine. I work with him on the Committee on Armed Services, and every issue he approaches in a very thoughtful and reasonable way.

I have a very different interpretation than he put on this resolution. The statement that our role is finished after this week as a Congress, I do not read the resolution that way, in two very important respects.

The first is that the resolution explicitly references the War Powers Act and the reporting requirements that the President has under that act to come back to this body, consult with us and pay due homage to our co-equal constitutional responsibilities.

Second, obviously the appropriations process is an ongoing process that gives us a frequent and important role in assessing the decisions that the executive branch makes.

I would also say that the reference to the language of ''as the President determines,'' it is important to understand what precedes that language. What precedes it is an exhaustion, a complete playing out of the United Nations process and the weapons inspection process that so many people wish to see. This was an important improvement in this resolution that the majority leader of the Democratic Party was successful in negotiating.

So I believe that this resolution does not run the risks that the gentleman

from Maine referenced. I think that we have our continuing constitutional role, it is our obligation to exercise it, and that the President's determinations follow a careful engagement at the United Nations and an acute assessment of the success or failure of the weapons inspection process.

Mr. ALLEN. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Maine.

Mr. ALLEN. Madam Speaker, is there anything in this resolution that would prevent the President from committing 500,000 troops to a war in Iraq without further congressional action?

Mr. BERMAN. Madam Speaker, reclaiming my time, I indicated that this was a broad, but not unlimited, delegation of authority to use force for a specific purpose, the elimination of the weapons of mass destruction and the need to eliminate them and the supporting and harboring of terrorism. But we the American Congress and we the American people understand at the time, unlike the Gulf of Tonkin, just what we are discussing and debating; and no one has made a claim that this is not an authorization of the use of force, very specifically directed against Iraq for specific purposes.

Mr. HAYES. Madam Speaker, it gives me an unusually great deal of pleasure to yield 5 minutes to the gentleman from Nevada (Mr. GIBBONS), a distinguished member of the Committee on Armed Services, someone who is uniquely qualified to speak tonight on this issue, who is a decorated combat veteran of both Vietnam and the Persian Gulf War, and knows Saddam Hussein on a personal basis.

□ 2100

Mr. GIBBONS. Mr. Speaker, I thank my friend and colleague for his genuine recognition.

Madam Speaker, there is no one in this body, no matter what political philosophy one ascribes to, that doubts that Saddam Hussein is not a leader for a peaceful political world.

Having been in war, I am not one who rushes into war quickly or blindly, nor am I one who cowers when our country and our Nation is threatened. Madam Speaker, in 1991, I flew through the smoke and the ashes of the fires in Kuwait ordered by Saddam Hussein in the Gulf War, and in that war I saw the death and the destruction this dictator is capable of. I saw missiles launched at our troops. But, more importantly, if we doubt Saddam's intentions, I saw nearly three dozen missiles launched at Israel, a country not even participating in that war. Innocent lives were lost.

After the Gulf War, the United Nations Security Council passed Resolution 687 which stated that Iraq must disarm. That resolution created the U.N. Special Commissions to verify Iraq's elimination of their weapons of mass destruction.

Throughout the 1990s, as weapons inspectors went throughout Iraq, it became more and more evident that Iraq had no intention of disarming. Saddam no longer gave U.N. inspectors the unrestricted access they needed to ensure Iraq no longer possessed weapons of mass destruction.

From 1991 to 1998, the U.N. passed 16 resolutions mandating that Iraq allow weapons inspectors complete and unfettered access, and each time Iraq refused.

Today, we find Iraq with 30,000 liters of anthrax, botulism and other biological weapons, thousands of gallons of chemical weapons, and months away from possessing nuclear weapon capability.

I support sending U.N. inspectors back into Iraq to verify their disarmament, but not under the previous resolutions which Iraq has never followed. The only way to ensure the success of a weapons inspection team, or any weapons team, is to pass a new resolution that would add very tough consequences if Iraq fails to comply. We cannot allow U.N. weapons inspectors to be continually used as puppets.

Since President Bush's address at the United Nations last month, Iraq has already changed its position four, yes four, times on the level of access U.N. weapons inspectors will have, the latest of which is not complete and unfettered access.

While the use of military force is and must be the last option, it is an option that must be discussed here, must be debated here and, ultimately, granted to the President.

I support the bipartisan resolution we are currently debating, authorizing the President to use military force if necessary. President Bush is responsible for our country's security, not the United Nations. I will not tie the President's hands by allowing the United Nations to decide when, how, and if we will protect the United States and its citizens. After the tragic events of September 11, we must do everything in our power to protect the people of this country.

Ironically, Saddam Hussein was the only world leader to fully condone what happened on September 11 and has stated on many occasions his hatred for our country.

Saddam Hussein supports international terrorism, including paying $25,000 to the families of Palestinian suicide bombers, and he shelters many terrorist organizations with a history of killing Americans, like the MKO and the Palestine Liberation Front.

Recently, Saddam Hussein's media promised the American people that if their government did not change its policies over Iraq it would suffer even more devastating blows.

I am convinced that, given the opportunity, Saddam would use his weapons of mass destruction against us, whether directly himself or indirectly through selling them to some terrorist organization.

That must not happen. We cannot let a catastrophic attack on American soil be the smoking gun that he possesses such weapons. We must not cower. We must not back down. We must stand united and grant the President the authority he needs to protect this Nation and its people. I urge my colleagues to support this resolution.

CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

Mr. NEY submitted the following conference report and statement on the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–730)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3295), to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Help America Vote Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections.
Sec. 102. Replacement of punch card or lever voting machines.
Sec. 103. Guaranteed minimum payment amount.
Sec. 104. Authorization of appropriations.
Sec. 105. Administration of programs.
Sec. 106. Effective date.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Dissemination of information.

Sec. 207. Annual report.
Sec. 208. Requiring majority approval for actions.
Sec. 209. Limitation on rulemaking authority.
Sec. 210. Authorization of appropriations.
PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS
Sec. 211. Establishment.
Sec. 212. Duties.
Sec. 213. Membership of Standards Board.
Sec. 214. Membership of Board of Advisors.
Sec. 215. Powers of Boards; no compensation for service.
Sec. 216. Status of Boards and members for purposes of claims against Board.
PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE
Sec. 221. Technical Guidelines Development Committee.
Sec. 222. Process for adoption.
Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software
Sec. 231. Certification and testing of voting systems.
Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections
Sec. 241. Periodic studies of election administration issues.
Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting.
Sec. 243. Report on human factor research.
Sec. 244. Study and report on voters who register by mail and use of social security information.
Sec. 245. Study and report on electronic voting and the electoral process.
Sec. 246. Study and report on free absentee ballot postage.
Sec. 247. Consultation with Standards Board and Board of Advisors.
Subtitle D—Election Assistance
PART 1—REQUIREMENTS PAYMENTS
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TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

SEC. 101. PAYMENTS TO STATES FOR ACTIVITIES TO IMPROVE ADMINISTRATION OF ELECTIONS.

(a) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator of General Services (in this title referred to as the ''Administrator'') shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after the date of the enactment of this Act that the State intends to use the payment in accordance with this section.

(b) USE OF PAYMENT.—

(1) IN GENERAL.—A State shall use the funds provided under a payment made under this section to carry out 1 or more of the following activities:

(A) Complying with the requirements under title III.

(B) Improving the administration of elections for Federal office.

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

(D) Training election officials, poll workers, and election volunteers.

(E) Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

(G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

(H) Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

(2) LIMITATION.—A State may not use the funds provided under a payment made under this section—

(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or

(B) for the payment of any judgment.

(c) USE OF FUNDS TO BE CONSISTENT WITH OTHER LAWS AND REQUIREMENTS.—In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that—

(1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 906, as such laws relate to the provisions of this Act; and

(2) the proposed uses of the funds are not inconsistent with the requirements of title III.

(d) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to section 103(b), the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

(2) MINIMUM PAYMENT AMOUNT.—The minimum payment amount described in this paragraph is—

(A) in the case of any of the several States or the District of Columbia, ½ of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United

States Virgin Islands, 1/10 of 1 percent of such aggregate amount.

(3) VOTING AGE POPULATION PROPORTION AMOUNT.—The voting age population proportion amount described in this paragraph is the product of—

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

(4) VOTING AGE POPULATION PROPORTION DEFINED.—The term ''voting age population proportion'' means, with respect to a State, the amount equal to the quotient of—

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

SEC. 102. REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a ''qualifying precinct'').

(2) USE OF FUNDS.—A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that—

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in section 906; and

(C) meets the requirements of section 301.

(3) DEADLINE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(B) WAIVER.—If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after January 1, 2006.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after the date of the enactment of this Act (in such form as the Administrator may require) that contains—

(A) certifications that the State will use the payment (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a)(3);

(B) certifications that the State will continue to comply with the laws described in section 906;

(C) certifications that the replacement voting systems will meet the requirements of section 301; and

(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program.

(2) COMPLIANCE OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(c) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2) and section 103(b), the amount of payment made to a State under the program under this section shall be equal to the product of—

(A) the number of the qualifying precincts within the State; and

(B) $4,000.

(2) REDUCTION.—If the amount of funds appropriated pursuant to the authority of section 104(a)(2) is insufficient to ensure that each State receives the amount of payment calculated under paragraph (1), the Administrator shall reduce the amount specified in paragraph (1)(B) to ensure that the entire amount appropriated under such section is distributed to the States.

(d) REPAYMENT OF FUNDS FOR FAILURE TO MEET DEADLINES.—

(1) IN GENERAL.—If a State receiving funds under the program under this section fails to meet the deadline applicable to the State under subsection (a)(3), the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program.

(2) NONCOMPLIANT PRECINCT PERCENTAGE DEFINED.—In this subsection, the term ''noncompliant precinct percentage'' means, with respect to a State, the amount (expressed as a percentage) equal to the quotient of—

(A) the number of qualifying precincts within the State for which the State failed to meet the applicable deadline; and

(B) the total number of qualifying precincts in the State.

(e) PUNCH CARD VOTING SYSTEM DEFINED.—For purposes of this section, a ''punch card voting system'' includes any of the following voting systems:

(1) C.E.S.

(2) Datavote.

(3) PBC Counter.

(4) Pollstar.

(5) Punch Card.

(6) Vote Recorder.

(7) Votomatic.

SEC. 103. GUARANTEED MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—In addition to any other payments made under this title, the Administrator shall make a payment to each State to which a payment is made under either section 101 or 102 and with respect to which the aggregate amount paid under such sections is less than $5,000,000 in an amount equal to the difference between the aggregate amount paid to the State under sections 101 and 102 and $5,000,000. In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, the previous sentence shall be applied as if each reference to ''$5,000,000'' were a reference to ''$1,000,000''.

(b) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the amounts described in sections 101(d) and 102(c) as are necessary to comply with the requirements of subsection (a).

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for payments under this title $650,000,000, of which—

(1) 50 percent shall be for payments under section 101; and

(2) 50 percent shall be for payments under section 102.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—Any payment made to a State under this title shall be available to the State without fiscal year limitation (subject to subsection (c)(2)(B)).

(c) USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR REQUIREMENTS PAYMENTS.—

(1) IN GENERAL.—The amounts described in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make requirements payments under part 1 of subtitle D of title II.

(2) AMOUNTS DESCRIBED.—The amounts referred to in this paragraph are as follows:

(A) Any amounts paid to the Administrator by a State under section 102(d)(1).

(B) Any amounts appropriated for payments under this title which remain unobligated as of September 1, 2003.

(d) DEPOSIT OF AMOUNTS IN STATE ELECTION FUND.—When a State has established an election fund described in section 254(b), the State shall ensure that any funds provided to the State under this title are deposited and maintained in such fund.

(e) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATOR.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Administrator such sums as may be necessary to administer the programs under this title.

SEC. 105. ADMINISTRATION OF PROGRAMS.

In administering the programs under this title, the Administrator shall take such actions as the Administrator considers appropriate to expedite the payment of funds to States.

SEC. 106. EFFECTIVE DATE.

The Administrator shall implement the programs established under this title in a manner that ensures that the Administrator is able to make payments under the program not later than the expiration of the 45-day period which begins on the date of the enactment of this Act.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

SEC. 201. ESTABLISHMENT.

There is hereby established as an independent entity the Election Assistance Commission (hereafter in this title referred to as the ''Commission''), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under part 2 (hereafter in this part referred to as the ''Standards Board'' and the ''Board of Advisors'', respectively) and the Technical Guidelines Development Committee under part 3.

SEC. 202. DUTIES.

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in part 3 (relating to the adoption of voluntary voting system guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general;

(2) carrying out the duties described in subtitle B (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

(3) carrying out the duties described in subtitle C (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);

(4) carrying out the duties described in subtitle D (relating to election assistance), and providing information and training on the management of the payments and grants provided under such subtitle;

(5) carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary guidance); and

(6) developing and carrying out the Help America Vote College Program under title V.

SEC. 203. MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall have 4 members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(3) QUALIFICATIONS.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

(4) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this Act.

(b) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than 1 additional term.

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of nomination, of the members first appointed—

(A) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) CHAIR AND VICE CHAIR.—

(1) IN GENERAL.—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson and vice chairperson for only 1 term each during the term of office to which such member is appointed.

(d) COMPENSATION.—

(1) IN GENERAL.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment before sitting as a member of the Commission.

SEC. 204. STAFF.

(a) EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR.—The Executive Director shall serve for a term of 4 years. An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(3) PROCEDURE FOR APPOINTMENT.—

(A) IN GENERAL.—When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least 3 nominees for the position.

(B) REQUIRING CONSIDERATION OF NOMINEES.—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) INTERIM SERVICE OF GENERAL COUNSEL.—If a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director in accordance with this paragraph.

(D) SPECIAL RULES FOR INTERIM EXECUTIVE DIRECTOR.—

(i) CONVENING OF SEARCH COMMITTEES.—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) INTERIM INITIAL APPOINTMENT.—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as an interim Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the interim Executive Director from serving any additional term.

(4) GENERAL COUNSEL.—The Commission shall have a General Counsel, who shall be appointed by the Commission and who shall serve under the Executive Director. The General Counsel shall serve for a term of 4 years, and may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(5) OTHER STAFF.—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(6) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of that title.

(b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, by a vote of the Commission.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.—At the request of the Board of Advisors or the Standards Board, the Commission may enter into such arrangements as the Commission considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board.

SEC. 205. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

SEC. 206. DISSEMINATION OF INFORMATION.

In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of title 44, United States Code, information on the activities carried out under this Act.

SEC. 207. ANNUAL REPORT.

Not later than January 31 of each year (beginning with 2004), the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate detailing its activities during the fiscal year which ended on September 30 of the previous calendar year, and shall include in the report the following information:

(1) A detailed description of activities conducted with respect to each program carried out by the Commission under this Act, including information on each grant or other payment made under such programs.

(2) A copy of each report submitted to the Commission by a recipient of such grants or payments which is required under such a program, including reports submitted by States receiving requirements payments under part 1 of subtitle D, and each other report submitted to the Commission under this Act.

(3) Information on the voluntary voting system guidelines adopted or modified by the Commission under part 3 and information on the voluntary guidance adopted under subtitle B of title III.

(4) All votes taken by the Commission.

(5) Such other information and recommendations as the Commission considers appropriate.

SEC. 208. REQUIRING MAJORITY APPROVAL FOR ACTIONS.

Any action which the Commission is authorized to carry out under this Act may be carried out only with the approval of at least 3 of its members.

SEC. 209. LIMITATION ON RULEMAKING AUTHORITY.

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)).

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts authorized for payments and grants under this title and the amounts authorized to be appropriated for the program under section 503, there are authorized to be appropriated for each of the fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year) for the Commission to carry out this title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

SEC. 211. ESTABLISHMENT.

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the ''Standards Board'') and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the ''Board of Advisors'').

SEC. 212. DUTIES.

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part, the voluntary guidance under title III, and the best practices recommendations contained in the report submitted under section 242(b).

SEC. 213. MEMBERSHIP OF STANDARDS BOARD.

(a) COMPOSITION.—

(1) IN GENERAL.—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) 55 shall be State election officials selected by the chief State election official of each State.

(B) 55 shall be local election officials selected in accordance with paragraph (2).

(2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The 2 members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing—

(A) the name of the State election official who agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this title.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select 9 of its members to serve as the Executive Board of the Standards Board, of whom—

(A) not more than 5 may be State election officials;

(B) not more than 5 may be local election officials; and

(C) not more than 5 may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) 3 shall serve for 1 term;

(B) 3 shall serve for 2 consecutive terms; and

(C) 3 shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.

(a) IN GENERAL.—The Board of Advisors shall be composed of 37 members appointed as follows:

(1) 2 members appointed by the National Governors Association.

(2) 2 members appointed by the National Conference of State Legislatures.

(3) 2 members appointed by the National Association of Secretaries of State.

(4) 2 members appointed by the National Association of State Election Directors.

(5) 2 members appointed by the National Association of Counties.

(6) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(7) 2 members appointed by the United States Conference of Mayors.

(8) 2 members appointed by the Election Center.

(9) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(10) 2 members appointed by the United States Commission on Civil Rights.

(11) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(12) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program of the Department of Defense.

(15) 4 members representing professionals in the field of science and technology, of whom—

(A) 1 each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) 1 each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) 8 members representing voter interests, of whom—

(A) 4 members shall be appointed by the Committee on House Administration of the House of Representatives, of whom 2 shall be appointed by the chair and 2 shall be appointed by the ranking minority member; and

(B) 4 members shall be appointed by the Committee on Rules and Administration of the Senate, of whom 2 shall be appointed by the chair and 2 shall be appointed by the ranking minority member.

(b) MANNER OF APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the voluntary voting system guidelines referred to it under section 222;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in

the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

SEC. 221. TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Technical Guidelines Development Committee (hereafter in this part referred to as the ''Development Committee'').

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) 2 representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(2) TECHNICAL SUPPORT.—The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this part, including—

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under section 303(a);

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) NO PRIVATE SECTOR INTELLECTUAL PROPERTY RIGHTS IN GUIDELINES.—No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this Act.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any voluntary voting system guideline pursuant to section 222, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

SEC. 222. PROCESS FOR ADOPTION.

(a) GENERAL REQUIREMENT FOR NOTICE AND COMMENT.—Consistent with the requirements of this section, the final adoption of the voluntary voting system guidelines (or modification of such a guideline) shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed guidelines in the Federal Register.

(2) An opportunity for public comment on the proposed guidelines.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final guidelines in the Federal Register.

(b) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED GUIDELINES TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing the voluntary voting system guidelines and modifications of such guidelines under this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under section 221.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines (or modifications) and forward its recommendations to the Standards Board.

(c) REVIEW.—Upon receipt of voluntary voting system guidelines described in subsection (b) (or a modification of such guidelines) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

(d) FINAL ADOPTION.—

(1) IN GENERAL.—A voluntary voting system guideline described in subsection (b) (or modification of such a guideline) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a guideline described in subsection (b) (or modification of such a guideline) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

(e) SPECIAL RULE FOR INITIAL SET OF GUIDELINES.—Notwithstanding any other provision of this part, the most recent set of voting system standards adopted by the Federal Election Commission prior to the date of the enactment of this Act shall be deemed to have been adopted by the Commission as of the date of the enactment of this Act as the first set of voluntary voting system guidelines adopted under this part.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

SEC. 231. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary voting system guidelines under part 3 of subtitle A, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) APPROVAL BY COMMISSION.—

(A) IN GENERAL.—The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

(B) ACCREDITATION OF LABORATORIES NOT ON DIRECTOR LIST.—The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1).

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

(d) TRANSITION.—Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of the date of the enactment of this Act shall remain in effect.

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

SEC. 241. PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES.

(a) IN GENERAL.—On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and

(4) will be efficient and cost-effective for use.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.

(2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing—

(A) a legal public holiday under section 6103 of title 5, United States Code, as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13)(A) The laws and procedures used by each State that govern—

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) REPORTS.—The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

SEC. 242. STUDY, REPORT, AND RECOMMENDATIONS ON BEST PRACTICES FOR FACILITATING MILITARY AND OVERSEAS VOTING.

(a) STUDY.—

(1) IN GENERAL.—The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act).

(2) ISSUES CONSIDERED.—In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

SEC. 243. REPORT ON HUMAN FACTOR RESEARCH.

Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities (including blindness) and individuals with limited proficiency in the English language and to reduce voter error and the number of spoiled ballots in elections.

SEC. 244. STUDY AND REPORT ON VOTERS WHO REGISTER BY MAIL AND USE OF SOCIAL SECURITY INFORMATION.

(a) REGISTRATION BY MAIL.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study of the impact of section 303(b) on voters who register by mail.

(B) SPECIFIC ISSUES STUDIED.—The study conducted under subparagraph (A) shall include—

(i) an examination of the impact of section 303(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(ii) an examination of the impact of such section on the accuracy of voter rolls, including

preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(iii) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(2) REPORT.—Not later than 18 months after the date on which section 303(b)(2) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under paragraph (1)(A) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(b) USE OF SOCIAL SECURITY INFORMATION.—Not later than 18 months after the date on which section 303(a)(5) takes effect, the Commission, in consultation with the Commissioner of Social Security, shall study and report to Congress on the feasibility and advisability of using Social Security identification numbers or other information compiled by the Social Security Administration to establish voter registration or other election law eligibility or identification requirements, including the matching of relevant information specific to an individual voter, the impact of such use on national security issues, and whether adequate safeguards or waiver procedures exist to protect the privacy of an individual voter.

SEC. 245. STUDY AND REPORT ON ELECTRONIC VOTING AND THE ELECTORAL PROCESS.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Commission may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) SUBMISSION.—Not later than 20 months after the date of the enactment of this Act, the Commission shall transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the study conducted under subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Commission.

(2) INTERNET POSTING.—In addition to the dissemination requirements under chapter 19 of title 44, United States Code, the Election Administration Commission shall post the report transmitted under paragraph (1) on an Internet website.

SEC. 246. STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Commission, in consultation with the Postal Service, shall conduct a study on the feasibility and advisability of the establishment of a program under which the Postal Service shall waive or otherwise reduce the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots to be submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) POSTAL SERVICE DEFINED.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

SEC. 247. CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.

The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

SEC. 251. REQUIREMENTS PAYMENTS.

(a) IN GENERAL.—The Commission shall make a requirements payment each year in an amount determined under section 252 to each State which meets the conditions described in section 253 for the year.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State receiving a requirements payment shall use the payment only to meet the requirements of title III.

(2) OTHER ACTIVITIES.—A State may use a requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

(A) the State has implemented the requirements of title III; or

(B) the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 252(c).

(c) RETROACTIVE PAYMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this subtitle, including the maintenance of effort requirements of section 254(a)(7), a State may use a requirements payment as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000.

(2) SPECIAL RULE REGARDING MULTIYEAR CONTRACTS.—A State may use a requirements payment for any costs for voting equipment which meets the requirements of section 301 that, pursuant to a multiyear contract, were incurred on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements of section 254(a)(7) shall be increased by the amount of the payment made with respect to such multiyear contract.

(d) ADOPTION OF COMMISSION GUIDELINES AND GUIDANCE NOT REQUIRED TO RECEIVE PAYMENT.—Nothing in this part may be construed to require a State to implement any of the voluntary voting system guidelines or any of the voluntary guidance adopted by the Commission with respect to any matter as a condition for receiving a requirements payment.

(e) SCHEDULE OF PAYMENTS.—As soon as practicable after the initial appointment of all members of the Commission (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make requirements payments to States under this part.

(f) LIMITATION.—A State may not use any portion of a requirements payment—

(1) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a requirements payment under this part; or

(2) for the payment of any judgment.

SEC. 252. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Subject to subsection (c), the amount of a requirements payment made to a State for a year shall be equal to the product of—

(1) the total amount appropriated for requirements payments for the year pursuant to the authorization under section 257; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(b) STATE ALLOCATION PERCENTAGE DEFINED.—The ''State allocation percentage'' for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State (as reported in the most recent decennial census); and

(2) the total voting age population of all States (as reported in the most recent decennial census).

(c) MINIMUM AMOUNT OF PAYMENT.—The amount of a requirements payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, ½ of 1 percent of the total amount appropriated for requirements payments for the year under section 257; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, 1/10 of 1 percent of such total amount.

(d) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

(e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A requirements payment made to a State under this part shall be available to the State without fiscal year limitation.

SEC. 253. CONDITION FOR RECEIPT OF FUNDS.

(a) IN GENERAL.—A State is eligible to receive a requirements payment for a fiscal year if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: ''_____ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.'' (with the blank to be filled in with the name of the State involved).

(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REQUIREMENTS.—The requirements referred to in this subsection are as follows:

(1) The State has filed with the Commission a State plan covering the fiscal year which the State certifies—

(A) contains each of the elements described in section 254 with respect to the fiscal year;

(B) is developed in accordance with section 255; and

(C) meets the public notice and comment requirements of section 256.

(2) The State has filed with the Commission a plan for the implementation of the uniform, nondiscriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan filed under paragraph (1)), and has such procedures in place for purposes of meeting the requirements of such section. If the State does not include such an implementation plan in the State plan filed under paragraph (1), the requirements of sections 255(b) and 256 shall apply to the implementation plan in the same manner as such requirements apply to the State plan.

(3) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

(4) To the extent that any portion of the requirements payment is used for activities other than meeting the requirements of title III—

(A) the State's proposed uses of the requirements payment are not inconsistent with the requirements of title III; and

(B) the use of the funds under this paragraph is consistent with the requirements of section 251(b).

(5) The State has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement under section 251(c)(2), an additional amount equal to the amount of such reimbursement.

(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

(d) TIMING FOR FILING OF CERTIFICATION.—A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period (or, in the case of a fiscal year other than the first fiscal year for which a requirements payment is made to the State under this subtitle, the 30-day period) which begins on the date the State plan under this subtitle is published in the Federal Register pursuant to section 255(b).

(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this subtitle, the ''chief State election official'' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

SEC. 254. STATE PLAN.

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

(6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A) the costs of the activities required to be carried out to meet the requirements of title III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

(10) If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) ELECTION FUND DESCRIBED.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this part.

(3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this part.

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

SEC. 255. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY COMMISSION.

(a) IN GENERAL.—The chief State election official shall develop the State plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the 2 most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

(b) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this subtitle, the Commission shall cause to have the plan published in the Federal Register.

SEC. 256. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.

For purposes of section 251(a)(1)(C), a State plan meets the public notice and comment requirements of this section if—

(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

(2) the State publishes notice that the preliminary version of the plan is so available; and

(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

SEC. 257. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts transferred under section 104(c), there are authorized to be appropriated for requirements payments under this part the following amounts:

(1) For fiscal year 2003, $1,400,000,000.

(2) For fiscal year 2004, $1,000,000,000.

(3) For fiscal year 2005, $600,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 258. REPORTS.

Not later than 6 months after the end of each fiscal year for which a State received a requirements payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

(1) a list of expenditures made with respect to each category of activities described in section 251(b);

(2) the number and type of articles of voting equipment obtained with the funds; and

(3) an analysis and description of the activities funded under this part to meet the requirements of this Act and an analysis and description of how such activities conform to the State plan under section 254.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

SEC. 261. PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in section 263).

(b) USE OF FUNDS.—An eligible State and eligible unit of local government shall use the payment received under this part for—

(1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

(c) SCHEDULE OF PAYMENTS.—As soon as practicable after the date of the enactment of this Act (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this part.

SEC. 262. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of a payment made to an eligible State or an eligible unit of local government for a year under this part shall be determined by the Secretary.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to an eligible State or eligible unit of local government under this part shall be available without fiscal year limitation.

SEC. 263. REQUIREMENTS FOR ELIGIBILITY.

(a) APPLICATION.—Each State or unit of local government that desires to receive a payment under this part for a fiscal year shall submit an application for the payment to the Secretary at such time and in such manner and containing such information as the Secretary shall require.

(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional information and certifications as the Secretary determines to be essential to ensure compliance with the requirements of this part.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN APPLICATION.—

(1) IN GENERAL.—No action may be brought under this Act against a State or unit of local government on the basis of any information contained in the application submitted under subsection (a).

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or unit of local government for criminal acts or omissions.

SEC. 264. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this part the following amounts:

(1) For fiscal year 2003, $50,000,000.

(2) For fiscal year 2004, $25,000,000.

(3) For fiscal year 2005, $25,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 265. REPORTS.

(a) REPORTS BY RECIPIENTS.—Not later than the 6 months after the end of each fiscal year for which an eligible State or eligible unit of local government received a payment under this part, the State or unit shall submit a report to the Secretary on the activities conducted with the funds provided during the year, and shall include in the report a list of expenditures made with respect to each category of activities described in section 261(b).

(b) REPORT BY SECRETARY TO COMMITTEES.—With respect to each fiscal year for which the Secretary makes payments under this part, the Secretary shall submit a report on the activities carried out under this part to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

SEC. 271. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and certifications as the Commission may require.

(c) APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

(d) RECOMMENDATION OF TOPICS FOR RESEARCH.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the ''Director'') shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under this part during the year.

(2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT REQUEST OF COMMISSION.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

(A) IN GENERAL.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

(e) PROVISION OF INFORMATION ON PROJECTS.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

SEC. 272. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 273. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $20,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

SEC. 281. PILOT PROGRAM.

(a) IN GENERAL.—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are tested and implemented on a trial basis so that the results of such tests and trials are reported to Congress.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the pilot programs funded with the grant will take into account the

need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965 and the requirements of this Act); and

(2) such other information and certifications as the Commission may require.

(c) RECOMMENDATION OF TOPICS FOR PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the ''Director'') shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of pilot programs funded with grants awarded under this part during the year.

(2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT REQUEST OF COMMISSION.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

(A) IN GENERAL.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

(d) PROVISION OF INFORMATION ON PROJECTS.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

SEC. 282. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 283. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $10,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

SEC. 291. PAYMENTS FOR PROTECTION AND ADVOCACY SYSTEMS.

(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Secretary of Health and Human Services shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

(c) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date on which the initial appropriation of funds for a fiscal year is made pursuant to the authorization under section 292, the Secretary shall set aside 7 percent of the amount appropriated under such section and use such portion to make payments to eligible entities to provide training and technical assistance with respect to the activities carried out under this section.

(2) USE OF FUNDS.—A recipient of a payment under this subsection may use the payment to support training in the use of voting systems and technologies, and to demonstrate and evaluate the use of such systems and technologies, by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for such individuals. At least 1 of the recipients under this subsection shall use the payment to provide training and technical assistance for nonvisual access.

(3) ELIGIBILITY.—An entity is eligible to receive a payment under this subsection if the entity—

(A) is a public or private nonprofit entity with demonstrated experience in voting issues for individuals with disabilities;

(B) is governed by a board with respect to which the majority of its members are individuals with disabilities or family members of such individuals or individuals who are blind; and

(C) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

SEC. 292. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 291(a); except that none of the funds provided by this subsection shall be used to initiate or otherwise participate in any litigation related to election-related disability access, notwithstanding the general authorities that the protection and advocacy systems are otherwise afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

SEC. 295. NATIONAL STUDENT AND PARENT MOCK ELECTION.

(a) IN GENERAL.—The Election Assistance Commission is authorized to award grants to the National Student and Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an ''issues forum'';

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) REQUIREMENT.—The National Student and Parent Mock Election shall present awards to outstanding student and parent mock election projects.

SEC. 296. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this subtitle $200,000 for fiscal year 2003 and such sums as may be necessary for each of the 6 succeeding fiscal years.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

SEC. 301. VOTING SYSTEMS STANDARDS.

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) AUDIT CAPACITY.—

(A) IN GENERAL.—The voting system shall produce a record with an audit capacity for such system.

(B) MANUAL AUDIT CAPACITY.—

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

(4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a).

(5) ERROR RATES.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.

(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE.—Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

(b) VOTING SYSTEM DEFINED.—In this section, the term ''voting system'' means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.

(2) PROTECTION OF PAPER BALLOT VOTING SYSTEMS.—For purposes of subsection (a)(1)(A)(i), the term ''verify'' may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.

(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

(a) PROVISIONAL VOTING REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) VOTING INFORMATION DEFINED.—In this section, the term ''voting information'' means—

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under section 303(b);

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

(d) EFFECTIVE DATE FOR PROVISIONAL VOTING AND VOTING INFORMATION.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.

SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the ''computerized list''), and includes the following:

(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.

(ii) The computerized list contains the name and registration information of every legally registered voter in the State.

(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.

(iv) The computerized list shall be coordinated with other agency databases within the State.

(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).

(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

(B) CONDUCT.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS.—The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(5) VERIFICATION OF VOTER REGISTRATION INFORMATION.—

(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS.—

(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER.—If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED.—The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

(B) REQUIREMENTS FOR STATE OFFICIALS.—

(i) SHARING INFORMATION IN DATABASES.—The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY.—The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).

(C) ACCESS TO FEDERAL INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

''(8)(A) The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002—

''(i) enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and

''(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records.

''(B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate.

''(C) The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number.

''(D) For purposes of this paragraph—

''(i) the term 'applicable information' means information regarding whether—

''(I) the name (including the first name and any family forename or surname), the date of birth (including the month, day, and year), and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records, and

''(II) such individual is shown on the records of the Commissioner as being deceased; and

''(ii) the term 'State driver's license agency' means the State agency which issues driver's licenses to individuals within the State and maintains records relating to such licensure.

''(E) Nothing in this paragraph may be construed to require the provision of applicable information with regard to a request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

''(F) Applicable information provided by the Commission pursuant to an agreement under this paragraph or by an individual to any agency that has entered into an agreement under this paragraph shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out an agreement under this paragraph. Any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without the written authority of the Commissioner, publishes or communicates any applicable information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction thereof shall be fined or imprisoned, or both, as described in section 208.''.

(D) SPECIAL RULE FOR CERTAIN STATES.—In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—

(A) IN GENERAL.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) shall include the following:

(i) The question ''Are you a citizen of the United States of America?'' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question ''Will you be 18 years of age on or before election day?'' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement ''If you checked 'no' in response to either of these questions, do not complete this form.''.

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of the enactment of this Act to comply with such a provision after such date.

(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS.—The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) EFFECTIVE DATE.—

(1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(B) WAIVER.—If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to ''January 1, 2004'' were a reference to ''January 1, 2006''.

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

SEC. 304. MINIMUM REQUIREMENTS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

SEC. 305. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.

The specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the State.

Subtitle B—Voluntary Guidance

SEC. 311. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION.

(a) IN GENERAL.—To assist States in meeting the requirements of subtitle A, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in section 312.

(b) DEADLINES.—The Commission shall adopt the recommendations under this section not later than—

(1) in the case of the recommendations with respect to section 301, January 1, 2004;

(2) in the case of the recommendations with respect to section 302, October 1, 2003; and

(3) in the case of the recommendations with respect to section 303, October 1, 2003.

(c) QUADRENNIAL UPDATE.—The Commission shall review and update recommendations adopted with respect to section 301 no less frequently than once every 4 years.

SEC. 312. PROCESS FOR ADOPTION.

The adoption of the voluntary guidance under this subtitle shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed recommendations in the Federal Register.

(2) An opportunity for public comment on the proposed recommendations.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final recommendations in the Federal Register.

TITLE IV—ENFORCEMENT

SEC. 401. ACTIONS BY THE ATTORNEY GENERAL FOR DECLARATORY AND INJUNCTIVE RELIEF.

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under sections 301, 302, and 303.

SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.

(a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.—

(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS.—If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

(2) REQUIREMENTS FOR PROCEDURES.—The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

(B) Under the procedures, any person who believes that there is a violation of any provision of title III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of title III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

(b) REQUIRING ATTORNEY GENERAL APPROVAL OF COMPLIANCE PLAN FOR STATES NOT RECEIVING FUNDS.—

(1) IN GENERAL.—Not later than January 1, 2004, each nonparticipating State shall elect—

(A) to certify to the Commission that the State meets the requirements of subsection (a) in the same manner as a State receiving a payment under this Act; or

(B) to submit a compliance plan to the Attorney General which provides detailed information on the steps the State will take to ensure that it meets the requirements of title III.

(2) STATES WITHOUT APPROVED PLAN DEEMED OUT OF COMPLIANCE.—A nonparticipating State (other than a State which makes the election described in paragraph (1)(A)) shall be deemed to not meet the requirements of title III if the Attorney General has not approved a compliance plan submitted by the State under this subsection.

(3) NONPARTICIPATING STATE DEFINED.—In this section, a ''nonparticipating State'' is a State which, during 2003, does not notify any office which is responsible for making payments to States under any program under this Act of its intent to participate in, and receive funds under, the program.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

SEC. 501. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the ''Help America Vote College Program'' (hereafter in this title referred to as the ''Program'').

(b) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

SEC. 502. ACTIVITIES UNDER PROGRAM.

(a) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the

chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 501(b).

(b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

In addition to any funds authorized to be appropriated to the Commission under section 210, there are authorized to be appropriated to carry out this title—

(1) $5,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for each succeeding fiscal year.

TITLE VI—HELP AMERICA VOTE FOUNDATION

SEC. 601. HELP AMERICA VOTE FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

"CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

''Sec.
''152601. Organization.
''152602. Purposes.
''152603. Board of directors.
''152604. Officers and employees.
''152605. Powers.
''152606. Principal office.
''152607. Service of process.
''152608. Annual audit.
''152609. Civil action by Attorney General for equitable relief.
''152610. Immunity of United States Government.
''152611. Authorization of appropriations.
''152612. Annual report.

"§ 152601. Organization

''(a) FEDERAL CHARTER.—The Help America Vote Foundation (in this chapter, the 'foundation') is a federally chartered corporation.

''(b) NATURE OF FOUNDATION.—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

''(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the foundation has perpetual existence.

"§ 152602. Purposes

''(a) IN GENERAL.—The purposes of the foundation are to—

''(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law);

''(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States (to the extent permitted under applicable State law); and

''(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

''(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

''(c) CONSULTATION WITH STATE ELECTION OFFICIALS.—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

"§ 152603. Board of directors

''(a) GENERAL.—The board of directors is the governing body of the foundation.

''(b) MEMBERS AND APPOINTMENT.—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

''(A) 4 directors (of whom not more than 2 may be members of the same political party) shall be appointed by the President.

''(B) 2 directors shall be appointed by the Speaker of the House of Representatives.

''(C) 2 directors shall be appointed by the Minority Leader of the House of Representatives.

''(D) 2 directors shall be appointed by the Majority Leader of the Senate.

''(E) 2 directors shall be appointed by the Minority Leader of the Senate.

''(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

''(3) A director is not an employee of the Federal Government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

''(4) The terms of office of the directors are 4 years.

''(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

''(c) CHAIR.—The directors shall select 1 of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

''(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

''(e) MEETINGS.—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

''(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

''(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

"§ 152604. Officers and employees

''(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

''(b) STATUS AND COMPENSATION OF EMPLOYEES.—

''(1) IN GENERAL.—Officers and employees of the foundation—

''(A) are not employees of the Federal Government (except as may otherwise be provided in this chapter);

''(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

''(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

''(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal Government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal Government.

"§ 152605. Powers

''(a) IN GENERAL.—The foundation may—

''(1) adopt a constitution and bylaws;

''(2) adopt a seal which shall be judicially noticed; and

''(3) do any other act necessary to carry out this chapter.

''(b) POWERS AS TRUSTEE.—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

''(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

''(2) to acquire property or an interest in property by purchase or exchange;

''(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

''(4) to borrow money and issue instruments of indebtedness;

''(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

''(6) to sue and be sued; and

''(7) to do any other act necessary and proper to carry out the purposes of the foundation.

''(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

''(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

''(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C. metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

"§ 152606. Principal office

''The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

"§ 152607. Service of process

''The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

"§ 152608. Annual audit

''The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

''§ 152609. Civil action by Attorney General for equitable relief

''The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

''(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

''(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

''§ 152610. Immunity of United States Government

''The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

''§ 152611. Authorization of appropriations

''There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

''(1) $5,000,000 for fiscal year 2003; and

''(2) such sums as may be necessary for each succeeding fiscal year.

''§ 152612. Annual report

''As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1525 the following new item:

''1526. Help America Vote Foundation ..... 152601''.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

SEC. 701. VOTING ASSISTANCE PROGRAMS.

(a) VOTING ASSISTANCE OFFICERS.—Subsection (f) of section 1566 of title 10, United States Code, as added by section 1602(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(1) by striking ''Voting assistance'' in the first sentence and inserting ''(1) Voting assistance''; and

(2) by adding at the end the following new paragraph:

''(2) Under regulations and procedures (including directives) prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member's duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.''.

(b) POSTMARKING OF OVERSEAS VOTING MATERIALS.—Subsection (g)(2) of such section is amended by adding at the end the following: ''The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held. Not later than the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002, the Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.''.

(c) PROVIDING NOTICE OF DEADLINES AND REQUIREMENTS.—Such section is amended by adding at the end the following new subsection:

''(h) NOTICE OF DEADLINES AND REQUIREMENTS.—The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the Armed Forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.''.

(d) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—Such section is further amended by adding at the end the following new subsection:

''(i) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the Armed Forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

''(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists shall receive such form at the time of the enlistment, or as soon thereafter as practicable.

''(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the Armed Forces and their dependents of election timing, registration requirements, and voting procedures.''.

SEC. 702. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each State''; and

(2) by adding at the end the following new subsection:

''(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

''(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

''(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.''.

SEC. 703. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 702, is amended by adding at the end the following new subsection:

''(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.''.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. 704. EXTENSION OF PERIOD COVERED BY SINGLE ABSENTEE BALLOT APPLICATION.

Section 104(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by striking ''during that year,'' and all that follows and inserting the following: ''through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election.''.

SEC. 705. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: '', and ensure that such officials are aware of the requirements of this Act;''.

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.''.

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(b)), as amended by section 702, is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).''.

(c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking ''a general assessment'' and inserting ''a separate statistical analysis''.

SEC. 706. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

''(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after January 1, 2004.

SEC. 707. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(d) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.''.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of Election Administration, established within the Federal Election Commission, exercised before the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting ''and'' at the end;

(2) in paragraph (9), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) before the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Federal Election Commission'' and inserting ''Election Assistance Commission''.

SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) PERSONNEL.—

(1) IN GENERAL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) EFFECT.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

SEC. 804. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) TRANSITION.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

(c) NO EFFECT ON AUTHORITIES OF OFFICE OF ELECTION ADMINISTRATION PRIOR TO APPOINTMENT OF MEMBERS OF COMMISSION.—During the period which begins on the date of the enactment of this Act and ends on the effective date described in subsection (a), the Office of Election Administration of the Federal Election Commission shall continue to have the authority to carry out any of the functions (including the development of voluntary standards for voting systems and procedures for the certification of voting systems) which it has the authority to carry out as of the date of the enactment of this Act.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ''or the Election Assistance Commission'' after ''Commission''.

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ''or the Election Assistance Commission'' after ''Commission''.

SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''the Election Assistance Commission,'' after ''Federal Election Commission,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. STATE DEFINED.

In this Act, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 902. AUDITS AND REPAYMENT OF FUNDS.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant or other payment made under this Act shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) AUDITS AND EXAMINATIONS.—

(1) AUDITS AND EXAMINATIONS.—Except as provided in paragraph (5), each office making a grant or other payment under this Act, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

(2) RECIPIENTS OF ASSISTANCE SUBJECT TO PROVISIONS OF SECTION.—The provisions of this section shall apply to all recipients of grants or other payments under this Act, whether by direct grant, cooperative agreement, or contract under this Act or by subgrant or subcontract from primary grantees or contractors under this Act.

(3) MANDATORY AUDIT.—In addition to audits conducted pursuant to paragraph (1), all funds provided under this Act shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).

(4) SPECIAL RULE FOR PAYMENTS BY GENERAL SERVICES ADMINISTRATION.—With respect to any grant or payment made under this Act by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

(5) SPECIAL RULE.—In the case of grants or payments made under section 251, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

(6) SPECIAL RULES FOR AUDITS BY THE COMMISSION.—In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

(c) RECOUPMENT OF FUNDS.—If the Comptroller General determines as a result of an audit conducted under subsection (b) that—

(1) a recipient of funds under this Act is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program,

the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

SEC. 903. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: '', except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

''(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

''(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.''.

SEC. 904. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

SEC. 905. OTHER CRIMINAL PENALTIES.

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

SEC. 906. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Except as specifically provided in section 303(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Administrator or the Commission of a payment or grant application under title I or title II, or any other action taken by the Commission or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

And the Senate agreed to the same.

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

ROBERT NEY,
VERNON J. EHLERS,
JOHN T. DOOLITTLE,
THOMAS M. REYNOLDS,
STENY H. HOYER,
CHAKA FATTAH,
JIM DAVIS,

From the Committee on Armed Services, for consideration of secs. 601 and 606 of the House bill, and sec. 404 of the Senate amendments, and modifications committed to conference:

BOB STUMP,
JOHN M. MCHUGH,
IKE SKELTON,

From the Committee on the Judiciary, for consideration of secs. 216, 221, title IV, secs. 502 and 503 of the House bill, and secs. 101, 102, 104, subtitles A, B, and C of title II, secs. 311, 501 and 502 of the Senate amendments, and modifications committed to conference;

JOHN CONYERS, Jr.,

From the Committee on Science, for consideration of secs. 221–5, 241–3, 251–3, and 261 of the House bill, and sec. 101 of the Senate amendments, and modifications committed to conference:

SHERWOOD BOEHLERT,
CONSTANCE MORELLA,
JIM BARCIA
(Provided that Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Barcia for consideration of secs. 251–3 of the House bill, and modifications committed to conference),
SHEILA JACKSON-LEE,

From the Committee on Ways and Means, for consideration of secs. 103 sand 503 of the Senate amendments, and modifications committed to conference:

WILLIAM THOMAS,
E. CLAY SHAW, Jr.,
CHARLES B. RANGEL,

For consideration of the House bill and Senate amendments, and modifications committed to conference:

ROY BLUNT,
Managers on the Part of the House.

CHRISTOPHER J. DODD,
RICHARD J. DURBIN,
MITCH MCCONNELL,
CHRISTOPHER S. BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3295), to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections

Provides payments to States to improve the administration of federal elections, designates permitted uses of the funds, and sets the size of the payment at an amount based on the relative size of the voting-age population plus a minimum.

Sec. 102. Replacement of punch card and lever voting machines

Provides payments to States to replace punch card and lever voting systems with other systems meeting the requirements of this Act.

Sec. 103. Guaranteed minimum payment amount

Sets the minimum aggregate payment under Sec. 101 and 102 at $5 million.

Sec. 104. Authorization of appropriations

Authorizes $325 million in no-year funds for each program under Sec. 101 and 102 plus sums necessary for administration of the program, with unexpended or returned funds to be used for requirements payments under title II.

Sec. 105. Administration of programs

Provides authority to expedite payments.

Sec. 106. Effective date

Requires payments to be made within 45 days of enactment.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment

Establishes the Election Assistance Commission, the Election Assistance Commission Standards Board, the Election Assistance Board of Advisors, and the Technical Guidelines Development Committee.

Sec. 202. Duties

Stipulates that the Commission will serve as a national clearinghouse for information on federal elections and will carry out duties described in this Title, in Title III, and in Title V.

Sec. 203. Membership and appointment

Requires that the four Commission members are appointed by the President with the advice and consent of the Senate.

Sec. 204. Staff

Creates positions for an Executive Director and General Counsel and stipulates that the Executive Director may appoint additional staff.

Sec. 205. Powers

Empowers the Commission to hold hearings, take testimony, receive evidence, let contracts, obtain information from Federal agencies and support from the General Services Administration, and to use the mails as do other Federal agencies.

Sec. 206. Dissemination of information

Requires the Commission to disseminate information on its activities to the public on an ongoing basis.

Sec. 207. Annual report

Requires that the Commission submit a report to Congress by January 1 of each year on its activities for the previous fiscal year, including each program carried out, grant payments made, a copy of submitted reports by grant recipients, information on voluntary standards adopted, votes taken by the Commission, and other appropriate information.

Sec. 208. Requiring majority approval for actions

Requires that any action of the Commission be approved by three members.

Sec. 209. Limitation on rulemaking authority

Prohibits the Commission from imposing any rule, regulation, or taking any action that imposes requirements on State or local governments except as permitted under the National Voter Registration Act of 1993.

Sec. 210. Authorization of appropriations

Authorizes a maximum appropriation of $10 million per year for FY2003 through FY2005, in addition to grants and payments authorized under the title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment

Establishes a Standards Board and a Board of Advisors under the Election Assistance Commission.

Sec. 212. Duties

Requires that the two boards review the guidelines described in this title.

Sec. 213. Membership of Standards Board

Sets membership at 110, to include, from each State, the chief election official and a local election official chosen by peers in the State, with no two members from a state to be from the same political party, and also requires the board to select a nine-member Executive Board.

Sec. 214. Membership of Board of Advisors

Sets membership at 37, two each appointed by the National Governors Association; the National Conference of State Legislatures; the National Association of Secretaries of State; the National Association of State Election Directors; the National Association of Counties; the National Association of County Recorders; Election Administrators, and Clerks; the U.S. Conference of Mayors; the Election Center; and the International Association of County Recorders, Election Officials, and Treasurers; the U.S. Commission on Civil Rights; the Architectural and Transportation Barrier Compliance Board; plus the chief of the Office of Public Integrity of the Department of Justice; the chief of the Voting Section of the Civil Rights Division of the Department of Justice; the director of the Federal Voting Assistance Program of the Department of Defense; plus four members representing professionals in the field of science and technology; plus eight members representing voter interests, of which four are appointed by the House Administration Committee, two by the chairman and two by the ranking minority member; and four members appointed by the Committee on Rules and Administration of the Senate, two by the chairman and two by the ranking minority member.

Sec. 215. Powers of Boards; no compensation for service

Empowers each board to hold hearings, take testimony, and receive evidence, obtain information from Federal agencies and support from the General Services Administration, and to use the mails as do other Federal agencies. Prohibits issuance of subpoenas. Requires each board to meet at least yearly and prohibits compensation of board members, but permits payment of travel expenses.

Sec. 216. Status of Boards and members for purposes of claims against Board

Applies provisions of 28 U.S.C., Chapters 161 and 171, with respect to liability of boards and members, with an exception for criminal acts and other willful misconduct.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

Sec. 221. Technical Guidelines Development Committee

Establishes a 15-member Technical Guidelines Development Committee, to assist in the development of voluntary voting system guidelines (and modifications), to be chaired by the Director of the National Institute of Standards and Technology (NIST), and with members appointed jointly by the Director and the Commission and drawn from the Standards Board, the Board of Advisors, the Compliance Board, the Architectural and Transportation Barriers Compliance Board, the American National Standards Institute, the Institute of Electrical and Electronics Engineers, the National Association of State Election Directors, and other persons with relevant scientific and technical expertise. Prohibits compensation of members, but permits payment of travel expense, and requires publication of recommendations of the Development Committee in the Federal Register when the Commission adopts any guideline.

Sec. 222. Process for adoption

Requires the Executive Director of the Commission to take recommendations of the Development Committee into account in developing guidelines, and for the two boards to review the proposed guidelines, with a vote of the Commission required for adoption.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

Sec. 231. Certification and testing of voting systems

Requires the Commission to provide for testing, certification, decertification, and recertification of voting systems by accredited laboratories; NIST provides a list of recommended candidates for certification and provides for continuing review of laboratory performance.

Subtitle C—Studies and Other Activities to Promote Effective Administration of Federal Elections

Sec. 241. Periodic studies of election administration issues

Requires periodic, publicly available studies to promote improvements in election administration and methods of voting.

Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting

Requires a study, in consultation with DOD, on best practices for facilitating voting by military and overseas voters.

Sec. 243. Report on human factor research

Requires a report, in consultation with NIST, on application of human factors research to voting systems.

Sec. 244. Study and report on voters who register by mail and use of social security information

Requires a study of the impact of requirements in Sec. 303(b) for first time mail registrants, and a study, in consultation with the Social Security Administration, on using Social Security numbers in election administration.

Sec. 245. Study and report on electronic voting and the electoral process

Requires a study of issues associated with the use of electronic communication and Internet technologies in the electoral process.

Sec. 246. Study and report on free absentee ballot postage

Requires a study, in consultation with the Postal Service, on a program to waive or reduce postage for absentee ballots.

Sec. 247. Consultation with Standards Board and Board of Advisors

Requires the Commission to consult with the Standards Board and Board of Advisors in performing duties under this subtitle.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

Sec. 251. Requirements payments

Requires the Commission to make yearly payments to qualifying States to meet the requirements of the Act, including certain retroactive payments, and for other activities to improve election administration.

Sec. 252. Allocation of funds

Sets the size of a payment to an amount based on the relative size of the voting-age population, designates a minimum payment, and stipulates that funds can be retained until expended.

Sec. 253. Condition for receipt of funds

Requires a State, to be eligible, to certify that it has filed a plan with the Commission meeting the requirements of Sec. 254–256 and a plan for implementing the requirements of Sec. 402, that it will use the funds in a manner consistent with Federal laws, as they apply to this Act, and with title III requirements, and that it has provided a 5% match. Gives States discretion to choose the method of compliance.

Sec. 254. State plan

Describes required elements of the State plan and required elements and uses of the State Election Fund. Exempts State and local jurisdictions from legal actions based on information in the plan, except with respect to criminal acts.

Sec. 255. Process for development and filing of plan; publication by Commission

Requires the chief State election official to develop the plan through a committee including local election officials and other citizens, and requires the Commission to publish submitted plans in the Federal Register.

Sec. 256. Requirement for public notice and comment

Requires a State to provide opportunity for public comments on the State plan and to take them into account in finalizing the plan.

Sec. 257. Authorization of appropriations

Authorizes a total of $3 billion for FY2003 through FY2005, to remain available until expended.

Sec. 258. Reports

Requires a yearly report by the State on activities conducted with the use of payments under this part.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

Sec. 261. Payments to States and units of local government to assure access to disabled voters

Requires the Secretary of Health and Human Services to make yearly payments to eligible States and local governments to assure access to polling places for individuals

with disabilities, including the blind and visually impaired, and to provide them with information on accessibility.

Sec. 262. Amount of payment

Requires the Secretary to determine payment amounts. Specifies that payments can be retained until expended.

Sec. 263. Requirements for eligibility

Requires a jurisdiction seeking funds to file an application that describes how the payment will be used and provides other required information required by the Secretary. Exempts State and local jurisdictions from legal actions based on information in the application, except with respect to criminal acts.

Sec. 264. Authorization of appropriations

Authorizes appropriations totaling $100 million for FY2003 through FY2005, to remain available until expended.

Sec. 265. Reports

Requires a report by recipients to the Secretary on activities conducted and a yearly report by the Secretary to Congress.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 271. Grants for research on voting technology improvements

Establishes a grant program, to be administered in consultation with NIST, for research and development to improve election systems and technology.

Sec. 272. Report

Requires recipients to submit reports to the Commission describing activities under the grant.

Sec. 273. Authorization of appropriations

Authorizes appropriations of $20 million for FY2003, to be available until expended.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 281. Pilot program

Establishes a grant program, to be administered in consultation with NIST, to test and implement new voting technologies on a trial basis.

It is the intent of the managers that such pilot programs shall include initiatives with regard to election administration methodologies.

Sec. 282. Report

Requires submission of a report to the Commission describing activities under the grant.

Sec. 283. Authorization of appropriations

Authorizes appropriations of $10 million for FY2003, to be available until expended.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

Sec. 291. Payments for protection and advocacy systems

Requires the Secretary of Health and Human Services to award grants to entities in each State that represent persons with disabilities to provide services to ensure such persons full participation in the electoral process and sets minimum grant amounts as specified in the Rehabilitation Act of 1973. Also provides a 7% set-aside for grants for training and technical assistance.

Sec. 292. Authorization of appropriations

Authorizes appropriations of $10 million per year for FY2003 through FY2006 and such sums as necessary in subsequent fiscal years; prohibits recipients from using grant funds for litigation activities involving election-related accessibility.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

Sec. 295. National Student and Parent Mock Election

Authorizes the Election Assistance Commission to award grants to a nonprofit, nonpartisan organization known as the National Student and Parent Mock Election, to simulate national elections that permit participation by students and parents.

Sec. 296. Authorization of Appropriations

Authorizes $200,000 for FY2003 and such sums as necessary in subsequent years.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

Sec. 301. Voting systems standards

Beginning January 1, 2006, requires all voting systems used in federal elections, while maintaining voter privacy and ballot confidentiality, to (1) permit voters to verify their selections on the ballot, notify them of overvotes, and permit them to change their votes and correct any errors before casting the ballot; however, jurisdictions using paper ballot, punchcard, or central-count voting systems (including absentee and mail-in ballots) may instead use voter education and instruction programs for notification of overvotes; (2) produce a permanent paper record for the voting system that can be manually audited and is available as an official record for recounts; and (3) provide to individuals with disabilities, including the blind and visually impaired, the same accessibility to voting as other voters, through use of at least one DRE or properly equipped voting system at each polling place; however, any system purchased with funds made available under Title II on or after January 1, 2007 must provide accessibility; (4) provide alternative language accessibility as required by law; and (5) comply with the error rate standards in the federal voting system standards in effect on the date of enactment. Requires each State to adopt uniform standards defining what constitutes a vote and what will be counted as a vote for each certified voting system.

Stipulates that the above requirements do not compel a jurisdiction to change to a different kind of voting system if the system it uses, including any paper ballot system, meets or can be modified to meet the requirements of this section.

Sec. 302. Provisional voting and voting information requirements

Requires that, beginning January 1, 2004, persons who claim to be registered to vote in a federal election in a jurisdiction but are not on the official list of registered voters or are otherwise alleged to be ineligible be offered and permitted to cast a provisional ballot, the ballot be promptly verified and counted if determined to be valid under State law, and the voter (and no one else) be able to ascertain whether the ballot was counted (and if not, why not) through a free-access system and be informed of that option when the ballot is cast. Stipulates that States that do not require voter registration or that are described in section 4(b) of the National Voter Registration Act of 1993 (NVRA) may use applicable State law.

Requires that a sample ballot and other voter information be posted at polling places on election day.

Requires that, if polling hours are extended as a result of a court order, any ballot cast in a federal election during that extension be provisional and be held separately from other provisional ballots.

Sec. 303. Computerized Statewide voter registration list requirements and requirements for voters who register by mail

Beginning January 1, 2004—or 2006 if the State certifies for good cause that it cannot meet that deadline—requires States to implement and maintain an interactive, centralized, and official Statewide computerized voter registration list accessible to all election officials in the State, and that contains registration information on every registered voter in the State. Requires the system to use a unique identification number for each registered voter and to be coordinated with other State databases. Persons can be removed from the list only under applicable provisions of NVRA. Election officials shall perform list maintenance with respect to the computerized list on a regular basis. If individuals are to be removed from the computerized list, they shall be removed in accordance with the provisions of NVRA. Consistent with NVRA, registrants who have not responded to a notice and have not voted in two consecutive general elections for federal office shall be removed from the official list of registered voters except that no registration may be removed solely by reason of failure to vote. Requires applicants to provide a valid driver's license number or, for applicants who do not have a valid driver's license number, the last four digits of the Social Security number. The State shall assign a unique identifier to individuals who do not have a valid driver's license number or a Social Security number. Requires sharing of information between voter registration and motor vehicle authority databases. Amends Sec. 205(r) of the Social Security Act to establish a mechanism for verifying the accuracy of information provided by a State driver's licence agency with respect to applications for voter registration. Requires States to use the mechanism except those that, in accordance with Sec. 7 of the Privacy Act of 1975, use the full Social Security number for voter registration, for whom this provision is optional.

Beginning January 1, 2003, requires certain voters who register by mail to present identification either when registering or when voting. Applies to persons who have not previously voted in a federal election in the State, or in the jurisdiction if the State does not comply with the requirements for a statewide computerized voter registration list. Accepted identification includes a copy of a current and valid photo identification (the original if voting in person), utility bill, bank statement, or government document that shows the name and address of the voter. Alternatively, the voter may cast a provisional ballot. Does not apply if the mail-in registration includes the voter's name, date of birth, and driver's license number or the last 4 digits of the Social Security number, and they match an existing State identification record. Also does not apply to voters entitled to vote otherwise than in person under federal law.

Requires that mail-in voter registration forms developed under NVRA include questions requiring voters to verify that they are U.S. citizens and old enough to vote, and requires States to notify voters who fail to complete the question on citizenship and provide the applicant with an opportunity to complete the form prior to the next election for Federal office.

It is the intent of the managers that such questions should be clearly and conspicuously stated on the front of the registration form.

Requires States and localities to comply with provisions on mail registration beginning January 1, 2004, except that they must be prepared to receive stipulated mail-in registration materials beginning January 1, 2003.

Sec. 304. Minimum requirements

Allows States to establish election technology and administration requirements stricter than those established under this title.

Sec. 305. Methods of implementation left to discretion of State

Gives States discretion to choose the methods of implementation.

Subtitle B—Voluntary Guidance

Sec. 311. Adoption of voluntary guidance by Commission

Requires the Commission to adopt voluntary guidance to assist States in meeting requirements of subtitle A and to update recommendations adopted with respect to Sec. 301 every four years.

Sec. 312. Process for adoption

Requires that the adoption process include public notice, comment, and hearings, and publication of the final recommendations in the Federal Register.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the Attorney General for declaratory and injunctive relief

Allows for civil action by the Attorney General to carry out the requirements under Sec. 301–303.

Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances

Requires States receiving funds under this Act to establish and maintain administrative procedures to receive, process, and act upon complaints about violations of provisions in title III. Requires States not receiving funds to either certify that they meet complaint-procedure requirements or to submit a plan describing steps to be taken to meet title III requirements. Such plan, if not approved by the Department of Justice, shall result in the State being deemed to be out of compliance with the requirements.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 501. Establishment of program

Requires the Commission to establish the ''Help America Vote College Program'' to encourage students at institutions of higher learning, including community colleges, to serve as nonpartisan poll workers or assistants and to encourage States and local governments to use students in that capacity.

Sec. 502. Activities under program

Requires the Commission, in consultation with chief State election officials, to develop materials, sponsor seminars and workshops, advertise the program to students, make grants, assist any institution that wishes to participate, and take other appropriate actions. Limits grants to nonpartisan undertakings and requires the Commission to coordinate with institutions of higher learning and to make materials and assistance available without charge.

Sec. 503. Authorization of appropriations

Authorizes appropriations of $5 million for FY2003 and sums as necessary thereafter.

TITLE VI—HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation

Amends Part B of subtitle II of 36 U.S.C. to establish the federally chartered Help America Vote Foundation to mobilize secondary school students to participate as nonpartisan poll workers and assistants, to the extent permitted under State law.

Requires the foundation to act without partisan bias or promotion of any particular point of view and to consult with the chief election officials in the States, the District of Columbia, and Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands.

Establishes a 12-member board of directors with four appointed by the President, two by the Speaker of the House of Representatives, two by the House minority leader, two by the Senate majority leader, and two by the Senate minority leader, and with the chairs and ranking Members of the House Administration Committee and the Senate Rules and Administration Committee as ex officio, nonvoting members.

Sets the term of office at four years and stipulates that members are not employees of the Federal government. Prohibits compensation of board members, but permits payment of travel expenses. Restricts personal liability of members to gross negligence.

Requires the board to meet at least yearly and to select a member as chair, who shall not hold or have held any partisan elected office or national political-party committee office.

Permits the board to appoint and remove officers and employees of the foundation and stipulates that they are not employees of the Federal government except as otherwise provided in this chapter.

Grants the foundation such powers as necessary to carry out this chapter and also the usual powers of a corporation acting as a trustee in the District of Columbia, where the foundation will be located. Requires the foundation to have a designated agent to receive service of process for it.

Permits the foundation to accept gifts, devises, and bequests for its benefit and to let contracts. Also permits it to sponsor an annual conference to honor persons who have served as poll workers or participated in foundation programs and activities.

Requires an annual audit by an independent auditor.

Permits the Attorney General to bring a civil action for relief for behavior by the foundation that is inconsistent with the purposes designated in this title.

Excludes the U.S. government from any liability or obligation incurred by the foundation.

Authorizes $5 million for FY2003 and such sums as necessary thereafter.

Requires a report to the Commission on activities during the prior fiscal year.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs

Amends 10 U.S.C. 1566 to require the Secretary of Defense to establish procedures to provide the time and resources for voting assistance officers to perform voting assistance duties during the period in advance of a general election. Requires the Secretary of Defense, to the maximum extent possible, to implement procedures to ensure that a postmark or other proof of mailing date is provided on each absentee ballot. Requires the secretaries, through voting assistance officers, to provide notice to members of the armed forces of the last date before a general election for which ballots mailed at the facility can be expected to be delivered in a timely fashion to State and local election officials. Requires the secretaries to ensure that members of the military and their dependents have access to information on voter registration and absentee ballot requirements and deadlines. Requires that each person who enlists receive the national voter registration form at the time of enlistment or soon thereafter.

Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State

Amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to require each State to designate a single office to provide information to all absent uniformed services voters and overseas voters who wish to register or vote in any jurisdiction in the State.

Sec. 703. Report on absentee ballots transmitted and received after general elections

Amends the UOCAVA to require States to submit a public report to the Commission on the number of absentee ballots transmitted to absent uniformed services and overseas voters and the number returned and cast in the election, and requires the Commission to develop a standardized format for such reports.

Sec. 704. Extension of period covered by single absentee ballot application

Amends UOCAVA to require that an absentee ballot application pertain to all elections for Federal office held in the State through the next two regularly scheduled Federal general elections.

Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act

Amends UOCAVA to require the Presidential designee to ensure that State officials are aware of the requirements of that Act, and to prescribe a standard oath regarding perjury in completion of a document required under the title. Requires States to use the standard oath if the State requires an oath or affirmation for any voting document.

Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission

Amends UOCAVA to prevent States from refusing to accept or process a valid voter registration or absentee ballot application submitted by an absent uniformed services voter on the grounds that the application was submitted before the first date on which the State accepts or processes such application for that year.

Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters

Amends section 102 of UOCAVA to require a state to provide to each absent uniformed services voter or overseas voter the reason for rejecting an absentee ballot or voter registration application.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971

Amends section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) and transfers to the Commission all functions of the Office of Election Administration of the Federal Election Commission.

Sec. 802. National Voter Registration Act of 1993

Amends section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) and transfers to the Commission all functions that the Federal Election Commission exercises under the National Voter Registration Act.

Sec. 803. Transfer of property, records, and personnel

Transfers to the Commission all personnel, contracts, liabilities, records, property, and other assets or interests of the offices and functions of the Federal Election Commission that are transferred by this subtitle.

Sec. 804. Effective date; transition

Requires that this title take effect upon the appointment of all members of the Commission, which is authorized to utilize services from the entities from which functions will be transferred as needed for an orderly transfer. Directs the Office of Election Administration of the Federal Election to continue its functions in the interim.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws

Amends 5 U.S.C. 7323(b)(2)(B)(i)(I) and 3132(a)(1)(C) to specify that Commission personnel are covered by the Hatch Act and that the Commission is excluded from the Senior Executive Service.

Sec. 812. Coverage under Inspector General Act of 1978

Amends section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) to provide for coverage under that Act.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined

Defines State to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

Sec. 902. Audits and repayment of funds

Requires recipients of grants or payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. Authorizes each office that makes a grant or payment to audit or examine books, documents, papers and records of any recipient which are deemed pertinent to the grant or payment. Stipulates that the provision applies to all recipients of grants or payments under the Act. Requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the grant-making office. Stipulates that the Election Administration Commission is deemed the office making the grant with respect to General Services grants or payments. Requires that, if the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the grant-making office an amount that reflects the excess payment or the proportion representing noncompliance.

Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence

Amends the National Voter Registration Act of 1993 to clarify the ability of election officials to remove from the voter registration list the name of an individual who has not responded to a notice from the registrar of voters and who has not voted in two or more consecutive general elections for Federal office.

The minimum standard requires that removal of those deemed ineligible must be done in a manner consistent with the National Voter Registration Act (NVRA). The procedures established by NVRA that guard against removal of eligible registrants remain in effect under this Act. Accordingly, H.R. 3295 leaves NVRA intact, and does not undermine it in any way.

Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties

Requires the Attorney General to conduct a review of existing criminal statutes to determine whether additional statutory offenses are needed to secure the use of the Internet in elections and whether existing penalties are adequate with respect to such offenses. Requires the Attorney General to submit a report on that review to the House and Senate Judiciary Committees, the Senate Rules and Administration Committee, and the House Administration Committee.

Sec. 905. Other criminal penalties

Stipulates that individuals who provide false information with respect to registering to vote or voting, or conspire to provide such false information, will be fined, imprisoned, or both in accordance with 42 U.S.C.1973i(c).

Sec. 906. No effect on other laws

Stipulates that nothing in the Act, except as specifically provided in section 303(b), authorizes or requires conduct prohibited by the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, the Americans With Disabilities Act of 1990, or the Rehabilitation Act of 1973; or may be construed to supersede, restrict, or limit those Acts.

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

ROBERT NEY,
VERNON J. EHLERS,
JOHN T. DOOLITTLE,
THOMAS M. REYNOLDS,
STENY H. HOYER,
CHAKA FATTAH,
JIM DAVIS,

From the Committee on Armed Services, for consideration of secs. 601 and 606 of the House bill, and sec. 404 of the Senate amendments, and modifications committed to conference:

BOB STUMP,
JOHN M. MCHUGH,
IKE SKELTON,

From the Committee on the Judiciary, for consideration of secs. 216, 221, title IV, secs. 502 and 503 of the House bill, and secs. 101, 102, 104, subtitles A, B, and C of title II, secs. 311, 501, and 502 of the Senate amendments, and modifications committed to conference:

JOHN CONYERS, Jr.,

From the Committee on Science, for consideration of secs. 221–5, 241–3, 251–3, and 261 of the House bill, and sec. 101 of the Senate amendments, and modifications committed to conference:

SHERWOOD BOEHLERT,
CONSTANCE MORELLA,
JIM BARCIA
(Provided that Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Barcia for consideration of secs. 251–3 of the House bill, and modifications committed to conference),
SHEILA JACKSON-LEE,

From the Committee on Ways and Means, for consideration of secs. 103 and 503 of the Senate amendments, and modifications committed to conference:

WILLIAM THOMAS,
E. CLAY SHAW, Jr.,
CHARLES B. RANGEL,

For consideration of the House bill and Senate amendments, and modifications committed to conference:

ROY BLUNT,
Managers on the Part of the House.

CHRISTOPHER J. DODD,
RICHARD J. DURBIN,
MITCH MCCONNELL,
CHRISTOPHER S. BOND,
Managers on the Part of the Senate.

FURTHER CONSIDERATION OF H. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Committee on Education and the Workforce, but in his other life he was a nuclear physicist and a person who certainly knows the danger of weapons of mass destruction.

Mr. HOLT. Madam Speaker, I thank my friend and colleague for yielding me this time.

Madam Speaker, this past Sunday during a pancake breakfast at a firehouse in my hometown, one of my constituents approached me. ''Why have we gotten into this headlong rush into war,'' he asked? ''Why haven't we first exhausted all the other possibilities for dealing with Saddam?''

His questions reflected both my feelings and those of so many other Americans: Where is the pressing need to send our Nation, our servicemen and women, into a potentially bloody, costly war that could threaten rather than strengthen our national security?

I will vote ''no'' on this resolution.

It is true that Saddam Hussein has for years presented a threat to his own people, to the Asian region, to the world. His relentless pursuit of weapons of mass destruction is unconscionable. We have a legal and a moral obligation to hold him accountable for his flagrant violation of international law and his maniacal disregard for human decency.

I applaud the President for refocusing international attention on the Iraqi threat. This is something that I followed with concern since I worked in the State Department 15 years ago on nuclear nonproliferation. However, I believe it is at the least premature and more likely contrary to our national interests, the national interests of the United States, for Congress to authorize military action against Iraq now.

As I reviewed the arguments for and against this resolution, I found myself returning repeatedly to some basic questions. Would a unilateral American military attack against Iraq reduce the threat that Saddam Hussein poses? In other words, would a Saddam facing certain destruction be less likely or more likely to unleash his weapons of mass destruction on his neighbors, his own people, or on Americans? Will a unilateral military attack against Iraq strengthen our greater and more pressing effort to combat al Qaeda and global terrorism? Will it bolster our ability to promote our many other national security interests around the world? In other words, will it make Americans more secure? I believe the answer to all of these questions is a resounding no.

Why should we undertake actions that make more likely the very thing we want to prevent?

Madam Speaker, I also believe that the reaction to such a unilateral act would irrevocably weaken the international coalition we have built to fight terrorism across the globe. Yes, Iraq is one of the major threats facing international order, but it is by no means the only dangerous one. We cannot allow our contempt for the Hussein regime to detract us from achieving our long-term security goals.

Now, while I have no doubt that our military would successfully depose Saddam Hussein, we risk inflaming rather than diminishing the terrorist threat to the United States. We are adding a likely threat to our security.

The administration has tried and failed to prove that Saddam's regime is an immediate threat to American security, and it has simply failed to explain to the American people what would be the costs and what would be our responsibilities in a post-Saddam Iraq.

This resolution would give the President a blank check, in the words of my constituents, and would allow him to use Iraq to launch a new military and diplomatic doctrine, a dangerous, unwise doctrine.

I believe that by taking unilateral, preemptive military action against Iraq, we would set a dangerous precedent that would threaten the international order. I believe that we can and should take the lead in eliminating the threat posed by Saddam Hussein not by taking unilateral military action. I believe that if we consult actively with our allies in the region, in NATO, in the U.N. Security Council, we will be able to undertake effective inspections and end Saddam's threat. I do not believe that we need the permission of our allies to take action, but I do believe that we need their partnership to be successful in the long run.

Madam Speaker, we can and we will disarm Iraq and end Saddam's threat. The United Nations and the international community may recognize the need to take military action. The American people will understand and be prepared for that possibility. Now, they are not. Now, they are saying that, for the United States, war should and must always be our last recourse.

Mr. HAYES. Madam Speaker, it is my privilege to yield 5 minutes to the gentleman from Virginia (Mr. FORBES), an active member of the Committee on Armed Services.

Mr. FORBES. Madam Speaker, I rise in strong support of this resolution, not as some would mistakenly say in strong support of war but, rather, as history will proclaim, in strong support of an America free from the fear of terrorism.

Today, this House finds itself debating at one of the most significant crossroads in our fight against terrorism, as we ask why we must now focus our attention on the most powerful terrorist in the world, Saddam Hussein.

I ask this question of those who would have us close our eyes and sit on our hands: Can we afford to wait any longer?

Since September 11, 2001, the United States has worked to ensure that future attacks on our soil do not occur. We did not choose that fight. We did not choose to have thousands of innocent victims perish in brutal attacks. But we now have to win this fight against all of those who would seek to use force against the American people. It is no longer enough to punish evil after it has destroyed innocent lives. We must fight to ensure that evil does not succeed and protect the innocent as well as punish the guilty. Such a threat lies in Saddam Hussein if he is not disarmed and ousted as leader of his regime in Iraq.

Madam Speaker, the Fourth Congressional District of Virginia is home to many servicemen and women. They are not statistics, they are not numbers, they are my friends, my neighbors, and members of my church. But, Madam Speaker, they are ready to remove the Iraqi leader who seeks to destroy the freedoms that we as Americans hold dear.

The President addressed last night, and I think it is important to reiterate today, that we have a duty to act now to prevent a first strike attack by Iraq. Procrastination will only increase the threat that terrorist agents will once again cross over into our borders. But why now? Because over the past 11 years, the international community agreed on 16 United Nations Security Council resolutions designed to ensure that Iraq does not pose a threat to international peace and security. Because the world witnessed what an unchecked Saddam Hussein was capable of doing, and the world has waited while Saddam Hussein has violated each and every resolution that the United Nations has put forward.

To those who today cry, wait, wait, wait, I ask, if we have waited over 11 years for Saddam to fully disarm his chemical and biological weapons of mass destruction under the supervision of inspectors, how much longer should we wait? If we have waited 11 years for Saddam to disarm all ballistic missiles with a range greater than 150 kilometers, how much longer should we wait?

□ 2115

If we have waited 11 years for Saddam to agree to not use, develop, construct, or acquire any weapons of mass destruction, how much longer should we wait?

If we have waited 8 years for Saddam to agree not to enhance military capability in southern Iraq, how much longer should we wait?

If we have waited 6 years for Saddam to report shipments of dual-purpose items related to weapons of mass destruction to the U.N. and IAEA, how much longer should we wait?

And if we have waited 5 years for Saddam to give immediate, unfettered access to the Iraqi officials whom U.N. inspectors want to interview, how much longer should we wait?

And if we have waited 4 years for Saddam to reinstate U.N. weapons inspectors to have full and unrestricted access to weapons production facilities, how much longer should we wait?

Madam Speaker, we have waited long enough. We cannot wait until Saddam completes reconstruction of his weapons factories. We cannot wait until we are allowed to read the certificate of occupancy posted on the walls of these facilities, announcing more fear and terror to the free world. We cannot wait until he has nuclear capabilities. We cannot wait for history to repeat itself while trying to appease yet another unchecked dictator.

Now is the time to act. Now is the time to fulfill our obligation to protect the American people. Now is the time to pass this resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. SNYDER), a member of the Committee on Armed Services and a person who has personally gone in harm's way in the war between Ethiopia and Eritrea, so he knows the devastation of war.

Mr. SNYDER. Madam Speaker, as one of the 435 Members of this House, I have found this issue facing us for the last several weeks and months just one of those visceral, gut issues that just tears us up.

I have my space shuttle tie on this morning. I got up this morning and wore it because the space shuttle is way there, and right now every 90 minutes they are looking at this magnificent globe and they are seeing this beautiful Earth. We are down here debating about the ugliness; they are up there seeing the beauty. It tears me up, and I know it tears up all Americans as we are debating this.

I have to take some reaction with the previous speaker. Just because I disagree with the resolution on the floor does not mean I have my eyes closed, and it does not mean I am sitting on my hands. It may mean that I have a different and better approach, and we would do better to listen to each other than to accuse folks of being blinded and somehow not seeing the world as it is.

The very process that we have set up here, in which we divide time between yes and no and yes and no, I think there are a lot of people in this House that have a lot of questions, and a lot of questions are being asked by people who are already staking out a position. Even those of us who have decided have a lot of questions about what is happening.

We all want to be loyal to our President. That is not an issue. I know that my Republican friends have had their leadership come and say, we have to be loyal to our President. He is all our President. We all want him to do well. The issue is, how can we best help our President, George W. Bush, do well?

I will tell the Members one thing, overstatements do not help. Comparing, on one side, Saddam Hussein or Iraq to Nazi Germany, or on the other side comparing Saddam Hussein to Vietnam, they do not help. This is a peculiar situation facing the world now, and we had better deal with it, recognizing it is a peculiar situation never before faced in the world.

We all have proof Saddam is a bad guy; that is not the issue. The issue is,

how do we approach this particular bad guy at this moment in history? We had better approach this with some humility. This Congress has done a lousy job of predicting budget surpluses and deficits in our own Congress for 1 year, and yet we are now making predictions on both sides about what the world will look like if we do or do not take certain actions. We had better approach this with a great deal of humility about our ability to predict future events.

One thing that I have done, as a lot of Members have in the last few months, is try to spend time with as many military officers as I can. A lot of them are retired. There are a lot of doubts being expressed by people who have retired from the military.

The Philadelphia Enquirer has a story today: ''Officials' Private Doubts on Iraq War. Some military intelligence and diplomatic sources say hawks are overstating the danger that Baghdad poses,'' talking about doubts being expressed by those in the military.

We still have a couple of days left. I would encourage the Members who are still asking those questions to take the time to sit down with retired military or even their close friends within the military and just say, in complete and honest candor, what do you think? Maybe that will help resolve some of those questions.

The United Nations, those of us who think that the United Nations would be helpful in this process are not turning over the national security to the United Nations, but it is a different fact situation for this Congress and for the American people if we go alone or if we go with the United Nations.

That is not an unreasonable question to ask: Is it different if the United States goes alone? Is it different if the United States does it with the United Nations? I am one of those who thinks that we would be much stronger in the future if we go with the United Nations. It does not mean I am turning over the national security to the United Nations.

Is there anything wrong with the Congress deciding this very specific fact situation several weeks or months from now if the President decides we are going to have to go alone in this business without the United Nations? That is a different fact situation than if the United Nations is behind us. It does not mean we are turning over the national security to the U.N.

Resentment. I do not know how we can predict these future events, but the resentment of the Arab world, I just talked with General Zinni a few days ago, is as great as he has ever seen. If we mishandle the situation, it will be even greater. I would encourage Members to be analyzing this situation: What do our words and actions do for the next few years with our relationships with Arab countries?

I think our number one strategic goal and interest in the Middle East is to solve the security issues for the Israelis and Palestinians, even if it means 40,000 or 50,000 U.S. troops stationed there for years. What best helps that situation to be resolved? I think a lot of Members are saying that taking out Saddam Hussein may help, but we can sure come up with scenarios that it may not help guarantee the security of Israel and a peaceful Palestinian state.

The commitment to rebuild, I was talking to one of my colleagues in Arkansas, talking about our commitment to rebuild Iraq and Afghanistan. He said we have never fulfilled our commitment to rebuild the Delta after the Civil War. Why do we think we may actually follow through with our commitment to rebuild Iraq and rebuild democracy in Iraq? It is a very important issue.

Probably the overriding issue for me is war should only be used as a last resort. So the overriding question for me, in addition to what best helps reduce the risks of something happening to Americans, is have we reached the point where this is the last resort? I do not think we have reached that point.

The President said last night that we may not have to go to war. Those of us who very much are loyal to our President are saying, Mr. President, you would get a bigger vote for your resolution if you would say, first let me try it at the United Nations. If I am not successful, then I will come back to you, because then I would know that war unilaterally for America is the last resort. But we are not at that point today.

The gentleman from South Carolina (Mr. SPRATT) has offered an amendment with several of us that I think resolves a lot of these issues. It will get a bigger vote, if it was the base resolution, it would have a larger vote if the President would support it than the underlying resolution. It would send a strong signal to the international community.

It would say to the President, if you get the U.N. behind you in a way that you find satisfactory, you are authorized to use force; however, if you are not successful, please come back and let the Congress analyze the fact situation representing the American people at that time, and let us together decide what is best with the authorization of force in this very difficult world that we face today.

Madam Speaker, I thank my colleagues who care so much about these issues.

Mrs. WILSON of New Mexico. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I do feel compelled to respond to one point that my colleague, the gentleman from Arkansas, made. We need to make clear that the leadership and the President have not come to any Members of the body and asked them to support him as a matter of loyalty or for anything else.

There are 435 Members of this body who will each come to their own decision on the justness and the rightness of this cause, and each of us will vote as a matter of conscience as individuals; and the President and leadership have not twisted our arms, or even asked us to do anything otherwise.

Madam Speaker, the President has asked the Congress for the authority to use force against Iraq. This week the Congress will consider a resolution giving him that authority. I will be voting in favor of the Joint Resolution.

There is a very high standard and a narrow set of circumstances that would cause me to vote to authorize the use of force other than in self-defense against an armed attack against the United States or its allies.

Over the last month, I have listened to briefings and testimony, reviewed evidence, read reports and sought out independent experts to ask questions about Iraq and its nuclear, chemical and biological weapons program. I believe that, if left unchecked, it is likely that Saddam Hussein will cause these weapons to be used against the American people. The effect of such an attack would be devastating. We cannot wait for him to strike first.

The evidence that Iraq has and is further developing weapons of mass destruction is convincing. Iraq has chemical and biological weapons including mustard gas, sarin nerve gas and anthrax. We believe he may have other deadly diseases he is making into weapons. Iraq had an advanced nuclear weapons program before the Gulf War and is seeking to develop nuclear weapons again.

Saddam Hussein's intent is more difficult to discern. I believe the evidence of his ultimate intent to use these weapons or cause them to be used against the American people is strong enough that we cannot afford to ignore it. Iraq is developing missiles that can hit neighboring states and is building unmanned aerial vehicles to spread chemical and biological agents. I am concerned that Iraq is exploring ways to use these aerial vehicles for missions targeting the United States.

Saddam's aggressiveness, hatred of the United States and willingness to use chemical weapons is clearly established. Iraq has invaded its neighbors and has used chemical weapons against its own people. He is a brutal dictator and a tyrant. Being a brutal tyrant does not justify the use of force by America; the world has plenty of tyrants. But his past behavior provides context and credence to the assessment of his intent.

We are a moral people. We do not covet anyone else's territory or resources. We do not seek to destroy other civilizations or involve ourselves in the internal affairs of other states. The decision to authorize the use of force in advance of any attack is a grave one which I do not take lightly.

One of the defining characteristics of international relations in the twentieth century was the steadily declining legitimacy of the use of force by states other than in self-defense. This trend enhanced the stability and order of the system of sovereign states that has developed since the sixteenth century.

At the zenith of our military power, wielding enormous political, economic and social influence, America must not squander our moral authority by yielding to the temptation to justify using our military power preemptively other than in highly unusual circumstances. While the current threat posed by Iraq meets that high standard, we should be careful to acknowledge just how high the standard is. Otherwise, our rhetoric and actions could be used

to justify erosion of the general prohibition of the use of force by other states, undermining the stability of the system we seek to bolster.

I am voting to authorize the use of force against Iraq because it possesses and is further developing weapons of mass destruction and the means to deliver those weapons and because I believe that Iraq intends to use those weapons against Americans.

We should not go to war because another country represses its own minorities. Repression of minorities is a widespread human rights violation. We should not go to war because another country has failed to account for missing prisoners of war, as disdainful as that is. We should not go to war because another country simply possesses weapons of mass destruction. There are at least 12 states that already posses nuclear weapons, including some of our allies as well as former adversaries. Possession of these weapons alone is insufficient justification. We should not go to war because a country is trading outside of a sanctions regime.

Iraq is doing all of these things. But the set of circumstances that justifies this authorization to use force is very narrow and is related to Iraq's chemical, biological and nuclear weapons program and Saddam's intent to use those weapons against Americans. There is no objection to wait for him to strike first. We have a limited right of anticipatory self-defense and we must exercise it in this case. We cannot make a clear statement about the imminence of the threat from Saddam nor is it likely we would ever be able to until it was too late. In that sense, the threats of the twenty-first century are unlike those of the past. With these weapons, imminence is imperceptible and the risk of inaction is incalculable.

The joint resolution supports the President's diplomatic efforts to build a coalition to confront Iraq. Iraq has defied resolutions of the UN Security Council with impunity. The President was right to go to the UN and make the case for action against Iraq. In some respects, this current crisis is a test of the UN's continued relevance. If the UN is not willing to act collectively, we will have to build a coalition of states outside of the UN to act. This is, without doubt, a turning point for the United Nations as an institution.

Our top foreign policy priority must be to win the war on terrorism. There are ninety-plus states cooperating in that effort—for the most part involving their law enforcement and intelligence services. By building international support for any action against Iraq we can minimize the possibility that any of those states will distance themselves from this cooperation. Perhaps more importantly for the long term, military action against Iraq is bound to stir opposition among some in the Middle East. It will be easier to manage resentment if we build a coalition of states, including states in the Gulf Region.

While much of our attention has been focused on whether we should confront Iraq, in making my decision to support this resolution, I have also considered whether we can. Over the last year our military forces have been at increased operational tempo fighting a war in Afghanistan and defending the homeland. While Saddam's forces are considerably smaller than they were during the Gulf War, so are ours. I have been repeatedly assured by our military commanders and our civilian defense leadership that we have the forces, munitions, logistics, communications systems, spare parts, and the people it will take to prevail. They are trained and combat readiness levels are restored or being restored.

I have also been assured that our military strategy will be tied to our political objective. I opposed the use of force in Kosovo because we had a military strategy that used limited air power to achieve a largely humanitarian mission to prevent door-to-door ethnic cleansing in Kosovo. I have been assured that we will act with the full power of the U.S. military, giving them the force necessary to win and come home again.

The Congress authorizes the President to use force if all other means fail. We do not command the military or instruct the diplomats. I hope that, faced with the military might of a united coalition led by the United States, Saddam will choose to end his nuclear, chemical and biological weapons program and disarm. I hope this will not require military action, but it may.

People who have served in uniform are often the most reluctant to go to war—and I am no exception to that general rule. We know the risks; we know the limitations; and we know many of the likely participants. There are great risks in this potential action. But those risks will not diminish over time. And there are also great risks of inaction.

We did not choose this challenge. But faced with it, we cannot turn away.

Madam Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership tonight; and at this time I would like, as one of the newest Members of Congress and the most junior member of the Committee on Armed Services, to join in support of this bipartisan resolution.

I am here tonight with a number of different perspectives. The first is that I am a military parent. Additionally, I am a member of the Army National Guard. Also, I am a desert war trainee and a Member of Congress.

The most important role that I have tonight is that I am a military parent. I am very proud that I have three sons in the military. My oldest son, Alan, is a first lieutenant in the field artillery of the Army National Guard in South Carolina. He has just returned from advanced training at Fort Sill, Oklahoma.

Additionally, I am very proud of my son, Addison, Jr., who is a Naval Academy graduate and an ensign in the U.S. Navy, and he is currently at USUMS, the uniformed services university medical school here at Bethesda, Maryland.

Finally, I have another son, Julian, who is a junior at Clemson University, which is in the district of my colleague, the gentleman from South Carolina (Mr. GRAHAM). He is a member of the Army ROTC, and his heritage is extremely significant to me. His grandfather, Julian Dusenbury, was awarded the Naval Cross for his service at Okinawa in the seizure of Shuri Castle.

Finally, I am here also as a member of the National Guard. I am the only Member of Congress who is serving currently in the National Guard, and I am very proud of the people that I serve and work with. I know that they are trained and they are competent and they are dedicated to protecting America.

I am here as a person who, 2 years ago, and I may have the most recent desert war training, served at Fort Irwin in California, the Mojave Desert, at the National Training Center in a rotation. I know that the American military is trained and ready for military service.

As a Member of Congress, I know, Madam Speaker, that today we are discussing one of the most important decisions that we as United States Representatives will ever face. The question before us is whether or not to support the bipartisan resolution authorizing the use of American military force against Saddam Hussein and his Iraqi regime as part of the continuing war on terrorism.

There is no doubt that each of us brings different perspectives to this debate, and for good reason. This is the people's House of Representatives; and, therefore, we should reflect the different people across this great country.

In the case of Iraq, Saddam Hussein has proven himself to be a brutal dictator in possession of chemical and biological weapons of mass destruction and aggressively, according to the British Prime Minister, seeking nuclear capabilities. He has shown his willingness to use these weapons even against his own people.

Saddam has continually harbored and supported known terrorist organizations, including members of the al Qaeda, the terrorist group linked to the murderous attacks on September 11 in New York, Pennsylvania, and Washington.

Saddam has also attempted to assassinate a U.S. President and fired thousands of attacks against American and British Air Forces in the no-fly zones of Iraq.

In his own country, Saddam Hussein has carried on one of the most cruel and barbaric regimes in the world, murdering political enemies, raping the wives of his foes, and torturing their children.

So what are we to do about this madman? Saddam Hussein is an enemy of the United States. This is a Stalin and a Hitler who has the capability of murder of thousands of innocent American men, women, and children, and who supports and harbors terrorists.

In history, there have been some enemies of freedom and liberty that respect nothing but the threat of superior military force. Saddam Hussein's Iraqi regime is such a threat. America has become the target because America is the world's symbol of freedom, liberty, and democracy. As one of America's great Presidents, Ronald Reagan, showed us in the Cold War, peace is achieved through strength, as he achieved victory in the Cold War.

While I have no desire to see my children sent to war, we may be left with no other choice. I can assure the Members that as a member of the military, as a military parent, that the American military is ready and willing to answer the call to preserve freedom and liberty for generations to come, and to stop the threat posed by Saddam Hussein to the innocent lives of the American public.

□ 2130

Madam Speaker, I urge my colleagues to support this bipartisan resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations and a fighter for human rights.

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

Mr. SERRANO. Madam Speaker, when September 11, 2001, happened, I was in New York City. And as the enormity of what terrorism could do to my city hit me, I was stunned. Then I wept with all of those innocent people who were simply doing their jobs and living their lives when one moment of hate lost their lives. There has, however, not been any conclusive evidence that links al Qaeda to those responsible for the tragedy with Iraq.

Some question whether those who oppose this resolution are forgetting those who died on September 11. Some question our patriotism. Though I should not have to affirm my patriotism, I say simply that I love my country, I love my city of New York, and I am not afraid to deal with those who attacked it. It is the most basic of our purposes as a national government to defend our Nation. But here we speak of a different matter.

If our ultimate goal is to disarm Iraq and all chemical and biological weapons, how does giving our President this right to go to war accomplish that goal? Would not working with the U.N. to implement a program of rigorous inspections move us closer to our goal?

This new doctrine announced by the President that the U.S. has the right to engage in a preemptive strike, which he seeks to implement through this resolution, frightens me and establishes a troubling precedent. This is a doctrine better left unused. It contravenes a half century of developed international law of which the U.S. has been a champion. Taking this idea to its logical conclusion means that India and Pakistan, for instance, nations with nuclear weapons and a history of conflict, may no longer feel bound by the limitations on the use of force that have been agreed to by the family of nations. The U.N. would become irrelevant, and the checks and balances that membership in the U.N. places on its members states will no longer apply.

Even if we have strike and successfully defeat Iraq militarily, will this make our Nation a safer place to live?

The administration often talks about regime change in Iraq and the need to remove Saddam Hussein from power. Yet in 1991 we decided against regime change because of concern of the overall stability of the region. What has happened since that time that has changed the goals of military action?

As a Nation we need to plan and think beyond what passage of this resolution and a military victory would mean. The U.S. would need to expend at least the next 10 years involved in occupation, reconstruction and rebuilding. That is the point that no one seems to talk about, the fact that after we defeat Saddam Hussein we have to stay in Iraq, some experts say, at least for 10 years.

One point also that surprises me that very few people, if any, bring up is, has anyone told us how we will defend Israel when Saddam Hussein and his madness, against the wall, decides to attack Israel? Those of us who support the State of Israel know that that is not part of this discussion at all.

The last point that I would like to make is that we should, in our expending a lot of energy in trying to reach out to young Arab men and women, to tell them, to show them that we are not their enemy. By attacking an Arab country when even our allies in the Arab world do not support us will only, in my opinion, grow the hatred against this country. At the expense of sounding ridiculous, it could be said that it would be an increase in al Qaeda membership.

We were founded on the principles of justice and strong morality. We have to be careful now that as we take and embark on this road we do not hurt ourselves while we try to help ourselves.

We embarked on a war against terrorism. Now we are being told that attacking Iraq is part of that war. Yet Osama bin Laden, from all accounts, is still alive; and there is still work that has to be done.

This is by far the most difficult vote that anyone can take. But I end this speech tonight as I began it and as I spoke 11 or 12 years ago. We have to be careful. We have to know what we are doing, and we have to know the severity of our actions. I will vote against this resolution because I cannot agree with the course that our great Nation is embarking on, one that brings the threat of war closer and the goal of peace further away.

Madam Speaker, it is our children we will be sending to war. It is the people of Iraq we will engage in a war. We should think and think. And, Mr. President, I suspect that you will get the support of this Congress. Use this power wisely.

Mrs. WILSON of New Mexico. Madam Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. KIRK), another member of the Committee on Armed Services and an officer in the Naval Reserve and a veteran of Northern Watch as well as Kosovo.

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

Mr. KIRK. Madam Speaker, 140 years ago a gentleman from Illinois wrote the following:

''The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with this occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and we shall save our country.

''Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.

''We say we are for Union. The world will not forget we say this. We know how to save the Union. The world knows we know how to save it. We, even we here, hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free, honorable alike in what we give and what we preserve.

''We shall nobly save, or meanly lose, the last best hope of Earth. Other means may succeed. This could fail. The way is plain, peaceful, generous and just, a way which if followed the world will forever applaud and God must forever bless.''

Abraham Lincoln wrote those words on the eve of his most important decision. The occasion before us here is also drenched in significance.

I am often asked whether I am a dove or a hawk on the question of Iraq. I prefer to be an owl, one who approaches this with steady, firm judgment.

I believe we must deal with the enforcement of the United Nations Security Council resolutions requiring Iraq to disarm as part of an international coalition. Diplomatic efforts must be our primary effort, with a use of armed force only as a last resort.

Along well-settled principles of constitutional and international law, the United States may declare war only with the formal approval of the Congress; and we should try to endeavor to operate with the approval of the U.N. Security Council.

As a veteran myself, I believe that making the decision between war and peace is the most sacred duty of the Congress. Many people who never saw war are quick to urge military actions. Veterans can report with firsthand experience that waging war is a cruel and blunt instrument to be used only by a free people as their last choice. In my own experience, war has taught me to be the best friend of our State Department, a place where diplomacy is always the preferred course of action.

I used to work in the State Department, and I applaud Secretary of State Colin Powell in his efforts to build a large coalition of like-minded nations

to enforce the will of the Security Council.

In reviewing of the reports of the United Nations, our allies and respected human rights groups, it is clear that the Iraqi regime represents a growing present danger to the United States and its allies and its own people. Given its proximity to Iraq, our allies in Israel probably face the greatest danger. I believe that the disarmament of Iraq is important to the security of the United States but is vital to the security of our allies in Israel.

In my judgment, the existence of Israel hangs on the success or failure of the U.N. efforts to disarm Iraq. This is why the government of Israel, like Her Majesty's government in the United Kingdom, so strongly supports our goal. It is clear that this steadfast, concentrated action by the international community is needed to reduce the danger to the United States and our allies.

While some say that inspections against a government determined to conceal its weapons are certain to fail, I disagree. Unlike the inspectors that we sent into post-war Germany after World War I or even Iraq, a new Security Council resolution could lay out clear rules granting free, unescorted and unannounced access by inspectors to Iraqi programs.

In my work on this issue, I joined with the gentleman from New Jersey (Mr. ANDREWS), a representative of the opposite party, to form an Iraq working group here in the House where we have convened many meetings with U.N. weapons inspectors, Iraqis and administration officials to learn more about this issue. Our meetings with the U.N. inspectors have been some of the most fruitful.

Dr. David Kay, the Chief United Nations Weapons Inspector, reported that if he were to return to Iraq he would need a new Security Council resolution with two major changes: one, complete access to all sites, including presidential sites and Northern Iraq, which were denied to previous U.N. inspectors; and, two, the power to grant permanent asylum to any scientist or their families who could be taken out of Iraq and debriefed on the weapons of mass destruction program that employed them.

Dr. Kay reported that President Bush, Sr., and President Clinton both denied him the authority to force access to key sites and failed to grant him the power to bring any Iraqi and their families. He reported to our working group that, with these two changes granted under a new Security Council resolution, he would be willing to return to Iraq and carry out the will of the United Nations to disarm the government.

We have had several conversations with the National Security Advisor, Dr. Rice, and members of our United Nations Mission in New York who report that, without the credible threat of force, Secretary of State Powell has little chance for passing the kind of Security Council resolution that Dr. Kay outlined would be needed to peacefully disarm Iraq.

I am encouraged that this resolution before the House has the support of senior Democratic and Republican leaders. It underscores the consideration of this issue should be without partisan rancor or advantage, and we should not consider this measure as partisans but as Americans.

This resolution offers the best hope for a new U.N. Security Council resolution to rewrite the rules of inspection to make them more effective. Secretary Powell has asked for this resolution to pass the Congress to give him the tools he needs for U.N. support, and I voted to give him that support.

As a veteran, I see any potential military action first through the eyes of young men and women who volunteered to wear the uniform and would carry out the mission. As I have detailed here, I believe that this resolution unlocks the door for more effective inspections. We must use the opportunities we have to take non-military action through the U.N. to determine if unrestricted inspections of Iraq's weapons of mass destruction program can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. And if they fail, it will rally international support against an isolated Iraq, making any more decisive action quicker and more likely to succeed.

Madam Speaker, 140 years ago, a gentleman from Illinois wrote the following passage—one that applies to the question now before this House:

''The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and we shall save our country.

Fellow citizens we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.

We say we are for Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it. We—even we here—hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve.

We shall nobly save, or meanly lose, the last best hope of earth. Other means may succeed; this could fail. The way is plain, peaceful, generous, just—a way which if followed, the world will forever applaud, and God must forever bless.''

Abraham Lincoln wrote those words on the eve of his most important decision of the Civil War. The occasion before us here is also drenched in historical significance.

I am often asked if I am a ''Dove'' or ''Hawk'' on the question of Iraq. I prefer to be an ''Owl''—one who approaches this with a steady, firm judgment.

I believe that we must deal with the enforcement of the United Nations (UN) Security Council resolution requiring Iraq to disarm as part of an international coalition. Diplomatic efforts must be our primary effort, with a use of armed force only as a last resort. Along well-settled principles of Constitutional and International Law, the United States may declare war only with the formal approval of the Congress and should try to endeavor to operate with the approval of the UN Security Council.

As a veteran myself, I believe that making the decision between war and peace to be the most sacred duty of the Congress. Many people who never saw war are quick to urge military action. Veterans can report with first-hand experience that waging war is a cruel and blunt instrument to be used only by a free people as their last choice. In my own experience, war taught me to be the best friend of our State Department—a place where diplomacy is always the preferred course of action. I used to work in the State Department and I applaud Secretary of State Colin Powell in his efforts to build a large coalition of like-minded nations to enforce the will of the Security Council.

With regard to military force, our founding fathers debated the proper place for the power to make war at the Constitutional Convention and feared it most in a new democracy. They specifically rejected proposals to give such a power to the President and directed that only the elected representatives of the American people in our Congress could declare war. For most of our history, Presidents followed the restrictions of the Constitution when going to war. In the 1950s and 1960s, we deviated from the clear requirements of the Constitution to our profound detriment. I believe that it is far worse to send our uniformed men and women into a conflict the American people do not support than to never send them at all.

In recent years, Presidents Bush and Clinton returned to our historic, constitutional practice of Congress voting before sending uniformed Americans into harm's way. Congress voted on U.S. military actions in Kuwait, Haiti, Bosnia and Kosovo prior to deployment. As a military officer involved in each of these campaigns, I can report that the long congressional debate and formal approval of our missions made a difference improving our morale and clarity of purpose. The Administration should follow these precedents and obtain congressional sanction to engage in military action against Iraq. Congress must approve any military action against Iraq before it happens. Without such formal approval, no action should be taken.

When the United States and our allies emerged victorious after the Second World War, we remade the ineffective League of Nations into a more effective United Nations. Under the charter of the UN, all member states are required by international law to abide by the decisions of the UN's Security Council. By the terms of the UN Charter, permanent members of the Security Council—the United States, China, Russia, France and Britain—retain the power to veto any proposed action by the Council. While the Council has not always been able to take decisive action, it has moved on many occasions to enforce the will of the international community in Korea, Kuwait, Bosnia and Kosovo.

President Bush's decision to seek approval by the UN Security Council to enforce its previously-passed resolutions underscores a fundamental political and military requirement for the United States military to build allied support and to isolate any potential opponent of the international community. By acting under a UN resolution, U.S. armed forces could join as part of a broad coalition opposing an enemy that has little to no international support. For this key reason, the resolution clearly outlines that the United States should try to act with approval of the UN in dealing with Iraq.

The decision to go to war is the most important decision that I can make as a representative in Congress. As a veteran, I see any potential military action first through the eyes of the young men and women who volunteered to wear the uniform and would carry out such a mission. We must use the opportunities we have to take non-military action through the UN to determine if unrestricted inspections of Iraq's weapons of mass destruction can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. If they fail, it will rally international support against an isolated foe, making any more decisive action quicker and much more likely to succeed.

When we look at the situation in Iraq, we should not take military action until two basic questions are answered:

1. Does Iraq Present a Clear and Present Danger to the United States and Our Allies?

2. Will Non-military Action by the International Community Achieve Our Objectives?

So, does Iraq present a clear and present danger?

With regard to Iraq, the United Nations Security Council passed Resolution 686 in March of 1991 requiring Iraq to release all prisoners of war, return Kuwaiti property and pay damages. To date, the UN reports that Iraq failed to return 609 prisoners from 14 UN member states, including one American pilot. Iraq also holds over 5,000 Iranian POWs. In total, the respected human rights group Amnesty International reports that Iraq failed to account for 16,000 people held in its custody. The UN staff reported to the Security Council on this issue that ''no progress [has been] made on return . . .'' Iraq also failed to return Kuwaiti military equipment and items from its state archives.

In April of 1991, the Security Council passed Resolution 687. The resolution required Iraq to ''unconditionally accept'' the destruction, removal or rendering harmless ''under international supervision'' all ''chemical and biological weapons.'' The resolution also required Iraq to ''unconditionally agree not to acquire or develop nuclear weapons or nuclear weapons usable material'' or construct ''any research, development or manufacturing facilities.'' Finally, the resolution also required Iraq to ''unconditionally accept'' the destruction, removal or rendering harmless ''under international supervision'' of all ''ballistic missiles with a range greater than 150 km and related major parts and repair and production facilities.

Despite the requirement not to possess chemical and biological weapons, UN staff reported that Iraq lied to the UN Special Commission on Iraq (UNSCOM) in 1995 after Saddam Hussein's son-in-law defected to Jordan and told of the dictator's still-thriving biological and chemical weapons programs. Iraq then admitted it produced thousands of liters of anthrax, botulinum toxin and aflatoxin for use with Scud missile warheads, aerial bombs and artillery. UNSCOM reported to the Security Council that Iraq concealed its biological weapons program and failed to account for three tons of growth material for biological agents. The UN also reported that Iraq failed to account for 15,000 artillery rockets filled with nerve gas and 550 artillery shells filled with mustard gas.

In January 2001, our Defense Department reported that Iraq converted Czech L–29 jets into chemical and biological delivery vehicles. Iraq also modified a second jet for use as an Unmanned Aerial Vehicle (AUV) to spray chemical and biological weapons. We have evidence that Iraq has built a third unmanned aerial vehicle that is much smaller than the larger jets. There are reports that this smaller AUV is the intended final vehicle for use delivering chemical and biological weapons in a way that would not be detected on radar. There is compelling further evidence on this program which remains classified.

Reporting on the violation of commitments on ballistic missiles, UNSCOM disclosed that, contrary to UN resolutions, Iraq had retained a number of Scud missiles. Iraq also began work on two new missiles, a liquid-fueled missile (the al-Samoud) and solid-fueled missile (the Ababil), both capable of flying far beyond the 150 km limit imposed by the UN Security Council. Such missiles could deliver a weapon of mass destruction against Israel in under 250 seconds. Iraq also rebuilt the al-Mamoun missile test facility that had been dismantled by the UN to prevent the construction of long-range missiles. Work is underway to test a much larger missile engine to support even longer-range missiles.

Despite promises not to acquire or test nuclear components, Iraq has a large nuclear weapons complex. Saddam Hussein regularly makes reference to his ''nuclear mujahadeen'' and UNSCOM reports over 40,000 Iraqis work on the nuclear weapons program. British intelligence services report that Iraq stepped up purchases of nuclear weapons material over the last 14 months. The New York Times recently reported Iraqi agents attempted to purchase 114,000 parts of a nuclear centrifuge to refine fissile material for a nuclear bomb. In September, the British International Institute for Strategic Studies reported that absent the Gulf War, Iraq would have had nuclear weapons by 1993 and could now possess a weapon within months of obtaining fissile material.

Last year, Adnan Ihsan Saeed al-Haideri, an Iraqi defector, reported that he visited 20 secret facilities dedicated to producing nuclear, biological and chemical weapons. He supported his report with copies of Iraqi government contracts and technical specifications. It is clear that Iraq is advancing program to develop weapons of mass destruction in violation of its commitments imposed by the UN Security Council.

Following the deployment of UNSCOM to Iraq, Saddam Hussein barred international inspector access to key individuals, sites and equipment necessary to verify compliance with international law. The UN condemned Iraq for failing to comply with UN Security Council resolutions on August 15, 1991. The UN Security Council subsequently passed 12 more resolutions between 1991 and 1999 condemning Iraq and attempting to enforce the will of the international community. The President of the Council also made 30 statements condemning Iraq's non-compliance.

Beyond commitments to return prisoners and to disarm weapons of mass destruction, the UN Security Council also passed Resolution 688 requiring Iraq to end repression of the Iraqi people ''the consequences of which threaten international peace and security.'' The UN Commission on Human Rights and UN General Assembly reported on ''systematic, widespread and extremely grave violations of human rights'' citing an ''all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror.'' The Iraqi government blocked all visits by the UN Special Rapporteur on Human Rights from 1992 to the present.

Amnesty International reported that in October 2000, Iraq executed dozens of women on charges of prostitution. Amnesty also reported the decapitation of numerous women accused of crimes with victims heads displayed in front of homes for several days. They further reported that the female relatives of prisoners are often raped as part of their torture. The UN Special Rapporteur, Max Van der Stoel, reported that hundreds of Iraqi Kurds were used as subjects in Iraq's testing of new chemical and biological weapons. Van der Stoel also reported at least 1,500 executions of political opponents. Sometime between September of 1998 and December of 1999, the town of Albu 'Aysh was destroyed with extensive civilian casualties. UNSCOM also reported on a special prison for the children of adult prisoners. The Human Rights Alliance also reported that over 500 journalists and intellectuals have been executed.

Under Resolution 688, the United States, France and Britain were directed to operate no-fly zones over southern Iraq to protect the Shia minority (Iraq's governing elite is exclusively Sunni) and northern Iraq to protect five million Kurdish citizens of Iraq. The Iraqis of these communities strongly support the no-fly zones and believe that it is the key to safety for their families. I am a veteran of Operation Northern Watch and was proud to serve my country to protect helpless minorities. On September 16th, Iraq offered the UN Secretary General the opportunity to return UNSCOM to Iraq for ''unrestricted'' inspections. On September 17th, Iraqi armed forces fired on UN aircraft patrolling the no-fly zone. They did so again the following day. To date, the Iraqis have fired on UN aircraft over 60 times since their offer of ''unrestricted'' inspections.

Iraq is also prohibited from carrying out terrorist acts under the terms of the UN Security Council's Resolution 687. Despite this requirement, agents of the Iraqi Intelligence Service attempted to use a car bomb in 1993 to assassinate former President George Bush. Iraq harbors the Mujahedin-e-Khalq (MKO) that killed several Americans. It also housed the Palestine Liberation Front, best known for killing American Leon Klinghoffer and many attacks against Israel. Iraq also sheltered the Abu Nidal organization and now pays $10,000 to the families of Palestinian suicide bombers. Defectors report that Iraq operates an international terrorist training camp at Salman Pak, open to Arab and non-Arabs alike. While there is no clear link between the Iraqi government and the September 11th attacks, Iraq now harbors several members of the Al Qaeda terrorist organization.

Much of this activity by Iraq costs money. Iraq must operate under a UN embargo that allows it to sell oil with proceeds going into an account controlled by the UN. Despite protests from average Iraqis, the government of Iraq regularly applies for the use of the UN oil-for-food money to purchase luxury cars, electronic equipment and elite infant diet formula. Much of the funding under the UN program was used by Iraq to construct several ''presidential palaces'' detailed in a well-covered speech by then Secretary of State Madeline Albright. In order to generate funding for its weapons of mass destruction program and missile development, Iraq exports thousands of barrels of oil on the black market in violation of the UN program, with proceeds controlled by Saddam's two sons, Uday and Qusai. Total proceeds exceed several billion dollars—more than enough to fund a large weapons of mass destruction program.

In reviewing the reports of the UN, our allies and respected outside human rights groups, it is clear that the Iraqi regime represents a growing present danger to the United States, our allies, and its own people. Given its proximity to Iraq, our allies in Israel probably face the greatest danger. I believe that the disarmament of Iraq is important to the security of the United States but is vital to the security of our allies in Israel. In my judgment, the existence of Israel hangs on the success or failure of the UN effort to disarm Iraq. That is why the government of Israel, like Her Majesty's Government in the United Kingdom, strongly supports this goal. It is clear that steadfast, concentrated action by the international community is needed to reduce the danger to the United States and our key allies.

Will Non-military Action by the International Community Achieve Our Objectives?

Between 1991 and 1997, UNSCOM was able to demilitarize a large number of Iraqi weapons of mass destruction and missiles. It is clear that UNSCOM was able to delay the expected 1993 date when Iraq was expected to possess a nuclear arsenal. UNSCOM's two chiefs, Ambassador David Kay and Ambassador Richard Butler, emphasize that while inspections yielded results, they had to be supported by strong international action to bolster the authority of the UN. This support waned in 1997 and allowed Iraq to force the withdrawal of UNSCOM in 1998.

There have been no inspections in Iraq for four years and less is known now about the progress Iraq has made on its weapons of mass destruction program. More is known about the resources Iraq spends on this program with indications that Iraq has substantially increased spending on special military projects over the years since UN inspectors were forced to leave. A steady stream of defectors and reports from other UN members indicate that Iraq is accelerating its work on nuclear, biological and missile programs.

Ambassador Kay testified before the House Armed Services Committee that further inspections would not be effective unless the UN was given a carte blanche to visit any site with no notice, retaining the right to produce any witness at any time. He advised the Committee that he believed Saddam Hussein would never agree to such an inspection policy.

He was wrong.

On September 16th, Saddam Hussein advised the Secretary General of the UN that Iraq would permit the redeployment of UN inspectors in Iraq with no restrictions. Many observers are understandably skeptical that Iraq will actually allow UN inspectors to peacefully disarm Iraq of its most deadly and expensive weapons.

Nevertheless, this is an opportunity that we cannot ignore.

The UN should mount an inspection mission to Iraq with the authority to conduct the most aggressive plan possible. It is possible that non-military action by the international community will achieve our objectives in Iraq.

The history of international arms inspection shows some failures. Eighty years ago, the international community imposed an inspection regime on the government of Germany. The League of Nations created an ''Inter-Allied Control Commission'' for the ''complete execution of delivery, destruction, rendering useless of weapons, ammunition and material carried out at the expense of the German government.'' Inspectors were granted full freedom of movement, all necessary facilities, documents and designs. 337 inspectors were deployed in 11 districts across the country. The Commission reported the following results: Cannons Destroyed, 33,384; Artillery Shells Destroyed, 37,211,551; Machine Guns Destroyed, 87,240; and Poison Gas Cylinders Destroyed, 920 tons.

In sum, they reported that 97% of Germany's artillery and 98% of her men under arms were rendered ineffective.

The Commission's reports on German violations were very controversial. Andre Tardieu, the leading French diplomat for implementing the inspections, wrote to President Wilson on the controversy of inspector reports:

''The pacifist element in each of the nations of the League will be quite naturally inclined to deny reports disturbing to their peace of mind and more or less consciously espouse the cause of the German government which will deny the said reports. We must recall the opposition of these pacifist elements at the time when Germany armed to the teeth and openly made ready the aggression of 1870 and 1914. To sum up:

—Germany will deny.

—Their government will discuss.

—Public opinion will be divided, alarmed, [and] nervous. The League, unarmed, will have brought to pass in the world not general peace but general uncertainty which will give birth to a kind of interior and exterior conflict.''

In the end, Germany rearmed under the eyes of over 300 international inspectors. As evidence of violations mounted, the international community lost its nerve to impose the will of the League of Nations. This lesson of history is instructive and we should use it to make sure international inspections in Iraq do not suffer the same fate.

The record of inspections in Iraq is uneven. While the UN Special Commission on Iraq reported an impressive amount of Iraqi weaponry destroyed, its lack of cooperation from the government and failure to achieve a complete accounting show that it was not a complete success.

While some may say that inspections against a government determined to conceal are certain to fail, I disagree. Unlike the inspectors of Germany or even Iraq, a new Security Council resolution could lay out clear rules granting free, unescorted and unannounced access by inspectors to the Iraq programs. In my work on this issue, I joined with Representative ROBERT ANDREWS of New Jersey—a representative of the opposite party—to form an ''Iraq Working Group'' here in the House. We have convened many meetings with UN Inspectors, Iraqis and Administration officials to learn more about this issue.

Our meetings with UN inspectors have been some of the most fruitful. Dr. David Kay, the United Nations Chief Weapons Inspector, reported that if he was to return to Iraq, he would need a new Security Council Resolution with two major changes to foster success:

1. Complete access to all sites, including ''Presidential sites'' and Northern Iraq, which were denied to previous UN inspectors, and

2. The power to grant permanent asylum to any scientist and their families who could be taken out of Iraq and debriefed on the weapons of mass destruction program that employed them.

Kay reported that President Bush Sr. and President Clinton had denied him the authority to force access to key sites and failed to grant him the power to bring any Iraqi and their family members out of Iraq. He reported to our working group that with these two changes—granted by a new Security Council resolution—he would be willing to return to Iraq to carry out the will of the United Nations to disarm the government.

I have had several conversations with our National Security Advisor, Dr. Rice, and Members of our United Nations mission in New York who report that without a credible threat of force, Secretary of State Powell has little chance for passing the kind of Security Council resolution that Dr. Kay outlined would be needed to peacefully disarm Iraq.

They report that two key permanent members of the Council, Russia and France, have clear interests in this question. Russia is owned over $8 billion by the government of Iraq. She sees a possible war or interfering with debt repayments and—as a good banker—therefore is inclined against it. If the U.S. leads an international coalition to replace the government of Iraq and Russia opposed this move, then Russia would see its debt repudiated. Russia cannot allow that to happen and therefore would have to back an international effort once it forms. France's position is similar. France's number one goal in the region is access to the Iraqi export market. But if a new government is installed and France opposed this action, France would suffer a loss of a key export market. Therefore, if international pressure is formed, France cannot afford to be left out. Diplomats reported to me that this is similar to the situation facing the Council in September of 1990. Most members did not want to rescue Kuwait and preferred to let Iraq administer this former UN member as a new ''19th province of Iraq.'' Once US action was imminent, the Council and many Arab nations supported the United States because they could not afford to offend the newly rescued Kuwaiti government. In similar fashion, if action is inevitable against Iraq, then the support of such nations will come because they cannot afford to be excluded from a new Iraq.

It is for these reasons, I support the action of this resolution. I am encouraged that the resolution has the support of the Senior Democratic and Republican leaders of this House. It underscores that the consideration of this issue should be without partisan rancor or advantage. We should not consider this

measure as partisans but as Americans. This resolution offers the best hope for a UN Security Council resolution to rewrite the rules of inspection to make them effective. Secretary Powell has asked for this resolution to pass the Congress to give him the tools he needs to win UN support. I will vote to support him and this effort.

As a veteran, I see any potential military action first through the eyes of the young men and women who volunteered to wear the uniform and would carry out such a mission. As I have detailed here, I believe this resolution unlocks the door to more effective inspections. We must use the opportunities we have to take non-military action through the UN to determine if unrestricted inspections of Iraq's weapons of mass destruction can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. If they fail, it will rally international support against an isolated Iraq, making any more decisive action quicker and much more likely to succeed.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentleman from Washington State (Mr. MCDERMOTT), a member of the Committee on Ways and Means, a former Foreign Service employee of the U.S. government, and a person who recently returned from Iraq to ask questions firsthand.

Mr. MCDERMOTT. Madam Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding me time.

Madam Speaker, the true question before us today is: Why should we go to war with Iraq? This is the last chance we will have before it starts.

The rule has been that the people of this country do not wage war and lay down lives when there might be a threat. The rule has been that the people of this country do not wage war and lay down lives to achieve regime change in another country. With Iraq, we are moving into brand new territory. We are not just demanding disarmament. We are demanding that a ruler be removed.

The President's press secretary publicly suggested assassination. This is new, Madam Speaker. This is new, and we should say no today.

Because, first, their resolution is premature. There has been no showing by the intelligence agencies or the White House of imminent danger to the United States. That Saddam Hussein is a brutal dictator who has committed heinous crimes is undeniable. It is likely that he still seeks weapons of mass destruction. But we have a way to thwart his desire: inspection and disarmament.

For regime change, we stand alone. For inspection and disarmament, we have allies, we have a coalition, we have the U.N.

Last march, the Iraq government began discussions with Dr. Hans Blix and UNMOVIC about resuming inspections so that the oppressive sanctions could be lifted. The Iraqi Parliament then invited Members of Congress to come to Baghdad with their own inspectors.

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I spoke with Foreign Minister Naji Sabri in September in New York for an hour about the absolute necessity for unfettered inspections. I told him if I went to Iraq, I wanted ''my inspectors'' to be UNMOVIC, the U.N. inspectors.

As I left he said, ''I think the Congress will be surprised soon.'' Three days later, Sabri wrote to Kofi Annan, accepting the inspectors under the existing U.N. resolutions.

Unfortunately, instead of welcoming the shift in Iraq's position, President Bush could not take ''yes'' for an answer.

Madam Speaker, we must let these inspections take place immediately, with or without a new U.N. resolution. Let Blix do his job. If, God forbid, the Iraqis return to obstruction, we are ready to return to the Security Council for whatever Dr. Blix needs to get the job done. The stakes are high if we make a hasty decision today.

If we focus on disarmament, we may be able to hold onto the coalition we have built to fight terrorism. But if we do not, we force Middle Eastern countries to choose between their Arab neighbors and us.

If we act alone to achieve regime change, the whole Arab world will wonder, who is next? Our President will become the poster boy for al Qaeda recruiters; and Americans will be less, not more, safe at home and abroad.

If we pass this resolution, we are setting precedents that we will regret, that America can start preemptive wars and that Congress can turn over authority to start a war to the President.

Vote ''no'' to honor the constitutional principle that only Congress can declare war. War cannot be started, or launched without declaration, on the word of a President whose attention span for diplomacy is exhausted and who notifies Congress 48 hours after the missiles have been launched.

The legacies of wars remain with us forever. I learned that not from a textbook, but from people who fought in a confusing and undeclared war. From 1968 to 1970, I served in the United States Navy as a psychiatrist treating sailors and Marines suffering from post-traumatic stress disorder. I saw firsthand the price in grief and anger the troops and their families paid when they were sent into a war whose goals were at best obscure, and at worse deceptive.

Under the terms of this resolution, the United States may attack Iraq solely on the basis of the President's view, and only the President's view, that diplomacy has failed. When Congress was given responsibility for declarations of war, the Founders had just finished a war. They knew the human cost. They decided the responsibility for going to war should not reside in one person, but must be the duty of the whole Congress. We cannot cede this responsibility to any occupant of the White House, no matter how wise or from which party he or she comes.

I have a suggestion. Let us adjourn for an hour right now and go down to the Vietnam Memorial before we commit ourselves and our children to an unknown world in which any President can decide to go to war as long as he or she determines it is in the national interest at the moment. Let us look at the names one more time before we wipe away the efforts of 60 years to weave the world together through the U.N. and international law.

After two World Wars in 25 years, world leaders have remained committed to doing their best to prevent such an event ever given. By and large, they have succeeded. Let us not, in pursuit of oil or power or the blandishments of empire, be the ones who lead the world to failure.

Madam Speaker, I include for the RECORD two articles which expand on my position.

[From the Institute for Public Accuracy]

DETAILED ANALYSIS OF OCTOBER 7 SPEECH BY BUSH ON IRAQ

Thank you for that very gracious and warm Cincinnati welcome. I'm honored to be here tonight. I appreciate you all coming.

Tonight I want to take a few minutes to discuss a grave threat to peace and America's determination to lead the world in confronting that threat.

The threat comes from Iraq. It arises directly from the Iraqi regime's own actions, its history of aggression and its drive toward an arsenal of terror.

Chris Toensing, editor of Middle East Report: ''This might indicate that Iraq is actively threatening the peace in the region. There is no evidence whatsoever that Iraq is doing so, or has any intention of doing so. Other powers are actively disrupting the peace in the region: Israel is trying to crush Palestinian resistance to occupation with brute force, and the U.S. and Britain have bombed Iraq 46 times in 2002 when their aircraft are 'targeted' by Iraqi air defense systems in the bilaterally enforced no-fly zones. Most of our 'friends' in the region—Turkey, Saudi Arabia, Jordan—have strongly urged us not to go to war, and to tone down the war rhetoric. Aren't they better positioned than we are to judge what threatens their safety?''

Eleven years ago, as a condition for ending the Persian Gulf War, the Iraqi regime was required to destroy its weapons of mass destruction, to cease all development of such weapons and to stop all support for terrorist groups.

Rahul Mahajan, author of The New Crusade: America's War on Terrorism: Resolution 687 also speaks of 'establishing in the Middle East a zone free from weapons of mass destruction'—which also means Israel's 200-plus nuclear weapons as well as Syria's and Egypt's apparent chemical weapons capabilities, and any nuclear capability the U.S. has placed in the region.''

The Iraqi regime has violated all of those obligations. It possesses and produces chemical and biological weapons.

As'ad Abukhalil, author of Bin Laden, Islam & America's New 'War on Terrorism' and associate professor of political science at California State University at Stanislaus: ''The president fails to credit Reagan's and his father's adminsitrations—prominent members of which included Rumsfeld and Cheney—for their help in the construction of Saddam's arsenal, especially in the area of germ warfare.''

Toensing: ''After being presented with evidence that Iraq had used chemical weapons

to attack the Kurds in 1987–88, the Reagan administration blocked a Senate resolution imposing sanctions on Iraq, and continued to pursue good relations with the regime.''

James Jennings, president of Conscience International, a humanitarian aid organization that has worked in Iraq since 1991: ''The evidence that Iraq gassed its own people is also not about a current event, but one that happened fourteen years ago. If that did not constitute a good enough reason for going to war with Iraq in 1988 (which the U.S. did not even contemplate at the time), it certainly is not a good enough reason now.''

It is seeking nuclear weapons.

Susan Wright, co-author of Biological Warfare and Disarmament: New Problems/New Perspectives: ''How does Bush know this? It's as if the inspections have already been conducted and we know the outcome. We're expected to accept the administration's word for this without seeing any evidence. We have no way of judging the accuracy of these claims and the only way to do so is to hold inspections. The only country in the region that is known to possess a nuclear arsenal is Israel.'' [The Administration says that it does not know if Israel has nuclear weapons: www.commondreams.org/headlines02/0521–06.htm]

Mahajan: ''There's no evidence that Iraq has gotten anywhere with seeking nuclear weapons. The pitiful status of evidence in this regards is shown by claims in e.g. Blair's dossier that Iraq is seeking uranium from Africa, year and country unspecified. South Africa is, of course, the only country in the continent that has potentially the capacity for enrichment of uranium to bomb quality, and claims not to have supplied Iraq with uranium. Unenriched uranium does Iraq little good, since enrichment facilities are large, require huge investment, and cannot easily be hidden.''

It has given shelter and support to terrorism and practices terror against its own people.

The entire world has witnessed Iraq's 11-year history of defiance, deception, and bad faith.

We also must never forget the most vivid events of recent history. On September 11, 2001, America felt its vulnerability—even to threats that gather on the other side of the earth. We resolved then, and we are resolved today, to confront every threat, from any source, that could bring sudden terror and suffering to America.

Members of the Congress of both political parties, and members of the United Nations Security Council, agree that Saddam Hussein is a threat to peace and must disarm. We agree that the Iraqi dictator must not be permitted to threaten America and the world with horrible poisons, and diseases, and gases, and atomic weapons.

Toensing: ''Only two members of the U.N. Security council would appear to agree with the idea that Iraq threatens, or will threaten, 'America and the world' with Weapons of Mass Destruction, making the next sentence disingenuous at best.''

Since we all agree on this goal, the issue is: How can we best achieve it?

Many Americans have raised legitimate questions: About the nature of the threat. About the urgency of action—and why be concerned now? About the link between Iraq developing weapons of terror, and the wider war on terror.

These are all issues we have discussed broadly and fully within my administration. And tonight, I want to share those discussions with you.

Toensing: ''Bush may have shared the discussion, but he did not share the evidence, saying, like the British dossier and CIA reports, that intelligence has established the threat. But Americans apparently will not be seeing it.''

First, some ask why Iraq is different from other countries or regimes that also have terrible weapons. While there are many dangers in the world, the threat from Iraq stands alone—because it gathers the most serious dangers of our age in one place.

Iraq's weapons of mass destruction are controlled by a murderous tyrant, who has already used chemical weapons to kill thousands of people. This same tyrant has tried to dominate the Middle East, has invaded and brutally occupied a small neighbor, has struck other nations without warning, and holds an unrelenting hostility towards the United States.

Stephen Zunes, author of ''Tinderbox: U.S., Middle East Policy and the Roots of Terrorism'' and associate professor of politics at the University of San Francisco: ''The hostility towards the United States is a direct consequence of U.S. hostility toward Iraq. Iraq was quite unhostile to the United States when it was receiving support from the United States during the 1980s. The answer is certainly not to appease Iraq's tyrannical regime, as was done in the past. However, to imply this hostility is unrelated to the U.S. destruction of much of Iraq's civilian infrastructure and other actions during the Gulf War which went far beyond what was necessary to rid Iraqi forces from Kuwait and the U.S.-led sanctions and its impact upon the civilian population is very misleading.''

AbuKhalil: ''If Bush wants to punish nations that 'tried to dominate the Middle East, has invaded and brutally occupied a small neighbor, has struck other nations without warning' then he would have to punish Israel for an occupation of Palestinian lands that lasted far longer than the now famous (yet brief) Iraqi occupation of Kuwait. Of course, Iraq did attack Iran and Kuwait, and Israel in the span of 30 years has attacked Egypt, Iraq, Tunisia, Lebanon, Syria, Egypt, Jordan, not to mention Palestine, and not to mention a civilian Libyan airliner that was downed by Israeli forces in 1973.''

By its past and present actions, buy its technological capabilities, by the merciless nature of its regime, Iraq is unique.

As a former chief weapons inspector for the U.N. has said, ''The fundamental problem with Iraq remains the nature of the regime itself: Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction.''

Some ask how urgent this danger is to America and the world. The danger is already significant, and it only grows worse with time. If we know Saddam Hussein has dangerous weapons today—and we do—does it make any sense for the world to wait to confront him as he grows even stronger and develops even more dangerous weapons?

Zunes: ''He was far more dangerous in the 1980s when the U.S., was supporting him. It will take many years, assuming military sanctions continue to effect, before he comes close to the strength he was then. If U.N. inspectors are allowed to return, it would be impossible—even if they don't find 100 percent of everything—to get much stronger than he is today.''

In 1995, after several years of deceit by the Iraqi regime, the head of Iraq's military industries defected. It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced two to four times that amount.

Zunes: ''If this is really a concern, then why did the United States supply Iraq with the seed stock of anthrax spores back in the 1980s'' [William Blum, ''Anthrax for Export: U.S. Companies Sold Iraq the Ingredients for a Witch's Brew,'' The Progressive, April 1998, p. 18]

This is a massive stockpile of biological weapons that has never been accounted for, and is capable of killing millions.

Zunes: ''This is like saying that a man is capable of making millions of women pregnant. It's a matter of delivery systems, of which there is no proof that Iraq currently has.''

We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, and VX nerve gas. Saddam Hussein also has experience in using chemical weapons. He has ordered chemical attacks on Iran, and on more than forty villages in his own country. These actions killed or injured at least 20,000 people, more than six times the number of people who died in the attacks of September 11.

Mahajan: ''All of this was done with the full support, approval, and connivance of the U.S. government. U.S.-supplied 'agricultural credits' helped fund the sustained counterinsurgency campaign in northern Iraq; the United States supplied military intelligence to Iraq for use against Iran even when it knew Iraq was using chemical weapons in the war; and the United States ran diplomat interference for Iraq at the U.N.''

Toensing: ''The U.S. restored diplomatic relations with Iraq in 1984, while it was in the midst of fighting the first of these wars of aggression, because the U.S. wanted to contain the Islamic Revolution in Iran. The U.S. and Britain tilted toward Iraq throughout the war, and U.S. allies in the region, chief among them Saudi Arabia, bankrolled the Iraqi war effort. The U.S. was still trying to become closer to Iraq when it invaded Kuwait.''

Zunes: ''He attacked Iranian troops because he knew Iran had no allies that would defend it. And we now know that officials from the U.S. Defense Intelligence Agency assisted Iraq in targeting Iranian forces in the full knowledge that they were using chemical weapons. Saddam used chemical weapons against Kurdish civilians because he knew they couldn't fight back. And the U.S. helped cover up the Halabja massacre and other assaults by falsely claiming the Iranians were responsible. In other words, Saddam is a coward. He will use WMDs when he knows he won't have to suffer the consequences, especially when the world's most powerful country is supporting him.''

And surveillance photos reveal that the regime is rebuilding facilities that it has used to produce chemical and biological weapons.

Toensing: ''That it 'has used.' The last time Bush made a big deal of this, he claimed that Iraq was again using the facilities in this way, an assertion which the IAEA promptly rebutted as unverifiable. It still is unverifiable.''

Every chemical and biological weapon that Iraq has or makes is a direct violation of the truce that ended the Persian Gulf War in 1991.

Mahajan: ''There are no credible allegations that Iraq produced chemical or biological agents while inspectors were in the country, until December 1998. The reason we don't know whether they are producing those agents or not since then is that inspectors were withdrawn at the U.S. behest preparatory to the Desert Fox bombing campaign.''

Yet Saddam Hussein has chosen to build and keep these weapons, despite international sanctions, U.N. demands, and isolation from the civilized world.

[The U.S. has maintained for years that it would continue the sanctions regardless of Iraq's behavior regarding weapons, see ''Autopsy of a Disaster: The U.S. Sanctions Policy on Iraq—Myth: The Sanctions Will be

Lifted When Iraq Complies with the U.N. Inspections'': *www.accuracy.org/iraq*]

Zunes: ''Again, the U.S. has yet to produce evidence that Iraq is building such weapons. Also, U.N. Security Council Resolution 687 calls for Iraqi disarmament as part of a region-wide disarmament effort which the United States has refused to enforce or even support.''

Iraq possesses ballistic missiles with a likely range of hundreds of miles—far enough to strike Saudi Arabia, Israel, Turkey, and other nations—in a region where more than 135,000 American civilians and service members live and work.

Toensing: ''That is a neat rhetorical trick. Bush knows that Turkey and Saudi Arabia themselves do not feel under threat from Iraq's WMD, so he doesn't claim that. Rather, it's the threat to U.S. servicemen and oil company employees based in those countries which should concern us. The questions left unasked are why Iraq would attack Americans, knowing the massive response that would incur, and of course why so many American troops 'live and work' in Turkey and Saudi Arabia. They're partly there in forward deployment against Iraq.''

Zunes: ''According to UNSCOM, 817 of Iraq's 819 Soviet-built ballistic missiles have been accounted for and destroyed. They may possess up to a couple of dozen home-made versions, but none of these have been tested and it is questionable whether they have any function launchers.''

We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas. We are concerned that Iraq is exploring ways of using UAVs for missions targeting the United States.

Toensing: ''Other intelligence experts have disputed that UAVs are a threat, because the agents they released might disperse to basically harmless levels by the time they reached the ground if the UAV was trying to cover such a broad area.''

Mahajan: ''The claim that these UAVs have ranges that would enable attacking the United States, and that they could reach it undetected, is a startling new one, and entirely untenable. No one has ever produced evidence of Iraqi capability or intent to target the United States directly.''

And, of course, sophisticated delivery systems are not required for a chemical or biological attack—all that might be required are a small container and one terrorist or Iraqi intelligence operative to delivery it.

Mahajan: ''Bioterrorist attacks and delivery of biological agents aren't that easy—the very limited effects of the anthrax attacks showed that. In fact, the loss of life in the anthrax attacks occurred mostly among the postal workers who were not issued antibiotics, and not among the congressional staff who were. As for chemical attacks with 'a small container and one terrorist,' they would be severely limited in effect.''

And that is the source of our urgent concern about Saddam Hussein's link to international terrorist groups.

Over the years, Iraq has provided safe haven to terrorists such as Abu Nidal, whose terror organization carried out more than ninety terrorist attacks in twenty countries that killed or injured nearly 900 people, including 12 Americans.

Michael Ratner is president of the Center for Constitutional Rights: ''Although U.S. intelligence agencies have not found a relationship between Saddam Hussein and al Qaeda, Bush mentions one, but no evidence is shown. Likewise he tries to frighten Americans by talking about the crimes of Abu Nidal, but Abu Nidal is dead. Again it is an attempt to create fear by association with something from the past, not evidence of a current threat.''

Iraq has also provided safe haven to Abu Abbas, who was responsible for seizing the Achille Lauro and killing an American passenger. And we know that Iraq is continuing to finance terror, and gives assistance to groups that use terrorism to undermine Middle East peace.

Toensing: ''Yes, but neither of these groups is ideologically anti-American. Their attacks are aimed at Israel and Israeli interests, including the killing of Leon Klinghoffer and other Americans. This is a crucial piece of context.''

We know that Iraq and the al Qaeda terrorist network share a common enemy—the United States of America. We know that Iraq and al Qaeda have had high-level contacts that go back a decade. Some al Qaeda leaders who fled Afghanistan went to Iraq.

These include one very senior al Qaeda leader who received medical treatment in Baghdad this year, and who has been associated with planning for chemical and biological attacks. We have learned that Iraq has trained al Qaeda members in bomb making, poisons, and deadly gases.

Jennings: ''The claim that al-Qaeda is in Iraq is disingenuous, if not an outright lie. Yes, the U.S. has known for some time that up to 400 al-Qaeda-type Muslim extremists, the Ansar al-Ialam, formerly 'Jund al-Islam,' a splinter of the Iranian-backed Islamic Unity Movement of Kurdistan, were operating inside the Kurdish security zone set up under U.S. protection in the North of Iraq. For some reason this was kept quiet and has not been much reported in the mainstream media. Finally last Spring the Kurds themselves attacked and killed most of the terrorists in their territory, sending the rest fleeing for their lives across the border into Iran. Since this area was under U.S. protection, and not under Saddam Hussein's rule, it's pretty hard to claim that al-Qaeda operates in Iraq.''

Mahajan: ''Al-Qaeda has carried out no chemical or biological attacks. The anthrax attacks in the fall of 2001 were almost certainly from a U.S. government employee. It's hard to know what, if anything, to make of claims that one ''senior al Qaeda leader'' got medical treatment in Baghdad. Giving medical treatment, even to criminals, is not illegal, and with so little evidence given to us, there's no reason to suppose this isn't another story like the one about a meeting between Mohammed Atta and Iraqi intelligence in Prague (now discredited).''

And we know that after September 11, Saddam Hussein's regime gleefully celebrated the terrorist attacks on America. Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliances with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints.

Mahajan: ''Biological or chemical weapons would undoubtedly leave fingerprints, just as the anthrax attacks in the fall did. Even if Iraq couldn't be conclusively shown to be the source of such materials, the U.S. government would assume Iraq was the source. Iraq has been under the gun ever since the Gulf War, and can't possibly assume that it could get away with such an attack. Moreover, Saddam has traditionally seen WMD as his ace in the hole, protecting him from defeat. Paranoid dictators do not give control of something they see as the foundation of their security into the hands of networks, like al-Qaeda, which they can't control.''

Some have argued that confronting the threat from Iraq could detract from the war against terror. To the contrary, confronting the threat posed by Iraq is crucial to winning the war on terror.

When I spoke to the Congress more than a year ago, I said that those who harbor terrorists are as guilty as the terrorists themselves. Saddam Hussein is harboring terrorists and the instruments of terror, the instruments of mass death and destruction. And he cannot be trusted. The risk is simply too great that he will use them, or provide them to a terror network.

Terror cells, and outlaw regimes building weapons of mass destruction, are different faces of the same evil. Our security requires that we confront both. And the United States military is capable of confronting both.

Many people have asked how close Saddam Hussein is to developing a nuclear weapon. We don't know exactly, and that is the problem. Before the Gulf War, the best intelligence indicated that Iraq was eight to 10 years away from developing a nuclear weapon; after the war, international inspectors learned that the regime had been much closer. The regime in Iraq would likely have possessed a nuclear weapon no later than 1993.

The inspectors discovered that Iraq had an advanced nuclear weapons development program, had a design for a workable nuclear weapon, and was pursuing several different methods of enriching uranium for a bomb.

Toensing: ''Yes, inspectors learned all of this—the inspections worked.''

Before being barred from Iraq in 1998, the International Atomic Energy Agency dismantled extensive nuclear weapons-related facilities, including three uranium-enrichment sites.

Robert Jensen, author of ''Writing Dissent'' and an associate professor at the University of Texas at Austin: ''Bush at least acknowledged that we know little about Saddam's nuclear capability, but he lied about why. Bush claimed that Iraq barred the inspectors of the International Atomic Energy Agency in 1998. In fact, the inspectors, along with those from the U.N. Special Commission, were withdrawn by their agencies—not expelled by Iraq—in December 1998 when it became clear the Clinton administration was going to bomb Iraq (as it did) and the safety of the inspectors couldn't be guaranteed. The inspectors also spied for the United States, in violation of their mandate.''

This same year, information from a high-ranking Iraqi nuclear engineer who had defected, revealed that despite his public promises, Saddam Hussein had ordered his nuclear program to continue. 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 mujahedeen''—his nuclear holy warriors.

Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past.

Toensing: ''As Lincoln Chafee said on NPR, if these satellite photos exist, then surely the public has a right to see them. Surely mere photos would not compromise sources and methods.'' [In 1990, after Iraq invaded Kuwait, the U.S. government claimed that Iraqi troops were threatening Saudi Arabia; this turned out to be false.]

Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons.

Mahajan: ''The aluminum tubes can also be used in conventional artillery, which Iraq is allowed to have. In the past, when Iraq tried to build such centrifuges, they used steel tubes. This is an incredibly weak indicator.''

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.

Toensing: ''Both the CIA report and the British dossier say that this is very unlikely as long as Iraqi remains under sanctions.''

Mahajan: ''This means only that it has the technological know-how to create the high-explosive 'lenses' necessary to set off the appropriate nuclear chain reaction. As long as it retains its scientists, this will remain the case.''

And if we allow that to happen, a terrible line would be crossed. Saddam Hussein would be in a position to blackmail anyone who opposes his aggression. He would be in a position to dominate the Middle East. He would be in a position to threaten America. And Saddam Hussein would be in a position to pass nuclear technology to terrorists.

Mahajan: ''Again, such an act is not at all consonant with the history or the mindset of Saddam Hussein. One organization hosted by the Iraqi government, which is classified as terrorist by the State Department, is the Iranian Mujahedin-I-Khalq, whose activities are directed against the current government of Iran. They have never had access to any nonconventional resources from the Government of Iraq. Saddam Hussein sees the radical Islamist terrorist networks like al-Qaeda as a huge potential threat to his own rule, something that concerns him far more than any unrealistic ideas of revenge against the United States. Anything that could allow al-Qaeda (which, in its turn, is likely more concerned with replacing regimes in the Middle East with new radical Islamist regimes) to blackmail him would be the last thing he would give them.''

Some citizens wonder: After 11 years of living with this problem, why do we need to confront it now?

There is a reason. We have experienced the horror of September 11. We have seen that those who hate America are willing to crash airplanes into buildings full of innocent people. Our enemies would be no less willing—in fact they would be eager—to use a biological, or chemical, or a nuclear weapon.

Mahajan: ''Invoking September 11 without showing any kind of link between the government of Iraq and those attacks is just transparent manipulation. What he really means is that after September 11 he thinks he can get away with such a policy.''

Knowing these realities, America must not ignore the threat gathering against us. Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.

As President Kennedy said in October of 1962: ''Neither the United States of America nor the world community of nations can tolerate deliberate deception and offensive threats on the part of any nation, large or small. We no longer live in a world,'' he said, ''where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril.''

Jacqueline Cabasso, Executive Director of the Western States Legal Foundation: ''The hypocrisy in this speech—and in the Bush Administration's overall national security strategy—is monumental. If having weapons of mass destruction and a history of using them is a criteria, then surely the United States must pose the greatest threat to humanity that has ever existed. While Bush warns that 'we cannot wait for the final proof. . . . the smoking gun that could come in the form of a mushroom cloud,' his September 2002 National Security Strategy states that 'America will act against. . . emerging threats before they are fully formed. . . . by acting preemptively.' And his top-secret Nuclear Posture Review, leaked to the New York Times earlier this year, reveals that 'U.S. nuclear forces will continue to provide assurance. . . in the event of surprising military developments. . . Current examples of immediate contingencies include an Iraqi attack on Israel or its neighbors. . . .' It doesn't take a lot of imagination to predict that if Iraq is attacked by the U.S. it might launch whatever it has at Israel-itself a nuclear power. Further, while the U.S. is massively expanding its biological weapons research capabilities for example by upgrading its bioresearch facilities at the Livermore and Los Alamos Nuclear weapons labs to aerosolize live anthrax and genetically modify bioorganisms it is blocking a protocol to the Biological Weapons Convention that would allow international inspectors into U.S. facilities. The Bush Administration's unilateral headlong rush to war threatens to unleash unprecedented regional instability and potentially catastrophic loss of life. It's hard to image a more self-destructive course of action.''

Understanding the threats of our time, knowing the designs and deceptions of the Iraqi regime, we have every reason to assume the worst, and we have an urgent duty to prevent the worst from occurring.

Some believe we can address this danger by simply resuming the old approach to inspections, and applying diplomatic and economic pressure. Yet this is precisely what the world has tried to do since 1991.

The U.N. inspections program was met with systematic deception. The Iraqi regime bugged hotel rooms and offices of inspectors to find where they were going next. They forged documents, destroyed evidence, and developed mobile weapons facilities to keep a step ahead of inspectors.

Eight so-called presidential palaces were declared off-limits to unfettered inspections. These sites actually encompass 12 square miles, with hundreds of structures, both above and below the ground, where sensitive materials could be hidden.

[In fact, there were inspections of these ''presidential palaces.'']

Zunes: ''These are not off-limits. They are open to unfettered inspections as long as an Iraqi official is accompanying the inspectors. Such a proviso is quite legal under U.N. Security Council resolutions authorizing the creation of UNMOVIC, resolutions that were supported by the United States.''

The world has also tried economic sanctions and watched Iraq use billions of dollars in illegal oil revenues to fund more weapons purchases, rather than providing for the needs of the Iraqi people.

Toensing: 'Yes, and all the while, the U.S. and Britain were undermining the logic of sanctions and inspections by speaking of regime change, giving the regime no incentive to cooperate.''

Mahajan: ''The government-instituted food ration program in Iraq has been widely praised, characterized as 'second to none' by Tun Myat, current U.N. Humanitarian Coordinator in Iraq. Money that comes in under the Oil for Food program cannot, despite constant allegations, be used for weapons purchases—all proceeds from such sales are deposited to an escrow account in New York which is controlled by the U.N. Sanctions Committee. The government of Iraq cannot touch any of this money.''

The world has tried limited military strikes to destroy Iraq's weapons of mass destruction capabilities only to see them openly rebuilt, while the regime again denies they even exist.

Mahajan: ''For 'world' here, read 'United States and its lieutenant, the United Kingdom.' Those military strikes were a blatant violation of international law, done without Security Council authorization.''

The world has tried no-fly zones to keep Saddam from terrorizing his own people . . . and in the last year alone, the Iraqi military has fired upon American and British pilots more than 750 times.

Toensing: ''Another remarkable rhetorical trick. The no-fly zones did not protect the Kurds from Iraqi incursions in 1995–96, nor have they protected the Shia or the marsh Arabs from ground-based repression throughout the decade. But rather than mention these somewhat significant failures, Bush concentrates on Iraqi air defenses, which have yet to come close to actually hitting a U.S. or U.K. jet. As with the Saudi-Turkish point above, it appears that U.S.–U.K. attempts to protect the peoples of the region are to be counted as failures because the U.S. and U.K. are in danger.''

Francis Boyle, professor of international law at the University of Illinois College of Law and author of The Criminality of Nuclear Deterrence: ''It is the U.S. government that is violating the United Nations Charter . . . by using military force to allegedly 'police' these illegal 'no-fly' zones that have never been authorized by the U.N. Security Council or by the U.S. Congress, in violation of the 1973 War Powers Resolution as well. Iraq is simply exercising its legitimate right of self-defense under U.N. Charter article 51. The Bush administration has deliberately put U.S. pilots in harm's way in order to concoct a pretext for a catastrophic war of aggression against Iraq. The best way for the American people to protect the lives of our military personnel in the Persian Gulf is to bring them all home.''

Mahajan: ''Again, the no-fly zones don't involve the 'world,' but are a naked projection of American and British power (France, the third partner in the no-fly zones, withdrew in 1996), unsanctioned by the Security Council.''

After 11 years during which we have tried containment, sanctions, inspections, even selected military action, the end result is that Saddam Hussein still has chemical and biological weapons, and is increasing his capabilities to make more. And he is moving ever closer to developing a nuclear weapon.

Clearly, to actually work, any new inspections, sanctions, or enforcement mechanisms will have to be very different. America wants the U.N. to be an effective organization that helps to keep the peace. That is why we are urging the Security Council to adopt a new resolution setting our tough, immediate requirements.

AbuKhalil: ''Bush also fails to mention American violations of the sanctions regime, by using the inspectors to spy on Iraq, and to obtain information unrelated to the U.N. mandate.''

Among those requirements, the Iraqi regime must reveal and destroy, under U.N. supervision, all existing weapons of mass destruction. To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside of the country.

And these witnesses must be free to bring their families with them, so they are all beyond the reach of Saddam Hussein's terror and murder.

And inspectors must have access to any site, at any time, without pre-clearance, without delay, without exceptions.

Susan Wright: ''[The evidence] suggests that the United States and the United Kingdom intend to set such tough conditions for the further arms inspections in Iraq that they would create a double bind. If Iraq rejects the conditions, then war with the United States will follow. If Iraq attempts to comply and an ambiguity triggers action by the security forces of one of the permanent members of the Security Council, which according to this draft, might accompany an inspection team, war could follow anyway.

Other members of the Security Council should reject such traps. It is also essential to avoid a situation in which the inspection force is effectively hijacked by the United States and used for espionage, as was the case with the U.N. Special Commission in the 1990s.''

The time for denying, deceiving, and delaying has come to an end. Saddam Hussein must disarm himself—or, for the sake of peace, we will lead a coalition to disarm him.

Many nations are joining us in insisting that Saddam Hussein's regime be held accountable. They are committed to defending the international security that protects the lives of both our citizens and theirs.

AbuKhalil: ''When Bush speaks about 'many nations' supporting the U.S., he certainly means Israel and U.K., although public opinion in U.K. is running solidly against Bush's war.''

And that is why America is challenging all nations to take the resolutions of the U.N. Security Council seriously.

Zunes: ''There are well over 90 U.N. Security Council resolutions that are currently being violated by countries other than Iraq. The vast majority of these resolutions are being violated by allies of the United States that receive U.S. military, economic and diplomatic support. Indeed, the U.S. has effectively blocked the U.N. Security Council from enforcing these resolutions against its allies.''

Those resolutions are very clear. In addition to declaring and destroying all of its weapons of mass destruction, Iraq must end its support for terrorism. It must cease the persecution of its civilian population. It must stop all illicit trade outside the oil-for-food program. And it must release or account for all Gulf War personnel, including an American pilot, whose fate is still unknown.

Zunes: ''Most of these do not fall under Chapter VII, which allows for the UNSC to authorize the use of force.''

AbuKhalil: ''And Bush's sudden concern for U.N. resolutions should not lead one to believe that he will next move to implement all U.N. resolutions—including those against U.S. allies''.

By taking these steps, and only by taking these steps, the Iraqi regime has an opportunity to avoid conflict. These steps would also change the nature of the Iraqi regime itself.

America hopes the regime will make that choice.

Unfortunately, at least so far, we have little reason to expect it. This is why two administrations—mine and President Clinton's—have stated that regime change in Iraq is the only certain means of removing a great danger to our nation.

I hope this will not require military action, but it may. And military conflict could be difficult. An Iraqi regime faced with its own demise may attempt cruel and desperate measures. If Saddam Hussein orders such measures, his generals would be well advised to refuse those orders. If they do not refuse, they must understand that all war criminals will be pursued and punished.

If we have to act, we will take every precaution that is possible. We will plan carefully, we will act with the full power of the United States military, we will act with allies at our side, and we will prevail.

There is no easy or risk-free course of action. Some have argued we should wait—and that is an option. In my view, it is the riskiest of all options—because the longer we wait, the stronger and bolder Saddam Hussein will become. We could wait and hope that Saddam does not give weapons to terrorists, or develop a nuclear weapons to blackmail the world. But I am convinced that is a hope against all evidence.

As Americans, we want peace—we work and sacrifice for peace—and there can be no peace if our security depends on the will and whims of a ruthless and aggressive dictator. I am not willing to stake one American life on trusting Saddam Hussein.

Mahajan: ''Throughout all of this, there has never been any credible evidence introduced to indicate that Hussein has any policy of trying to target Americans. His depredations have almost always been distinguished by actions against people that the Western powers don't care about.''

Failure to act would embolden other tyrants; allow terrorists access to new weapons and new resources; and make blackmail a permanent feature of world events.

The United Nations would betray the purpose of its founding, and prove irrelevant to the problems of our time. And through its inaction, the United States would resign itself to a future of fear.

That is not the America I know. That is not the America I serve. We refuse to live in fear. This nation—in world war and in Cold War—has never permitted the brutal and lawless to set history's course.

Zunes: ''Then why did the United States support Indonesian dictator Suharto for over three decades, as he oversaw the massacre of over a half million of his own people, invaded the tiny nation or East Timor, resulting in the deaths of an additional 200,000? How about brutal and lawless governments in Turkey, Morocco and Israel that have invaded neighboring countries at the cost of thousands of civilian lives? How about Pinochet and other Latin American tyrants supported by the U.S.?''

Now, as before, we will secure our nation, protect our freedom, and help others to find freedom of their own. Some worry that a change of leadership in Iraq could create instability and make the situation worse. The situation could hardly get worse, for world security, and for the people of Iraq.

The lives of Iraqi citizens would improve dramatically if Saddam Hussein were no longer in power, just as the lives of Afghanistan's citizens improved after the Taliban.

Toensing: ''Given what is known about the return of warlordism and chaos to Afghanistan—not to mention the fiction that Afghan women have all thrown away their burqas—this is a debatable proposition, and indicative of the administration's lack of interest in rebuilding Afghanistan. Why would Iraq be any different?''

Mahajan: ''On every test of justice and of pragmatism, the war on Afghanistan fails. Worse, every one of these aspects, from an increased threat of terrorism to large numbers of civilian deaths to installation of a U.S.-controlled puppet regime is due to play out again in the war on Iraq. In fact, though it has been little noted, the sanctions regime has made Iraqis dependent on centralized, government-distributed food to survive and relief agencies have already expressed their concerns about the potential for a humanitarian crisis once war starts.''

The dictator of Iraq is a student of Stalin, using murder as a tool of terror and control within his own cabinet, and within his own army, and even within his own family.

On Saddam Hussein's orders, opponents have been decapitated, wives and mothers of political opponents have been systematically raped as a method of intimidation, and political prisoners have been forced to watch their own children being tortured.

Jensen: ''All of that and more was going on while Iraq was a 'valued ally' of the United States—hence the hypocrisy of the next few sentences.''

America believes that all people are entitled to hope and human rights—to the nonnegotiable demands of human dignity.

People everywhere prefer freedom to slavery; prosperity to squalor; self-government to the rule of terror and torture.

America is a friend to the people of Iraq.

Anthony Arnove, editor of the book Iraq Under Siege: ''But the people of Iraq have good reason to feel otherwise. As Nichols Kristof of the New York Times noted in his October 4 report from Baghdad, 'while ordinary Iraqis were very friendly toward me, they were enraged at the U.S. after 11 years of economic sanctions. . . . Worse, U.S. bombing of water treatment plants, difficulties importing purification chemicals like chlorine (which can be used for weapons), and shortages of medicines led to a more than doubling of infant mortality, according to the U.N. Food and Agriculture Organization.' Another war on Iraq—this time, a 'preemptive' attack aimed at 'regime change'—will lead to more civilian casualties and damage to Iraq's infrastructure. And Iraqis are right to worry that the regime Washington installs, in violation of their right to self-determination, will be one that serves U.S. interests, not their own. We should recall the impact of the last war. In the words of Gulf War veteran Anthony Swofford, a former Marine corporal, writing in the New York Times, October 2, 'From the ground, I witnessed the savage results of American air superiority: tanks and troop carriers turned upside down and ripped inside out; rotten, burned, half-buried bodies littering the desert like the detritus of years—not weeks—of combat.' We should be skeptical of Bush's stated concern for the Iraqi people. His real interests in this war are not the Iraq people, or defending Americans from attack, but expanding U.S. hegemony in the Middle East.''

Our demands are directed only at the regime that enslaves them and threatens us. When these demands are met, the first and greatest benefit will come to Iraqi men, women, and children. The oppression of Kurds, Assyrians, Turkomans, Shi'a, Sunnis and others will be lifted. The long captivity of Iraq will end, and an era of new hope will begin.

Jennings: ''The president has repeatedly claimed, 'We have no quarrel with the Iraqi people.' In his speech to the nation on Oct. 7, he said, 'America is a friend of the people of Iraq.' Try telling that to a friend of mine in Baghdad who walked out of his house following a U.S. bomb attack to find his neighbor's head rolling down the street; or to a taxi driver I met whose four year old child shook uncontrollably for three days following Clinton's 1998 'Monicagate' bombing diversion. Try telling it to the mother of Omran ibn Jwair, whom I met in the village of Toq al-Ghazzalat after a U.S. missile killed her 13 year old son while he was tending sheep in the field. Try telling it to the hundreds of mothers I have seen crying over their dying babies in Iraqi hospitals, and to the hundreds of thousands of parents who have actually lost their infant children due to the cruel U.S. blockade, euphemistically called 'sanctions.' Are the Iraqi people supposed to rejoice now that a new war is being forced upon them by their so-called 'friends'? It is understandable that people are frightened following the disastrous attacks of September 11. But fear is not a good reason to stop thinking. In fact, when we are in danger is when clear thinking is needed most of all.''

Iraq is a land rich in culture, resources, and talent. Freed from the weight of oppression, Iraq's people will be able to share in the progress and prosperity of our time. If military action is necessary, the United States and our allies will help the Iraqi people rebuild their economy, and create the institutions of liberty in a unified Iraq at peace with its neighbors.

Later this week the United States Congress will vote on this matter. I have asked Congress to authorize the use of America's military, if it proves necessary, to enforce U.N. Security Council demands.

John Berg, director of graduate studies of the government department at Suffolk University: ''Our Constitution makes it clear that Congress, not the President, is to 'declare war'—that is, make the decision that war is necessary in a given situation. For Congress to delegate this determination to the President would be an abdication of its Constitutional responsibility.

Zunes: ''According to the articles 41 and 42 of the United Nations charter, this can only be done if the U.N. Security Council finds the violator in material breach of the resolution, determines all non-military means of enforcement have been exhausted, and specifically authorizes the use of force. Otherwise, it will be illegal. Members of Congress would therefore be obliged to vote against it since—according to Article VI of the U.S. Constitution—international treaties such as the U.N. Charter are the supreme law of the land. Furthermore, if the United States can invade Iraq for its violations of U.N. Security Council resolutions, then Britain could invade Morocco, France could invade Turkey, Russia could invade Israel, etc.''

Approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations, and all nations, that America speaks with one voice and is determined to make the demands of the civilized world mean something. Congress will also be sending a message to the dictator in Iraq: that his only choice is full compliance—and the time remaining for that choice is limited.

Members of Congress are nearing an historic vote, and I am confident they will fully consider the facts and their duties.

The attacks of September 11 showed our country that vast oceans no longer protect us from danger. Before that tragic date, we had only hints of al Qaeda's plans and designs.

Today in Iraq, we see a threat whose outlines are far more clearly defined—and whose consequences could be far more deadly. Saddam Hussein's actions have put us on notice—and there is no refuge from our responsibilities.

We did not ask for this present challenge, but we accept it. Like other generations of Americans, we will meet the responsibility of defending human liberty against violence and aggression. By our resolve, we will give strength to others. By our courage, we will give hope to others. By our actions, we will secure the peace, and lead the world to a better day.

Phyllis Bennis, author of the just-released book Before and After: U.S. Foreign Policy and the September 11 Crisis and a fellow at the Institute for Policy Studies: ''President Bush's speech ignored Congress, and instead was aimed at U.S. public opinion (where his support is dwindling) and international allies in the U.N. (where the U.S. is significantly isolated). It was designed to divert attention from the real reason for this coming war: oil and empire. It is a war designed to rewrite the political map of the Middle East, and is not dependent on the particular threat posed by a particular dictator. The crimes of the Iraqi regime are serious and longstanding—back to the days of massive U.S. economic and military support, and U.S. provision of the biological seed stock for the anthrax and other germs President Bush warned us about. But launching a massive bombing campaign against Baghdad, a city of more than 5 million inhabitants—grandmothers, kindergarten classes, teenagers—will not secure human rights for those living and dying under those bombs.''

Thank you, and good night.

[From the Guardian, Oct. 8, 2002]

INSPECTION AS INVASION

(By George Monbiot)

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

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

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

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

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

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

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

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

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

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

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

when all peaceful means have been exhausted. In this case, the peaceful means have been averted.

Mrs. WILSON of New Mexico. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, it is difficult not to respond in full to the comments of the previous speaker. Those of us on both sides of the aisle who support this resolution understand the impact of war as well as the gentleman does, and we walk by with sadness not only at the Vietnam Memorial but also at the Holocaust Museum.

There are risks of action, but there are also risks of inaction. We take our responsibility here tonight seriously, and we face this resolution and the situation that we cannot turn away from.

Madam Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. HAYES), a member of the Committee on Armed Services.

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

Mr. HAYES. Madam Speaker, I have a rule, too; and that rule is I will not go to an enemy's country and say that that leader is telling the truth and our President is misleading the American people.

As Winston Churchill said, the price of greatness is responsibility. Today we have the responsibility to do what is right and what is just, and what will provide for the security of the American people. We all without exception seek peace, but not at any price. We seek a lasting, long-term peace. That peace is obtainable because our President has forced Saddam Hussein to the negotiating table. And because we will speak with one voice, lasting peace through disarmament is possible, nothing less is acceptable.

I would first like to highlight the strikes that Iraq fires on our pilots. Acts of Iraqi aggression against our American and British air patrols in the no-fly zone occur on a daily basis. U.S. and allied forces have patrolled the no-fly zone since 1991. In the past 2½ years alone, U.S. fighters have been fired upon more than 2,300 times. In fact, just an hour after the letter was delivered to the U.N. stating that Iraq would again consider allowing weapons inspectors to their facilities, an American jet patrolling a no-fly zone was fired on six times.

Following the Gulf War in April 1991, the United Nations as a cease-fire condition ordered Iraq to completely open themselves to arms inspectors to ensure that Saddam Hussein was not developing weapons of mass destruction. The U.N. Security Council enacted Resolution 687 requiring Iraq to declare, destroy or render harmless its weapons of mass destruction in production infrastructure. Eleven years have passed; nothing has changed. Saddam Hussein continues to defy that order, and there is overwhelming evidence indicating that Saddam Hussein is developing mass quantities of chemical, biological, and nuclear weapons.

Saddam is using weapons against other nations and against his own people. With these weapons Saddam Hussein will become the merchant for weapons of mass destruction for terrorists around the globe. Saddam Hussein is also aggressively trying to build nuclear weapons. He has the technology and know-how to build such devices. All he lacks is the fissile material. Once he acquires that material, he will be months or days away from being able to fire nuclear weapons beyond his own border.

Once he has that technology, he can bind U.S. hands through blackmail and intimidation and rule the Gulf region through threat and coercion. Saddam Hussein and his regime pose serious threats to peace and stability in the world. We cannot stand idly by and watch this happen.

Pursuing Iraq is a continuing of the war on terrorism, and our forces are up to the test. We must ask ourselves what is the responsible course of action for our country. Are we obliged to sit by and idly wait for a chemical, biological or nuclear 9–11? Or is it our responsibility to take steps to deal with the threat before we are attacked?

We have an obligation to defend against an attack on our people. We should be clear on the issue before us. It is not enough to get inspectors in. We have done this before, and we know this mad man has biological weapons.

To quote the wise words of my friend and colleague, the gentleman from Illinois (Mr. HYDE), we cannot entrust our fate to others, for others may never come. If we are not prepared to defend ourselves and to defend ourselves alone if need be, if we cannot convince the world that we are unshakeably resolved to do so, then there can be no security for us, no safety to be purchased, no refuge to be found.

Today Republicans and Democrats alike are concluding that this resolution needs to be passed to ensure that Saddam Hussein never has the opportunity to use his weapons of mass destruction against the United States. Iraq needs to not only subject itself to full inspections, but also disarm itself of all existing weapons.

The legislation in front of us gives the President the authority he needs to protect the American people and U.S. interests from Saddam Hussein's weapons of mass destruction while at the same time respecting the prerogatives of Congress. We have the responsibility to act.

I encourage all Members to keep the constituents in mind and support this resolution. The way to peace is through strength. As President Bush said on Monday night, war is neither imminent nor inevitable. Compliance without exception to the resolutions in place and total disarmament equals peace. Anything less is an unacceptable risk to the safety and the lives of all Americans.

Without disarmament, we will lead an international coalition that will disarm Saddam Hussein. Churchill said an appeaser is one who feeds a crocodile hoping it will eat him last. A vote for appeasement, not on my watch.

Mr. BERMAN. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, previous speakers have referenced the fact that supporters of this resolution, supporters of authorizing force as a way of maximizing our chances of putting together meaningful Security Council action and multilateral action for the use of force, if necessary, this is being done on a bipartisan basis.

I simply want to reiterate that because I think our colleagues here and the American people should understand that this is not simply a position that the Bush administration or the Republican Party endorses, that a number of key people in the Clinton administration's national security team agree that an ''aye'' vote on this resolution is the right vote on this resolution.

Each of the following people have indicated that to me and to other Members of Congress in their visits to the Hill in the last month: our National Security Adviser, Sandy Berger; the Deputy National Security Adviser, James Steinberg; our Ambassador in the Clinton administration to the United Nations and the man rumored as likely to have become Secretary of State if Al Gore had become President, Richard Holbrooke; the architects of the dual-containment policy in the early 1990s who recognized that at this particular time containment of Saddam Hussein is no longer a sensible policy, Martin Indyk, first with the National Security Council and then Assistant Secretary for Near East Affairs; Dennis Ross, Special Envoy to the Middle East; and Ken Pollack in charge of implementing the containment policy in the Clinton administration for the National Security Council; and Under Secretary of Defense for Policy, Walter Slocum. All of these top Clinton administration officials, dealing with critical national security issues, say that for us building the right vote is an ''aye'' vote.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. SANCHEZ), a member of the Committee on Armed Services.

Ms. SANCHEZ. Madam Speaker, I rise today in opposition to the base resolution authorizing the use of military force in Iraq. First and foremost, the administration has failed to demonstrate that we face such an imminent threat to our national security that a unilateral, preemptive strike is critical to our continued well-being.

Yes, we know that Iraq possesses biological and chemical weapons. Yes, we know that Saddam Hussein has used them against the Iranians and the Kurds in northern Iraq. But we also know that Iraq has not demonstrated an intent to use weapons of mass destruction against the U.S., our interests abroad, or any of our allies.

And as a result of expert testimony given before the Committee on Armed

Services, we also know Saddam Hussein is a decade away from acquiring nuclear-equipped ICBMs capable of reaching the United States.

In contrast, we have been presented evidence that a war in Iraq would significantly destabilize the Middle East.

□ 2200

Even worse, it could potentially topple friendly governments in countries such as Pakistan, Kuwait, and Jordan. If President Musharraf were to lose control of Pakistan, nuclear weapons would fall into the hands of a fundamentalist regime.

We have been presented evidence that a war in Iraq would cost the United States between $100 billion and $200 billion at the time when funds are desperately needed elsewhere, especially in our fight against Afghanistan and the war on terrorism. And we do know that deterrence has worked. The fact is that Hussein has failed to use his vast arsenal of biological and chemical weapons thus far because the threat of collective, immediate retaliation from the global community has kept Saddam within his own borders. In a worst-case scenario, the threat of his impending downfall could finally compel him to use these weapons, and our troops would be the ones to suffer the consequences.

Thus far, I have not seen evidence that warrants the loss of American lives in Iraq. Under no circumstance should our servicemen and women be asked to risk their lives unless there is no recourse.

Clearly, the United States and the rest of the international community, for that matter, is accurately aware that Saddam Hussein is a brutal, repressive dictator who has ruthlessly tormented his people for decades, but it is evident that any action we take against the state of Iraq, if it is to be successful, will require the help of our allies. It should require the cooperation of the United Nations and its Security Council. These things should be in place before we tilt against our enemy. Otherwise, we risk becoming what we are fighting so hard against, a nation that creates its own rules and does not care about the international community. By taking unilateral action prior to exhausting all diplomatic efforts, the U.S. would set a dangerous precedent and undermine decades of relative international stability.

According to former President Jimmy Carter, one of the most basic principles for making and keeping peace within and between nations is that in political, military, moral and spiritual confrontations there should be an honest attempt at the reconciliation of differences before resorting to combat.

In light of this, I will support the gentleman from South Carolina's (Mr. SPRATT) amendment. In the event that diplomacy fails, in the event that Saddam Hussein again obstructs access to military facilities, it is imperative that Congress readdress this issue. If Saddam does not let unfettered inspections in, I will join with my colleagues in Congress to authorize the unilateral use of force, but until then we must act within the boundaries of international law if we expect our allies to emulate our actions when resolving a crisis of their own.

Harry S. Truman once said there is a right kind and a wrong kind of victory, just as there are wars for the right things and wars that are misdirected. And based on evidence that I have received, this potential war is misdirected. Our enemy was named on September 11. It is al Qaeda. Its name is Osama bin Laden.

On March 12, CIA Director Tenet testified before the Senate Armed Services Committee that al Qaeda remains the most immediate and serious threat to our country, despite the progress that we have made in Afghanistan and in disrupting the network elsewhere. We have seen what al Qaeda is capable of, that it is al Qaeda, not Saddam Hussein, that has continually restated its desire to continue a wave of crippling, devastating attacks against us. U.S. and military intelligence resources should be focused on seeking out and disbanding the al Qaeda network. We owe it to the loved ones of those lost on 9/11. We owe it to every American family, for that matter, to finish what we have started.

As the most powerful military force in the world, a successful military strike can be easily carried out. Diplomacy, however, is immensely more difficult but shows more strength.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MCKEON), another member of the House Committee on Armed Services as well as one of the leaders on education in this House.

Mr. MCKEON. Mr. Speaker, I thank the gentlewoman for yielding me this time. I also thank her for the great leadership she has provided on this issue and many other issues before us in Congress.

Mr. Speaker, I have been here now almost 10 years, and we have heard before from our leadership that this will be the most important vote we take or this will be the most important vote we take, and granted those were important votes but I think they pale in significance to the vote that we will take on this issue. I think that is the reason why our colleagues for the most part have addressed this in a very serious manner, and I want to congratulate my colleagues for the way that this debate has been conducted.

This is something that I think that none of us wants to be discussing. We would much rather live in a world of peace, and none of us would have liked to have happen what happened September 11 or in other places around the world, but we do not have those wishes. We have to deal with reality.

During August and during my other trips home since then, I do not think I talked to a single person that did not ask, are we going into Iraq and what is happening? As we discussed issue, some of them expressed to me strong reservations against going into Iraq. Some expressed strong support for going into Iraq or whatever we needed to do to defeat terrorism.

Today, we face a dilemma much like the dilemma that challenged Neville Chamberlain in the 1930s. He was confronted with the prospect of waging war against a madman or brokering peace based on thin promises. Chamberlain signed a treaty with Hitler hoping against reason that it would mean peace. Hitler mocked Chamberlain and he mocked the world when he ignored the treaty and broke his promises. Inaction in trying to appease Hitler resulted in ruin. By the war's end, Hitler's death toll had reached over 30 million people.

If we do not learn from history's mistakes, we are doomed to repeat them. Saddam Hussein is one of today's madmen and, like Hitler, he makes promises that last just long enough to quiet international fears. When the eyes of the world are not carefully trained on him, he returns to his evil ways.

The publicly available evidence against Saddam Hussein is compelling:

His aggressive invasion of Kuwait and brutal impression of the Kuwaiti people in 1990.

His record in complying with UN inspections. In total, Saddam Hussein currently stands in violation of 16 United Nations resolutions.

His repeated attempts to gain access to nuclear weapons.

His public praise of the attacks of September 11. While ideologically al Qaeda and Saddam are opposites, their common goal is the destruction of America. These two evils united pose a great threat to our security.

Because of the real threat that Saddam poses, President Bush has petitioned Congress to adopt the resolution before us. And as has been pointed out, leaders on both sides of the aisle, on both sides of this Chamber have worked with the President in drafting this resolution.

Today the debate is not really whether Saddam wants to gain nuclear weapons and use them on the U.S. and our allies. This is a frightening and well-documented truth. The true debate is whether or not America should seek permission from the UN before ridding the world of a regional and international danger.

While the resolution supports the President's efforts to work with the United Nations, it does not require that the U.S. receive U.N. approval before taking military action against Saddam Hussein. President Bush is committed to confronting the Iraqi regime with or without the support of the international community. He is committed and this Congress should be committed because, post-September 11, we know the harm that can be caused by combining Saddam's arsenal with al

Qaeda's will. Evidence of al Qaeda forces in Iraq is growing by the day, which means that the time to act is now.

Throughout our Nation's history, we have always led the cause of freedom, but even with freedom and security so clearly in danger we have treaded lightly when considering whether to wage war. We have treaded lightly because we value human life. Now we must move boldly because Saddam Hussein does not.

I urge support of the resolution.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, last night, our President explained very clearly that Saddam Hussein is a malicious tyrant with weapons of mass destruction and the ability to use them. He has ignored U.N. resolutions more than a dozen times. He has supported terrorism. He cannot be trusted, and he can no longer be tolerated.

I have met with President Bush twice in the past 2 weeks to discuss Iraq and the threat that Saddam Hussein poses to America. President Bush provided me the evidence I need to support this resolution. Saddam Hussein is training terrorists to make and use weapons of mass destruction. He has these weapons, and I believe he will use them against our country and our people.

I have a brother-in-law in the United States Air Force and a first cousin in the United States Army. I do not want war. None of us want war. We all want peace. We all want to know America like we did before September 11, 2001. I do not want war, but what I do want is to prevent another attack on our people.

September 11, 2001, taught us a painful but unforgettable lesson about the evil that our enemies are capable of displaying and, yes, carrying out against our country and its people.

Our world has changed, our enemy has changed, and our approach must also change. This is a decision I never thought I would have to make. It is a difficult decision that has weighed heavily on me. But for the sake of my family, my neighbors, my constituents, and our country, I know it is the right decision, and that is why I will reach across party lines and stand by our President.

This resolution authorizes our President to use military action against Iraq as a last resort. He has said that he will continue to work with the U.N. and that he will seek to form a coalition of allies to disarm Iraq, if necessary.

Our responsibility is clear. We must rise to meet this challenge and pass this resolution so our men and women in the military, our allies across the globe, members of the United Nations, and, yes, even Saddam Hussein himself will know that we are united in our mission to make America safe again.

Our world has changed, our enemy has changed, and our approach must also change.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, this will probably be the last time I speak on the floor of the House. It just suddenly dawned upon me. I do not know what the future holds for me, but I am not really worried about me tonight.

We have dealt with weighty issues during my 8 years here but none more important than this. I rise in support of the resolution, and I appreciate all of our Democratic colleagues who made it happen. I know the pressures on some of our friends on the other side are probably a lot more immense than they have been on me, and I applaud their courage.

□ 2215

I applaud your courage. For those who vote ''no,'' I respect you and I understand you are voting your conscience, and that is the way it should be. The resolution, I do believe, is balanced, is firm, and is focused on defending the United States, in my opinion.

People in America need to know the following: this passage is a certainty. Debating is almost over. Action will soon follow.

Please make no mistake about what faces our Nation. The U.N. will act; Saddam Hussein will not comply; the United States and its allies, sooner rather than later, will use force to bring about regime change; U.S. lives will be lost; civilians will be killed and harmed. Victory will come at a very large price.

We are setting in motion tonight forces long overdue. When the smoke clears, the Iraqi people will taste freedom for the first time in decades, the terrorists will have one less ally, the world will be much smaller.

Evil is about to face the forces of good. Thanks to the men and women who serve us and their counterparts worldwide, one more domino will soon fall in the war on terrorism.

Regardless of how we vote, we will pull together soon and we will be one people, supporting our President. I ask for God's protection and guidance of our President and for all who serve under him. With God's guidance and his grace, we will prevail; and the world will soon be a better and safer place.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Committee on Financial Services and the Committee on Government Reform, a person who speaks for truth and justice and has the courage of her convictions.

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

Mr. Speaker, these are the letters and e-mails that I have received from my district, about 5,000 of them. These support authorizing the President to launch a preemptive unilateral war on Iraq, 14 of them; and all the rest of them are saying no to war.

These are letters from veterans and teachers, mothers and fathers, Republicans and Democrats. In many different voices they are all saying, ''War is not just another policy option. It must be the very last resort.'' These are serious and thoughtful letters from patriots who are deeply concerned, not only about the security of the United States, but the soul of the United States.

One constituent said, ''Unilateral behavior is not the example we as Americans should display to the rest of the world. We should support and ensure the United Nations resolutions to the fullest. And, if necessary, we should lead in enforcing the United Nations resolutions.''

Many others believe the President has provided no convincing evidence that going to war with Iraq is necessary or is the only option the U.S. has at this time. If the President does have the compelling evidence of imminent threat that my constituents want, he has not shown it to the Congress.

If Saddam is such a grave threat, why has the administration waited until this moment to try to make its case? And why, as recently as 1998, was Halliburton, the company headed by Vice President CHENEY, doing business with Iraq and helping them rebuild their oil fields?

Some of my constituents suggest that oil might have something to do with this, and some suggest it has more to do with November 5 than September 11. Many others raise the concerns of the constituent that says, ''There are far too many other things that need to be dealt with in our country today, including health care, the state of the economy, corporate corruption, as well as a host of environmental and international issues, for us to make preemptive war.''

The two things never suggested in these letters are, first, that Saddam Hussein is anything other than an evil and merciless dictator, and, second, that the United States should sit back and do nothing to disarm him. Yet the President in his speech dismissed those who oppose a preemptive strike by saying, ''We could wait and hope that Saddam does not give weapons to terrorists or develop a nuclear weapon to blackmail the world.''

Well, with all due respect, Mr. President, there are no waiters or hopers in this pile or in this Congress. This is not about action versus inaction, and certainly not about appeasement. No one in this Chamber is a Neville Chamberlain.

As Chicago Tribune columnist Steve Chapman, who wrote a column called ''Appeasement Myths,'' said, since Desert Storm, ''No one has been appeasing him. On the contrary, we have let Hussein know that if he ever sets one toe across any of his borders, we will stomp him flatter than a straw hat on the interstate. The policy of containment backed by nuclear deterrent

is the same policy the United States employed against the Soviet Union for 40 years with successful results.''

Mr. Speaker, I will include the full article for the RECORD.

A preemptive strike, in my view, puts America and the world in more danger, not less. CIA Director Tenet wrote, ''Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions.''

To me, this means Israel, our greatest ally in the Middle East, would become a target of those attacks, Saddam would likely unleash whatever chemical and biological weapons it may have on Israel, the Middle East would be in flames and the Arab and Muslim world united against the United States and Israel. The careful coalition that the United States assembled to fight what is an imminent threat, the terrorist threat of al Qaeda, would come apart. The United States would be at war, bearing all the costs and all the cleanup, which could take many years alone.

We would be putting our young men and women in uniform, as many as 300,000 of them in harm's way, in the way of very serious harm.

Information provided by the General Accounting Office and the Inspector General of the Department of Defense raises very serious questions about our ability to adequately protect our troops from chemical and biological weapons. Can we justify sending them off to war with protective suits that may have holes in them when there are viable alternatives?

After World War II, the United States took the lead in creating the United Nations for the purpose of extending the rule of law. We took the lead in creating the United Nations for the purpose of extending the rule of law around the world in order to prevent future wars.

That goal, though too often elusive, is even more compelling today in a shrinking world in which technology makes it possible to virtually destroy the planet. The United States, the undisputed superpower, has the opportunity to use its great strength to lead the nations of the world toward accepting the rule of law; or we can, as the new Bush doctrine spells out, use our power to attack at will those who may in the future pose a threat. This dangerous and contagious idea of preemptive strike will usher in a new century of violence and even catastrophe.

We should vote ''no'' on this resolution granting the President the power to go to war, but we can vote ''yes'' for more appropriate and more sensible options. The gentleman from South Carolina (Mr. SPRATT) and the gentlewoman from California (Ms. LEE) have provided us with resolutions that allow us to address the threat from Iraq without first choosing war.

Mr. Speaker, I include for the RECORD the article written by Steve Chapman, ''Appeasement Myths, the Realities of Iraq.''

[From the Chicago Tribune, Oct. 6, 2002]

APPEASEMENT MYTHS, THE REALITIES OF IRAQ

(By Steve Chapman)

Should we go to war to stop Hitler? That question may surprise you—at least if you operate on the assumption that Hitler is dead and not about to go anywhere.

But conservatives insist that Hitler has been reincarnated in the form of Saddam Hussein. They say that like the British of the 1930s, who had to choose between the concessions offered by Prime Minister Neville Chamberlain and the military action urged by Winston Churchill, we have to decide between cowardice and courage.

The Weekly Standard magazine labels all the opponents of this pre-emptive war ''the axis of appeasement.'' The Daily Telegraph of London sneers, ''Just as the prospect of invading Iraq provokes clerical and secular hand-wringing now, so did the prospect of taking up arms against Nazism then.'' When Illinois Sen. Dick Durbin announced he would vote against a resolution authorizing the president to invade Iraq, his Republican opponent Jim Durkin immediately detected the stench of ''appeasement.''

Exhuming the Nazis to justify war is not a tactic unique to conservatives. Liberals accused the United States of shameless appeasement in refusing to send troops to stop the war in Bosnia. Both sides claim to have learned the lessons of history, but the only episode they can ever seem to remember is the rise of the Third Reich.

But they don't even known much of that history. Anyone trying to apply the experience of Nazi Germany to the case of Iraq can see two obvious things: Saddam Hussein is no Hitler, and our policy over the last 11 years looks nothing like appeasement.

Hitler had been in power just five years when he annexed Austria in 1938. Before that year was over, he had coerced Britain and France to surrender part of Czechoslovakia. In 1939 he invaded Poland. Denmark, Norway, Belgium and France soon followed. In 1941, he marched on Moscow.

It was a plan of conquest breathtaking in its speed and scope. Just eight years after gaining power, Hitler was on the verge of controlling an empire stretching from the Atlantic to the Pacific.

And where is Saddam's imperial plan? He has been in charge of Iraq for some 30 years, and so far he's initiated hostilities with only two countries, Iran and Kuwait. Hitler dreamed of ruling the world. Hussein's grand vision was to control the whole of the Shatt al Arab waterway and some oil fields to his south.

For all his vicious nature, he has shown no interest in building an empire. In any case, that would be an impossibility for Iraq, which has just 23 million people and is surrounded by bigger nations.

As for his domestic realm, Hussein is unquestionably a ruthless despot willing to kill anyone who stands in his way. But that description would not begin to capture Hitler, who slaughtered innocents across the continent on a gargantuan scale. To equate Hussein with Hitler is like equating a snow flurry with an ice age.

If finding someone to impersonate the Fuhrer is tough, finding a modern-day Neville Chamberlain is even harder. When Hitler demanded the Sudetenland from Czechoslovakia, Britain and France meekly gave it to him. When he proceeded to swallow up the rest of the country, nobody tried to stop him. When Hussein invaded Kuwait, by contrast, he unleashed Operation Desert Storm on himself.

No one has been appeasing him since then, either. On the contrary, we've kept the Iraqi regime confined to a tight little cage.

The two no-fly zones enforced by British and American fighters cover most of Iraq. Meanwhile, economic sanctions have kept him from buying weapons and spare parts, or doing much of anything to rebuild his army. ''Hitler got more powerful with time, while Saddam has gotten weaker,'' notes John Mearsheimer, a defense scholar at the University of Chicago.

We've stationed thousands of troops in Kuwait, we have air bases in Saudi Arabia, and we generally keep an aircraft carrier within striking distance of Iraq at all times. In short, we've let Hussein know that if he ever sets one toe across any of his borders, we'll stomp him flatter than a straw hat on the interstate.

''Everyone agrees we have to take action against him,'' says Mearsheimer, who says the choice is not between war and appeasement, but ''containment versus rollback.'' The policy of containment, backed by our nuclear deterrent, is the same policy the United States employed against the Soviet Union for 40 years, with successful results.

Hawks claim to be rejecting the policies of Neville Chamberlain that brought on World War II. What they're really rejecting is the policy of Harry Truman and Ronald Reagan—which won the Cold War and can win this one.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I have to respond to my colleague from Illinois. I respect your feelings and your reasons for voting the way that you are going to vote when this resolution comes to a vote, and you are very honest in your expression of them. But I have to say that those who are supporting this resolution have similarly honest feelings and reasons for doing so.

It bothers me a little that you are questioning the motivation of those who support this resolution, and indeed the motivations of the President and the Vice President of the United States, at least indirectly.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. THORNBERRY), also a member of the Committee on Armed Services.

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

Mr. THORNBERRY. Mr. Speaker, I rise in support of the resolution. Authorizing the use of military force is not a decision for any Congress or any individual Member to take lightly. I approach the issue recognizing that American service men and women may well sacrifice their lives as a result. I also recognize that American use of force may have strategic repercussions that extend far into the future and into all areas of the globe.

Making this decision may well be the most somber responsibility that any Member of Congress has. Just because a decision is difficult, however, does not mean that we should try to avoid it or that we should automatically look for some option that makes us all feel more comfortable. There are those who seem to think that we should just continue along, waiting for an international consensus or deferring to the

United Nations, and thus avoiding having to make hard choices.

But wishful thinking and further delay will not lessen the dangers we face, but actually will increase them. History is replete with instances where failure to face up to a difficult circumstance in a timely manner ultimately resulted in a far greater price being exacted.

However difficult the choices, however uncertain the future, however alone we feel, we must do our best with the facts before us.

And there are certain facts that are beyond dispute. One is that Saddam Hussein heads an evil, aggressive regime which has brought immeasurable misery upon the Iraqi people and their neighbors. We know Hussein is a merciless killer who does not hesitate to massacre innocent civilians and has an intense hatred of the United States.

Another fact beyond dispute is that Saddam Hussein will stop at nothing to obtain the most deadly, terrifying weapons possible. As one of his former scientists has said, Iraq has been turned into ''one giant WMD factory.'' We know he now has relatively advanced dangerous chemical and biological weapons. We know he is willing to use them, because he has used them before. We know for certain he is actively trying to acquire nuclear weapons, and we should not forget how badly we underestimated how close he was to actually building a nuclear device at the time of the Persian Gulf war.

So we know the character of the man and the regime, we know the kinds of weapons he has and is trying to acquire, and we know he is perfectly willing to use them. The only relevant facts we do not know are when Saddam Hussein will act and exactly what his tactics will be. But those are details that do not really affect the essential choice before us.

That choice is quite simple. On one hand, we can continue the approach of the past 10 years, hoping that Iraq can be contained and that Hussein will not use the weapons he has hungered for and that he has sacrificed so much to acquire. We can hope that one day he will choke on a chicken bone and be replaced by somebody who will voluntarily dismantle Iraqi weapons and weapon-making capability. With that option, we stake our future and our security upon wishful thinking.

The other option is to act. We can act with as many other nations as will responsibly join us to rid the world of the menace that Iraqi's weapons of mass destruction present. And we can act to better prepare our homeland for the kinds of dangers Hussein and those like him present.

There is no doubt that the United States is Hussein's primary target. Acting to eliminate this threat is acting to defend the country and the lives of our citizens. But given the unique position we occupy in the world, acting to eliminate this threat also fulfills a special responsibility America has, a responsibility to lead, to be a force for good.

Some argue Hussein will not use his weapons, that he wants to possess them only for prestige in the region. They do not believe that he would ever assist terrorist networks like al Qaeda from acquiring and using such weapons against us, in spite of the fact he has a history of relations with these terrorists.

Mr. Speaker, I cannot risk the lives of my constituents or my children on guesses about what course this tyrant might take. I believe there are no limits to what Hussein will do if he, in his perverted world view, believes something is in his best interests, and that includes assisting other terrorists in attacking us.

With all of the uncertainties and risks, with less international support so far than we would like, the responsibility to deal with this evil still rests with us. I believe we should authorize the President to use military force to address this threat, and that we should fully support the President and the troops carrying out his commands as they strive to make this a safer, more just world.

Mr. BERMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I wanted to get on the record a response to one of the prior assertions about the level of preparedness, equipment and training for U.S. troops who might be sent into harm's way.

□ 2230

I am proud to serve on the Committee on Armed Services, along with many of the Members who are here on the floor at this time. I believe we may be the most bipartisan or nonpartisan committee in the House.

As we led up to this debate, we have been briefed by the Joint Chiefs of Staff and other leaders of the military who have assured us that every conceivable means of protection, every conceivable tool that can be made available to the men and women who serve in uniform will be made available to them. We, in turn, have assured the military leaders that we as a committee and we as a Congress will spare no expense to make sure that is the case.

I just do not want there to be any misconception that if it is necessary to send these young men and women into combat that they will not have the very finest and best tools of protection.

Mr. BERMAN. Mr. Speaker, reclaiming my time, we hear over and over again this reference to preemptive war. I reject the notion that this is under the legal doctrine of preemptive war. We are dealing with a country, Iraq, under the leadership of Saddam Hussein, that has violated resolution after resolution adopted by the Security Council of the United Nations, including resolutions adopted under Chapter VII, the peacemaking, peace-enforcing provisions of the United Nations charter. To engage in acts to seek to assure compliance with those resolutions and enforcement of those resolutions is not preemptive war in the traditional legal sense of the word; it is the enforcement.

I would remind my colleagues in my own party that this body voted on, and 181 of my democratic colleagues supported, the authorization of the use of air strikes to bomb key targets in Yugoslavia in order to stop humanitarian slaughter of Kosovars without a Security Council resolution, after the bombing had already started, and thought, properly so, that we were engaging in the right position for the United States. I would suggest that not only the humanitarian arguments in favor of dealing with Saddam's regime but the national security arguments, which I would suggest are even greater than those that existed when we authorized the use of force against Yugoslavia, compel a very similar conclusion here in the name of enforcing U.N. Security Council resolutions.

Mrs. WILSON. Mr. Speaker, I thank the gentleman from New Jersey for pointing out that fact; and he is accurate, that the Committee on Armed Services has received those assurances.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana, (Mr. HOSTETTLER), another member of the Committee on Armed Services.

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

Mr. HOSTETTLER. Mr. Speaker, I thank the gentlewoman from New Mexico for yielding me this time.

Today the question before this body, Mr. Speaker, is not ''How shall we respond to the unprovoked attack by a foreign nation upon the United States or its fielded military forces abroad?''

We are not debating ''How will we respond to the menace of a political and/or cultural movement that is enveloping nations across the globe and is knocking on the door 90 miles off the coast of Florida?''

Nor, Mr. Speaker, are we discussing a response to an act of aggression by a dictator who has invaded his neighbor and has his sights on 40 percent of the world's oil reserves, an act that could plunge the American economy, so dependent on energy, into a deep spiral.

Finally, Mr. Speaker, and this point must be made very clear, we are not discussing how America should respond to the acts of terrorism on September 11, 2001. That debate and vote was held over a year ago; and our men and women in uniform, led by our Commander-in-Chief and Secretary of Defense, are winning the war on terrorism. It is with their blood, sweat, and tears that they are winning, for

every one of us who will lay our heads down in peace this night, the right to wake up tomorrow, free.

No, Mr. Speaker, the question before us today is ''Will the House of Representatives vote to initiate war on another sovereign nation?''

Article I, Section 8 of the governing document of this Republic, the United States Constitution, gives to Congress the power to provide for the common defense. It follows that Congress's power to declare war must be in keeping with the notion of providing for the common defense.

Today, a novel case is being made that the best defense is a good offense. But is this the power that the Framers of the Constitution meant to pass down to their posterity when they sought to secure for us the blessings of liberty? Did they suggest that mothers and fathers would be required by this august body to give up sons and daughters because of the possibility of future aggression? Mr. Speaker, I humbly submit that they did not.

As I was preparing these remarks, I was reminded of an entry on my desk calendar of April 19. It is an excerpt of the Boston Globe, Bicentennial Edition, March 9, 1975. It reads, ''At dawn on this morning, April 19, 1775, some 70 Minutemen were assembled on Lexington's green. All eyes kept returning to where the road from Boston opened onto the green; all ears strained to hear the drums and double-march of the approaching British Grenadiers. Waving to the drummer boy to cease his beat, the Minuteman Captain, John Parker, gave his fateful command: 'Don't fire unless fired upon. But if they want to have a war, let it begin here.''

''Don't fire unless fired upon.'' It is a notion that is at least as old as St. Augustine's Just War thesis, and it finds agreement with the Minutemen and Framers of the Constitution.

We should not turn our back today on millennia of wisdom by proposing to send America's beautiful sons and daughters into harm's way for what might be.

We are told that Saddam Hussein might have a nuclear weapon; he might use a weapon of mass destruction against the United States or our interests overseas; or he might give such weapons to al Qaeda or another terrorist organization. But based on the best of our intelligence information, none of these things have happened. The evidence supporting what might be is tenuous, at best.

Accordingly, Mr. Speaker, I must conclude that Iraq indeed poses a threat, but it does not pose an imminent threat that justifies a preemptive military strike at this time.

Voting for this resolution not only would set an ominous precedent for using the administration's parameters to justify war against the remaining partners in the ''Axis of Evil,'' but such a vote for preemption would also set a standard which the rest of the world would seek to hold America to and which the rest of the world could justifiably follow.

War should be waged by necessity, and I do not believe that such necessity is at hand at this time. For these reasons, Mr. Speaker, I urge my colleagues to please vote ''no'' on the resolution to approve force at this time.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. MEEKS), a new, strong voice on the Committee on International Relations.

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, today we have an opportunity to debate an issue that is of great importance, an issue that involves both the known and unknown consequences that only a war can produce, for America, the Middle East, and indeed, the entire world. This will be by far the most difficult vote that I have had to take since I became a Member of this body in 1998. It comes at a time when many Americans, particularly many New Yorkers from the Sixth Congressional District which I am proud and honored to represent, are still in pain from the trauma of the attack on 9/11.

I have no love for Saddam's brutal regime, and I would support any action that the international community and the United Nations and our friends in Europe and Asia and the Islamic world would agree was in the best security interests of the world community. I, however, do have questions about why we must take this vote now. What is different between now, 4 months ago, 12 months ago, 24 months ago, or 48 months ago?

More importantly, I have deep concerns, many echoed by allies and Iraq's neighbors, about the unforeseen consequences and instability which would be caused by the U.S. military attack on Iraq.

At a time when the economy is faltering and so many other domestic issues are being left unattended, this Congress is being forced to consider the authorization of the use of force, perhaps unilaterally, against a regime we have known about for 20 years, a regime which has always been undemocratic and brutal against its own people. Yet our government once ignored those facts because it was felt it was in our best interests to support the regime with the very same capabilities we now say threaten America.

At a time when we are in the middle of a war against terrorism with the help of a number of majority Muslim nations who are protecting American lives against known threats, this authorization of use of force against potential threats could result in the reduction of help from new friends and allies and, thus, put the lives of Americans at risk. Is that what we want to do?

It is not surprising that during a time of mourning and healing and, most of all, fear, we would speak of the evils of Saddam as a threat to America and a threat to the world but yet not provide this Congress with the evidence to support such claims.

Certainly, when it comes to our security, there is no debating that I stand with all Americans when it comes to protecting Americans, and that is why I fully supported any and all actions to bring those who committed attacks on 9/11 to justice.

Yet, as of last night, no evidence has been offered linking Saddam Hussein to those who attacked us on 9/11.

More importantly, let us not tell the American people and the world that we would use force against Iraq in the name of the world's freedom and security. Let us not say we are authorizing the President to use force against Iraq to protect the credibility of the United Nations by enforcing all U.N. security resolutions pertaining to Iraq.

I have yet to see the world, nor Iraq's neighbors, ask America to protect it from Iraq. In fact, many friends and allies in our own intelligence agencies say a number of other nations pose far greater threats to security.

Others, both inside and outside this administration, speak about ''sending a message'' and that the ''credibility'' of our Nation and the world is at risk if we do not stand ready to act with force.

I want every Member to say that they are ready to comfort a loved one of an American soldier who might give their life for their country not to confront a threat but because it was important to send a message. Since when do we authorize the use of force not to address a threat but because not to use the force would hurt our credibility?

It is not surprising that during a time of mourning and healing and, most of all, fear, we would speak of these potential threats from Iraq and mix them with the war against terror as a pretext for bringing back an old approach to national security and call it a new policy.

The ideas of using pre-emptive military strikes against unknown threats and even the ability to potentially threaten, as stated in the administration's new national security strategy on September 20, 2002, are not new. The very same ideas can also be found in the 1992 Draft Defense Planning Guidance document and the 1993 Defense Strategy for the 1990s document. Both of these documents were written under the direction of the current Vice President, the Deputy Defense Secretary and Secretary of State when they served in various Defense Department-related positions in the last Bush administration.

If we truly live in the new world, then why is the Bush administration presenting us with what it calls a ''new approach'' to national security for Americans in a new world, using the same old ideas that were once rejected by the American people, ideas which even Nelson Mandela said could be a threat to world security?

Mr. Speaker, I have come to the conclusion that this debate about Iraq raises two fundamental questions for our Nation and for our generation, questions which, depending upon how they are answered, will affect the lives of generations to come.

One, what kind of world do Americans want our children to live in?

Two, in the 21st century, do Americans think the best way to achieve security is by U.S. global military dominance or U.S. global cooperation?

I believe that after 9/11 it is now more important than ever for the American people to have a greater say on whether they believe they will be safer in America and, in an increasingly smaller world, if their government adopts a posture of global military dominance or a posture of global cooperation.

Many Americans feel that increased public diplomacy must be a part of the war against terrorism because one of the reasons why a murderer like bin Laden was able to recruit individuals to attack Americans is because some in the world are isolated and do not know the truth about America.

Fighting terrorism requires global solutions, which can only be obtained through cooperation, not by threatening the world that we will go it alone whenever the world does not see things our way.

The use of the world's greatest military power in a preemptive strike against others is not a foreign policy of strength. It is a foreign policy of fear.

I will always stand for protecting America and given the fact that we will soon begin spending more money on defense than the combined spending of the next 19 nations in the world, I am confident that our military power assures that any nation that attacked us would be defeated in battle.

We were not attacked by any nation on 9/11. When it comes to protecting America from terrorist groups like Al Qaeda, recent history shows that we can beat them as well, when we have the help and cooperation of others.

A pre-emptive strike against Iraq will squander the opportunity to build on the existing cooperation we now enjoy and to create even greater levels of global cooperation on other issues of concern to the world—including issues which are the root causes of terrorism.

We can take action and we should. We can work with others in the same way we are working with the world to combat Al Qaeda. We can demonstrate true leadership by exhausting all diplomatic means rather than by simply falling back on the use of force.

I'm sure that this Administration and this Congress will always reserve the right to pursue a course of action to protect America's national security. However, we must realize that no matter how powerful our military is, our security is linked to the world's security. If this crisis is truly an issue of global peace, I urge America to work with the world to secure the peace for all.

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

Mr. Speaker, much has been said today, and I am sure over the next few days much more will be said, as it should. The issue of authorizing the use of our Armed Forces is a momentous one, and it demands the thorough consideration of this Congress, and I believe we will be giving this some 30 hours of debate.

September 11 was a cruel wake-up call. After the Cold War, I am afraid our country indulged in the notion that we could shut out the world.

□ 2245

The Soviet military power that existed, coupled with the expansionist ideology of Marxism, had vanished as a threat to the United States. There was exuberance that America could cruise on the international front. During that time, we lowered our defenses and downplayed many troubling developments, including the rise of al-Qaeda and the rise of Saddam Hussein's capabilities, with his development of weapons of mass destruction, to harm our Nation.

September 11 harshly brought home the fact that the world is a dangerous place, it has always been, and that threats must be dealt with before they hit home, as they did hit home last year with such terrible impact.

Last night, President Bush made a powerful case against Saddam Hussein's regime. It has hostile intentions; it possesses weapons of mass destruction; it has means to harm us massively, means that are increasing daily; and that it is only a matter of time before Saddam strikes again against America's interests.

The President spoke even of Iraq possessing, and I am going to quote from his speech, ''a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas.''

Well, that is why I urge my colleagues to support this resolution. We have had a long debate today, and I would like to address a point that was raised earlier.

Iraq was described as an impoverished Third World nation. The suggestion was that there is no threat there. Many Americans may think of Iraq in this way. If so, they must realize that while many Iraqis are suffering under Saddam, his regime is not impoverished. As a matter of fact, our General Accounting Office, our GAO, did a study in which they found that some $6.6 billion between 1996 and 2001 was siphoned off for use by the regime.

British intelligence, that did their own analysis all the way up until several weeks ago, tells us that between 9 billion and $10 billion has been siphoned off in surcharges, kickbacks, illegal exports. Let me tell the Members, Mr. Speaker, that $9 billion to $10 billion pays for the development of a lot of weapons of mass destruction. One could buy a lot with that amount of money.

It is not improbable that Saddam Hussein is developing nuclear weapons and the means to deliver them. I tell the Members that U.N. inspectors found plans for a bomb that would require 34 pounds of enriched uranium. I had an opportunity in the Committee on International Relations to ask our former CIA Director, James Woolsey, how long it would take if Saddam obtained the U-235, the enriched uranium, that he is attempting to obtain right now. He said if he had the uranium, it would take them about 4 months before a nuclear weapon was ready.

He may already have that uranium; and as we know from other reports, if he is not able to buy it on the world market, it is only a matter of time, 3 years at the most, before he develops that capability himself. So it is only a matter of time.

The Iraqi regime has long employed very capable scientists and technicians. Those of us who have traveled to Moscow talked to the Russians who ran their program, who have shared with us that some of their very capable scientists are in the Middle East today, some of them working in Iraq.

Iraq has access to a developed infrastructure. The regime has ample resources from its oil wealth, giving it the ability to bid for the considerable scientific and technological expertise. They use front organizations and front companies in order to obtain this technology into Iraq. They have key materials that have been floating around since the break-up of the East bloc.

So this is not a ragtag dictatorship we are dealing with; it is an able tyranny dedicated and capable of doing us real harm. That is why action has to be taken to disarm Saddam Hussein.

I would like to address some of the other concerns that have been expressed on the floor of this House today. Some opponents of this resolution have asked, why now? I would like to point out to my colleagues that it was in 1998, 4 years ago, that Congress concluded that Iraq's continuing weapons of mass destruction program threatened vital U.S. interests. Congress then urged the President to take appropriate action to bring Iraq into compliance with its international obligations, including relinquishing its weapons of mass destruction.

The Iraqi Liberation Act that Congress passed that year endorsed a change of the Iraqi regime, and that was 4 years ago. Our Nation did not do anything to effectively address this, but Congress recognized it as being a real threat.

By authorizing action to forcefully address this challenge now, we are hardly being rash. If anything, this action is overdue. The fact is that Iraq for years has pursued weapons of mass destruction with great determination. It had a crash nuclear weapons program prior to the Gulf War. It is estimated that were it not for the war, Iraq would have had nuclear weapons no later than 1993.

Neither Saddam's Gulf War defeat nor a slew of U.N. resolutions were a deterrent. In 1998, the International Atomic Energy Agency dismantled extensive nuclear weapons facilities in

Iraq, including three uranium enrichment sites, as President Bush noted last night. This regime has been operating free of inspectors for the last 4 years. Is there any reason to believe that Iraq is not near acquiring a nuclear weapon?

Some have charged that all questions have not been answered. What will a post-Saddam Iraq look like? Yes, it is our responsibility to best anticipate what a post-Saddam Middle East will look like and best account for it, but we cannot allow ourselves to be paralyzed by the uncertainty that is part and parcel of international politics. To resist acting in the face of a mortal threat because we do not have a crystal ball would be folly.

Did we have all the answers when we intervened in Afghanistan? No. We heard that we would get bogged down in a bloody quagmire, as the Russians did a dozen years earlier. We did not. Yes, we have much work left to do in Afghanistan, but our military has performed in the stellar way many of us expected it would. The Taliban was routed, as was part of al-Qaeda.

Those who oppose this resolution based upon concerns about stability in Iraq and the region should ask why their vision of stability in Iraq and the region is based upon Saddam's continued role. Is that the best this region can do?

Some have raised concerns about the Iraqi people, suggesting they will suffer. If war comes, there certainly will be suffering, but I suggest that nothing is harming Iraqis more than Saddam's tyranny. We do have Iraqi children without food and medicine, but let us lay responsibility where responsibility belongs: on this palace-building dictator who squanders his nation's resources.

This is one of the most repressive regimes in the world. Amnesty International has reported that Iraq is the country with the greatest number of people missing or unaccounted for. One human rights group reports that Saddam has killed over 500 journalists and intellectuals, and tens of thousands of political opponents and ordinary Iraqi citizens have been subjected to arbitrary arrest, imprisonment, torture, burning, electric shocks, starvation, mutilation, and rape. This is how Saddam's regime makes Iraqis suffer. I can only imagine its disdain for Americans.

Saddam is in possession of weapons of mass destruction. He is working to advance his deadly arsenal. Can there be any doubt that we must act before our Nation is hit?

It is always easier to kick a problem down the road, to deal with it later. We do that too often around here. What is required to beat that syndrome is leadership, leadership willing to deal with an unpleasant situation head on. That is what our President and his national security team are showing.

Critics say that the administration is not exploring all options. It is exploring options. We may avoid war. What option the President has no interest in, though, and I think this is to his credit, is shirking his responsibility for the defense of our Nation. He certainly is not willing to allow the nations of the United Nations Security Council to dictate the terms by which our Nation is defended, which is what some are calling for.

After any military action, it will be incumbent upon our country to stay the course to see that the new Iraq no longer threatens us. That means ridding the country of weapons of mass destruction, but also helping to see that Iraq has a chance of becoming a successful state. This will mean helping the Iraqi people, to whom, it should be emphasized, we hold no hostility.

Helping build stability is our current challenge in Afghanistan, and helping to give Afghanistan and Iraq a chance for stability and a decent government will require a substantial U.S. commitment. Given the threat to our security that Iraq and Afghanistan pose, we must make this investment.

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

Mr. HUNTER. Mr. Speaker, the Committee on Armed Services had a couple of minutes left, but I yield back the balance of our time.

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

Mr. Speaker, in this House, and indeed, in homes across America, we are debating whether to use force to disarm Saddam Hussein if he fails to comply with the resolutions of the United Nations, if he fails to submit to unfettered inspections, and even if we must go it alone.

The President has come before the Nation to make the case for strong intervention and to attempt to answer many of the difficult questions being posed by the American people: Why is Iraq unique when other nations possess weapons of mass destruction? Why now, when Iraq has been ignoring the U.N. resolutions for 11 years? What effect will this have on the broader war on terrorism? Will an invasion of Iraq in the end make us safer or more at risk?

All of these questions are legitimate. None admits of a simple answer; and none can be answered completely, depending, as they do, upon the unknowable caprice of a despot. But there are certain facts which I believe are indisputable.

First, Saddam Hussein has chemical and biological weapons, and is developing a nuclear weapons capacity.

Second, an inspection regime in which hundreds of acres of so-called palace grounds are off limits is no inspection regime at all. In fact, it is worse than no inspections, giving, as it does, a false sense of security and effectiveness.

Third, Saddam Hussein will never submit to a real inspection regime without the credible threat of force.

Fourth, we cannot continue to allow Saddam Hussein to fire on American pilots who seek to enforce United Nations resolutions.

Finally, the threat posed by Saddam Hussein's weapons program will only grow over time; and in time, he will have the atomic bomb.

Of all the dilemmas facing our Nation in light of these facts, the central issue is this: How imminent is the threat to this country from Iraq?

The threats we face after September 11 are different in kind than those we have faced in the past. We will never likely see enemy troops massing on our borders, threatening to dominate Europe, or attacking our bases with large fleets of ships or planes. The predominant threat we must now address comes from terrorists and the states that sponsor them, terrorists who cannot be contained and cannot be deterred, and terrorists that can act with great suddenness and ferocity, causing dramatic loss of life.

It is fair to ask ourselves whether, on September 10, prior to the devastating attacks on this country, we would have adjudged al Qaeda an imminent enough threat to justify the strenuous use of force to rout out the terrorists in Afghanistan. Apparently, we did not. Just as plainly, we cannot wait until 3,000 more Americans lie in their graves to warrant our intervention when other threats materialize.

□ 2300

The narrow question before Congress right now is whether the threat from Iraq is imminent enough to support a resolution authorizing the use of force to compel this armament if persuasion fails. On the basis of information I have received, both classified and unclassified, from meetings with the President, National Security Advisor, Secretary of State, regional experts, defectors and others, I believe it is; and I am concerned that the failure of such a resolution at a time when our Commander-in-Chief is before the United Nations would be deleterious to our efforts to engage that world body.

The original resolution drafted by the President was too broad, and I did not support it. Through negotiation with the Democratic leadership, the resolution was considerably narrowed to require the President to exhaust all efforts through diplomatic and other peaceful means before any resort to force could be made, to limit the scope of his authority to Iraq, rather than the entire region, to require compliance with the War Powers Act and to compel frequent consultation with Congress.

In the House Committee on International Relations on which I serve, I supported amendments to narrow the President's authority further still, including the Biden-Lugar amendment, which contained even stronger language compelling the use of force to compel disarmament. These amendments were unsuccessful, and I supported the bipartisan compromise resolution on final passage out of the committee, and I will support it here on the floor.

My vote in favor of this resolution and my desire to support the administration's efforts that the United Nations should not, however, be taken as an unequivocal endorsement of the administration's handling of Iraq over the last year. It is not. The administration must not go about this alone or unilaterally but redouble its effort to enlist the support of our allies until it is successful, as I believe it can be. The administration must change the nature of its rhetoric, rhetoric which on a host of issue has shown too great a willingness, at times an eagerness, to go it alone on a whole range of issues, a policy and a tone which has made the process of gathering international support much more difficult than it should have been.

I share the concerns expressed by hundreds of my constituents that this country not rush to establish a precedent that every country is justified in unilateral military action against all perceived threats and that the best way to distinguish our conduct from other nations considering their own preemptive actions in the future is to persevere in our determination to build international support for international action.

I hope that military force is not necessary. As the President said in his speech last night, ''Approving this resolution does not mean that military action is imminent or unavoidable.'' But if force is required to disarm Iraq, I have great faith in the men and women of the U.S. Armed Forces. They will do their job bravely and effectively, and we will be successful. We will win the war.

Let us resolve also to take the longer and no less complex task of winning the peace. We must not risk the lives of American soldiers to replace one Baath party dictator with another, to allow Iraq to disintegrate or degenerate into tribal warfare. We must be committed to the long-term prosperity of the Iraqi people, to the establishment of the democratic institutions, and to the rights of speech and association and the free exercise of religion.

We must embrace a broad vision, one that works to democratize the Middle East, to secure its rebirth and the elevation of its civilization, and a vision comparable to the Marshall Plan at the end of World War II. This will be no minor undertaking and will represent a significant departure from past policies, which have too often favored oil and friendly autocracy over principle and popular democracy. It will also require an investment in the very future of the very nations which now threaten us. But as post World War II Europe has illustrated, with every effort we make and every dollar we contribute, our own peace, security and prosperity will be rewarded.

On September 10, the danger from terrorists was imminent, and we took no action. On September 11, we were devastated. Now it will forever be September 12, the day we realized that our military might alone, stationary and defensive, could not deter, could not prevent, could not contain the threats against us. And so we must gather the freedom-loving nations of the world and act to disarm Iraq peacefully if at all possible, but to disarm. And in time also to rebuild so that what was once a cradle of civilization can again be a light to the world.

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

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

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

Mr. Speaker, it is with some regret but strong conviction that I rise today to express my support for House Joint Resolution 114.

No member of this body ever wishes to cast a vote that could ultimately lead to the loss of even one American life. Yet that is exactly what all of us, those who vote for this resolution and those who vote against, are doing today. Those of us who vote for the resolution must know that granting the President the authority to use force could lead to an invasion of Iraq and the possible loss of American troops. Those who vote against the resolution must know that denying the President the authority to use force could allow Saddam Hussein to use his weapons of mass destruction against us, costing untold loss of American lives.

So the question before us is not whether there is a safe course of action that will guarantee no loss of American life. Unfortunately, there is no such guarantee and no such option. Instead, the question is whether the threat posed by Saddam Hussein can best be removed by granting our President the authority to use force against him. In short, is this mission in our vital national interest?

Well, I say there is no interest more vital to the United States than protecting our citizens from the kind of attacks we suffered on 9/11 and could well suffer again at the hands of Saddam Hussein's weapons of mass destruction.

Must we grant the President the authority to use force in order to achieve this goal? In my view, the answer is yes. Force and the threat of force are the only message that Saddam Hussein understands. He is not a rational leader who acts in the interest of his citizenry. He is a despotic dictator who terrorizes his own people, his neighbors and the world community at large.

President Bush put it best in his address to the United Nations when he said that Saddam Hussein has made the case against himself. He has ignored with impunity every promise made, every commitment undertaken and every Security Council resolution passed.

Why has he done this? Because he can. We must grant our President the tools he needs to make it clear to Saddam Hussein that he no longer can. He no longer can fire at our aircrafts, evade U.N. inspectors or continue his quest for weapons of mass destruction.

If granted this potent authority, will our President do the right thing? I say he will do the right thing.

No President of the United States ever wants to live again a day like 9/11. No President ever wishes to account for a fatal breach in national security. No President ever wishes to send our troops into harm's way for the sake of anything short of our vital national interest. And I have no doubt that no President, least of all this President, will use force unless it is the best means possible to keep America and Americans safe and secure.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on Financial Services and the Committee on the Judiciary. But, more importantly, for many decades she has been a strong voice for women, for those who have no voice.

Ms. WATERS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding me time; and I commend him on the tremendous work that he does in this Congress dealing with the many complicated problems of foreign relations. I thank him for the time that he is allocating to me this evening.

Mr. Speaker, I rise to oppose this resolution which would authorize the President to use unilateral military force against Iraq.

Mr. Speaker, I do not believe the President has provided sufficient evidence to conclude that Saddam Hussein currently possesses significant quantities of weapons of mass destruction. Although I am aware that weapons inspectors found significant amounts of chemical and biological weapons in Iraq between 1991 and 1998, those materials have been destroyed. Since that date, there have been allegations of a growing arsenal of chemical and biological weapons, but there is to date no credible evidence of such an arsenal's existence.

□ 2310

Even if Saddam Hussein does possess weapons of mass destruction, Iraq does not represent an imminent threat to the United States of America. There is simply no evidence connecting Saddam Hussein with the 9–11 terrorist attacks. There is also no evidence to indicate that Saddam Hussein has ever given weapons of mass destruction to terrorist groups.

Furthermore, Iraq is 6,000 miles away from the United States and the Iraqi regime lacks the capability to strike the United States from within its own borders.

The ultimate weapons of mass destruction are nuclear weapons. If administration officials are really concerned about other countries having weapons of mass destruction, they should turn their attention to Russia, China, India, Pakistan, and Israel, all

of which are known to possess nuclear weapons.

No one doubts that Saddam Hussein is a potential threat to his neighbors in the Middle East. He has attacked them in the past, and certainly he could do it again. However, Saddam Hussein's neighbors do not support military action against Iraq at this time, and it would be diplomatically and militarily unwise for the United States to initiate a war in the Middle East without the support and participation of a coalition of countries in the region.

If administration officials are concerned about countries that support terrorism, perhaps they should turn their attention to our friend and ally, the most undemocratic country, Saudi Arabia. Saudi Arabia has been financing extremist Islamist madrassahs in Pakistan and other Islamic countries. These madrassahs, or schools, teach young boys an extreme interpretation of Islam, combined with a support for terrorism and hatred for America. But they are our friends, and I do not see talk or discussion from this administration about trying to bring about democracy in Saudi Arabia, or being concerned about the financing of the madrassahs and the things they have been doing for so very long.

The human and economic cost of a war on Iraq are completely unjustified. It has been estimated that a war on Iraq would cost between $100 and $200 billion. This would come at a time when we are already spending billions of dollars to wage a war against terrorism in Afghanistan. A war on Iraq could lead to the deaths of thousands of innocent citizens in Iraq and unknown numbers of American servicemen and women.

Mr. Speaker, we would like the President to finish the war on terrorism. While we have had some success in Afghanistan, we still have not located Osama bin Laden. Our servicemen have been fired on in Afghanistan every day, and they are all set to assassinate the President or the leader that we have supported in Afghanistan, and it could happen at any time.

I am deeply concerned that a unilateral war on Iraq would make Americans more vulnerable to terrorist attacks at home. A unilateral war on Iraq could lead to an increase in anti-American extremism throughout the Muslim world. This could destabilize countries in the Middle East and South Asia. It could also provide al Qaeda with an opportunity to recruit additional terrorists within these countries.

Al Qaeda is America's greatest enemy. We should be focusing our efforts on confronting the al Qaeda threat, while encouraging the people of the Middle East and South Asia to support democracy and oppose terrorism.

Instead of authorizing a unilateral war, Congress should support the efforts of the United Nations to resume weapons inspections in Iraq. The resumption of weapons inspections would allow us to determine whether Saddam Hussein has the weapons of mass destruction that the Bush administration claims he has. Working with the United Nations would also illustrate to our allies and people throughout the Muslim world that the United States respects the rule of law and considers war a last resort.

I urge Members to oppose unilateral use of America's Armed Forces and give United Nations weapons inspectors an opportunity to do their work. I urge my colleagues to oppose this resolution.

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

Mr. Speaker, let me respond to the gentlewoman and to the argument in terms of what has not been found regarding weapons of mass destruction. The Committee on International Relations had a hearing on this very recently.

During that hearing we heard testimony to the fact that Saddam Hussein was on the edge of a precipice with regards to the ability to unleash weapons of mass destruction. I am just going to briefly mention some of the work of Jeffrey Goldberg, who spent many months inside Iraq; and as he says, when Saddam Hussein maneuvered UNSCOM, the weapons inspectors, out of the country in 1998, the weapons inspectors had found a sizable portion of his arsenal, but were vexed by what they could not find. His scientists have produced and weaponized anthrax. They have manufactured botulinum toxin which causes muscular paralysis and death. They have made a bacterium which causes gas gangrene, a condition in which the flesh rots. They have also made wheat-cover smut which can be used to poison crops, and ricin, which, when absorbed into the lungs, causes hemorrhagic pneumonia.

And according to Gary Milhollin, the director of the Wisconsin Project on Nuclear Arms Control, whose Iraq Watch project monitors Saddam's weapons capabilities, inspectors could not account for a great deal of weaponry that is in Iraq's possession, including 4 tons of nerve agent VX, 600 tons of ingredients for VX, as much as 3,000 tons of other poison gas agents, at least 550 artillery shells filled with mustard gas; nor did they find the stores of aflatoxin which have been manufactured there that have been put on warheads.

I guess I would just echo the words of Jeffrey Goldberg when he says Saddam Hussein's motives are unclear because for the past decade the development of these weapons has caused nothing but trouble for him. His international isolation grows not from his past crimes, but from his refusal to let weapons inspectors dismantle his nonconventional weapons programs.

When Iraqi dissident Kanan Makiya was asked why Saddam Hussein is so committed to these programs he said, ''I think this regime developed a very specific ideology associated with power and how to extend that power, and these weapons play a very important psychological and political part.''

So yes, we do have ample evidence.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. ROYCE. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I think it is important for us to talk about what really has happened with the relationship that we have had with Saddam Hussein.

Does the gentleman understand that we are the ones that gave him anthrax?

Mr. ROYCE. No, I do not understand that. I respectfully disagree with the gentlewoman.

Ms. WATERS. I disagrees with the gentleman, also; and I appreciate the time that the gentleman is giving me to counter some of his points.

In addition, would the gentleman agree that our inspectors decided to leave Iraq after it was discovered that they were there doing some of the work of the CIA instead of doing the inspections that they were supposed to be doing?

□ 2320

Mr. ROYCE. Mr. Speaker, I understand that Saddam Hussein was very effective in maneuvering our inspectors out of Iraq and has not allowed in our inspectors or any other inspectors for 4 years; and I also understand that during that 4-year time frame he has been developing not only chemical and gas weaponry, biological weaponry, but also nuclear weaponry. That is what I know. And I would commend to the gentlewoman to review our transcript of our hearing on this very subject.

Reclaiming my time, I would just say there may be some debate among arms controls experts about exactly when Saddam will have nuclear capability, but there is no disagreement that Iraq, if unchecked, will have them soon and a nuclear-armed Iraq would alter forever the balance of power in the Middle East. I think there is very little doubt that Saddam, if he had an atomic bomb and with these stocks of biological and chemical weapons, might not use that for the purpose of power.

Because when Jeffrey Goldberg talked about Saddam's past with the medical geneticist Christine Gosden, who has been there on the ground in Kurdistan working with Kurds, some 4 million of which are estimated to have been affected at one point or another by chemical attack, she said one thing. She said, please understand the Kurds were for practice. They were practicing with different types of chemical and biological weapons on the Kurdish population.

I think, under these circumstances, if we do not move forward with a plan to disarm Saddam Hussein, it would be folly.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE), a member of the Committee on International Relations.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me time; and I appreciate being part of this historic debate.

It has often been said that the most difficult decision a Member of Congress will ever have to make is a decision to send people in America to war. We are often told that we ought to approach it as if we are sending our own child to war. I do not have any children old enough to participate in a war at this time, but I do have one family member who will likely participate in this conflict. That adds extra gravity to this debate for me.

Earlier in this debate it was also mentioned that we ought to visit some of the war memorials around town. I did so last night. Late last night, I visited the Vietnam Memorial; and I can tell my colleagues that seeing so many names on that wall adds importance to the debate that we are having tonight, that we will have throughout this week.

We ought to let history be our guide here. But the most recent history in this case that we ought to look at is the vote that took place in this Chamber 12 years ago. During that time, we faced a very similar decision. Should we thwart Saddam Hussein in his attempt to go beyond his boundaries or should we appease him? Fortunately, the majority of this body and the other body agreed we ought to thwart him; and I think we can all agree that, had we not done so, that the biological and chemical weapons that Saddam Hussein possesses would be added to nuclear weapons which he would certainly possess today had he not been thwarted at that time.

We are in this position today, I would submit, because we have no other choice. This is our only reasonable option. War will no doubt come at great cost. When we visit the war memorials, we see that cost, but the cost of appeasement is far greater.

I commend the House leadership for bringing this resolution forward and for shepherding it through process. I especially commend our President who so forcefully pushed for this resolution and who has so deliberately pushed for this resolution.

I urge support for the resolution.

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

I would like to make a short statement that I am not so sure that the attempt to avoid war, the attempt to avoid death and destruction, the attempt to use as a last resort the horrific weapons of destruction and death that we have in our arsenals, weapons, smart weapons, weapons 10 times more accurate and deadly than we used 10 years ago, is necessarily appeasement. I think that we should use every deliberate ounce of strength in our bodies to avoid death and destruction, and to avoid that I think is stretching it when that is considered appeasement.

I yield 5 minutes, Mr. Speaker, to the gentlewoman from North Carolina (Mrs. CLAYTON), a person who serves on the Committee on Agriculture and whose strong voice we will miss as this is the last term she will be serving in this august body. She has made a strong mark for the great State of North Carolina.

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

Mr. Speaker, like most persons of deeply held conscience, I come to the House floor tonight deeply troubled. I am concerned about the threat of national security. I am concerned about the threat that Saddam Hussein poses to the world at large, and I am concerned about Saddam Hussein's willingness to thumb his nose at rest of the world.

However, these are not my only concerns. I am also deeply concerned about the way in which the administration is approaching this state of affairs. President Bush has said that Iraq possesses weapons of mass destruction, but he has not made a convincing and compelling case that Saddam Hussein poses such a dangerous, verifiable and immediate threat that the President should be granted the authority to attack Iraq preemptively or unilaterally. We have known for years that Iraq possesses chemical and biological weapons and, sadly, that he has used these weapons on people from his own country. We know factually that Iraq has refused to obey the resolutions of the United Nations.

Two troubling questions remain, Mr. Speaker.

First, why, after so many years, do the actions of Saddam Hussein become so immediate and so pressing that they cloud the consideration of any other matter of similar importance, especially on the domestic agenda?

The second question, Mr. Speaker, is who should enforce international law?

The President's latest address to the American people did not provide any new information about Saddam's weapons of mass destruction. Neither did it provides any conclusive evidence of Iraq's ability to develop nuclear weapons or a timetable for such development. We need more evidence. Therefore, I am calling on the United States to work with the United Nations to assure immediate resuming of unfettered inspection of Iraq's chemical, biological, and nuclear weapons capacity. Only in this way can the President and the Congress make the case to the American people and our friends and allies that Saddam Hussein poses a real and dangerous and verifiable threat not only to his own people and Iraq's neighbors in the Middle East but to the United States and the cause of world peace. Only this way can we demonstrate to the American people and the rest of the world that we are committed to exhausting all potential diplomatic and international efforts before taking violent action.

Committing our Nation to war is a grave action in any circumstances. I cannot without personal struggle decide to end an effort for peace, send our young people into terrible danger and put the lives of countless innocent citizens at risk. My faith, my humanity requires me to always seek peace over war, diplomacy over military action, compassion over aggression. In the current circumstances, when we have no clear reason to believe that Iraq poses imminent threat, though threat he has, we must act decisively, with all possible caution and humility. This is the only reasonable way to proceed.

Before we move to military action, we must assure that all other methods to resolve the situation has been tried and there is no other alternative. It is worth noting, Mr. Speaker, that this is the strategy that President Bush followed in getting other nations to join us in the fight against terrorism.

□ 2330

He would be well advised and we would be well advised to follow that same course. A unilateral first strike action would undermine the moral authority of the United States, result in untold loss of life, destabilize the Middle East, and undermine our ability to address pressing domestic needs. The Congress should, therefore, authorize the President to use force only in concert with the United Nations and only if weapons inspections fail.

Mr. Speaker, I would like to include for the RECORD an editorial on Patsy Mink. I remind my colleagues that we lost Patsy Mink almost 10 days ago. In the Honolulu Advertiser, the editorial is entitled ''Remember Patsy Mink: Slow the Rush to War.''

Mr. Speaker, that is very wise advice for us too.

REMEMBER PATSY MINK: SLOW THE RUSH TO WAR

As Patsy Mink is honored today in our state Capitol's atrium, her colleagues in the nation's Capitol begin in earnest a debate on the language of a resolution authorizing the use of military force against Iraq.

How we wish she were there to participate in that debate.

Thirty years ago, Mrs. Mink, seemingly tilting at windmills, ran for president of the United States in the Oregon primary election in a campaign that made withdrawal from Vietnam its only issue. Ignoring such epithets as ''Patsy Pink,'' she won a scant 2 percent of the vote—and the moral high ground.

Today a handful of voices have been raised in warning as this nation teeters on the brink of war. They warn of ''unintended consequences.'' By 1972, of course, most of the dreadful consequences that Presidents Eisenhower, Kennedy, Johnson and Nixon had failed to foresee in Southeast Asia had become painfully clear. What had begun as a war against a backward peasant nation became in many ways, both home and in Vietnam, a wasted decade.

Mrs. Mink, of course, would not fail to recognize the evil intent of Saddam Hussein. Yet in today's debate, she would not stand for one minute for her party's strategy that says the quicker they can settle the war question, the quicker they can turn the page to the domestic issues on which they think they can get the traction needed to make gains in the upcoming midterm elections.

In this unseemly haste, the debate ignores momentous issues: whether the United States must fight and pay for this war alone, and what it would do to our global standing; whether the Bush administration has any plan at all for a post-Saddam Iraq; whether it has considered the destructive forces that might be released from this nation hastily carved from the Ottoman Empire after World War I, with its disparate population of Shiite, Sunni, and Kurd and Turkmen peoples; whether it has accurately assessed the cost of treasure and young blood in what could become another decade of armed neo-colonialism.

The Democrats have allowed this debate to become so narrowly framed as to be nearly meaningless. The debate, in essence, is over how soon we invade Iraq. That is, if the Democrats get their way, they will need to be assured by President Bush that he has exhausted diplomatic means; that U.N. sanctions and inspections haven't worked; and that the new war won't set back the ''old'' one—the war against terrorism.

These conditions may slow the coming war by weeks or months, but they won't stop it.

Omitted entirely from the debate is Bush's new National Security Strategy, which advances a doctrine of ''pre-emptive'' war-making that suggests that Iraq is only the first step in a violent reordering of the world.

Congress has already effectively ceded to Bush the authority to wage a unilateral, preemptive war against Iraq, whether or not the United Nations approves.

We urge the rest of Hawaii's congressional delegation to reflect well on Mink's honorable legacy of peacemaking—and to carry it back with them to the debate in Washington.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE), a Member of the Committee on Appropriations.

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

Mr. Speaker, I rise in support of House Joint Resolution 114, the resolution to give the President authority to use force against Iraq, if necessary, to protect our vital national security interests and to enforce the multiple resolutions of the United Nations calling for disarmament of that country.

I do not cast this vote lightly, as I know the President does not commit American forces to battle lightly. I have served in the Armed Forces of this country, and I have been in combat in Vietnam. I pray that no young American man or woman will ever have to go to war again.

But if we are to avoid war, we must be prepared to wage it. Iraq is a clear threat to this Nation and to all peaceable nations in the world. Saddam Hussein is a brutal tyrant, whose cruel and evil acts against his own people would make Joseph Stalin proud. But it is the threat he poses to other nations and other peoples that demands action now by this Congress and by this Nation.

He has previously invaded and subjugated other countries. He has used weapons of mass destruction against his own people and those of neighboring Iran. He has launched missiles against other Middle East countries. He has brutalized and starved and murdered minorities and opponents, real and imagined, in his own country. He has defied the United Nations demands that he submit to inspectors and disarm his ghastly weapons of mass murder. He has supported elements of terrorism operating around the world.

For 10 years, the civilized world has maintained a policy of containment for Iraq that includes economic sanctions, no-fly zones, diplomatic isolation, and a credible military presence in the region. While it has contained Iraqi aggression to this date, it is no longer sufficient. Now we must be prepared to take stronger action.

In his speech Monday evening, President Bush made a persuasive argument for immediate steps to destroy the deadly weapons Saddam Hussein possesses. I will support this resolution, which gives the President authority to use force to accomplish that goal.

We all hope conflict can be avoided, but there should be no doubt in the minds of any here today or any in the world that the best hope of avoiding conflict is for the United States and the United Nations to adopt strong, unequivocal positions, making crystal clear our intentions to destroy those deadly weapons.

There must be no crack in our resolve that allows Saddam Hussein to slip through. There must be no glimmer of equivocation that can give rise to further delay on his part. If war is to be avoided, he must disarm, and he must disarm now.

As chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, I am very conscious of the responsibilities we and other nations in our coalition will assume in the aftermath of conflict. We must be prepared for large movement of refugees, particularly if Saddam Hussein uses chemical and biological weapons against populated areas. We must be prepared to treat victims of his cruel crimes. We must be prepared to provide humanitarian assistance to those who need it.

In the longer term, we will also need to be prepared to deal with the reconstruction of Iraq, physically and politically. The former will be easier, for this is a country with revenues that can be generated from oil and with an infrastructure that is excellent by developing-country standards.

Providing transition to a democracy will be more difficult. This is a country ruled by a tyrant that has brooked no dissent for a generation. It lacks the most rudimentary institutions that can be used to create a pluralistic, multi-ethnic democratic form of government. Achieving this will require a sustained, long-term commitment on our part, as well as from other nations in Europe, in Asia, and most important, in the region surrounding Iraq.

This commitment, if sustained, could have benefits far beyond Iraq's borders and far beyond the events that bring about a new regime. Democracy in Iraq could speed a settlement of the terrible Israeli-Palestinian conflict. It could convince other countries in the region that transition to democracy is possible without cataclysmic political upheaval.

No one should imagine this will be easy. No one must doubt the difficulties that lie ahead of us, the dangers that lurk at every corner. But if we are prepared to assume the responsibility for the future of Iraq in war, we must also be willing to shoulder that burden in the peace that follows.

My colleagues in this House, not one of us relishes this moment. The burden falls heaviest on the President, but it also falls on our shoulders as we prepare to authorize the use of force. Our men and women in uniform will be put in harm's way. And if there is to be a war, civilians will die.

But the consequences of not acting are much graver, far worse. The prospect of Saddam Hussein having more weapons of death to use is too real, the possibilities of loss of life numbering in the tens of thousands or hundreds of thousands too monstrous to contemplate.

We act with great reluctance, but this Congress will act. We seek peace, but Saddam Hussein must know this President, this Congress, this Nation, will not flinch when called upon to protect our national interests. We will vote to give the President the authority he needs to wage war that we might secure peace.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume to respond briefly to a couple of the comments made by my colleague from North Carolina.

Although we agree on many of the same underlying facts, we have disagreed on the conclusion to be drawn from those facts. But there was one point in particular on which I wanted to note my agreement, and that is the point that I think it would be very important for the administration to show more of the evidence it possesses of Saddam Hussein's possession of weapons of mass destruction.

The President in his speech last night quoted, quite appropriately, from President Kennedy during the Cuban missile crisis. But probably the most vivid image that most Americans have of that period was the demonstration of the aerial photographs of missile silos in Cuba, the very direct, very unequivocal proof of that threat 90 miles from our shore.

So, too, I think it would be important for this administration to be more forthcoming with the evidence it possesses, to demonstrate unequivocally to the American people, for whom many still have questions that Saddam Hussein does in fact possess chemical and biological weapons, because he does possess them; is in fact working to acquire nuclear weapons, because in fact he is working in that direction.

Now, I realize that that chore is made more difficult in some respects, but easier in others. More difficult in the fact that some of the technology we are talking about is dual-use technology, and from aero-satellite it may

not be possible to determine whether the rebuilding of chemical and biological weapon facilities which is currently ongoing can be argued to be done in the interests of some civilian application.

But while there are those challenges, and, of course the challenge that once we disclose our knowledge of the whereabouts of chemical or biological weapons, those weapons will be moved, thwarting later inspections, while those challenges are, nonetheless, real and great, we also have a commensurate increase in our technological ability. Our ability to gather intelligence is much greater than it was in the early 1960s. And, notwithstanding the cost of sharing some of that evidence, the benefit that would accrue to the administration in making its case to the American people would be substantial.

□ 2340

Iraq, Saddam Hussein, his foreign minister, his spokesman, all unequivocally deny the presence of chemical and biological weapons. Showing the proof of that lie, I believe, is very important for the administration to do and very much within its capability.

The second point I wish to emphasize tonight which I think the administration will be well served to emphasize and which was lacking, perhaps, in the President's speech, and that is the importance of talking more deliberately and more thoroughly about the Iraq that America would like to see in the future, an Iraq with free institutions, an Iraq that is once again prosperous. Our long-term commitment for that is what it will have to be, a prosperous and free Iraq.

This is not only important I think in terms of the American people understanding that this is not about oil, that this is about the long-term peace and security of that region and our own long-term peace and security, but it is also important for the rest of the world to understand. And I think it may be even most important for the Iraqi people to understand, the possibilities that the future holds for the people of Iraq once the regime in Baghdad changes.

So I would urge the administration, notwithstanding the support that I think will come from this body and from the Senate for the resolution, to be more demonstrative in the proof that it does possess of the evidence of weapons of mass destruction now and also to be more thoughtful and more articulate in describing the type of Iraq the administration is committed to seeing.

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

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, over the last weeks I have heard from and spent time with many of my western Pennsylvania constituents. Some are World War II veterans, Korean veterans, some steelworkers, homemakers, business people, teachers. As I stand here tonight on the House floor, though, foremost in my thoughts is a small group of constituents who marched and prayed in support of peace outside of my office in Bridgewater, Pennsylvania.

I share these individuals' desire for peace.

Following the attacks on September 11, we Members of Congress were asked to do all that we can to prevent anything like that from ever happening again. It is our responsibility to defend this Nation.

America stands as a beacon of freedom to the world, one that blazes even more brightly as a result of our response to last September 11. Unfortunately, we continue to be despised by madmen like Saddam Hussein, a madman who has access to chemical and biological weapons of mass destruction and has been increasing his capacity to use them.

Our deliberations on this resolution can follow but one light, the light of experience, and our experience has shown that Saddam Hussein has ignored countless peaceful overtures that would have prevented our current dilemma. He has murdered his own people in barbaric and horrible ways. He has attacked his neighbors and continues to build weapons of mass destruction unchecked. Given this and his stated pathological hatred for America, the devastation he can inflict upon us is a severe risk. Simply allowing this risk to increase is unacceptable.

We cannot continue to deceive ourselves. This is a problem that will not disappear and will not take care of itself.

As this chart shows, Saddam Hussein has ignored the United Nations and the very resolutions to which he agreed following the Gulf War over and over again. Today, 11 years later, he continues to ignore the United Nations, retains chemical and biological weapons, and amasses more offensive weaponry as each day passes.

Our resolution makes it abundantly clear that this must stop.

Patrick Henry once said, ''It is natural to indulge in illusions of hope, to shut our eyes to a painful truth.'' We must, however, open our eyes to the looming threat Saddam Hussein poses to the world.

As I said, I and the rest of this Congress share my constituents' hope for peace. I believe that passage of this resolution can prompt a peaceful outcome by making it clear to our enemy that it is time for him to comply with disarmament requests. In light of this resolution, the U.N. Security Council's resolve can be buttressed. This resolution can guide the U.N. to pass a new set of resolutions, ones that will be tough and effective and, more importantly, resolutions that will be enforced.

This Congress has a responsibility to protect the American people. It is our duty to deal with the threats that face this great Nation and the world. This resolution shows that we are a united America, that we stand firm in our resolve to rid the world of terrorism. It shows the United Nations and the world what leadership means: We prepare for action while pursuing avenues to peace.

Yes, our goal is peace, but a lasting peace, and not continued appeasement.

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

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), a member of the Committee on Appropriations and one who is a strong voice for our Federal employees.

Mr. MORAN of Virginia. Mr. Speaker, I think it is instructive to review the history of how we got to this debate tonight.

Yes, Saddam Hussein does deserve to be demonized, but after the Shah of Iran was overthrown in the late 1970s, Saddam became our guy in the Persian Gulf. During the Reagan years, we helped train his army and equipped him with weapons we now deplore his using against Iran in their deadly 10-year war. In fact, The New York Times reported back then that our satellites provided the coordinates for some of the deadly attacks against the Kurds and Iranians. We even inadvertently, I trust, gave him some reason to believe that the U.S. would not react if he attacked Kuwait over disputed oil fields.

Well, President Bush did react, but, in retrospect, he reacted in a more responsible manner than what his son now proposes. He waited until just after the mid-term congressional election. He sought and got the support of the other Arab nations. He worked with and through the United Nations Security Council.

When the U.N. deadline for withdrawal arrived, Saddam ordered a retreat out of Kuwait. We attacked the next day. While we killed tens of thousands of retreating Iraqi conscripts, we lost very few American lives, but we did leave a Republican Guard largely intact and Saddam still in charge. He proceeded to massacre the Shiites and the Kurds we had encouraged to rebel from his rule.

We stationed our troops in Saudi Arabia as a residual measure to prevent further Iraqi aggression, motivating a homicidal terrorist, Osama bin Laden, also trained by the United States in the Mujahedin's war against the secular Russian presence in Afghanistan, to attack this country on that infamous day in September.

Now, a decade after the Persian Gulf War, President Bush's son is still stuck with the same demon. This President Bush had followed his father's example in preparing to attack Iraq by working through the United Nations Security Council and getting the support of his Arab neighbors. But Kuwait recently

agreed to a bilateral trade agreement with Iraq, and no other Arab nation thinks it is in their interests or ours to attack Saddam at this time, particularly with the intensity of animosity generated by the Israeli-Palestinian conflict.

What we should do is lay out the same arguments the President presented to the American people last night to the United Nations and to the rest of the free world. Do we really think that other nations are less concerned about homicidal tyrants in their midst, less protective of their families and their freedoms? But when we go it alone, we create resentment, even among our allies. We become a singular target for vengeance for the deaths that we cause, and it will likely become our principal responsibility to rebuild the human and the fiscal infrastructure we destroy.

We should be focusing on making Saddam weak and irrelevant by discovering and destroying all weapons of mass destruction, their storage and production facilities and any missile capability to deliver them. The President cannot obtain a sufficiently robust, coercive resolution from the United Nations that includes all Saddam's palaces and all 500 to 600 potential sites or, if Iraq again interferes with U.N. inspectors as they did during the 1990s, this Congress will assuredly give our President authority to use all necessary military force on an expedited basis.

□ 2350

But, Mr. Speaker, we should be marginalizing Saddam Hussein, not marginalizing the United States Congress. We should vote for the alternative resolution that has been made in order, consistent with Senator LEVIN's and Senator BIDEN's approach in the Senate.

Preemptive unilateralism is not what made us the undisputed leader of the free world. Constructive cooperation and resolution, principled leadership is what has made us great and is what should guide us in this profoundly important vote.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), who is a West Pointer, an infantry officer who was trained as a Ranger and paratrooper, and he still serves as a lieutenant colonel in the Army Reserve.

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

Mr. Speaker, on July 29 I joined with my colleagues on the other side to support the resolution that said the President needed to come to the House, make the case, have a vote, and have a debate. That is what we are doing here tonight.

I supported it for three reasons: the constitutional reasons that we would get more information, we could give that information to the country, and we could help unify the international community with this debate. The President has done that by the U.N. speech and provided more information to Members.

I have had many briefings since that time; and with his resolution and the changed resolution, I am now convinced that Iraq has not complied with a ceasefire agreement; has weapons of mass destruction, chemical and biological; is pursuing the nuclear option; has used mass destruction on his own citizens and his neighbors; and al Qaeda operates in Baghdad.

Many people asked for the smoking gun, but the smoking gun is a gun that has already been fired. We cannot allow the use of weapons of mass destruction on our own citizens.

I would like to quote Geoffrey Goldberg's article in the New Yorker Magazine where he says, ''`My uncle said we should go outside,' Nasreen said. We knew there were chemicals in the air. We were getting red eyes, and some of us had liquid coming out of them. We decided to run. Nasreen and her relatives stepped outside gingerly. `Our cow was lying on its side . . . it was breathing very fast, as if it had been running. The leaves were falling off the trees, even though it was spring. The partridge was dead. There were smoke clouds around, clinging to the ground.'''

We cannot allow that to happen in our country. The primary role of the national government is the protection of its citizens. That is what we are doing with this resolution. We are about that work here tonight.

Mr. Speaker, we need to support this resolution. May God bless America.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a member of the Committee on Financial Services.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, clearly, the most painful and difficult and important decision that any of us here in Congress will ever face is the decision to send young men and women to war, knowing, as we all do, that many will be injured, some will die, as will, sadly, but unavoidably, soldiers and civilians in the country we are fighting.

So we have an obligation to think very long and hard and wrestle with many questions, including those that have been raised by a number of my friends and colleagues who oppose this resolution, and to consider those questions before we take that decision.

I wanted to reflect on two questions that have been raised several times today in this debate. First is the question of whether or not Saddam Hussein poses a sufficient and a sufficiently imminent threat to Americans to justify American military action against his regime. Let us consider what we know for facts.

First, we know he has massive stockpiles of chemical weapons, we know he has huge stockpiles of biological weapons, and we know he has full-scale and urgent programs under way to develop nuclear weapons, as well. No one disputes that he has these terrible weapons.

So the next question becomes, well, is there much chance that he would ever consider using them against us? Well, consider this is a regime that has invaded its neighbors without provocation, resulting in untold thousands of deaths; that Saddam Hussein has ordered chemical attacks on Iran, and on more than 40 villages in his own country, resulting in the death of his own people.

In the last year alone, the Iraqi military has fired upon American and British pilots more than 750 times. He has repeatedly expressed his deep hatred of the United States. Also, Iraq is and continues to harbor terrorists and to finance terrorism.

Given his weapons, his history, his threats, and his relationships with known terrorists, my question is, How could we possibly sit back and just wait? The first and most important responsibility of the Federal Government is to protect the lives of our citizens, and the catastrophe that would result if he used weapons of mass destruction on Americans is so great that we simply cannot risk that event.

Now, the President has described Saddam Hussein as presenting a grave and gathering threat. I think he aptly invokes the term that Winston Churchill used in the title of the first volume of his seminal series on the history of World War II, which he called ''The Gathering Storm.''

Hitler and the Nazis were, in the 1930s, a gathering threat; and today Saddam Hussein is a gathering threat, gathering in the sense that it is a growing, accumulating, worsening threat and becoming more and more dangerous as his weapons grow in size and sophistication.

For these reasons, I believe that the threat is sufficient and sufficiently imminent that, should we fail to eliminate that threat, we would be shirking that first and foremost responsibility that we have to protect our fellow citizens.

Others have suggested that, unless we get permission for this action from the U.N., we would basically lack the legal and moral authority to use military force. Mr. Speaker, to that I respond that our Constitution does not delegate to the U.N. responsibility to provide for the common defense of our citizens. That is our responsibility. We would be wrong to abdicate that responsibility.

While I hope that we get a strong resolution from the U.N., and I hope we have a broad international coalition to support this effort, if we cannot get that broad support, our responsibility is to proceed with those allies who will join us.

Still others have suggested that using the Armed Forces to preempt an adversary is without precedent in

American history. That is just factually wrong. On other occasions, including in 1962 when the United States Government imposed a naval blockade of Cuba, it did so to prevent a threat from emerging.

There are many other legitimate questions, Mr. Speaker; and I have tried to evaluate them honestly and dispassionately. The conclusion that I keep coming to is that this is a grave and gathering threat that is simply too dangerous and could result in too many lost American lives, should we ignore it any longer.

We have tried diplomacy, embargoes, inspectors, all forms of political and economic pressure; and all the while the threat has gathered and grown. We cannot afford to wait any longer. Unless Saddam Hussein immediately, completely, openly acknowledges and destroys all of his weapons of mass destruction and allows immediate, unfettered access to really every inch of his country, to weapons inspectors that can operate freely, whenever, wherever, without providing notice, failure to do that means we must achieve this disarmament by force.

That is what this resolution authorizes the President to do. That is why I urge my colleagues to support it.

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

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

Mr. HAYWORTH. Mr. Speaker, I rise tonight in strong support of the resolution; not with joy nor with blood lust nor with a sense of vengeance, but instead, with a clear-eyed analysis of the threat that is presented.

Mr. Speaker, I give thanks for the fact that this debate is occurring not via satellite television from Baghdad, but, as it should, on the floor of the United States House of Representatives, where people of good will and honest conviction can disagree.

In the preceding few minutes, Mr. Speaker, we have heard some embrace a collective multilateralism as the doctrine and seeming salvation of this new century.

□ 0000

There is one major flaw with that notion, and it is expressed in the first action all 435 of us who serve here take when we raise our right hand and take the oath of office. Because, Mr. Speaker, when we do so, we pledge to uphold not the charter of the United Nations but the Constitution of the United States.

Do not mistake the desirability of coalitions. There is a place. They are desirable. Our own Secretary of Defense has told us in this war there will be many different coalitions. There will be those that come to support us out front. There will be others behind closed doors. There will be different ways different nations will show their support.

But, Mr. Speaker, make no mistake, our Founders quite properly, in enumerating the responsibilities of this government in a document of limited and specified powers, first and foremost, we are to provide for the common defense. We do that not by seeking the permission of the Congo or Cameroon or France or Germany. We do that by clearly, unmistakenly, and unashamedly protecting the lives and interests of the American Nation.

Make no mistake, this will not be easy. This will not be pleasant. This war has been thrust upon us when, on a beautiful morning a year and a month ago, innocent Americans were attacked and killed by a regime of terror, a regime that our Commander-in-Chief just informed us last night has had repeated contacts with the government of Iraq.

The dictator of Iraq cares not a whit for the world community, and he certainly cares not for the welfare of American citizens, nor our interests.

Mr. Speaker, it is reluctantly but with a sense of resolute faith that I stand in support of the resolution to protect the American people and to protect the American Nation.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I wanted to see if I could add something to this debate that had not been covered tonight, because I think on both sides of the aisle we have had very articulate arguments. So I have brought with me a book called The Threatening Storm by Mr. Kenneth Pollack. Mr. Pollack was the expert on Iraq in the Clinton administration in both the CIA and at the Security Council, and I would like to read a quick passage about the kind of regime that Saddam Hussein imposes on his own people.

''This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This a regime that will crush all of the bones in the feet of a 2-year-old girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from its mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great creativity. This is a regime that in 2000 decreed that the crime of criticizing the regime, which can be as harmless as suggesting that Saddam's clothing does not match, will be punished by cutting out the offender's tongue. This is a regime that practices systematic rape against its female victims. This is a regime that will drag in a man's wife, daughter or other female relative and repeatedly rape her in front of him. This is a regime that will force a white-hot metal rod into a person's anus or other orifices. This is a regime that employs thalium poisoning, widely considered one of the most excruciating ways to die. This is a regime that will behead a young mother in the street in front of her house and children because her husband was suspected of opposing the regime. This is a regime that used chemical warfare on its own Kurdish citizens, not just on the 15,000 killed and maimed at Halabja but on scores of other villages all across Kurdistan. This is a regime that tested chemical and biological warfare agents on Iranian prisoners of war, using the POWs in controlled experiments to determine the best ways to disperse the agents to inflict the greatest damages.

''This is the fate that awaits thousands of Iraqis each year. The roughest estimates are that over the last 20 years more than 200,000 people have disappeared into Saddam's prison system, never to be heard from again. Hundreds of thousands of others were taken away and, after unforgettable bouts of torture that left them psychologically and often physically mangled, eventually were released or escaped. To give a sense of scale, just the numbers of Iraqis never heard from again would be equivalent to about 2.5 million Americans suffering such a fate.''

Mr. Speaker, not since Hitler and not since Stalin have we seen so much evil delivered by one man. On top of that, these are the least of the reasons why this authorization is needed. This tyrant has amassed a large cache of chemical and biological weapons of mass destruction and is aggressively seeking nuclear weapons. He sees America as the only obstacle to his perverse ambitions, and that is what he shares with al Qaeda, these terrorists against us, this deep hatred for America. We must not let him share anything else with these terrorists, Mr. Speaker.

With that, Mr. Speaker, it is a painful vote, it is a painful subject, it is a painful issue, but this is a cause that we cannot go unanswered. I urge a yes vote, and I urge passage of this resolution.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a member of the Committee on Agriculture.

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

Mr. Speaker, these are times that try our souls. These are decisions that all Members of Congress hope they will never have to make. All of us have in our own way prayed for the wisdom of Solomon.

As the gentleman from Illinois (Mr. HYDE) said earlier in quoting Abraham Lincoln, ''We cannot escape history.''

Our ancestors understood that negotiation alone would not bring freedom or peace to the colonies. Today we stand on the shoulders of the patriots who knew that freedom is not free. Patrick Henry warned that peace could always be purchased at the price of chains and slavery. He closed with, ''Forbid that Almighty God.''

Nearly 64 years ago to this very week, Prime Minister Neville Chamberlain believed that he could reason and negotiate with a despot. He returned from Munich smiling, waving a paper, touting, ''Peace in our time.''

A few days later, a wiser Winston Churchill went to the House of Commons and said, ''Mr. Prime Minister, you have been given the choice between war and dishonor. You have chosen dishonor, and we shall surely have war.''

How much blood? How much treasure could have been spared had we have stopped the despot when all he wanted was liebensprau?

Last year I led a delegation of Members from the House to Northeastern Germany. We toured a small camp near the Baltic called Peenemunde. It was there, understand total secrecy, that the Nazi war machine perfected the lethal buzz bomb rockets that set Great Britain ablaze.

We did not know until after the war that they were also working on nuclear weapons and a multi-stage rocket capable of hitting the United States. Our delegation saw a cartoon drawing on the wall of one of labs that showed these rockets raining down on New York City. We liberated Germany just in the nick of time.

Today our intelligence is far from perfect, but it is much better than it was in 1940. We know that Saddam is rebuilding his arsenal of death. We know that he has used chemical and biological weapons to kill thousands of his own people. We know that he is attempting to acquire nuclear capabilities. We know that he has attacked his Arab neighbors. We know that he plotted the assassination of a former U.S. President. And worst and most sobering, we know that he has repeatedly pledged to lead a holy war against the United States.

For more than a decade the terrorists and the rogue states that harbor them have been at war with the United States. They have killed hundreds of innocents at our embassies in Tanzania and Kenya. We launched a few Scud missiles. They killed dozens of our sailors on the U.S.S. *Cole*. We did little. So September 11 they crossed the ocean and killed thousands.

□ 0010

They crossed the line. They attacked we the people on our home soil. We the people will do everything in our power to make sure that this never happens again. Now the battle is joined.

In many respects the confrontation with Saddam Hussein is an important chapter in ridding the world of the vicious hatred which bred those bloody attacks on American soil. In our bones we all know that sooner or later we will have to lead the effort to confront this despot. The only real question is when. It is once again left to the Americans to liberate Iraq.

We must join together and speak with one voice. We must give our President the authority to make the peace, to free the Iraqi people of this despot and leave to all the children of the world a safer planet. No, we cannot escape history; and history expects no less.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS) who, as a member of the Committee on Government Reform, has done extensive work on the issue of terrorism.

Mr. SHAYS. Mr. Speaker, based on all we have learned during 4 years of hearings by the Committee on Government Reform, Subcommittee on National Security and International Relations, it cannot be disputed, Saddam Hussein had a robust chemical, biological and nuclear weapons program before the Gulf War. He had a robust program after the war. And he ejected United Nations inspectors when we had successfully begun to dismantle his weapons of mass destruction, particularly when we got below the weeds to the real roots, the engineers and scientists who sustain the program.

No credible source, public or classified, has met the burden of proof on Iraq to demonstrate Saddam Hussein has stopped pursuing weapons of mass destruction and disarmed. Having learned the hard lesson that we cannot be defeated in conventional combat, he is more determined than ever to deploy chemical, biological, radiological, and nuclear weapons against us. His support of terrorist groups also means he is likely to deploy these weapons using surrogates.

Some say until Iraq poses an imminent threat to the United States and until he both has a nuclear weapon and threatens to use it, or until we have smoking-gun evidence Saddam Hussein launched the planes into the World Trade Center, we should be content to contain and deter an Iraqi regime openly amassing weapons of mass death.

I could not disagree more. Saddam Hussein will not be deterred, and he will not be contained. Testifying before our committee all three national commissions on terrorism stressed the need for a real-time threat assessment, a new strategy to confront the threat, and a restructured Federal Government to implement the strategy. Containment, deterrence, and mutually assured destruction no longer assure our national security.

Our policy, and the structure of government to carry it out, must be proactive and preemptive.

As a free and open society, we are vulnerable to catastrophic attack by those who see no moral or political ''red line'' to constrain them.

As former Israeli Prime Minister Benjamin Netanyahu reminded us, September 11, 2001, was a wake-up call from hell. We need to wake up. On that day, quaint Cold War doctrines justifying action only against clear and present dangers died with those 3,000 innocents in the World Trade Center, the Pentagon, and Pennsylvania.

The dangers we face may never be clear again. The mere existence of weapons of mass destruction in the hands of despots, tyrants, and terrorists constitutes an imminent threat to our security. That threat must be addressed before it manifests itself full-blown in a smallpox epidemic or a mushroom cloud.

Ironically, only the possibility of unilateral action by the United States will draw our allies into effective multilateral action. So we must maintain the right to act in our sovereign security interests, with our allies whenever we can, alone if we must.

Over the course of 41 hearings and briefings since 1999, our Subcommittee on National Security has learned that weapons of mass destruction proliferation possess a grave threat to the United States.

Iraq is both a producer and potential consumer of illicit weapons and materials. Dr. Hamza, a former head of the Iraqi nuclear program, told us recently Saddam Hussein will never yield access to the scientists who sustain his weapons programs.

Dr. Alibek, former deputy director of the Biopreparat, the civilian arm of the Soviet Union biological weapons program, testified he considered it inevitable biological weapons will fall into terrorist hands.

According to the British Government's recent analysis of Iraq's weapons of mass destruction program and a similar dossier by the respected International Institute for Security Studies, Saddam Hussein need only acquire a core of highly enriched uranium the size of a single softball to become nuclear capable within a matter of months.

With uncertain controls over the weapons grade material in the former Soviet Union, Saddam Hussein has already tried to go shopping for the missing core of his malevolent nuclear aspirations. Lucky for us, he has fallen prey to black market scam and bought atomic junk. But we cannot base our fundamental security on his continued bad luck.

As proposed, U.N. inspections will never succeed in disarming an Iraqi regime determined to hide or reacquire weapons of mass destruction capability. We heard testimony from former UNSCOM inspectors and U.S. nonproliferation experts who concluded nothing short of utterly unfettered, that is anytime, anywhere unannounced, inspections would ever get close to discerning Iraq's true capabilities.

Even then, without a powerful incentive for Iraq to point inspectors in the

right direction, most conclude even those inspections would not guarantee complete disarmament. Only the option of force authorized in this resolution can provide the incentive for the Iraqi regime to step out of the way and allow the civilized world to assert its rights to security and peace.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I represent 81 families who lost loved ones in the attacks of 9–11 and the World Trade Center. I have visited with these families, consoled them, wept with them, and each of them share a common thread.

What I heard from these families over and over and over again was a plea, please do everything in your power to prevent this heartache, this destruction, these attacks from ever happening again.

Today we face a tyrant, a cowardly dictator in Iraq who we know is building an arsenal of biological, chemical and, yes, nuclear weapons; weapons that have the potential to deliver untold destruction upon freedom-loving people, and innocent civilians of the United States are clearly in his sights. He has made no secret of his intent to use these weapons of mass destruction on America or Israel or other allies, just as he has brutally used them on his own people.

Saddam Hussein has lied over and over and over again, deceived the international community and the United Nations for 11 years promising to disarm and to allow inspections, and then betraying our trust and our goodwill. He has clear ties to terrorists and to terrorist organizations like Hamas, Hezbollah and, yes, even al Qaeda. His goal, to kill as many people as possible and to force the civilized world to live in fear.

As we heard from the President of the United States last night, we refuse to live in fear. The cost of action may be high, but I would suggest that the cost of inaction is far, far greater. This is a dire situation, and it calls for action. It calls for good and noble action from freedom-loving people around this Nation and around the world.

Mr. Speaker, I made a promise to the 81 families in my district to take action, to do all in my power to prevent the devastation of terrorist attacks like those we saw on 9–11.

□ 0020

I will keep that promise by voting in favor of this resolution which will authorize the President and administration and the men and women of our Armed Forces to protect the United States from future 9/11s or worse. Diplomatically if we can, but militarily if we must, we all have an obligation to keep our promise to do all we can to protect those we serve; and I will do it by voting for this important resolution. I urge my colleagues to do the same.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODE), a member of the Committee on Appropriations.

Mr. GOODE. Mr. Speaker, I thank the gentleman from California for yielding me this time. I noticed that the clock is ticking past 12, and I shall remember the words of the country preacher who said, blessed be the brief, for they shall be invited back.

I rise to support the resolution to respond to the threat that Iraq poses to us and to most nations of the world. If we adopt this resolution, the position of the President will be strengthened in dealing with foreign nations and those in the Middle East. If we present a strong front and indicate to Saddam Hussein that the United States is resolute in seeing the United States and other nations safe from attack by Iraq, then Iraq may recognize that further stalling and prevaricating are futile and open itself up for unfettered inspections.

Appeasement and ignoring clear violations of past resolutions and agreements does not guarantee peace and safety. It will only lay us open to a sneak assault. As the President said, war should be the last resort.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me the time.

As this greatest of all deliberative bodies debates this resolution tonight, we are confronted with the same questions that every nation, every family, and every individual must answer when deciding matters of monumental proportions.

The first question embodies many avenues of inquiry, and that question is, simply, why? After all, Iraq is half a world away and lacks long-range missile capability. Under normal circumstances that would be a valid reason to withhold action. But we all know that chemical, biological, and even nuclear weapons can be delivered through unconventional methods such as suitcases, trucks and cargo containers.

Secondly, the question, why now? Why authorize force before all diplomatic approaches have been exhausted? Unfortunately, for those who expect the United Nations to resolve this issue, thus far the U.N. has failed miserably. If the U.N. expects to maintain the respect of the United States or any other member nation, it must show that its resolutions mean something.

Why did the U.N. not take action when the weapons inspectors were kicked out of the country? Why has the U.N. not responded to the attacks on our aircraft as they patrol the no-fly zones in Iraq? If the U.N. wants to maintain its relevance and prove that it is more than an international social club, now is the time and this resolution gives it that opportunity.

Some have also insisted that any action on our part must occur only if our allies are with us. That would be nice, but I do not think it is essential. If we are in the right, we should act whether others choose to join us or not.

Throughout this debate both sides have drawn conclusions from the lessons of history. As we attempt to probe the fog of the future, certainly the established facts of the past are relevant; and some of those facts are as follows: Saddam Hussein has refused to abide by the peace agreement that ended the Gulf war. Instead of eliminating weapons, he has continued to build and buy more sophisticated and dangerous ones. Iraq has aided, abetted, and harbored terrorists that intend to harm us or our allies.

How can our future be bright when it is polluted with these alarming facts of history that are consistently being transformed into the realities of the present? The fruit our actions on this resolution may require that they be harvested by our men and women in uniform. That is the reality of a world where old men give speeches while young men wage wars. All of us sincerely pray that force will not be necessary, but those who fail to do what righteousness requires for fear of resistance have sounded the call of retreat before the enemy is engaged.

Mr. Speaker, I support this resolution, for there is another lesson of history that we cannot avoid, and that is that every generation must engage the forces of evil that confront it. We cannot defeat evil by displaying the medals of valor that have been won by our forefathers, nor can we appease evil in the hope that it will behave until our time has passed. So the answers to the questions of why and why not are simple. It is our time and our obligation to make our down payment on our heritage of freedom.

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

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise tonight in support of the joint resolution to authorize the use of military force against Iraq. Mr. Speaker, we are a peaceful Nation, a Nation that wants and promotes peace and a Nation that uses force only as a last option. I believe that the President, my constituents, and the American people do not want to wage war against Iraq. Unfortunately, we face a very real and dangerous situation.

The information the President presented to us confirms that Saddam Hussein has and continues to develop weapons of mass destruction. We have the cold, hard facts; and as a Nation we must now decide how we confront this serious threat. Do we proceed with our eyes wide open, or do we wait until Saddam has uses the weapons of mass destruction, killing thousands of innocent people?

Many people are asking the question why now, why can't we wait? We must remember that Saddam Hussein has repeatedly violated obligations set forth

by the United Nations Security Council, has ignored 16 U.N. Security Council resolutions and diverts money intended to buy food for his people to purchase lethal chemical and biological materials, missile technology and nuclear fission materials.

Why does Saddam need biological and chemical weapons? While we can only guess his intentions, we must not let Saddam and his regime have the opportunity to use his weapons of mass destruction or sell these weapons to a terrorist group. Therefore, the purpose of this joint resolution is to give Saddam and his regime a clear choice: Allow complete and unfettered inspections or face the consequences of military action. It is that simple. If Saddam allows complete and unfettered inspections and we destroy his weapons of mass destruction, then he can avert military action.

Soon a special independent commission will investigate our intelligence lapses that led to the tragic and horrible events of September 11. If we compare the intelligence information we had before September 11 to the volumes of known information we have today about Iraq's weapons of mass destruction capabilities, then the President's case against Iraq is clear and undisputable.

Some still believe that we should take Saddam at his word. That is foolishness. Saddam cannot be trusted. Look at what he agreed to do and what he failed to do. He shoots at our planes, he murders and tortures his own people, and he develops weapons that can only do harm to innocent people.

While I have voted on many important issues, this is the most important vote I will take. I believe the right vote is to support this joint resolution to disarm Iraq. We can no longer allow Saddam to thumb his nose at the U.N., the international community, and at the United States. His madness must end, and we must send a strong message that the world will not tolerate terrorism in any form.

I close by telling you what Lieutenant Colonel Walt Piatt, a constituent of mine from Somerset, Pennsylvania, told me after I visited with him in Afghanistan. Colonel Piatt said the American military strength is not our smart bombs, our state-of-the-art aircraft, or our brave troops. Our support lies in the support and will of the American people.

Let us reflect on Piatt's words, and let us send a message to Saddam that America stands united. We will act if necessary. Vote yes on this resolution and end Saddam's threat to the world and to the American people.

□ 0030

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

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

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

Mr. Speaker, I would like to conclude tonight by noting that we have spoken of chemical weapons of mass destruction, and I would like to bring to my colleagues' attention some of the observations of New Yorker writer Jeffrey Goldberg, who traveled to Northern Iraq, spent quite some time there interviewing hundreds of women now barren, hundreds of people now blind, as a result of chemical attack. As he interviewed the survivors of the attacks on the Kurds, he had some observations that I think we should pay attention to, because during his research he found that a biological agent called aflatoxin had been manufactured.

In 1995, the government of Saddam Hussein admitted to UN weapons inspectors that his scientists had weaponized this deadly biological agent. Aflatoxin is unique, because what it does is it causes liver cancer. It produces it particularly well in children. Weapons inspectors found that Saddam was able to load aflatoxin into two warheads capable of being fitted on to Skud missiles.

Americans need a good sense of who we are dealing with. This is a race against time.

In answer to the question, of all the dictatorships, why this one, we have this answer from the man who interviewed all of these survivors of those chemical attacks. He said, ''Because this is a figure of singular danger. To review,'' he said, ''there is no dictator in power anywhere in the world who has so far in his career invaded two neighboring countries, fired ballistic missiles at the civilians of two other neighboring countries, tried to have assassinated an ex-president of the United States, harbored al Qaeda fugitives, attacked civilians with chemical weapons, attacked the soldiers of an enemy country with chemical weapons, conducted biological weapons experiments on human subjects, committed genocide, and then there is, of course, the matter of the weaponized aflatoxin, a tool of mass murder, a tool of nothing else except mass murder.''

He said, ''I do not know how any thinking person could believe that Saddam Hussein is a run-of-the-mill dictator. No one comes close to matching his extraordinary and variegated record of malevolence.''

So, Saddam Hussein, in his words, is ''uniquely evil, the only ruler in power today and the first one since Hitler to commit chemical genocide.''

''Is that enough of a reason to remove him from power?'' He asked himself that question, and he says, ''I would say yes, if never again is in fact actually to mean never again, because Saddam is a man without any moral limits. That is why it is so important to keep nuclear weapons from his hands.''

Well, the current threat posed by Iraq is not like the Gulf War, and I appreciate that the case for action may not appear as clear-cut to some. A hostile army has not crossed a border, as Saddam's did then; an invaded state has not asked us for help, as Kuwait did.

But the battlefield in the new war on terrorism is not the desert of Iraq and Kuwait. Unfortunately, we must now be concerned with the conniving of a relatively few number of terrorists and the regimes that harbor them.

Today's world, with modern technology, sadly, has been transformed. I have no doubts that the regime of Saddam Hussein, its generals, its intelligence service, scientists and technicians, poses a mortal threat to our country, and we must act.

Finally, I would like to commend the men and women of the U.S. Armed Forces. We hope that they do not have to go into battle against Iraq. We hope to defend Hussein's regime without firing a shot. We hope to disarm him of his chemical, biological and nuclear program.

But if that is not the case, if our troops are dispatched against Iraq, we know that the American people will stand behind the brave Americans wearing the uniform. They have served us well in Afghanistan and in so many other regions of the world, defending our great country and its enduring values. We owe our service men and women and all who have served before a great deal of gratitude.

Mr. SULLIVAN. Mr. Speaker, tonight, an impending threat to our nation and its allies sits ready to strike at a given opportunity. Weapons of mass destruction, both chemical and biological, have been developed and stockpiled. Saddam Hussein, a dictator who has performed unthinkable atrocities, commands the soldiers who could launch them on Israel, on Saudi Arabia or even a city in the United States.

Tonight, as I see it, there is two very different kinds of hope—hope that is reasonable and hope that is not.

Hope that is reasonable understands the consequences of inaction. By preventing a madman addicted to weapons of mass destruction from slaughtering innocent people, we can imagine a new democratically elected government committed to peace and prosperity.

Hope that is not reasonable relies on a dictator who strives for power and destruction to abdicate his authority and allow unconditional searches of his production plants and palaces by the United Nations and the United States.

Hope that is not reasonable thinks that Saddam Hussein will comply with the 16 U.N. Security Council Resolutions that he has defied for more than a decade.

Hope that is not reasonable will trust this murder of innocent lives to stop gassing, intimidating and killing people that live within his countries borders.

Tonight, I rise to encourage my colleagues to provide reasonable hope to the people of Iraq by granting President Bush the authority to take care of the threat posed by Hussein and his regime, either diplomatically or with our armed forces.

This resolution is one of the most important votes each of us will ever cast. I urge support for reasonable hope and encourage my colleagues to pass this resolution.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of H.J. Resolution 114, the Authorization for the Use of Military Force

against Iraq and in strong support of President Bush as he leads our nation in this most dangerous time.

We are here today to debate a resolution which would authorize the United States to sue military force to disarm and possibly remove Saddam Hussein from his tyrannical reign in Iraq. But let's be clear, this vote is about whether we, the United States House of Representatives, supports going to war to stop Saddam Hussein. It means putting our brave young men and women in uniform in harm's way and possibly putting them on the most dangerous of battlefields—one where the enemy may resort to weapons of mass destruction in his final desperate hour.

In deciding on how to vote on this resolution we must debate and answer one question; does the Iraqi regime under Saddam Hussein pose enough of an immediate danger to the United States and peace to warrant going to war to end that danger?

In my opinion, the answer is a resolute but somber yes.

To me, these vital facts stand out in this debate.

First, Saddam Hussein possesses chemical and biological weapons of mass destruction. He has enough anthrax to kill millions of people. Most of his biological stockpile has never been accounted for. He has thousands of tons of chemical weapons to include VX gas, sarin gas, and mustard gas. And we know, as President Bush revealed on Monday, that he is feverishly working to gain nuclear weapons.

Second, Saddam Hussein has a clear history of using weapons of mass destruction. During the Iraq-Iran war in the eighties, he ordered that chemical weapons be used against his enemy on the battle field. He ordered chemical attacks against his own people and tens of thousands of innocent men, women, and children died a horrible death.

Third, Saddam Hussein has unabashedly disregarded the rule of international law and the demands of the United Nations. Since his aggression against Kuwait was stopped in 1991, the Iraqi regime has ignored U.N. resolution after U.N. resolution to disarm. Over a period from 1991 to 1998, the Iraqi regime has lied and deceived in the most systematic way to conceal its collection of weapons of mass destruction. To make matters worse the forces of Saddam Hussein have also aggressively fired on American and British pilots enforcing the United Nation's no-fly zones with the intent to kill over 750 times.

And fourth, and potentially most chilling, Saddam Hussein is working in concert with terrorist organizations around the world including al Qaeda. We know that agents of the Iraqi regime and al Qaeda have held high level contact dating back more than a decade. We know that many al Qaeda members fled Afghanistan and now reside in Iraq. And we know that Saddam Hussein proudly celebrated the terrorist attacks on our Nation on September 11, 2001.

Given Saddam's violent history, the weapons of mass destruction in his possession, his flagrant disregard for the United Nations, and his current association with al Qaeda, the answer to the question I posed earlier is clear. Yes, we must pass this resolution and yes we must be willing to go to war to end the threat from Saddam Hussein once and for all.

It is my hope that the U.N. Security Council will vote to support military action against the Iraqi regime if it does not submit to international rule and allow U.N. inspectors complete and unfettered access to the country. Although I do not hold out hope that Saddam Hussein, given his duplicitous actions of the past, will submit to the United Nation's will to allow U.N. inspectors in his country to find and dismantle all of Iraq's weapons of mass destruction, we must attempt all diplomatic options. I also urge President Bush to continue to work with our allies to build an international coalition in support of any necessary military action. His speech before the United Nations on September 12 of this year laid an excellent groundwork for this coalition.

Mr. Speaker, let me say that I am supremely confident that if it comes to war that our brave young men and women in uniform will grandly succeed and perform to the highest standards of their proud traditions. I am also secure in the leadership of President Bush and his administration and the counsel he will receive from this body.

Let us go forth with this debate in the spirit that good and honest people—including the Members of this House—can disagree, but with the knowledge that in the end should we go to war we are as one. One voice for peace, one voice for defense of our freedom, and one voice for the security of the world.

I strongly urge all my colleagues to support this resolution.

Mr. ISSA. Mr. Speaker, I join my many esteemed colleagues today in support of this resolution authorizing the President to use force against Iraq. This is an historic moment for our country—a moment that should not be taken lightly. This is hopefully the last chapter in a long saga of our country's effort to deal with the threats of Saddam Hussein and his cruel regime. We have already given Saddam every chance to prevent war. We have spent ten years working through multilateral institutions, diplomatic channels, and the United Nations, trying to convince him to change. We have tried using sanctions to control his access to weapons. We have tried sending weapons inspectors into Iraq to find and dismantle his weapons of mass destruction.

Mr. Speaker, none of these efforts have brought any success. On the contrary, Saddam has only continued his brutal oppression of his own people, his weapons of mass destruction programs, and his support for terrorist groups that are committed to attacking America. Over the past ten years, he has made a mockery of the United Nations and multilateral diplomacy. He has systematically undermined United Nations resolutions that were designed to disarm and reform his regime. He threw out weapons inspectors in 1998 and has aggressively rebuilt his weapons of mass destruction programs. And he has targeted America, attempting to assassinate former President George Bush in 1993.

The proverbial ''last straw'' that pushed us to action was when we realized that Saddam could strike us on our home soil just as easily as Osama bin Laden and the Al Qaeda network did on September 11, 2001. We know that Saddam is all too willing to use weapons of mass destruction against his enemies. To hope that he will keep these weapons as ''deterrent'' and never use them is to stick our heads in the sand and ignore over 20 years of history. Mr. Speaker, we have an obligation to defend ourselves in the face of Saddam's threats. We cannot afford to remain silent while our enemies plot their next attack.

We make this decision because we have exhausted all other options. King Solomon, in his wisdom, wrote, ''There is a time for everything: a time to be born and a time to die, a time to kill and a time to heal . . . a time to be silent and a time to speak . . . a time for war and a time for peace.'' Mr. Speaker, now is the time to break our silence, now is the time to finish the process Saddam himself began in 1990. It is time for the United States to use the full force of its military to remove Saddam and give the people of Iraq the opportunity to live in peace and security. I urge my colleagues to support the President during this critical time in our nation's history and to vote in favor of this resolution.

Mr. PITTS. Mr. Speaker, today we are considering a resolution that, without a doubt, weighs heavy on everyone's heart. To cast a vote on whether or not to authorize our President to use military force against an enemy is one of the most important responsibilities we have as Members of Congress.

This is not an easy decision. It is a very complex state of affairs that will have foreign policy and national security implications for many years—beyond the service of many Members here today.

So, we must not simply think about today, but we must also think about what the future holds. With this said, we must look at the big picture. It is a complex picture, but there are several things we do know for sure.

(1) For many years, Saddam Hussein has brutally oppressed his people. He has committed mass murder, mass starvation, and gross violations of human rights.

(2) Saddam Hussein has developed chemical and biological weapons with the capability to attack neighboring countries, like Israel, Jordan, and Saudi Arabia—our allies.

(3) Saddam has already used chemical and biological weapons against his own people and his enemies—we know he is not afraid to use them.

(4) Saddam has vowed to use these weapons against anyone or any country that stands in his way, including the U.S., our allies, and even the Shia population in his own country.

(5) Saddam is seeking nuclear weapons and is not far from obtaining this capability, and

(6) For over a decade, Saddam has routinely disregarded the will of the U.N. and obstructed its weapons inspectors.

I could go on, but the point is clear. Saddam is a tyrant and a madman that poses a direct threat to the United States, our allies, and his own people. His reign of terror must end.

That is why we are here today. And that is why we must pass this resolution and show the international community and Iraq that the United States speaks with a single voice. We should show Saddam and his regime that his days are numbered.

Mr. DAVIS of Florida. Mr. Speaker, as we debate this extremely important resolution, I feel compelled to voice my concerns and those of my constituents who are very uneasy with the way President Bush has presented his case. In the minds of many, President Bush has failed to make a convincing case for using military force against Iraq. Throughout our history, this country has not militarily attacked another nation-state for any other reason except for self defense.

As a member of the House International Relations Committee, I offered an amendment

that would have addressed many of these concerns by making the resolution more narrow and precise in scope. Unfortunately, this amendment was not passed in Committee, and I was not allowed to offer my alternative on the floor today.

Thus, I face what will certainly be the most important vote I will ever cast with a very heavy heart, knowing that my vote could put our men and women in harm's way. While the resolution we are voting on today does not address all of my concerns, it has come a long way since the early days of the Administration rhetoric. Just two months ago, President Bush and his advisors where talking albout using force first, rather than last, and taking unilateral action to facilitate regime change in order to confront an imminent threat from Iraq. While the President has not convinced me that Iraq is a clear and present danger to the security of the United States, today, as reflected in this resolution, the President is committed to working with the United Nations to build a coalition to disarm Saddam Hussein. Furthermore, knowing the historical background of Saddam Hussein, only a resolution that gives the President the credible threat of force will give America and the world a chance to disarm him without engaging in war. Thus, I will support House Joint Resolution 114.

Mr. Speaker, if force proves necessary, we must forge a coalition of other countries supporting and participating with our armed forces to the greatest extent practical. A formidable, multilateral alliance, similar to the one assembled during the Persian Gulf War, is necessary before, during and after the war, and will help continue the momentum in the international war on terrorism. The United States should resolve the situation using all of the political and diplomatic resources at our disposal, keeping in mind that military action is sometimes the only option available.

Although I will support this resolution, I still have a number of concerns: this resolution will give the President broad authority to make war form any reasons well beyond disarming Saddam Hussein of his weapons of mass destruction (WMD), and the resolution's standard to justify going to war is too low.

In an attempt to address this and other concerns, I offered an amendment in the House International Relations Committee, similar to a proposal authored by Senators BIDEN and LUGAR, which makes perfectly clear that the goal of the resolution is disarmament. To that end, the amendment would have limited the President's war-making power by focusing the authorization to use military force on securing the dismantlement of Iraq's weapons of mass destruction, not human rights violations, prisoners of war, or the failure to return property as called for under the resolution we debate today.

In addition, my amendment emphasized the importance of international support and encouraged the President to exhaust diplomatic efforts at the UN, while reserving the right to act unilaterally if the UN fails to approve a new resolution requiring the dismantlement of Iraq's weapons of mass destruction in a timely fashion.

Lastly, the amendment would have raised the standard for justification of going to war by elevating the risk assessment from ''continuing'' to ''grave''. The U.S. faces many continuing risks but they do not warrant the use of military force. By requiring the President to inform Congress that Iraq's weapons of mass destruction pose a ''grave'' risk to the United States, the amendment raised the standard which must be met before placing American men and women in harm's way, something President Bush's resolution fails to do. Remember, President Bush warned that Iraq is a ''grave and gathering'' danger during his excellent speech to the United Nations General Assembly on September 12, 2002.

Unfortunately, as I mentioned earlier, my amendment did not pass the House International Relations Committee and it was not made in order by the Rules Committee.

The authority this Congress is about to give to the President must be used judiciously. After all, war is the ultimate failure of diplomacy. I expect that after this important authority is granted, Congress and the President will closely work together.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to section 3 of House Resolution 574, the Chair postpones further consideration of the joint resolution until the legislative day of Wednesday.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for October 7 and today on account of official business.

Mr. KANJORSKI (at the request of Mr. GEPHARDT) for today until 2:00 p.m. on account of official business in the district.

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

Mr. FERGUSON (at the request of Mr. ARMEY) for today on account of attending a funeral.

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. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

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

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 150. Concurrent resolution welcoming her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes; to the Committee on International Relations.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes a.m.), the House adjourned until today, Wednesday, October 9, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9540. A communication from the President of the United States, transmitting his request to make funds available for the Department of the Treasury's Counterterrrorism Fund; (H. Doc. No. 107—271); to the Committee on Appropriations and ordered to be printed.

9541. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Regulation Z; Truth in Lending [Docket No. R-1130] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9542. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 2002, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

9543. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone [CGD01-02-114] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9544. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA [COTP New Orleans-02-005] (RIN: 2115-AA97) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9545. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Continguous to Waterfront Facilities [USCG-1998-4302] (RIN: 2115-AE22) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9546. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland [CGD05-01-071] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9547. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Shipping; Technical and Conforming Amendments [USCG-2002-13058] (RIN: 2115-AG48) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9548. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Transportation, transmitting the Department's final rule — Safety Zones; Ponce Bay, Tallaboa Bay, and Guayanilla Bay, Puerto Rico and Limetree Bay, St. Croix, U.S. Virgin Islands [COTP San Juan 02-038] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9549. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lapeer, MI [Airspace Docket No. 02-AGL-04] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9550. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tecumseh, MI; Correction [Airspace Docket No. 02-AGL-02] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9551. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Athens, OH [Airspace Docket No. 01-AGL-17] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9552. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airpsace; Zanesville, OH [Airspace Docket No. 02-AGL-12] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9553. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Gasparilla Island Causeway Swingbridge, Gulf Intracoastal Waterway, Boca Grande, Charlotte County, FL [CGD07-02-120] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9555. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2002-SW-11-AD; Amendment 39-12886; AD 2002-19-06] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9556. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 212 Helicopters [Docket No. 2002-SW-28-AD; Amendment 3912885; AD 2002-19-05] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9558. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed C-130A Airplanes, Type Certificated in the Restricted Category [Docket No. 2002-NM-235-AD; Amendment 39-12894; AD 2002-19-14] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9559. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9560. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Certain Airplanes Originally Manufactured by Lockheed [Docket No. 2002-NM-220-AD; Amendment 39-12893; AD 2002-19-13] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 912 F and 912 S Series Reciprocating Engines [Docket No. 2002-NE-18-AD; Amendment 39-12889; AD 2002-19-09] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9562. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9563. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9564. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Marine Inspection Zone and Captain of the Port Zone [CGD01-02-023] (RIN: 2115-AA97) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9565. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Revision to Periodic Tire Check Requirement for Motor Carriers Transporting Hazardous Materials [Docket No. FMCSA-02-13376; Docket No. RSPA-02-12773 (HM-232B)] (RIN 2126-AA74; RIN: 2137-AD69) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9566. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Approval Authority for Contract Actions Pending Resolution of an Agency Protest (RIN: 2700-AC33) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9567. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Broad Agency Announcements (RIN: 2700-AC33) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9568. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Net Value and Pre-Foreclosure Debt Waivers (RIN: 2900-AG20) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9569. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Commission of Capital Crimes (RIN: 2900-AJ77) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9570. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule — Duty-Free Treatment for Certain Beverages Made with Caribbean Rum [T.D. 02-59] (RIN: 1515-AC78) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9571. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Annuities; Certain Proceeds of Endowment and Life Insurance Contracts (Rev. Rul. 2002-62) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9572. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Bureau of Labor Statistics, Department Store Inventory Price Indexes by Department Groups (Rev. Rul. 2002-64) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. SENSENBRENNER: Committee on the Judiciary. H.R. 2037. A bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce; with amendments (Rept. 107–727, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY: Committee of Conference. Conference report on H.R. 3295. A bill to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes (Rept. 107–730). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE 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. SENSENBRENNER: Committee on the Judiciary. H.R. 3758. A bill for the relief of So Hyun Jun (Rept. 107–729). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HANSEN (for himself and Mr. RAHALL):

H.R. 5569. A bill to provide for boundary adjustments and conveyances involving public lands, to protect and enhance National Parks, National Forests, and other public lands, to ensure the availability of water resources, energy, and minerals, to improve wildlife conservation and oceans and fisheries management, to address Native American and insular affairs, and for other purposes; to the Committee on Resources.

By Mr. ABERCROMBIE:

H.R. 5570. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii; to the Committee on Resources.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5571. A bill to clarify the boundaries of the Plum Island Unit of the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. KANJORSKI:

H.R. 5572. A bill to amend the Solid Waste Disposal Act to authorize the Secretary of Housing and Urban Development to guarantee loans to homeowners with properties contaminated by leaking underground storage tanks, to assist such homeowners in moving from such properties on a temporary or permanent basis; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, 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. KING (for himself, Mrs. MALONEY of New York, Mr. BAKER, Mr. BACHUS, Mrs. KELLY, Mr. MASCARA, Mr. SHAYS, Mr. GRUCCI, Mr. ROGERS of Michigan, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. WAMP, Mr. HANSEN, Mr. FOSSELLA, Mr. WALSH, Mr. BLUNT, Mr. BOEHLERT, Mr. WOLF, Mr. FROST, Mr. MCHUGH, Mr. QUINN, Mr. CLYBURN, Mr. MCINNIS, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. PETERSON of Pennsylvania, Mr. BORSKI, Mr. TANCREDO, Mr. POMEROY, Mr. SAXTON, Mr. FOLEY, Mr. HINCHEY, Mr. KENNEDY of Minnesota, Mr. SOUDER, and Mr. SERRANO):

H.R. 5573. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Financial Services.

By Mr. KINGSTON (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. COLLINS, Mr. LINDER, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. BARR of Georgia, Mr. BISHOP, Mr. LEWIS of Georgia, and Ms. MCKINNEY):

H.R. 5574. A bill to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the ''Michael Lee Woodcock Post Office''; to the Committee on Government Reform.

By Mr. KIRK (for himself, Mr. LANGEVIN, Mr. THOMAS, and Mr. PLATTS):

H.R. 5575. A bill to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 5576. A bill to amend title 38, United States Code, to provide for a pilot program to be conducted by the Department of Veterans Affairs to assess the benefits of establishing a nurse preceptor program; to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 5577. A bill to disqualify certain persons from receiving Federal funds; to the Committee on Government Reform.

By Mr. PAUL (for himself, Mr. KINGSTON, and Mr. JONES of North Carolina):

H.R. 5578. A bill to support the domestic shrimping industry by eliminating taxpayer subsidies for certain competitors, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Resources, and International Relations, 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. SHUSTER:

H.R. 5579. A bill to promote rural development, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, 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 Mrs. WILSON of New Mexico (for herself and Mr. PICKERING):

H.R. 5580. A bill to amend title 18, United States Code, to provide mandatory restitution in certain cases, and for other purposes; to the Committee on the Judiciary.

By Mr. WILSON of South Carolina:

H.R. 5581. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.J. Res. 119. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on House Administration.

By Mr. SENSENBRENNER:

H. Con. Res. 503. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215; considered and agreed to.

By Mrs. NAPOLITANO:

H. Con. Res. 504. Concurrent resolution congratulating the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship; to the Committee on Government Reform.

By Mr. HOEKSTRA:

H. Con. Res. 505. Concurrent resolution expressing the sense of the Congress that there should be established a National Safety in Numbers Month; to the Committee on Government Reform.

By Mr. SHUSTER:

H. Con. Res. 506. Concurrent resolution urging the States to include in their driver's license exams at least one question about highway-rail grade crossings safety by fiscal year 2005; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Illinois (for himself, Mr. KIRK, Mr. WELLER, Mr. SHIMKUS, Mrs. BIGGERT, Mr. DAVIS of Illinois, Mr. CRANE, Mr. HYDE, Ms. SCHAKOWSKY, Mr. LAHOOD, Mr. GUTIERREZ, Mr. RUSH, Mr. JACKSON of Illinois, Mr. PHELPS, Mr. COSTELLO, Mr. EVANS, Mr. MANZULLO, Mr. BLAGOJEVICH, Mr. LIPINSKI, and Mr. HASTERT):

H. Res. 575. A resolution honoring Erika Harold, Miss America 2003; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WILSON of South Carolina introduced A bill (H.R. 5582) for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. CRAMER.
H.R. 168: Mr. JEFF MILLER of Florida.
H.R. 488: Mrs. CHRISTENSEN and Mr. LANGEVIN.
H.R. 536: Ms. SOLIS.
H.R. 548: Mr. DOOLEY of California.
H.R. 831: Mr. ENGEL and Mr. WYNN.
H.R. 854: Ms. MCCARTHY of Missouri and Mr. STENHOLM.
H.R. 952: Mr. GOODE.
H.R. 1280: Mr. GREEN of Wisconsin.
H.R. 1307: Mr. SHOWS and Mr. HOEFFEL.
H.R. 1309: Mr. ENGLISH and Mr. GREENWOOD.
H.R. 1331: Mr. GEKAS.
H.R. 1343: Mr. BASS.
H.R. 1509: Mr. BALDACCI.
H.R. 1599: Mr. JEFF MILLER of Florida.
H.R. 1624: Mr. HALL of Texas.
H.R. 1983: Mr. GREEN of Wisconsin.
H.R. 2012: Mr. ISRAEL, Mr. KIND, and Mr. PAUL.
H.R. 2173: Mr. FORD.
H.R. 2353: Mr. RANGEL.
H.R. 2442: Mr. GILLMOR.
H.R. 2717: Mr. CHAMBLISS.
H.R. 2874: Mr. SAWYER and Mr. FOLEY.
H.R. 2908: Mr. DAVIS of Florida.
H.R. 2953: Mr. GALLEGLY.
H.R. 3109: Mr. ROGERS of Michigan.
H.R. 3273: Mr. WICKER.
H.R. 3414: Mr. REYES.
H.R. 3602: Mr. ALLEN, Ms. DELAURO, Mr. STUPAK, Mrs. WILSON of New Mexico, Mrs. THURMAN, Mr. WALDEN of Oregon, Mr. KILDEE, Mr. HOEFFEL, Mr. BOYD, Mr. LUCAS of Kentucky, and Mr. KUCINICH.
H.R. 3794: Mr. TIERNEY.
H.R. 3831: Mr. THUNE.
H.R. 3915: Mrs. CAPPS.
H.R. 4003: Ms. LOFGREN and Mr. FRELINGHUYSEN.
H.R. 4099: Mr. ENGLISH.
H.R. 4483: Ms. BALDWIN and Mr. MICA.
H.R. 4614: Mr. PETERSON of Minnesota.
H.R. 4650: Mr. TANCREDO.
H.R. 4666: Mrs. JO ANN DAVIS of Virginia.
H.R. 4704: Mr. NEAL of Massachusetts.
H.R. 4760: Ms. MILLENDER-MCDONALD, Mr. SANDLIN, and Mr. MENENDEZ.
H.R. 4825: Mrs. MORELLA.
H.R. 4843: Mr. SNYDER, Mr. HOLT, Mr. REHBERG, and Mr. PAYNE.
H.R. 4963: Mr. GUTIERREZ.
H.R. 5104: Mrs. MORELLA, Mr. HASTINGS of Florida, and Ms. WATSON.
H.R. 5211: Mr. KELLER.
H.R. 5227: Mr. SCHAFFER.
H.R. 5250: Mr. CAPUANO and Mr. DIAZ-BALART.
H.R. 5251: Mr. SUNUNU.
H.R. 5252: Mr. GEPHARDT, Ms. PELOSI, Mr. FROST, Ms. DELAURO, Mr. SPRATT, Mr. LAFALCE, Mr. LANTOS, Mr. GEORGE MILLER of

California, Mr. EVANS, Mr. DOGGETT, Mr. POMEROY, Mr. BECERRA, Mr. STARK, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. THURMAN, Mr. DAVIS of Florida, Ms. BALDWIN, Mrs. MCCARTHY of New York, Mr. PALLONE, Mr. PHELPS, Mr. ALLEN, Mr. SHOWS, Mr. HOLDEN, Mrs. CAPPS, Mr. HINOJOSA, Mr. CROWLEY, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. RODRIGUEZ, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. BERKLEY, Mrs. MALONEY of New York, Mr. ANDREWS, Mr. WYNN, MR. FILNER, Mr. MARKEY, Mr. PAYNE, Mr. VISCLOSKY, Mr. RUSH, Ms. BROWN of Florida, Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, Mr. FARR of California, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. PASTOR, Mr. OWENS, Mr. LYNCH, Ms. WATSON, Mr. REYES, Mr. TOWNS, Mr. FRANK, Mr. BERMAN, Ms. KILPATRICK, Ms. WATERS, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. SERRANO, Mr. HINCHEY, Ms. LEE, Mr. HILLIARD, and Ms. MILLENDER-MCDONALD.

H.R. 5293: Ms. MILLENDER-MCDONALD and Mr. EVANS.

H.R. 5300: Mr. HINCHEY.

H.R. 5310: Mr. PLATTS and Mr. SCHAFFER.

H.R. 5311: Mr. PLATTS.

H.R. 5334: Mr. ACKERMAN, Ms. CARSON of Indiana, Mrs. CAPPS, Mr. COYNE, Mr. HAYES, Mr. MARKEY, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Ms. WATSON, Mr. FRANK, Mr. LARSEN of Washington, Mr. SCHIFF, and Mr. LANGEVIN.

H.R. 5359: Mr. CAPUANO.

H.R. 5383: Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. CONYERS, Mr. MCNULTY, and Mr. HOUGHTON.

H.R. 5403: Mr. GEKAS, Mr. KIND, and Mr. DOOLEY of California.

H.R. 5414: Mr. TIBERI.

H.R. 5433: Mr. YOUNG of Alaska.

H.R. 5441: Mr. MCGOVERN.

H.R. 5446: Mr. VITTER.

H.R. 5466: Mr. SOUDER.

H.R. 5471: Mr. FROST, Mr. HALL of Texas, and Ms. BROWN of Florida.

H.R. 5485: Mr. SCHAFFER.

H.R. 5491: Mr. ENGEL, Mr. NADLER, Mr. BACA, and Mr. ABERCROMBIE.

H.R. 5499: Mr. JACKSON of Illinois, Ms. NORTON, Mr. TOWNS, Mr. CUMMINGS, Mr. DAVIS of Illinois, and Ms. KILPATRICK.

H.R. 5503: Mr. DICKS.

H.R. 5533: Mr. SKELTON.

H.R. 5541: Mr. BERRY, Mr. PHELPS, Mr. ISRAEL, Mr. MATSUI, Mr. VISCLOSKY, Mr. HOLDEN, Mr. MCGOVERN, Ms. WATERS, Mr. RUSH, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. PICKERING, Mr. WEXLER, and Mr. NEAL of Massachusetts.

H.J. Res. 93: Mr. DEMINT and Mr. TANCREDO.

H.J. Res. 110: Mr. HILLIARD.

H.J. Res. 114: Mr. GIBBONS, Mr. ISRAEL, Mr. JENKINS, Mr. ROSS, Mr. RYUN of Kansas, Mr. FROST, Mr. BACHUS, Mr. BERMAN, Mr. SCHROCK, Mr. PHELPS, Mr. WILSON of South Carolina, Mr. FORD, Mr. CHAMBLISS, Mr. HOLDEN, Mr. SMITH of Michigan, Mr. MCNULTY, Mr. KOLBE, Mr. STENHOLM, Mr. KELLER, Mr. SANDLIN, Mr. GILMAN, Mr. ACKERMAN, Mr. PORTMAN, Mr. EDWARDS, Mr. TOM DAVIS of Virginia, Mr. ROEMER, Mr. SESSIONS, Mr. LUCAS of Kentucky, Mr. GRUCCI, Mr. HALL of Texas, Mr. BALLENGER, Mr. CRAMER, Mr. SHAYS, Mr. ANDREWS, Mr. YOUNG of Florida, Mr. DOOLEY of California, Mr. COMBEST, Mr. LANTOS, Mr. BOOZMAN, Mr. TURNER, Mr. PICKERING, Mr. FALEOMAVAEGA, Mr. SHADEGG, Mr. DEUTSCH, Mr. GRAHAM, Mrs. NORTHUP, Mr. PENCE, Mr. OSBORNE, Mr. BURTON of Indiana, Mr. ARMEY, Mr. RADANOVICH, Mr. PETERSON of Pennsylvania, Ms. DUNN, Mr. GARY G. MILLER of California, Mr. GILLMOR, Mr. ROHRABACHER, Mr. WATTS of Oklahoma, Mr. CRENSHAW, Mr. BARTON of Texas, Mr. HYDE, Mr. HAYWORTH, Mr. HANSEN, Mr. JEFF MILLER of Florida, Mr. MCCRERY, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. DOOLITTLE, Ms. HART, Mr. SHUSTER, Mr. MCKEON, Mr. RILEY, Mr. OSLEY, Mr. ISSA, Mr. BLUNT, Mr. SKEEN, Mr. SAXTON, Mr. WICKER, Mr. AKIN, Mr. LINDER, Mr. BOEHNER, Mr. CALVERT, Mr. FERGUSON, Mrs. MYRICK, Mr. WELDON of Florida, Mr. DEMINT, Ms. ROS-LEHTINEN, Mr. DAN MILLER of Florida, Mr. FLAKE, Mr. TANCREDO, Mr. THUNE, Mr. SMITH of New Jersey, Mr. KINGSTON, Mr. PITTS, Mr. SWEENEY, Mr. KERNS, Mr. PUTNAM, Mr. LEWIS of California, Ms. PRYCE of Ohio, Mrs. BIGGERT, Mr. CANNON, Mr. EVERETT, Mr. GILCHREST, Mrs. ROUKEMA, Mr. KIRK, Mr. BRADY of Texas, Mr. GANSKE, Mr. MCINNIS, Mrs. CUBIN, Mr. POMBO, Mr. HEFLEY, Mr. COLLINS, Mr. VITTER, Mr. ROYCE, Mr. MCHUGH, Mr. CANTOR, Mr. GALLEGLY, Mr. HORN, Mr. STUMP, Mr. BUYER, Mr. DELAY, Mrs. JO ANN DAVIS of Virginia, Mr. CUNNINGHAM, Mr. FLETCHER, Mr. SIMPSON, Mr. HILLEARY, Mr. DREIER, Mr. THORNBERRY, and Mr. YOUNG of Alaska.

H. Con. Res. 177: Mr. MORAN of Virginia.

H. Con. Res. 406: Mr. KENNEDY of Minnesota.

H. Con. Res. 445: Mr. SMITH of Michigan, Mr. UPTON, Mr. HYDE, Mr. COBLE, and Mr. BLUNT.

H. Con. Res. 466: Mr. SOUDER.

H. Con. Res. 473: Mr. BLUMENAUER.

H. Con. Res. 479: Mr. NEAL of Massachusetts, Mr. ANDREWS, Mr. GRUCCI, Mr. FATTAH, Mr. TOWNS, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Ms. BERKLEY, Mr. ENGLISH Ms. KILPATRICK, Mr. PAYNE, Mr. LANGEVIN, and Mr. MATSUI.

H. Con. Res. 487: Mr. FROST and Mr. UDALL of Colorado.

H. Con. Res. 500: Mr. WATKINS and Mr. AKIN.

H. Con. Res. 502: Mr. SABO, Mrs. NAPOLITANO, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. FOLEY, Mr. PICKERING, Mr. BARRETT, and Mrs. ROUKEMA.

H. Res. 108: Mr. BOEHLERT.

H. Res. 115: Mr. BROWN of Ohio, Mr. ABERCROMBIE, and Ms. NORTON.

H. Res. 532: Ms. CARSON of Indiana.

H. Res. 534: Mr. BROWN of South Carolina.

H. Res. 535: Mr. BROWN of South Carolina.

H. Res. 557: Mr. LIPINSKI and Mr. LANTOS.

H. Res. 565: Mr. CAMP, Mr. LEVIN, and Mr. STUPAK.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, OCTOBER 8, 2002 *No. 131*

Senate

The Senate met at 9 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

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

O God, our refuge and strength, a very present help in trouble, we will not fear! In the midst of these perilous times, we hear Your voice saying, ''Be still and know that I am God, I will be exalted among the Nations, I will be exalted in the earth.'' In response we affirm, ''The Lord of hosts is with us; You are our help and hope.''

Almighty God, as You have intervened to help our Nation in just wars against despots and dictators of history, we ask for Your continuing intervention in the battle against terrorism. Guide the Senators as they further debate the resolution to authorize the use of United States Armed Forces against Iraq. Thank You for the integrity and intentionality the Senators have shown in the debate of this crucial issue. Guide their thinking, bind them together in unity and inspire their vision. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 8, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the minority and majority have full half hours in morning business, so we will not be on the bill until about 5 after 10.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, you will be announcing morning business for an hour. After that, we are going to the resolution. It is open to amendment. We have had five Senators contact our cloakroom—and I will check to see if there have been some who have contacted the Republican cloakroom—wishing specific times to speak. We are going to do our best to accommodate the times. I know committee hearings are taking place, and it is difficult for people to come over this morning. This debate is not going to go on forever, and Senators are going to have to speak when it may not be as convenient for them as some other time. If they wait until after Thursday, there may be no time to speak on this resolution.

I ask Senators to try to find time in their schedules and, as I indicated last night, we will try to work with both staffs to come up with specific times so people are not waiting around. This debate should be in full sway at 10 o'clock. I hope if anyone has amendments to offer, they will do it also at that time or shortly thereafter.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee.

The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself the requisite amount of time to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FBI REFORM

Mr. GRASSLEY. Mr. President, I have addressed the Senate many times on my oversight efforts of the FBI. As my colleagues know, I have been trying to improve the FBI for years. Sometimes that means investigating problems that some people would otherwise rather cover up. But there is nothing like sunshine that fixes what is wrong, particularly in Government.

I do this not because I am against the FBI but because I think the FBI is

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meant to work well and work right so our country is protected. In fact, since September 11, the FBI is on the front line on the domestic war on terrorism. Obviously, the FBI must change to meet that demand. If it does not, we lose the domestic war on terrorism when the people on the front line are not ready to do what needs to be done.

In February, I was addressing the Senate about the FBI reform bill introduced by Chairman LEAHY and myself to help bring more security and accountability to the FBI. I want to highlight that bill.

The bill strengthens the FBI uniformed police, creates an effective polygraph program to detect moles, and establishes an attractive career path for internal security officers. This is important. It has not been that long since probably the worst spy case in FBI history, Robert Hanssen, was uncovered.

For accountability, it ends the double standard in discipline that allows top bureaucrats to escape punishment. This bill gives real whistleblower protections to FBI agents so others, such as Coleen Rowley of Minneapolis, can come forward with the truth, as Director Mueller complimented her as a whistleblower for bringing valuable information to the surface.

I happen to think the Attorney General and the FBI Director are working hard to reform and improve the FBI, but the Leahy-Grassley bill will help ensure that reform really happens. In fact, the Justice Department has even asked us for several provisions that we agreed to put in the bill.

The Judiciary Committee approved this bill unanimously back in April. Since then, this bill has been in limbo. There is now a hold on this bill—one of these secret holds. I do not do secret holds. When I put a hold on a nominee or a bill, I always put a statement in the CONGRESSIONAL RECORD so Senators know it is CHUCK GRASSLEY and why CHUCK GRASSLEY is putting a hold on a bill. It seems we need to put a stop to the backroom squabbles that have brought this hold about and put national security first and help reform the FBI.

A few parts of the bill were luckily included in the Department of Justice reauthorization bill last week. I appreciate that the inspector general's authority to investigate the FBI is now codified, and I am sure the FBI appreciated the help we gave them by including provisions for the uniformed police force.

That is all nice, but the heart of the FBI reform bill was left out, and that heart is more whistleblower protections and ending the double standard in discipline.

I have outlined why this bill is important. Now I think an example I have will help people understand why we need to enact this bill very shortly.

Quite recently, my staff was shown a Tiffany crystal paperweight globe. This globe sells for $100 to $200 but has been valued by experts at more than $5,000. This globe was wrapped in an evidence bag.

What does this have to do with the FBI?

Well, the answer is this globe was stolen from Ground Zero New York City, as you know. I don't think I have to explain how disgraceful that act is.

It is not only illegally taking evidence from a crime scene, but it is stealing from hallowed ground where thousands of people died on September 11. There have already been numbers of prosecutions for removing items from Ground Zero. There is not question then that this act was wrong.

But in this case, I am told that the globe was taken by one or more FBI agents. That is right. I am sorry to say it was taken by FBI agents.

Agents from the Minneapolis Division apparently took it back with them after being on official business at Ground Zero. When they returned, I guess they gave it to a secretary in the office, as if it was some memento from the trip.

This is how I know that: because an FBI agent decided to blow the whistle after her superiors would not do anything about the theft.

The FBI and the Federal Emergency Management Administration Inspectors General have been investigating a Minnesota company for stealing items from Ground Zero and other matters.

Coincidentally, Agent Jane Turner of the Minneapolis office discovered that other FBI agents did the very same thing.

In fact, it was one or more agents from the Evidence Response Team that took the globe. The ERT is supposed to secure and collect evidence at a crime scene. Their job is to preserve the integrity of a crime scene, not take from it and disrupt it.

When Agent Turner told her supervisor about this, he said he already knew about it. It evidently was not that big a deal because he did not do anything about it.

Well, I do think it is a big deal. I think it is outrageous. And I suspect that the loved ones of the 9/11 victims would think this is an outrage.

In New York, the fact is people are working overtime to try and return items like this to the families that once owned them. Maybe some people who work at these scenes think that taking something is OK, like it is a trophy for their hard work, but I do not think so. Most important, it is against the law.

This makes me wonder what else these agents stole, if they were generous enough to give a pricey crystal globe to a secretary.

This is the kind of behavior from a law enforcement agency that could backfire and hurt the case against criminals.

For example, if a company were to do the same thing, steal something from Ground Zero, they might argue in court that the FBI did it, so it must be OK and why can't they get away with it? So taking this from Ground Zero was not only wrong, but it could really hurt prosecutions.

Because Agent Turner could not get an investigation into this matter by the FBI, she had to bring this to my staff and Chairman LEAHY's staff. Because of the severity of the situation, it was decided that she report the situation to the Justice Department Inspector General for a criminal investigation.

Fortunately, Agent Turner was able to recover the globe from the Minnesota office and bring it to the Inspectors General in a sealed evidence bag. The bag was sealed and signed both by Agent Turner and an agent from the FEMA Inspector General office, which is also working the case.

I have also learned of other problems with the FBI Minneapolis office. Apparently, a former FBI agent from that office is using his influence and access to undermine an FBI investigation. This former agent is now a consultant to the subject of an investigation. So he is working against the FBI on a case, but at the same time trying to influence and get information from the FBI with such perks as sideline-access Vikings tickets.

This appears to be a violation of Government ethics rules, a big security problem and conflict of interest. I hope the FBI looks into this problem as well.

What does this have to do with the FBI reform bill? Agent Turner's disclosures to the committee are not protected. The FBI knows they could retaliate.

It is the same thing that happened with Agent Coleen Rowley from Minneapolis. She was involved with the Moussaoui case, and she was not retaliated against because of media attention and Director Mueller's promise.

But that is not going to happen every time. FBI agents cannot always take the risk that comes with blowing the whistle. There has to be protection in the law, and that's what the FBI reform bill does. In the Turner case, Chairman LEAHY and I wrote to the Director asking for his assurance that Agent Turner not get hit with retaliation, but we have not gotten an answer back yet.

This bill also will put an end to the double standard in discipline, where senior officials get away with misconduct and coverups, while rank-and-file agents get punished for the same thing. This hurts the morale of the FBI.

And how do we know about these discipline problems? We know about them because of whistleblowers, patriotic American citizens wanting the law to be abided by.

Agents John Roberts, Frank Perry, Patrick Kiernan, and former agent John Werner all testified about this discipline scandal last summer. This bill is only the first step to fix it, but the bill has not gone anywhere. These

agents stuck their necks out to explain what is wrong with the FBI to Congress and the public. So far the Senate has ignored them, and their careers continue to be at risk.

I know all this might be embarrassing for the FBI, but stealing is wrong, especially from Ground Zero, and there has to be consequences. Heads have to roll. I think the FBI agents in the field around the country do a great job. I have found that the big FBI mistakes over the years usually come from headquarters, not from the grassroots.

In this case, it looks as if there are a few bad apples who did something wrong. And no one wanted to deal with it, so Agent Turner was obligated to blow the whistle. It was her sworn duty as a Federal law enforcement officer.

If we do not have the FBI reform bill, we will not have whistleblowers like Jane Turner and Coleen Rowley who expose these hidden problems that need to be fixed.

Without the bill, agents in the field will still think senior bureaucrats are held to a different standard, so morale suffers.

Without the bill, FBI internal security will not be the best it can be. That means the FBI will be more vulnerable and less effective, and that hurts national security.

This is not about politics. It is about improving the FBI and national security, and about making sure truth, fairness and justice prevail.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. THOMAS. Mr. President, this morning I will make a few comments with regard to the issue that is generally before us and before the country, and that is, of course, where we go with regard to Iraq and Saddam Hussein.

The President did a great job last night. He made very appropriate comments at a very appropriate time. He has discussed in detail the threats we see in Iraq, the threats we see in terrorism, and he has talked about his solution.

There have been questions raised, and properly so, and the President last evening sought to answer those questions, as indeed I think he should.

Why do we need to contain this dictator? I think surely most people understand that. Why do we need to do it now? I suppose that may be one of the most difficult questions for some. Why are we waiting to have allies in the U.N.? Certainly most agree that is something we want. The President covered that very thoroughly, and indicated that is his goal.

Our loss of 3,000 innocent Americans on September 11 makes us aware of why we need to make some changes; that activity in the world has changed. A number of years ago the threats were of landing on barges, flying huge formations of airplanes, with divisions of armed men and women. Now it is not entirely safe, as we found out September 11. We suffer huge damages from one incident. That is difficult to control. Clearly we have a problem.

We must complete our discussion, move forward and make decisions. It is an issue important to everyone, as a Nation, and important to the world. We will be voting on a resolution soon. I suppose there will be amendments to the resolution. The House may or may not come up with the same resolution. Nevertheless, that is the role of the Senate. I hope we deal with it as quickly as we can.

It grants the authority of the President to do what he feels has to be done to deal with this issue. Today we understand the clear and present threat of terrorism being different than in the past. September 11 changed that. We see evidence of these threats around the world.

Our personal safety has changed, as well as our national security. We recognize that. I understand there is reason to debate this issue. People have different views. We need to discuss the commitment of the military in this world. The question of acting unilaterally is a difficult question. That is one alternative.

We need to offer leadership in the world to reduce the risk that exists. The administration has done an excellent job of getting the support of our allies. Not all have signed up. Not all have stood up and raised their hands. Many support what we do now, as in Afghanistan.

Obviously, people have different views. Some are politicized. Some are different, legitimate views. We have to identify what our role should be as a leader in the world. More importantly, we need to protect this country's freedom and protect the freedom of all citizens.

In England, Prime Minister Blair has stepped up. I am sure others will, as well. We need to continue to discuss it. Much of the discussion has already taken place and the decision is ready to be made. Is this a sufficient threat to cause us to commit ourselves? I think so. Should we work through the U.N. with our allies? Of course. That is what the President suggested last night. I heard a fellow Senator this morning saying we should not do anything until the U.N. authorizes it. I hope the U.N. does, and I hope the U.N. is there. They should be. On the other hand, I don't think we ought to be controlled by the U.N. If we find this has to be something we do, we must go ahead.

Our role is to disarm Saddam. Inspectors are an excellent way to do that. But we have to review policy to see they are unrestricted. However, getting inspectors in is not the goal. Disarmament is the goal. Inspectors may be a way to do that. We hope they are. There will be movement in the U.N. The President's talk last night will do a great deal to assist in that regard.

The resolution before the Senate provides for the necessary authority. It pertains to support of diplomatic efforts of the President to strictly enforce the United Nations Security Council resolutions that have been in place for 10 years. That is all we are asking.

We support, in this resolution, action by the Security Council to ensure Iraq abandons its strategy for delay and invasion. The authorization is included. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq, and, number 2, enforce all relevant United Nations Security Council resolutions regarding Iraq. The President makes those determinations and reports to the Congress. He makes available to the Speaker of the House and the President pro tempore his determination that, number one, reliance by the United States on further diplomatic or peaceful means alone either will not adequately protect the national security or will not likely lead to the enforcement of those Security Council resolutions. It makes that determination, and, number 2, determines that acting pursuant to this resolution is consistent with the United States and other countries continuing to take necessary actions against international terrorists, terrorist organizations, including the nations, organizations, and persons planning and authorized to commit or aiding terrorists in the attacks that occurred on September 11.

It is pretty clear what needs to be done. It is appropriate to discuss this. We have discussed it sufficiently. I hope in the next day or two we can complete action. We need a little less talk and more action. The time has come to do that. It is our challenge. It is our responsibility. I hope we can do it in the next several days.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

UNANIMOUS CONSENT REQUEST—S. 724

Mr. BINGAMAN. Mr. President, today, once again, I will rise for the purpose of asking unanimous consent to take up and pass S. 724. I will withhold doing that until Senator NICKLES is able to come to the floor. I understand he wishes to address the issue.

This is a subject I raised last week here in the Senate. S. 724 is the Mothers and Newborns Health Insurance Act of 2001. It was reported by the Senate Finance Committee unanimously in July. It is legislation which was introduced by Senators BOND and BREAUX and would simply give States the option of covering pregnant women in the State Children's Health Insurance Program, or the CHIP program, for the full range of pre- and postpartum care.

This legislation did pass out of the Senate Finance Committee by unanimous vote. It includes language we incorporated in an earlier bill, S. 1016, which was the Start Healthy, Stay Healthy Act of 2001 introduced by me and supported by Senators LUGAR, MCCAIN, CORZINE, LINCOLN, CHAFEE, MILLER, and LANDRIEU, and it provides children with continuous health care coverage throughout the first and most fragile year of life.

According to the Centers for Disease Control, the United States ranks 21st in the world in infant mortality and 26th in the world in maternal mortality. For a nation as wealthy as ours, these statistics are simply unacceptable.

Unfortunately, the regulation the administration issued last week to allow unborn children to be covered by the State Children's Health Insurance Program, or CHIP, leaves pregnant women out of that equation. That is contrary to the clinical guidelines of the American College of Obstetricians and Gynecologists. It is contrary to the guidelines of the American Academy of Pediatrics. Both organizations indicate that the woman and the unborn child need to be treated together.

If you are covering only the fetus, as this regulation that came out last week purports to do, this eliminates important aspects of coverage for women during all the stages of birth, pregnancy, delivery, and postpartum care. The various health services that pregnant women could be denied, without passage of this legislation, were elaborated on the Senate floor earlier. We need to do better by our Nation's mothers than we have done so far. This legislation will do that.

Let me also make it clear, though, that this bill is about children's health. Senator BOND's bill appropriately is called the Mothers and Newborns Health Insurance Act. It is given that title for a very good reason. We all know the importance of an infant's first year of life. Senator BOND's legislation, as amended in our committee, the Finance Committee, provides 12 months of continuous coverage for children after they are born.

Again, the United States ranks 21st in the world in infant mortality. We need to do a better job by our Nation's newborn infants just as we need to do a better job by our Nation's mothers. The rule that was passed last week does provide an option for 12 months continuous enrollment to States, but it makes the time for that 12 months retroactive to the period that the child was in the womb. Therefore, if 9 months of pregnancy were covered, the child would lose coverage in the third month after birth. Potentially lost would be a number of well-baby visits, immunizations, and access to pediatric caregivers.

This legislation, S. 724, which was introduced by Senator BOND, has a large number of bipartisan cosponsors. Senator DASCHLE is a cosponsor. Senator LOTT is a cosponsor. Many others of my colleagues are cosponsors.

Last Wednesday, we tried to pass S. 724 and objections were raised. Senator NICKLES asked a number of questions, and Senator LINCOLN and I prepared some detailed responses. We made several points in those responses. Let me just summarize those.

First, with regard to the cost of this legislation, the bill is almost entirely offset over the first 5 years it would be in existence, and it actually saves money over the 10-year period.

With regard to whether the administration supports the bill, Secretary Thompson has repeatedly expressed support for passage of legislation, including specifically mentioning support for S. 724 and companion legislation in the House. He has done that on two occasions.

With regard to whether the regulation eliminates the need for legislation, the regulation itself notes that it leaves many gaps in coverage that the rule creates, including denials of care for pregnant women through pregnancy, through delivery, and through postpartum care.

With regard to the burden this bill could place on States, the legislation would simply allow States the option to expand coverage to pregnant women through the CHIP program, or not to expand that coverage, as they choose. States that do not wish to expand coverage would not be compelled to do so. The National Governors Association believes all States should have that option. Therefore, the NGA has specific policy in support of expanding options to cover pregnant women through this CHIP program.

I ask unanimous consent to have printed in the RECORD the more detailed response Senator LINCOLN and I sent to Senator NICKLES with respect to the objections and questions he raised on the floor last Wednesday.

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

U.S. SENATE,
Washington, DC, October 4, 2002.

Hon. DON NICKLES,
Assistant Minority Leader,
Capitol, Washington, DC.

DEAR SENATOR NICKLES: On Wednesday, October 2, 2002, we tried to pass by unanimous consent bipartisan legislation by Senators Bond and Breaux, the ''Mothers and Newborns Health Insurance Act'' (S. 724), which passed the Senate Finance Committee in July by unanimous consent. The legislation has a number of bipartisan cosponsors, including Senators Daschle and Lott.

We were unable to proceed with passage of this important legislation to cover pregnant women due to the objection you raised, which, you stated, were based on questions you wanted answered prior to passage. Through this letter and attachment, we have addressed all the issues that you raised. Therefore, we will once again ask for unanimous consent to proceed to passage next week, and we hope we can count on your support.

Thank you for your immediate consideration. The health of many of our nation's mothers and children await this important action by the Senate.

Sincerely,

JEFF BINGAMAN.
BLANCHE L. LINCOLN.

Attachment.

QUESTIONS AND ANSWERS ABOUT S. 724

Question. How much does the bill cost and what is the offset?

The CBO estimate of the pregnant women bill was $611 million over five years and $1.08 billion over 10 years prior to the issuance of the rule. The legislation also uses SSI pre-effectuation reviews as the offset, with a savings of $279 million over 5 years and $1.34 billion over 10 years. Over ten years, there is a net savings to the passage of this legislation.

However, according to the Administration, the cost of their rule is $330 million between fiscal years 2003 and 2007. With that taken into account, the cost of passage of pregnant women coverage would drop to $281 million over five years. As a result, the overall net cost of the bill would be almost nothing over five years and would save money over the 10-year period.

Question. . . . It's just my understanding that Secretary Thompson has promulgated a reg[ulation] which I believe he thinks satisfies a lot of the unmet health care needs of children, including unborn children, and . . . so he supports the reg[ulation] that he's promulgated and is now effective and does not support the legislation which goes far beyond the reg[ulation] that he's just promulgated . . . Maybe he did make a statement that was supportive in March but he may well feel like that was accomplished in the reg[ulation].

Department of Health and Human Services (HHS) Secretary Tommy Thompson has stated repeatedly his support for the passage of legislation to allow states the option to cover the full range of health services to pregnant women through the State Children's Health Insurance Program (SCHIP), and specifically mentioned S. 724 on at least one occasion.

In a statement issued on January 31, 2002, Secretary Thompson praised Senators Bond, Breaux and Collins for ''bipartisan leadership in supporting S. 724, a bill that would allow states to provide prenatal coverage for low-income women through the SCHIP program. We support this legislative effort in this Congress.''

In testimony before the Senate Finance Committee on February 14, 2002, Secretary Thompson expressed support for legislation expanding coverage to pregnant women rather than states having to seek waivers.

In testimony before the House Labor-HHS Appropriations Subcommittee on March 6, 2002, Secretary Thompson said, ''And so, if you can pass the bill [the House companion bill to S. 724 introduced by Representatives Hyde and Lowey], we don't need the rule.'' He added, ''Let's pass the legislation.''

In a letter to Senator Bingaman dated April 12, 2002, Secretary Thompson wrote:

''Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, life-long determinant of health, and we should do everything we can

to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our nation.

''As I testified recently at a hearing held by the Health Subcommittee of the House Energy and Commerce Committee, I also support legislation to expand SCHIP to cover pregnant women. However, because legislation has not moved and because of the importance of prenatal care, I felt it was important to take this action [of issuing regulations].''

Repeatedly, Secretary Thompson has expressed support for legislation over the past year. As to whether he now thinks the rule eliminates the need for legislation, it is important to note that HHS issued a waiver on September 27, 2002, to Colorado requested by Republican Governor Bill Owens to cover pregnant women through SCHIP. The Colorado waiver was issued on the same day the Secretary issued a press release on the rule to allow coverage to ''unborn children'' through SCHIP. As Secretary Thompson is quoted, ''Approved this waiver means that thousands of uninsured women and their babies will be able to get health care coverage.'' This is the third wavier granted by Secretary Thompson to cover not just ''unborn children'' but pregnant women, as previous waivers were given to Rhode Island and New Jersey. Clearly, the Republic Governor of Colorado did not think the rule fully covered their desire to provide coverage to pregnant women.

HHS acknowledges in the regulation that the rule covering ''unborn children'' does not fully cover pregnant women and is in lieu of legislation being passed by Congress to provide care to pregnant women. The regulation also acknowledges that despite the rule that ''there are still gaps'' and that waivers are not a fully acceptable way to address them. As the rule reads:

''This regulation bridges a gap in eligibility between the Medicaid and the SCHIP programs that has now existed for five years. Members of the Congress have also recognized this gap and have introduced various pieces of legislation over the years to address this gap. The opportunity to expand vital health insurance coverage during a critical time is at hand.

''We welcome all of these suggestions for expanding health insurance coverage and indeed States and the Secretary have already used the flexibility in current regulations. However, there are still gaps. We also welcome support for the actions of the Secretary in granting waivers to States . . . But the Secretary's ability to intervene through one mechanism (a wavier) should not be the sole option for States and may in fact be an inferior option. Waivers are discretionary on the part of the Secretary and time limited while State plan amendments are permanent, and are subject to allotment neutrality.''

The rule explains what gaps still exist. For example, the rule highlights what cannot be covered for women via care to ''unborn children.'' If you only are covering the fetus, this eliminates important aspects of coverage for pregnant women during all the stages of a birth—pregnancy, delivery, and postpartum care. Among other things, pregnant women would not be covered during their pregnancy for cancer, medical emergencies, accidents, broken bones, or mental illness. Even life-saving surgery for a mother would appear to be denied coverage.

Further, during delivery, coverage for epidurals is a state option and is justified only if the health of the child is affected. On the other hand, anesthesia is covered for Caesarean sections. The rule would wrongly push women and providers toward performing C-sections to ensure coverage.

And finally, during the postpartum period, women would be denied all health coverage from the moment the child is born. Important care and treatment, including but not limited to the treatment of hemorrhage, infection, episiotomy repair, C-section repair, family planning counseling, treatment of complications after delivery (including, once again, life-saving surgery), and postpartum depression would not be covered.

Question. I'm also going to check with the states, because I also believe this is an expansion of Medicaid, which I know my state is struggling to pay. As a matter of fact, actually reducing payments in some cases in Medicaid because they just don't have the budget. And, our state health director . . . has told us don't increase any new expansions on Medicaid because we can't afford it . . . Pregnant women [are eligible for Medicaid] with incomes less than 185% of poverty . . . and I believe this legislation would take that up to 300%. So, it would make many more people eligible for Medicaid which would also increase the costs to the states, which some states can't afford it.

The legislation provides for an expansion of coverage for pregnant women, at a state option, through the State Children's Health Insurance Program (SCHIP).

As the Committee report (Senate Report 107–233) reads:

''The Committee bill allows states to cover additional pregnant women under SCHIP. The SCHIP expansion group includes pregnant women with family income above the state's Medicaid financial eligibility standard for pregnant women in effect on January 1, 2002, up to the income eligibility for SCHIP children in effect as of January 1, 2002 . . .

''Current federal law enables low-income pregnant women to receive coverage under SCHIP through age 18, but it does not provide such coverage to women ages 19 and above. While states have the ability to add SCHIP coverage for pregnant women over age 18 through Section 1115 waivers, states find this process to be both time-consuming and administratively burdensome. The Committee bill allows states to cover pregnant women through the simpler state plan amendment process. The committee bill also eliminates the disparity in coverage levels between pregnant women and infants that has been created through SCHIP, enabling both mothers and their newborn children to immediately receive health coverage under the program.''

According to the Congressional Research Service (CRS), 38 states and the District of Columbia provide coverage up to 200% of poverty or less. States cannot exceed those levels of coverage through SCHIP beyond the levels of poverty covered for children.

Also, if a state cannot afford an expansion of coverage to additional pregnant women, they do not have to. It is a state option. However, it allows those states that choose to expand coverage to pregnant women to do so without having to seek a waiver, just as the regulation has done for ''unborn children.''

As a result, there is strong support for this legislation from the National Governors' Association. Their policy position (H.R.–15. ''The State Children's Health Insurance Program (S–CHIP) Policy'') expresses strong support for passage of such legislation. As it reads:

''The Governors have a long tradition of expanding coverage options for pregnant women through the Medicaid program. However, pregnant women in working families are not eligible for SCHIP coverage. The Governors call on Congress to create a state option that would allow states to provide health coverage to income-eligible pregnant women under SCHIP. This small shift in federal policy would allow states to provide critical prenatal care and would increase the likelihood that children born to SCHIP mothers would have a healthy start.''

States are partners with the federal government in Medicaid and SCHIP. They are asking for additional state flexibility in coverage options here that should be granted by the passage of S. 724. The ''Mothers and Newborns Health Insurance Act of 2002.''

Mr. BINGAMAN. Mr. President, again, at the appropriate time, once Senator NICKLES has arrived in the Chamber, I will rise once again to seek unanimous consent that we be allowed to bring up and pass S. 724, as passed out of the Finance Committee.

Mr. President, I am informed Senator NICKLES will not be able to come to the floor in the near future. Therefore, I will go ahead and make the unanimous consent request at this time.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 541, S. 724; that the committee substitute be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. Mr. President, on behalf of several of our Members who want to talk, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, I see my colleague from New Jersey is here to speak. He has been a strong supporter of this legislation from the time it was first introduced. I will yield the floor at this time so he may speak.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I, too, rise in support of the efforts about which Senator BINGAMAN was speaking. Senator BOND, Senator LINCOLN, and the Presiding Officer have also been supportive of working to expand the access to prenatal care for pregnant women. I thank all those involved for efforts to pass this legislation.

I have to say I am disappointed we are not able to get this unanimous consent, given the overwhelming support in the Finance Committee. There was unanimous passage there of all the elements Senator BINGAMAN just spoke about with regard to funding. I will speak to it a bit myself.

But this is something that, given our record as a nation, being 21st in the world with regard to deaths of children at birth, just is hard to understand—why we are not taking the steps to address this fact and give those States the flexibility to deal with it.

As I said, I am pleased the Finance Committee unanimously passed the legislation, S. 724, which includes, as the Senator from New Mexico mentioned, the major provisions of legislation we introduced about 18 months

ago called Start Healthy, Stay Healthy. Many of us have been supportive of that legislation.

The bipartisan bill, as it now stands, seeks to expand pregnancy-related care to low-income women who fall above Medicaid eligibility levels. Under this bill, pregnant women would be eligible for the full spectrum of prenatal and postpartum care, as recommended by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

Unfortunately, what many of us believe is noncontroversial legislation is being held up for reasons of which I am not completely certain. There were a number of questions raised last week by the Senator from Oklahoma which have been answered in detail in a letter about which the Senator from New Mexico spoke. But the main objection is that it somehow contradicts a rule published by the Bush administration to expand health insurance to unborn children but not to pregnant women.

Actually, many of us believe this legislation complements the administration's rule and will result in pregnant women receiving more comprehensive pre- and postnatal care, which will clearly result in healthier births and give newborns a better start in life.

Furthermore, S. 724, as amended, guarantees health coverage to children born to eligible women until age 1 regardless of income eligibility. The administration's rule would only guarantee that health care for 3 months of their lives. So we think it does an outstanding job of broadening the coverage to make sure that kids really do start healthy and that they will stay healthy as they go forward in their lives.

The administration has stated that the goal of its new rule is to increase a woman's access to prenatal care. I think all of us applaud that. I certainly do. Why, then, is the woman explicitly left out of that rule? For example, under the administration's rule, it is uncertain whether pregnant women will be offered treatment for ailments that may not be directly related to pregnancy.

For instance, under the administration's rule, a pregnant woman would not be eligible to receive care for cancer, diabetes, medical emergencies, accidents, broken bones, or mental illness. It is also unclear whether or not a woman would be provided certain types of care during delivery. In order to have an epidural covered, for instance, a doctor would have to certify that it was in the best interest of the fetus.

Finally, the rule provides for absolutely no postpregnancy care. Treatment of postpartum complications, including hemorrhaging, infection, and postpartum depression, would be inaccessible to the mother.

These things are hard to put in the context of what is the desire of, I think, most of us to see that there is a good continuum, a good start for our children. I think there are some conflicts that are put in place by the regulations that would be very hard to enforce and could be endangering to both the child and certainly to the mother's health. I think they do not meet the commonsense test.

It contradicts also ACOG's standard of care, which views pregnancy-related care as including prenatal, labor and delivery, and postpartum care. Second, surely we can agree that neglecting the mother's health is not the best way to give a newborn a healthy start in life.

If the administration and Members of Congress are serious about providing meaningful health care to pregnant women and their children, I believe we should support passage of the bipartisan initiative, S. 724. This legislation gives the States the option to enroll low-income pregnant women into their CHIP programs, a proposal that HHS Secretary Thompson has endorsed verbally and in writing many times, which is indicated in the letter Senator BINGAMAN has forwarded to Senator Nickles.

This legislation will provide for all of the care related to the fetus outlined under the administration's rule, but it will also provide full access to prenatal and postpartum health care, other essential health care for pregnant women, and 1 year of continuous coverage for newborns.

Let me be clear, States will still have the option of expanding care to fetuses under the administration's rule. But by passing this legislation, we would also give the States the option of expanding care to pregnant women along the lines of what I talked about earlier.

My own State of New Jersey has already received a waiver from HHS, and a number of other States have; a number are applying. It is actually a very complicated and onerous process to get these waiver procedures in place. I think we ought to make it legislatively appropriate, statutorily appropriate, for all States, so they have the choice of moving in this direction if they so choose.

Every week in our country 8,500 children are born to mothers who lack access to prenatal care. This is one of those areas where insurance coverage can actually be provided and make a big difference, so we do not end up paying more for health care for children who are brought into the world in poor health conditions, who then end up costing society even more because they have had poor prenatal care. Every day we wait to pass this legislation, more children will be born with serious health problems because their mothers cannot afford health care.

I hope we can address this issue. There is strong bipartisan support. I think it is time to move. I very strongly support the efforts of all my colleagues who are pushing for S. 724 and hope we can put the politics aside and vote today to pass this important legislation.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I rise today to speak again on the importance of passing S. 724, the Mothers and Newborns Health Insurance Act, as soon as possible. It is beyond me why in the world we cannot move forward on such a practical piece of legislation. This bill will make a real difference in the health of thousands of low-income women and their babies across our great Nation, not to mention the money it is going to save this Nation, because we all know that for every $1 we invest in prenatal care, we save anywhere from $5 to $6 down the road. It is not only compassionate and good policy, it is also good economics.

Last Wednesday, Senator BINGAMAN asked for unanimous consent to pass this bipartisan bill, but Senator NICKLES from Oklahoma objected. Since then, Senator BINGAMAN and I have sent Senator NICKLES a letter answering the questions he had about this particular legislation.

It is so important Members understand how critically important this piece of legislation is, and that these questions can be answered. With those questions answered, it is my hope that we can pass S. 724 today.

This bill, which we unanimously approved in the Finance Committee, gives States the option. They can simply take the option, if they choose, of covering pregnant women under the State's Children's Health Insurance program. Most importantly, the bill allows coverage for prenatal care, delivery, and postpartum care. These are all complete parts of delivering healthy children. It is not just one opportunity to care for a fetus that is being carried by a woman; it is, more importantly, the opportunity to bring that child into the world healthy. We all know to do that, we must look at the health of the mother in a prenatal situation. We have to look at the delivery, and we also have to look at the postpartum care, which is essential for women to care for and maintain healthy children.

I am so pleased we are joined on the floor by some of our colleagues who work so hard to improve the health of women and children: Senator CORZINE, Senators LANDRIEU and CLINTON are leaders in this area. I am glad they have all been here or will be here to speak. I understand Senator MIKULSKI, Senator FEINSTEIN, and Senator LUGAR have submitted statements for their support of S. 724.

Some of us talk a lot about the importance of process in the Senate. Sometimes it does not translate to our colleagues or friends and constituents out there in the greater part of our Nation. Some of us complain when bills

do not go through the regular process of committee markups and on to the Senate floor. When we are talking about such an important issue, people do understand, when the Senate does not act on something that is this critical to the well-being of their life, particularly to the health of their children.

This bill went through the classic Senate process, as is described in Government textbooks. As Senators BINGAMAN, BOND, and I discussed last week, S. 724 unanimously passed the Finance Committee and is now on the legislative calendar under general orders. Even better, it has strong bipartisan support. Both the majority leader and minority leader have cosponsored it. That is because the idea of ensuring a healthy start in life is a sound policy, it is good fiscal policy, and it is not a partisan issue. I have no earthly idea why we are trying to make it one. If we really care about life, the Senate needs to pass this commonsense bill.

I want to make an important point about the necessity of S. 724 in light of the administration's regulation that provides CHIP coverage to unborn fetuses. This regulation fails to cover the full range of medical services needed by a woman during and after pregnancy. Simply put, it flies in the face of the Guidelines for Prenatal Care Fourth Edition, established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, guidelines that are used by doctors all across our country.

Under the regulation, doctors will not be reimbursed for providing care they are ethically obligated to provide. In the modern practice of obstetrics, postpartum care is absolutely a critical part of the overall care and the treatment the women receive prenatally and during labor and delivery. Postpartum care is essential for any of us who have gone through pregnancies and who have been so blessed to have had good prenatal care, who have seen what it can do in the delivery room, by providing the ability to go through a healthy delivery, and then, when you come out of that delivery, to be blessed and fortunate enough to go home within 2 days with your children because you have had good care. It is so common sense.

It is so positive for everybody concerned: The taxpayers who may be paying the tax bill or the medical bills, for the individual who wants to get off to the right start, the mother who wants to get off to the right start, the child who needs to get off to a healthy start.

We have learned so much about early development in children and what it means later on in life in their ability to succeed and learn, how critical it is they not be in that neonatal unit, but that they can be born healthy, and they can all go home together to start that life off correctly.

We have an opportunity to make a difference in each and every newborn life. There is no excuse that we should not move quickly. With rising medical malpractice rates, particularly for obstetricians and gynecologists, these doctors may simply decide to stop serving CHIP patients. This regulation may become another disincentive for doctors to participate in programs serving our low-income population.

Failing to pass S. 724 leaves doctors choosing between following clinical guidelines which we know, through research, is the most proper care women need; they have to choose between following these clinical guidelines they know and trust or getting paid. These decisions will be especially hard for doctors who serve high-risk women, given the fact postpartum care is even more critical for women who have preexisting medical conditions such as diabetes or hypertension—any of these.

Under the President's order, these women wouldn't get care. They could only care for the unborn fetus they are carrying. It makes no sense whatsoever that the pregnant woman could not even get the care she needed, and the doctor, if giving it ethically, cannot even be reimbursed.

This bill does not overturn the administration's regulation. It simply complements it. It makes the regulation better. It clarifies that doctors will get reimbursed for the clinical care they provide, and it will ensure pregnant women get the full scope of medical care they need.

S. 724 is supported by 25 national organizations, including the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the March of Dimes. Each of these organizations has expressed serious concern with the administration's regulation, and believes this bill is better.

I ask unanimous consent that a complete list of the organizations be printed in the RECORD.

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

Organizations supporting S. 24:
American Association of University Affiliated Programs;
American Academy of Pediatrics;
American College of Nurse Midwives;
American College of Obstetricians & Gynecologists;
American College of Osteopathic Pediatricians;
American Hospital Association;
American Medical Association;
American Osteopathic Association;
American Public Health Association;
Association of Women's Health, Obstetric and Neonatal Nurses;
Association of Maternal and Child Health Programs;
Catholic Health Association;
Council of Women's & Infants' Specialty Hospitals;
Easter Seals;
Family Voices;
Greater New York Hospital Association;
March of Dimes;
National Association of Children's Hospitals;
National Association of Public Hospitals & Health Systems;
National Women's Health Network;
National Association of County & City Health Officials;
Society for Maternal-Fetal Medicine;
Spina Bifida Association of America;
The Alan Guttmacher Institute;
United Cerebral Palsy Associations.

Ms. LINCOLN. Mr. President, I thank my colleagues who have joined me. In the last few days of the session, let us prove to the American people we in the Senate do understand what goes on in their everyday lives, we do care, and we can act in ways that will actually make a difference in their lives; that we won't sit here and talk about process.

This bill has been through every piece of process there is. Let us come together in a partisan way and move forward at least this piece of legislation that will make a difference in not only a child's life, a woman's life, an entire family's life, a community's life, but in this Nation's success.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand several of my colleagues have come to the floor to speak in favor of this piece of legislation Senator LINCOLN is championing so well and appropriately. I rise to take a moment to add my words of support for this very important measure.

I understand the Senator from Missouri will be following me, if possible.

Last year in Louisiana, there were about 67,000 children born. If you think about a medium-sized town, that is like a medium-sized town born every year.

The ACTING PRESIDENT pro tempore. The time of the majority has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 2 minutes.

Mr. REID. Mr. President, that is fine, as long as the minority gets an extra 2 minutes.

Mr. BOND. Reserving the right to object, I did not hear that.

Mr. REID. I said as long as the minority gets an extra 2 minutes.

Mr. BOND. I appreciate that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, 67,000 babies were born in Louisiana last year. It would be most certainly in the interest not only of those particular children and those particular families but the community that reaches out, in the broader sense, to the people of our Nation to make sure those new babies, and their moms who are delivering them, are coming into the world in the healthiest way possible. Not only does that help us across the board in health issues, it helps us because then we are better able to educate those children because they have been born in a healthy manner, we are more able to reach out and prevent all sorts of illnesses and diseases and mental health problems, and save the taxpayers of this country billions of dollars.

So the Senator from Arkansas is so right. The rule proposed in the House falls short. Let us pass this bill that encompasses the health of children and their mothers and give them the prenatal care they need to get these children born healthy for their own benefit and for the benefit of the taxpayers in our Nation.

I thank the Senator from Missouri for his strong leadership on this issue as well.

I yield the floor.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleagues for giving me the opportunity to rise today in support of the unanimous consent request to consider and pass S. 724, the Mothers and Newborns Health Insurance Act of 2001. I believe the bill is essential to the health care of children and pregnant women in America. Thus, I am proud to be an original sponsor of the legislation with Senator BREAUX and Senator COLLINS.

The goal of the legislation is quite simple: To make sure more pregnant women and more children are covered by health insurance so they have access to the health care services they need to be healthy.

This legislation would simply give the States the option and flexibility to cover low-income pregnant women in the State Children's Health Insurance program, which we call SCHIP, for the full range of necessary prenatal, delivery, and postpartum care.

Let me reiterate, this is a choice for the States, should they choose to exercise it. No State, under this bill, is required, or forced, to expand coverage to additional pregnant women. This bill merely provides States the option.

This bill will complement the administration's final rule that allows States to expand SCHIP coverage to an ''unborn child'' by covering additional vital health care services for the pregnant mother that the rule, unfortunately, does not cover.

The rule attempts to treat the unborn child without treating the mother. This approach is in direct conflict with the clinical guidelines set forth by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, which state a pregnant woman and the ''unborn child'' must be treated together. It certainly makes common sense to a layperson, but there is a professional opinion that the two cannot be treated separately.

It is simply counterintuitive to deny coverage for disease management, medical emergencies, accidents, broken bones, mental illness, or surgeries for the mother during pregnancy. Failure to treat the mother in such circumstances will have a direct and profound effect on the health and development of her unborn child.

In addition, under the rule, during delivery, coverage for epidurals is a State option and is justified only if the health of the child is affected. On the other hand, anaesthesia is covered for Caesarean sections. The rule would wrongly push women and providers toward performing more C-sections to ensure coverage for epidurals—a choice which is more expensive and, in most cases, a much harder road to recovery for the mother.

Finally, after delivery, women would be denied all health coverage from the moment the child is born. Important care and treatment, including the treatment of hemorrhage, infection, episiotomy repair, C-section repair, and the treatment of complications after delivery would not be covered.

This bill will work hand in hand with the administration's rule by giving States the flexibility and option to treat the mother and child together and provide the full range of necessary prenatal, delivery, and postpartum care—care which is essential to the health and well-being of both the mother and the baby.

No health care program that ignores this fact can fully address the issue of children's health care. This bill will eliminate the illogical disconnect between pregnant women and babies.

This bill has strong bipartisan support in both the Senate and the House, as well as the endorsement of the National Governors Association and 25 other national organizations, including the March of Dimes, American Academy of Pediatrics, American Public Health Association, National Association of Children's Hospitals, American College of Obstetricians and Gynecologists, and the Catholic Health Association.

In addition, Secretary Thompson, in the past, has voiced his strong support for this legislation.

In fact, in a January 31, 2002, press release on the administration's rule, Secretary Thompson congratulated Senators for ''bipartisan leadership in supporting S. 724, a bill that would allow States to provide prenatal coverage for low-income women through the SCHIP program.'' He went on to say, ''We support this legislative effort in Congress.''

All women need prenatal care. Young or old, first baby or fifth, all mothers-to-be benefit from regular care during pregnancy.

Studies have shown that an uninsured pregnant woman is much less likely to get critical prenatal care that reduces the risk of health problems for both the woman and the child. Babies whose mothers receive no prenatal care or late prenatal care are at-risk for many health problems, including birth defects, premature births, and low birth-weight.

We know prenatal care improves birth outcomes and can save money. According to the National Center for Health Statistics, infants born to mothers who receive no prenatal care or late prenatal care are nearly twice as likely to be low birth weight.

Moreover, low birth weight and preterm births are one of the most expensive reasons for a hospital stay in the United States with hospital charges averaging $50,000—an especially serious financial issue for families without health insurance.

A report by the IOM entitled Health is a Family Matter notes, ''Infants of uninsured women are more likely to die than are those of insured women. In one region of West Virginia, the fetal death rate dropped from 35.4 to 7.0 per 1,000 live births after introduction of a prenatal care program for the uninsured.''

In addition to ensuring better health outcomes, research and state experience suggests that covering pregnant women is a highly successful outreach mechanism for enrolling children.

I thank Senator BINGAMAN for his leadership in the Finance Committee on this issue. With his help, this bill passed the Finance Committee in the beginning of August by unanimous consent.

Madam President, studies have shown time and time again that babies born to mothers receiving late or no prenatal care are more likely to face complications—which results in hospitalization, expensive medical treatments and ultimately increased costs to public programs. We must close the gap in coverage between pregnant mothers and their children to improve the health of both and to address more fully the issue of children's healthcare.

This is crucial legislation, and urge my colleagues to join me in support of it so that we can pass this bill.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my support for immediate passage of the Mothers and Newborns Health Insurance Act of 2001, as reported by the Senate Finance Committee in July.

This important legislation would simply give States the option to provide health insurance coverage to pregnant women under the State Children's Health Insurance Program. Such coverage would include the full range of care, both during pregnancy and postpartum.

This means that a pregnant women would have access to epidurals during the birthing process and any health-related services necessary postpartum. It also means that a pregnant women who has other health conditions, such as diabetes or high blood pressure, would be able to receive treatment for such disorders. Even life saving surgery for a pregnant woman appears to be not covered under the propose rule.

Keeping the mother healthy is not only in her best interest, but clearly in the best interest of the child. Providing a mother with access to health care services could help ensure that her child will have the opportunity to be raised by a healthy mother who will hopefully live a long life.

Additionally, providing the mother with access to health care services during pregnancy could also help eliminate complications during childbirth

and postpartum. This could potentially cut down on health care costs.

Passage of this legislation is particularly important since last week the administration issued a final proposed rule that would give States the option to provide health insurance through SCHIP to a fetus. No mention is made of providing the same coverage to the woman carrying the fetus. Woman are completely left out of the equation. It simply makes no sense to issue a regulation that provides for health insurance for a fetus but not the woman preparing to give birth. In my mind, it makes more sense to simply expand access to prenatal and postpartum care.

In a country as prosperous as the United States, it is disturbing that we still rank 26th in the world in maternal mortality. This could all be avoided if we only did a better job of ensuring that all pregnant women, regardless of their income or status, had access to the full-range of health care services throughout the continuum of their pregnancy.

Currently under SCHIP, only women under the age of 19 are covered for pregnancy-related services. However, what happens to a woman who turns 20 halfway through her pregnancy? A 20-year old woman would not be able to access the same services under current law but would certainly need access to prenatal and postpartum care to ensure a safe pregnancy and maximize the chances of giving birth to a healthy child. This legislation would eliminate this discrepancy.

States can currently apply for a waiver to provide coverage to pregnant women. Many States have applied for such a waiver. The waiver process is often burdensome and timely. Why not just give all States the option to provide such coverage?

HHS Secretary Thompson himself said on March 6, 2002, before the House Labor-HHS Appropriations Subcommittee: ''And so, if you can pass the bill, we don't need the rule. Let's pass the legislation.''

I echo Secretary Thompson's sentiment. In the remaining days of Congress, let's pass this commonsense legislation. It is a good investment. It will help protect our Nation's pregnant women by providing them with access to vital health care services, and will help ensure that our Nation's children are born to healthy mothers who have been given the foundation necessary to lead a long and healthy life.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 45, which the clerk will report.

The assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. I thank the Chair.

Madam President, in a short while, on behalf of a number of colleagues, particularly Senators WARNER, BAYH, MCCAIN, and myself—and I am happy to note the occupant of the Chair, the junior Senator from Louisiana is also a cosponsor with us—we are going to be offering a substitute to the pending business to authorize the use of United States Armed Forces against Iraq.

This is, obviously, a momentous decision. The debate has begun in this Chamber over the last few days. I have watched a lot of it with great interest. It has been carried on with the tone of seriousness and purpose the matter requires. This debate will continue in earnest over the next few days as we, each in our own way, facing our own conscience, considering our values, our sense of history, our understanding of the threat posed by Iraq under Saddam Hussein, will reach a conclusion.

Senators WARNER, BAYH, MCCAIN, and I have reached a conclusion in submitting the resolution. I say for the record this resolution is the result of an open and spirited process of discussion and negotiation between the President of the United States and Members of both parties in both Houses.

The result is a resolution that, in its preamble, states the case against Saddam, the case of the ambitions this brutal dictator has to gain hegemonic control over the Arab world and the oil there; the extraordinary acts of brutality he has committed himself and directed others to commit against his own Iraqi people; his invasions of his neighbors, Iran and Kuwait, which is evidence, prior to the gulf war, of the long-held belief that he has had which is fundamental to the Baath party, which he heads, of rising to dominate the region as a modern-day Saladin and all that it contains.

The resolution records the allied efforts in the gulf war which were triumphant, and the resolutions of the United Nations that followed thereafter as part of the promises Saddam Hussein made to end the gulf war, the most significant of which was to disarm and to allow United Nations inspectors in to guarantee the world that disarmament would occur.

I talked to someone who was in our Government at that time, and they said the presumption was disarmament would occur rapidly and that inspectors might be necessary just to make sure there was not, over time, an attempt to rearm. Of course, it is 11 years after the gulf war ended, and disarmament has never occurred. The United Nations resolutions have been violated repeatedly, and ultimately the inspectors were thrown out in 1998. All of this, and more, is recorded in the preamble section of the resolution we will offer.

Also recorded is the effort the Bush administration is making now to finally convince the United Nations to act, to prove its resolutions are worth more than the paper on which they are printed; that the United Nations Security Council will act to enforce its resolutions, to protect the world from the unique threat represented by Saddam Hussein, an ideology which calls on him to spread out and dominate his region, weapons of mass destruction he has used not once but repeatedly against the Kurdish people who are Iraqi citizens, and against the Iranians in war and his support of terrorism.

There are only seven nations in the world our own State Department lists as state sponsors of terrorism.

Iraq is one of those, and it has supported terrorist groups that have killed Americans. This is a unique circumstance. At different times I know our colleagues have asked: What about the other countries that are on the list of state sponsors of terrorism? What about other nations that have weapons of mass destruction? What about other nations that have aggressive ambitions? Well, there are such nations, but there is no one other nation that brings as much poison and evil intent together and, in that sense, so threatens the United States of America as Iraq.

This resolution, which again is the process of bipartisan and bicameral negotiation with the White House, is explicit. It has taken some clauses out of the original White House proposal and has added some others, but in its most operative sections it says this Congress of the United States authorizes the President to use the Armed Forces of the United States to defend the national security of the United States against the continuing threat posed by Iraq and enforce all relevant United Nations Security Council resolutions regarding Iraq.

There are those who ask: Why now? What is the urgency? My own response, as the President of the United States declared most recently, last night, is: Why not earlier? Why not over the course of the last decade, when Saddam Hussein, to our knowledge, continued to build up his weapons of mass destruction and the most dangerous and threatening means to deliver them on targets near and far, constantly ignoring and violating resolutions of the United Nations, growing more ominous a threat to his neighbors and to the world?

My answer, again, to, why now? is, why not earlier?

Others have said: There has been no provocation. Why are we not waiting for an attack to occur? Well, why, after the devastation of September 11, 2001, would we want to wait until an attack occurs by someone who is clearly arming and threatening us?

This is not, in the classic sense, an act of preemption to authorize the President to take military action against Iraq as a last resort if all else fails. In fact, the United States of America—and the United Nations, for that matter—have been in a continuing military conflict with Iraq since the gulf war began.

We have 7,500 American military personnel dispatched to the region, working alongside their British colleagues to enforce the no-fly zones, costing American taxpayers more than $1 billion a year. This is not safe duty. This is not casual duty. These American Air Force personnel are being fired on repeatedly. More than 400 times this year alone, American and British aircraft have been fired on by Iraqi forces. So this is not an act of preemption. This is an act of response and prevention.

Others have said on this floor that the authorization we are giving the President of the United States is an abrogation of our constitutional responsibilities and is much too broad. I respectfully disagree. It seems to me the Constitution and the Framers have set up attention, attention that they must have understood, to give us, the Members of Congress, the authority to declare war, to essentially authorize war, but they gave one person, the President of the United States, the power to be Commander in Chief to carry out war. Five hundred and thirty-five Members of Congress cannot conduct a war. It is our responsibility to determine when and under what circumstances we will authorize the Commander in Chief to do that, but only the President, as Commander in Chief, can do that.

This resolution we will submit in a few moments strikes exactly the right balance. It gives the President a clear and a strong mandate, but it limits it. It limits it to a defense of the national security of the United States against the continuing threat posed by Iraq, and it authorizes the President to use military force, if necessary, to enforce all relevant United Nations Security Council resolutions regarding Iraq.

For those of us who are sponsoring this resolution, it is based on our conclusion that Iraq is a threat to the security of the American people, a clear and present danger that, if we do not stop Saddam now, we will look back on some terrible day, with a profound sense of remorse and guilt, and say why didn't we do it?

Based on those conclusions, all the evidence I have recited, and so much more that has been recited on this floor and will again be recited, this resolution says: Mr. President, we have decided Iraq is a danger to the United States, we have decided that United Nations Security Council resolutions can no longer be ignored, and we give you the authority, as Commander in Chief, to take it from there.

In closing, with that authority we are giving the President come accountability and responsibility. There are some who have said this is a blank check. Of course if somebody forges a check, they are held accountable, but it is not as if this is a blank check, without accountability, on a bank account that has no limit.

With this resolution—if and when, as I hope, it passes overwhelmingly—we not only give the President the authority to act within the parameters of the resolution, we give him a tremendous and awesome responsibility. It is not a blank check. It is the most serious responsibility the Congress can give the President. As the President himself has made clear over the last several weeks on several occasions, he understands the weight of that responsibility. But he and we, the sponsors of this resolution, understand if we do not authorize him to take this action, the American people may suffer a far worse fate.

It is our intention to lay this resolution down soon. I look forward to the debate. My colleagues and I intend to be in the Chamber to answer questions of our colleagues about these issues.

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

Mr. LIEBERMAN. I am happy to yield for a question.

Mr. MCCAIN. I appreciate the remarks of my friend, their tone, and particularly the content that really lays out the parameters of this debate. I ask my friend from Connecticut: Did the Senator have a chance to hear the President's address to the Nation last night?

Mr. LIEBERMAN. I did.

Mr. MCCAIN. Was it clear to the Senator that the President showed the American people that every option is being explored before a military option is exercised? I ask this question because I hear time and again from many Americans, who either are opposed to any military intervention or have not made up their minds, that they seem not to have confidence that the President is exercising every option. He is coming to Congress to get approval from both Houses of Congress. We have had significant debate, and we will have significant debate.

We are working at the Security Council level. We are making it absolutely clear that tomorrow Saddam Hussein, if he did away with his weapons of mass destruction, destroyed the laboratory and allowed complete and comprehensive inspections, would probably remove the threat he now faces. It is Saddam Hussein who has continued for the last 11 years.

My question to the Senator is, Do you think the President's speech last night went some distance in convincing the American people that neither the President nor the Senator from Connecticut, nor I, nor the Senator from Virginia, nor the Senator from Indiana, choose the military option? We are sending young Americans into harm's way. As successful as this operation may be, we will still lose some brave young Americans' lives. That is the reality. That is why we avoid it at all costs.

As we conduct this debate, we need to talk about the fact that this is not the preferred option for the President of the United States or any Member of this body. This is the last option. We can make the case that it is obvious that Saddam Hussein continues this buildup of weapons of mass destruction, including nuclear weapons. But we are not the ones who are forcing this issue. The President of the United States in this resolution is not forcing the issue. It is Saddam Hussein who is forcing this issue.

We will, as we go through this debate and the conversations at the United Nations Security Council, make sure we have exhausted every possible option. This is a critical factor in getting the American people behind this resolution and behind the President of the United States and behind the men and women in the military.

Mr. LIEBERMAN. I thank the Senator from Arizona for his question. Of course, I agree with the Senator that the President of the United States has made it quite clear that he is asking us for this authority to dispatch our responsibility under the Constitution to give him the power to make war if necessary, but he hopes—and clearly, we hope—that will not be necessary.

I hope this is one of those cases where, as someone once said, the best way to achieve peace is to prepare for war. The best way to achieve compliance by Saddam Hussein with the promises he made at the end of the gulf war is to show that finally we are prepared to go to war once again to enforce those promises he made.

This Nation has been remarkably patient. The fact is, over the last decade or more we and the United Nations have tried just about every other conceivable way, short of war, to get the Iraqis under Saddam Hussein to keep the promises they made and to disarm. We have tried sanctions which have been so difficult because of the way Saddam Hussein has carried them out on the Iraqi people. We have tried inspections. We have tried the Oil for Food Program. We have tried limited military action. None of it has worked to convince this brutal dictator to observe the rule of law and to keep the policies he made.

In one sense, we might say this is the moment of truth for him, the challenge the President has given Saddam Hussein, and that this bipartisan resolution, which I hope and believe will achieve an overwhelming vote of bipartisan support by our colleagues, this resolution finally says to Saddam Hussein: Disarm. We do not want to go to

war against you. Disarm or face war. The danger you represent is so great. We can only hope and pray that message will be heard in Baghdad.

I thank my colleague for the question. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I reiterate what our distinguished colleague from Connecticut has said, what my longtime friend of over 30 years, Senator MCCAIN, just said.

This is the last option. What we are doing in the Senate today, tomorrow, and when that vote comes is to vote our conscience, 100 individuals, to do our very best to deter the use of force but to make it clear that our Constitution has given this President and every President who has preceded him, and every President who will come after, the authority to utilize all the assets of our Nation, principally the men and women of the Armed Forces, to secure our interests and protect our people.

I have been privileged to be a Member of this body nearly a quarter of a century now, and if the good Lord returns me in January, it will mark the 25th year. I cannot recall any moment when I have stood on the floor with a greater sense of humility and pride to be associated with three more courageous individuals than Senator LIEBERMAN, Senator MCCAIN, and Senator BAYH, as we, the four horsemen, work to direct and guide a resolution which the four of us put together with the assistance of the President, through his surrogates, and the leadership of the Senate on both sides of the aisle. It is our best effort to provide leadership to this body which we do so, the four of us, with a great sense of humility.

There is not a day in the life of those who serve in the Senate when politics is not raised. It has been raised with regard to this issue. When Senator MCCAIN and I approached Senator LIEBERMAN in the past few weeks about his interest, Senator LIEBERMAN stood up and said, I want to be counted from the very first.

I remember so well in 1990 and 1991 when I was privileged to work with Senator Dole, Senator MCCAIN, and many others, Senator Dole said: Let us find a partner for the 1991 resolution. This great Senator from Connecticut had just joined the Armed Services Committee. He was, if I may say, a freshman Senator. I said to our leadership on this side: I think there is our man. And the Senator proved to be just that man.

The resolution that the Senator and I and others drew up in 1991 provided the basis for one of the great debates in contemporary times in the Senate, 3 days and 3 nights, culminating in a historic bipartisan vote. By a mere margin of only five votes did the Senate pass and adopt that resolution which gave the President the support of the Senate to follow through with his constitutional responsibilities. That was George Bush, we call him ''old 41,'' President at that time, the father of our President today.

I say to you, Senator, as the history of this institution is written, you will properly take your place in history. You showed courage then, courage now, and not politics.

Last night, we listened carefully to our President as he addressed the Nation to provide the leadership necessary with regard to this very serious issue of Saddam Hussein and eliminating his weapons of mass destruction. Speaking just for myself, but I think it is shared by other Senators, this President has shown remarkable courage. We would not be here today in this debate, we would not be watching the debate in the United Nations on a possible 17th resolution, we would not be seeing our country focusing on this issue, had it not been for George Bush, our President, having the foresight to see the essential need for the United States to lead at this time. Not tomorrow, not the next day, not the next month, not the next year, but now in the effort of the free world to rid Saddam Hussein of the weapons of mass destruction.

We owe a debt of gratitude to that President, who, in clear, forthright, and often soft tones of voice, last night addressed the Nation with the need for action now.

I thank our President. It is important, in my judgment, and, I think, that of the three of my cosponsors, that the Congress and the President speak with one voice on behalf of this Nation—one voice. It is my fervent hope this body will adopt this resolution, the House of Representatives will adopt the identical language which is before the House at this moment, and there be no air, no daylight, no distance perceived by anyone between the Congress and the President—arm in arm, leading the world towards a solution to this problem.

The President, time and time again, made tireless efforts, engaging heads of state and governments throughout the world to join. Now is the time.

We will be visited today by the Secretary of State, who has courageously worked on behalf of the President, with the nations at the United Nations, in framing a resolution which leaves no doubt in the mind of anyone that this Nation and other nations are together for an inspection regime. It will not be like the previous regimes but will have clear directions clearly showing Saddam Hussein now is the time for cooperation, not for thwarting the efforts of the team. Should this resolution be adopted and should they go in, and that is yet to be determined, clearly, the enforceability of their task is with the commitment of the member nations of the union.

More will be said following the four of us as we speak about that resolution. Right now it is being debated largely behind closed doors. But we know enough that our President and our Secretary of State have made it eminently clear past efforts have failed, and if we are to undertake a 17th resolution, it must leave no doubt as to the outcome in terms of enforceability of carrying out that inspection.

The question is raised: Why now? Let's wait and see.

I say with no disrespect to those who raise it, but I say it for my own views, that is sort of: Give Saddam Hussein the benefit of the doubt. I do not find anywhere in the history of that dictator, those facts, that justify—whether it is the Senate, whether it is the House, whether it is the Congress, whether it is the President, whether it is any nation in the world—that this man is entitled to the benefit of the doubt that he will do the right thing now, tomorrow, or in the future. It is now we must act. For those who say take time and wait, then point out what is the cost of waiting; what is the cost of waiting if he were to finish his program. We do not know exactly what is established with this nuclear program.

We know the courage of the Israeli government, I believe it was in 1981, to go in and bomb that plant that was then clearly manufacturing components for nuclear weapons. We have other bits of information from the inspections that took place following the 1991 conflict that he clearly was endeavoring to build a nuclear weapon. More evidence is coming in he is continuing to acquire the raw material, the parts, and the other pieces that are essential to build a nuclear weapon. So there is no doubt he is propelling his nation forward to acquire it. What would be the status of the states in the Middle East, indeed our own Nation, or other parts of the world, if this man, given his past and his proclivity to use poison gas against his own people, to behead those in his own nation who have the courage to disagree with him—what is the cost of waiting?

I say most respectfully to those who want to wait and see and give him the benefit of the doubt, do explain what is the cost if we wait until he acquires not only a nuclear capability but further builds upon the stockpile of weapons of mass destruction in terms of biological and chemical weapons.

This is what the President said last night, very clearly. I would like to read it:

> Approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations, and all nations, that America speaks with one voice and it is determined to make the demands of the civilized world mean something.
>
> Congress will also be sending a message to the dictator in Iraq that his only . . . choice is full compliance, and the time remaining for that choice is limited.

I think that is the persuasive case of why not and not wait for the future.

The President went on to say:

> Some have argued we should wait, and that's an option.

He acknowledged that is a option.

In my view, it's the riskiest of all options, because the longer we wait, the stronger and bolder Saddam Hussein will become. . . .

As Americans, we want peace. We work and sacrifice for peace. But there can be no peace if our security depends on the will and whims of a ruthless and aggressive dictator. I'm not willing to stake one American life on trusting Saddam Hussein.

The American people understand that. They understand that, and I think they will receive with gratitude the action of this body, as we will pass this resolution most assuredly in the days to come.

Last, I will talk about one aspect of the weapons of mass destruction program in response to those who say, What's new? The four of us follow intelligence very carefully because of our respective assignments. But I did not realize until it is now in open literature Saddam Hussein had progressed in his biological infrastructure to the point where he now has his plants on truck beds: One, two, three, four trucks—just like the ones you see every day on the highways of the United States—that can be brought together at, I suppose, any number of places to manufacture biological material. It can be containerized in small vials. Obviously it can be transported, given it is manufactured as trucks move about.

As our President said very carefully last night, that can be placed in the hands of terrorists, the international organizations of terror, and transported to the United States through our open borders of freedom. Those small vials can be released upon communities large and small, and wreak havoc and devastation.

We have seen that on 9/11, a year ago, we are no longer protected by these great oceans, by the friendly nations—to the north, Canada, and our friends to the south. We are a vulnerable Nation. Saddam Hussein has the capability either directly or indirectly to strike us.

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

Mr. WARNER. Last sentence, and then I will yield.

As the President said, that strike could come and we cannot trace the fingerprints.

We are still trying to study who brought the anthrax against the U.S. Senate, the post offices—I reiterate, without fingerprints.

I yield to my friend.

Mr. LIEBERMAN. I thank the Senator from Virginia. May I say first how grateful I am for his kind words towards this Senator. I return them in the fullness of sincerity. One of the great honors and pleasures of the last 14 years has been serving with you, but also getting to know you and considering you a friend. There is not a better person or gentleman or anyone more committed as a patriot to our country than the Senator from Virginia. I am honored once again to be working with him in this cause.

I appreciate what he has just said about the programs of weapons of mass destruction Saddam Hussein has, and particularly these programs of chemical and biological weapons.

I know the Senator has spent some time considering, and I wonder if you might, to the extent you are able to, discuss matters in an open session as to some of the concerns that I know you and I share about the programs that Saddam Hussein's Iraq has now to develop not just ballistic missiles to carry biological and chemical weapons but unmanned aerial vehicles, some of which are quite small and potentially could threaten not only Saddam's neighbors there in the region but potentially could threaten us, the American people, here in the continental United States.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired. Under the order, it was 15 minutes.

Mr. WARNER. Madam President, I ask unanimous consent to extend my remarks for 5 minutes.

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

Mr. WARNER. I say to the Senator, you and I, on the Armed Services Committee—as a matter of fact, several years ago, when I was privileged to be chairman of that committee—initiated a program among all our U.S. services to move more in the direction of unmanned vehicles—aircraft, vehicles on the ground, and in every other way—recognizing the tremendous advantages to that.

The Chairman of the Joint Chiefs of Staff, General Myers, as well as others, recently has said that he is pursuing that program unrelentingly to encapsule in small, sometimes large, unmanned aircraft—just point them in a direction and away they go.

Now, just speaking from my own knowledge, not intelligence, I say to my good friend, there are 1,000 hobby shops in America where anyone—or you can go into catalogs—and you can buy model planes with a 6-foot wing span, and maybe it can carry only a small amount. But sometimes only a small amount of a weapon of mass destruction, if released over a community or otherwise disbursed, depending on the winds, can bring about incredible devastation.

I say to the Senator, you are so right about that particular set of facts. I tell you, America should be on alert. And we should show the support of this Congress behind our President at this time so that we can send that message to the United Nations that this 17th resolution, if in fact it comes into being, has to be the last, the final. Hopefully it will deter any use of force over and above what is necessary to enforce the Resolution No. 17, I will call it.

But again, if Saddam Hussein does not cooperate on No. 17, then it has to be made imminently clear to him that the member nations then have no other recourse but to resort to the use of force, hopefully collectively.

Mr. LIEBERMAN. I thank the Senator. Our colleague from Indiana is waiting to speak, but I want to just very briefly say to you again what you know—and I hope to put some testimony into the RECORD—about the devastating biological weapons that Saddam possesses, some for which we do not have an effective cure or have an effective response.

I hesitate to even say this, but I think to show the seriousness of what we are about, I know there has been a lot of discussion: Does Saddam have nuclear weapons? How soon will he have them? Will it be 10 years or 1 year or 5 years?

But does the Senator agree with me that the biological weapons capacity Saddam has now, if delivered by an unmanned aerial vehicle, could do far more damage—I am talking about death to people—than the kind of primitive nuclear weapon he might have in a year at best, 5 years, 10 years?

In other words, the danger is here. It is clear and present, and it is now.

Mr. WARNER. Madam President, the Senator is so correct in his views. We know not what he might be able to build. Frankly, we do not know a great deal about what he has today by way of nuclear capacity. The best knowledge that is in the open is that he does not have a finished weapon, but we do not know whether it is 6 months, 6 years, or what time it may be.

But that might be a single weapon or maybe two, whereas the biological, in small containers, can be multiplied 100 times over in 100 different locations. Therefore, the tragic death and injury to Americans or others—as a matter of fact, we keep focusing on this Nation. There are other nations that stand at peril to this dictator.

I must conclude to stay within the allocation of time. I say to my friend, I look forward to our further debates on the floor. But I close by saying this vote which we will cast here has to be a vote of conscience, not influenced in any way by political considerations. And above all in our hearts and minds will be the men and women of the Armed Forces who will undoubtedly bear the burden if it is necessary to use force. May God bless them.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4856

Mr. LIEBERMAN. Madam President, if I may seek the indulgence of my colleague from Indiana for just a moment, I am now prepared to send, on his behalf, on behalf of Senator WARNER and Senator MCCAIN, the occupant of the Chair, Senator LANDRIEU, and others, a resolution, an amendment in the nature of a substitute for S.J. Res. 45, which I ask the clerk to call up at this time, and ask that the clerk, for the RECORD, read the names of the initial cosponsors of the resolution.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] for himself, Mr. WARNER, Mr.

BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, and Mr. LOTT, proposes an amendment numbered 4856.

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

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for the Use of Military Force Against Iraq''.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

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

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Mr. LIEBERMAN. I thank the Chair and yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Indiana.

Mr. BAYH. Thank you, Madam President. It is good to be with you today. I am reassured by your presence. And I am grateful for the support of the Senator from Louisiana for our resolution.

It is an honor and privilege for me to join today with my distinguished colleagues, Senator WARNER, Senator MCCAIN, and my good friend, Senator LIEBERMAN, in support of this resolution granting the President of the United States the authority to defend our country.

Madam President, I support this resolution not because I favor a resort to war but because I believe this resolution gives our country the best chance to maintain peace.

I support this resolution not because I favor America acting unilaterally, unless we must, but because I believe this resolution gives us the best opportunity to rally our allies and convince the United Nations to act with us, and in so doing give that international institution meaning for the resolutions that it adopts.

I favor this resolution because in a world where we have rogue regimes possessing weapons of mass death, and suicidal terrorists who are all too eager to use them against us, weapons of that nature in the hands of a regime such as Saddam Hussein's represents an unacceptable risk to the safety and well-being of the American people.

As much as I wish we could ignore this threat, it is my heartfelt conviction that in all conscience we cannot.

Finally, along with my colleagues, I support this resolution because I believe we must learn the terrible lessons from the tragedy of September 11, foremost among which is that we waited too long to address the gathering danger in Afghanistan. If we had acted sooner, perhaps—just perhaps—we could have saved 3,000 innocent lives: men, women, and children. We waited too long to act. Let us not make that mistake again.

Unfortunately, in dealing with Saddam Hussein and the regime of Iraq, we are dealing with a brutal dictator who understands one thing, and one thing only: either the threat of force or the use of force.

We have tried everything else. We have tried economic sanctions for years, to no avail. We have tried diplomacy for over a decade. It has availed us nothing. We do not have the covert means presently to deal with this tyrant. And so as my colleagues have indicated, there is nothing left to us to defend ourselves except an ultimatum to Saddam: Disarm or else.

For those who believe we can remove the weapons of mass destruction from this regime without the credible threat of the use of force, I regrettably must say they are engaged in wishful thinking. It is my heartfelt conviction that the best and only chance we have for a peaceful resolution to this problem, for him to give up these instruments of mass death, is to present him with a credible ultimatum that the survival of his regime depends upon doing so, that any other course of action will lead to his overthrow, and that alone will preserve the peace, the safety, and the security of our country.

I believe this course presents us with the best opportunity to rally our allies and convince the United Nations to act with us. We should make every effort—as Senator MCCAIN indicated in his colloquy with Senator LIEBERMAN and as the President indicated last night—to convince the United Nations and our allies of the justice of our cause. We are stronger when we act together, so we must seek a consensus for this course of action.

Unfortunately, the United Nations has a long history of equivocation when it comes to taking difficult steps to enforce even its own resolutions. Our allies, as much as we cherish their support, also have a mixed record in this regard. Need I remind the Senate that for too long we waited while genocide was perpetrated on the very doorstep of Europe in Bosnia and Kosovo? It was only when the United States of America demonstrated a willingness to take action to bring that lamentable chapter to a conclusion that the United Nations and our allies demonstrated the will to act with us.

It is only through strong leadership, leadership by the United States, that we will preserve the peace, rally our allies, and convince the United Nations to enforce its own resolutions. If these efforts avail us not, it is my heartfelt conviction that weapons of mass death in the hands of a brutal dictator such

as Saddam Hussein, combined with the presence of suicidal terrorist organizations that would all too eagerly use these instruments of mass destruction against us, represent an unacceptable risk for the safety and well-being of the American people.

I hope Saddam will do the right thing. I pray that he will do the right thing and give up these weapons of mass destruction. Regrettably, based upon the track record of his past behavior, I believe he probably will not.

Weapons of mass destruction represent an indispensable part of his power. Saddam Hussein is a megalomaniac who has attempted to project that power around the region. As we all know, he invaded Kuwait. He has invaded Iran. He has launched missiles at Saudi Arabia and Israel. He has killed hundreds of thousands, including tens of thousands of his fellow citizens.

I ask my colleagues to anticipate a world in which we do not act. What will Saddam do? Can there be much doubt that he will attempt to develop the ability to deter our future action by threatening us with the use of weapons of mass destruction? I believe there is not. If he cannot develop this deterrent on his own, I believe there is little doubt he will reach out to al-Qaida or Hezbollah or other international institutions of terrorism to develop a deterrent to threaten us, with unacceptable consequences, if in the future we decide to restrain his aggressive actions.

If there is only a 10-percent chance or a 15-percent chance that weapons of mass death will find their way from Iraq into the hands of suicidal terrorists, I believe this is a risk to the American people that we cannot afford to run.

The world changed forever on September 11. The principal lesson of that tragedy is that America waited too long to address the gathering danger in Afghanistan. We must not make that mistake again.

To those who say, what is the rush? why can't we wait? I respond by asking the question: How long must we wait? Until the missiles have been launched? Until smallpox, anthrax, or VX nerve agent has found its way into our country? Is that how long we should wait?

The consequences of error in this instance are much too great. The deaths next time might not be numbered in the threes of thousands but 30,000 or 300,000.

To respond to the question of my friend from Connecticut, in all likelihood Saddam Hussein possesses smallpox. We are not sure whether he has weaponized it yet. There is a 50/50 proposition. But if he has and if that would find its way into our country, which would not be too difficult to accomplish, the consequences would be catastrophic.

We conducted a simulated exercise of a smallpox attack—I believe it was called Dark Winter—simulating a smallpox outbreak put into a ventilation system in a mall in Oklahoma City. The consequences were catastrophic: Tens of thousands of deaths, hundreds of thousands of illnesses; civil law broke down. These are the kinds of consequences that would be all too real were we to stay our hand.

I remind my colleagues that in a world of imperfect intelligence—and there will always be imperfect intelligence—if we wait, we run the very real risk of having waited too long. We have seen the kind of tragedy to which that can lead.

I ask all of us to consider, if this debate had been conducted 2 years ago and my colleagues and I had laid a resolution upon this desk that said, there is danger brewing in Afghanistan, it threatens the United States of America, we need to take it seriously, and we must act before it is too late, all of the arguments that are being made against the current resolution would also have been made at that time. As we now know, the arguments have all been mistaken. They are mistaken today as well.

To those who say the threat is not imminent, after 9/11, how long can we afford to wait? To those who say regime change is not an appropriate reason for acting, I say weapons of mass destruction and the regime of Saddam Hussein are one and indivisible. To remove weapons of mass destruction, we must remove that regime. To think anything else is to delude ourselves.

For those who believe the United Nations' approval is necessary for our action, I say it is preferential but we cannot afford to give that great body veto power on America's right to defend itself. To those who say we need allied support, I agree. But this is an argument of the chicken and the egg. It is only with American leadership and taking a strong hand in this instance that we will receive the kind of united allied support we seek.

To those who ask the question, What will we do after our victory? I say that is a good question, but can the regime in Iraq be worse? I think not. We could begin to rebuild that country in a way that would provide a positive example to the people of that region about the principles and the ideals upon which America stands.

Our eventual victory in the war against terror will be won as much by the values and the principles we embrace and advocate as by the force of our arms. This gives us an opportunity to put those principles and values into action.

To those who say we must exhaust all of our alternatives before acting, I simply say that we already have. In conclusion, let me summarize by saying this: I and my colleagues support this resolution not because we desire war but because it is our heartfelt conviction that this is the best and only path to preserve the peace. My colleagues and I support this resolution not because we favor the U.S. acting alone, but because we know that, by taking a strong stand, it gives us the best opportunity to garner U.N. support and to rally our allies to our side.

We support this resolution because we believe that the lesson learned, very painfully and so tragically by our country on September 11 of last year, is that we wait in an era of mass terror at our peril. We were mistaken then; let us not be mistaken again. Let us act to protect our country and, in so doing, discharge our constitutional duty. It is my privilege and honor to do so in such esteemed company.

I yield the floor.

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

Mr. BAYH. Yes.

Mr. MCCAIN. The Senator from Indiana indicated to me when we had discussions about this resolution, introduced by Senator LIEBERMAN, Senator WARNER, the Senator, and myself, about the fact that in his home State there is great concern about going to war. In fact, he mentioned to me that was the majority of calls and communications he had with the people of Indiana, which he was privileged to serve as Governor as well as a Senator. In other words, the Senator has a fairly good finger on the pulse of the people he represents. That skepticism was based on what concerns and what led the Senator from Indiana to conclude that it was important for him not only to support this resolution but play a role as a major sponsor of this legislation. I think it is important for the people of this Nation and our colleagues to understand that, since his State is part of the heartland of America, as is Arizona. Many people feel otherwise.

I am very interested in hearing what the Senator from Indiana has viewed as the factors leading him to play such a visible, as well as important, role in this resolution.

Mr. BAYH. I thank my colleague. Our State is known as the crossroads of America. With my colleagues' States, I believe we represent the common sense and wisdom of the American people.

On my visits home, and in communications from constituents, there has been an expression of concern about our present set of circumstances. I must say to my friend that it is a concern that I share.

I did not come easily to the conclusion that we have collectively reached. There is reluctance in my heart, as I know there is in the other Senators', to contemplate the use of force. But I reached the conclusion that we were simply left with no other credible alternative to protect the safety and well-being of the American people.

As you indicated in your colloquy with Senator LIEBERMAN, and as I indicated in my own remarks, and the President spoke to last evening, I hope beyond anything else that this does not come to war; that the use of force will not be necessary. But I also believe that the best chance to achieve that outcome is the credible threat of the use of force. Saddam Hussein responds

to nothing else. If he does not disarm voluntarily—as I hope he will, and we all pray he will—I have also concluded that his possession of weapons of mass death, and the real likelihood that he will develop the capability for using them against us to deter us from restraining him at some future point, or the risk of those weapons—nuclear, biological, chemical weapons—falling into the hands of suicidal terrorists represent too great a risk to our country.

As I tried to outline in my remarks, I believe the principal lesson—and I asked this question to the head of the CIA: What is the principal lesson we learned from 9/11?

He responded directly and said the principal lesson was that we waited too long to address the gathering threat in Afghanistan.

So I am convinced we should act sooner rather than later to defend our country because we have seen the terrible consequences that can result. For all those reasons, I have reached the conclusion that this resolution is necessary.

Mr. MCCAIN. Will the Senator yield for one further question?

Mr. BAYH. Yes.

Mr. MCCAIN. I have one additional question for the Senator from Indiana. He mentioned, as the Senator from Connecticut has and as the Senator from Virginia has, there is great concern about this issue amongst our constituents. Yet I have found in communications with the people of my State, both directly and from being on talk shows and in speeches and things such as that, that the reassurance given to them that we are taking every possible action by going to the Congress of the United States and having this debate on the resolution of approval, which represents the people of this country in both bodies, by going to the Security Council and getting a very important resolution through the Security Council—which has not been achieved yet, but I think is part of the very important part of the process we are going through—I find that people are far more comforted and feel much more supportive in a realization that this is the last option and not the first option.

Perhaps some months ago the impression was created that this was the first option the President wanted to pursue when, clearly, I think he has displayed, by what he is doing and by how he spoke last night, that that is not the case. Has the Senator had that feeling?

The PRESIDING OFFICER. The Senator from Indiana has used 15 minutes.

Mr. MCCAIN. I ask unanimous consent that the Senator from Indiana may respond to the question.

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

Mr. BAYH. Madam President, I would say three things to my colleague. First, I believe he is correct. I think there was an initial impression that our Government had a preference for unilateral action, perhaps without exhausting every other alternative. I do not believe that to be true. We have begun to correct that. I should compliment my colleague from the State of Indiana, Senator LUGAR, who played an important role in convincing the administration to reach out and pursue other alternatives with the U.N. and our allies.

The Senator from Arizona has raised two very good points. When I go home, people say to me: We understand the danger and we wish it didn't have to come to war.

That is a reluctance that I share. My response would be, looking at the brutal nature of his regime, and Saddam Hussein's history, I believe the best chance to remove the weapons, without coming to war, is to present him with a credible ultimatum. That is what we are doing here.

People also say: Senator, we wish we were not in it alone, and that we had the U.N. with us and more allies with us.

As my colleague knows—and I think we share this belief—my strong conviction is that our best chance to gather that support is through strong American leadership. Only then will the U.N. and our allies rally to our side, when we show our own determination.

So the best chance for a peaceful outcome, the best chance for a united front with our allies and with the imprimatur of the U.N., I believe, is by giving a strong hand to the President to present Saddam Hussein with no alternative; and when I have a chance to relay that to the people of Indiana, they understand.

Nobody wants war, but they understand this is the best avenue to avoid that, while also ensuring the security of our country.

Mr. MCCAIN. Madam President, I thank the Senator from Indiana.

One of the reasons why I return to this particular aspect of this issue is, as the Senator from Virginia knows well, or better than I—and others do, too—we once embarked into a conflict that the American people were not well informed on and, over time, they did not support. I believe this debate is important. I respect and admire the views of those who disagree with this resolution, but we will not enter this conflict without it being fully understood by the American people, as to what is at stake and why we are doing it. That is why I continue to go back to this issue of whether our constituents will be satisfied; that if, as a last resort, we enter into a conflict, it will not be because they have not been informed.

Madam President:

> The retention of weapons of mass destruction capabilities is self-evidently the core objective of the [Iraqi] regime, for it has sacrificed all other domestic and foreign policy goals to this singular aim.

So concludes a recent report by the International Institute for Strategic Studies.

I want to repeat that. The International Institute for Strategic Studies said:

> The retention of weapons of mass destruction capabilities is self-evidently the core objective of the [Iraqi] regime, for it has sacrificed all other domestic and foreign policy goals to this singular aim.

The question facing all of us in this body is whether Saddam Hussein's aggressive weapons development in defiance of this gulf war cease-fire in the decade of U.N. Security Council resolutions can stand when the cost of inaction against this gathering threat could be intolerably high.

I am proud to join Senators LIEBERMAN, WARNER, and BAYH in laying down our amendment providing the President the necessary authority to defend the national security of the United States against the continuing threat posed by Iraq and enforce all relevant U.N. Security Council resolutions against Saddam Hussein's regime.

I welcome this debate. I am confident it will result in a resounding vote of support for the President as he moves to confront the threat we face in Iraq. I also believe it will be a powerful signal to the world that the American people are united in their determination to meet and to end this menace.

Our diplomacy at the United Nations will benefit from a strong and bipartisan congressional vote in favor of this resolution. Our enemies will understand that we are united in our resolve to confront the danger posed by a dictator whose possession of the worst weapons and systematic defiance of every norm the civilized world holds dear threaten all who value freedom and law.

Congress has already spoken on this matter. On August 14, 1998, President Clinton signed into law Senate Joint Resolution 54 which declared that ''the Government of Iraq is in material and unacceptable breach of its international obligations'' and urged the President ''to take appropriate action, in accordance with the Constitution and relative laws of the United States, to bring Iraq into compliance with its international obligations.''

On October 31, 1998, then-President Clinton signed into law the 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 in Iraq and to promote the emergence of a domestic government to replace that regime.

That was October 31, 1998, the Iraq Liberation Act signed into law by the President of the United States.

Then, as now, Democrats and Republicans recognized the menace posed by Saddam Hussein's arsenal and his ambitions. Unfortunately, after 4 days of bombing Iraq in Operation Desert Fox in December 1998—4 days of bombing—the United States and the international community effectively walked away from the Iraq problem, freeing Iraq from a weapons inspection regime that, by that time, had become so compromised by Saddam Hussein's intransigence as to be completely ineffective.

Nothing has taken place over the past 4 years, even as a porous sanctions regime and illicit oil revenues have enriched the regime. Over this time, Saddam Hussein's threat to the world has grown without hindrance.

Regrettably, some of the very same permanent members of the Security Council whose vote for a new resolution on Iraq we are now courting actively conspired against rigorous weapons inspections in Iraq during the 1990s, for reasons that had more to do with their narrow commercial interests than with the world's interest in getting rid of the menace posed by Saddam Hussein's weapons of terror.

The threat is not new. Saddam Hussein has been in gross violation of the terms of the cease-fire that ended the Persian Gulf war since that war's end, as a host of United Nations Security Council resolutions passed since 1991 can attest. As The Economist has written:

He has treated inspections as a continuation of the Gulf War by other means.

After years of stymied efforts to enforce the inspections regime, the international community effectively sanctioned Saddam's impunity after it became clear he would never allow intrusive inspections, and once it became apparent to many Americans that the only way to end his defiance was to end his regime. The withering under U.N. Security Council auspices of the international inspections regime over the course of a decade, and Iraq's decision not to even consider renewed inspections only under the threat of force today, make clear that unvarnished faith in the ability of the U.N. Security Council or a new corps of inspectors to disarm Saddam's regime is misplaced.

Over the course of this debate, the Senate will consider amendments that would require Security Council authorization before the United States could act to enforce a decade of Security Council resolutions, and that would narrow the focus of American policy to Iraq's disarmament, rather than against the range of Saddam's offenses against his people and his neighbors and the continuing threat his regime itself poses to American national security.

These debates will be important. I believe the President's position will prevail. Congress cannot foresee the course of this conflict and should not unnecessarily constrain the options open to the President to defeat the threat we have identified in Saddam Hussein. Once Congress acts on a resolution, only the President will have to make the choices, with American forces likely deployed in the region to carry out his orders, that will end the threat Saddam Hussein's weapons and his ambitions pose to the world. Congress should give the President the authority he believes he needs to protect American national security against an often irrational dictator who has demonstrated a history of aggression outside his borders and a willingness to use weapons of mass destruction against all enemies, foreign and domestic.

This is not just another Arab despot, not one of many tyrants who repress their people from within the confines of their countries. As New Yorker writer Jeffrey Goldberg, who recently traveled across northern Iraq, recently wrote in Slate:

There are, of course, many repugnant dictators in the world; a dozen or so in the Middle East alone. But Saddam Hussein is a figure of singular repugnance, and singular danger. To review: there is no dictator in power anywhere in the world who has, so far in his career, invaded two neighboring countries; fired ballistic missiles at the civilians of two other neighboring countries; tried to have assassinated an ex-president of the United States; harbored al Qaeda fugitives . . . ; attacked civilians with chemical weapons; attacked the soldiers of an enemy with chemical weapons; conducted biological weapons experiments on human subjects; committed genocide; and . . . [weaponized] aflotoxin, a tool of mass murder and nothing else. I do not know how any thinking person could believe that Saddam Hussein is a run-of-the-mill dictator. No one else comes close . . . to matching his extraordinary and variegated record of malevolence.

In light of Saddam Hussein's record of aggression, prohibited weapons deployment, and consistent rejection of every international obligation imposed on him, I believe the burden of proof in this debate must rest on those who believe inspections could actually achieve the disarmament of Iraq, rather than on those of us who are deeply skeptical that inspections alone could accomplish our common goal. History shows that we will most likely not disarm Iraq without changing the regime in Baghdad—a regime whose continued existence is predicated on possession of weapons of mass destruction. As arms control experts Gary Milhollin and Kelly Motz have noted:

Unless the Iraqi dictator should suddenly and totally reverse course on arms inspection and everything that goes with it, or be forced into early retirement—in other words, unless Saddam Hussein's Iraq ceases to be Saddam Hussein's Iraq—inspections will never work.

Similarly, given the Security Council's failure to enforce its own article 7 resolutions against Iraq, which are backed by the threat of force and have the sanctity of international law, I believe the burden of proof in this debate must rest on those who can defend the Council's record with regard to Iraq and can convince the rest of us that the Council's judgment, rather than that of our Commander in Chief, should be the final authority on a matter that so directly affects American security.

Important participants in this debate support the President's determination to use military force to bring about Iraq's disarmament but would constrain the President's authority to act against Iraq to uphold Security Council resolutions related to repression within Iraq, Iraq's support for terrorism, and other issues. This approach would limit the President's authority to achieving only Iraq's disarmament and would explicitly oppose a comprehensive challenge to his tyrannical regime. I believe those who hold this view have an obligation to explain why they would constrain the President's authority to use military force in ways he believes would tie his hands and raise unacceptably high the threshold for ordering military action to defend the national security of the United States.

Others will argue that Saddam Hussein can be deterred—that he is a rational actor who understands that acting on his ambitions will threaten his regime. But deterrence has failed utterly in the past. I fail to see how waiting for some unspecified period of time, allowing Saddam's nuclear ambitions to grow unchecked, will ever result in a stable deterrence regime. Not only would deterrence condemn the Iraqi people to more unspeakable tyranny, it would condemn Saddam's neighbors to perpetual instability. And once Iraq's nuclear ambitions are realized, no serious person could expect the Iraqi threat to diminish. Again, the burden in this debate rests on those who believe American policy has actually been successful in containing the threat Saddam's regime poses to the world.

There is no greater responsibility we face as Members of this body than voting to place the country on a course that could send young Americans to war in her defense. All of us must weigh our consciences carefully. Although we may hold different views of how to respond to the threat posed by Saddam Hussein's Iraq, the very fact that we are holding this free debate, and that the fate of nations and peoples other than our own will be determined by the outcome of our actions, serves as a reminder that we are a great Nation, united in freedom's defense, and called once again to make the world safe for freedom's blessings to flourish. The quality of our greatness will determine the character of our response.

I want to again thank my colleagues for the introduction of this resolution. I think it will take place at some time within the next few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I am proud to follow my colleague from Arizona, who has been an outspoken Senator on the issue of our relationship to Iraq and to the current regime, constantly questioning, appropriately so, the role of Saddam Hussein and the risk he presents to our country.

Mr. WARNER. Madam President, if the Senator will yield, I ask for one minute to say to my good friend, Senator MCCAIN, his leadership on this issue, in helping with the drafting of this resolution and working particularly with Senator LIEBERMAN and Senator BAYH, has been invaluable.

I wanted to get into a colloquy with Senator MCCAIN, but I was drawn away

from the floor for a moment. Maybe we will have that colloquy a little later.

Mr. CRAIG. Let me thank the Senator from Virginia for those comments, and certainly thank him for his leadership on this resolution. I also appreciate the leadership of the Senator from Arizona.

I am one of those who early on in August, and into early September, spoke with some degree of hesitation because I thought it was important what is happening today happen; that our country become fully engaged in this debate; and that the President make his case before the world and before the American people. That has happened.

As we know, for more than a decade Saddam Hussein has defied the international community, flagrantly ignoring and violating dozens of U.N. resolutions. Today, intelligence has produced beyond doubt that Saddam Hussein continues to acquire and produce chemical and biological weapons. It is also very apparent this dictator continues his quest to develop nuclear weapons.

Last night, our President made that most important speech to the Nation. Much of what was spoken last night was the reality of the risk. We should make no mistake, the acquiring of weapons of mass destruction by Saddam Hussein is a very clear, imminent, and present danger to the United States, our allies, and to the stability of the Middle East. To do nothing in response to this buildup of weapons and this threat would be irresponsible on the part of our Nation and this body. We cannot sit back and wait on an aggressive act of terrorism to occur and consequently be forced into a position where we must face our fellow Americans and explain a horrific act that could have been prevented. It would be imprudent and irresponsible as a Senator of the United States, who is sworn to protect the freedoms of this great Nation and to defend our fellow countrymen.

In this new century and in a post-9/11 era, it is clear we face a new threat. Unfortunately, this new threat requires a course of action previously not undertaken in order to deter this menace to our freedoms and to our peace. However, we must take this new course to defend our Nation and our allies responsibly and with assurance. Remember, this is a regime that ordered the use of chemical weapons against its own people; invaded two neighbors; committed genocide against more than 50,000 northern Iraqis; drove 2 million refugees into neighboring countries; launched ballistic missiles into different countries; destroyed over 4,000 villages in Iraq, and on a daily basis fires at U.S. and coalition aircraft patrolling the United Nations no-fly zones.

As a matter of fact, since the year 2000, Iraq has fired upon U.S. and British aircraft over 1,600 times. This year alone, Iraq has fired on the United States and Great Britain 406 times. These acts are the tip of the iceberg of a long list of violations as Saddam Hussein attempts to provoke the United States and her allies. As a result, it is clear and evident we have a moral obligation to the international community to halt further threats and attacks by this dictator. Since September 11, 2001, many in Congress have asked the question: Why did the events of this day, September 11, 2001, occur? And more importantly, how could these tragedies have been prevented?

Let me say that again. Many Senators, and I am one of them, have asked how September 11 could have been prevented.

As the goal of congressional investigations into our intelligence communities is aimed at preventing these incidents in the future, so, too, is the opportunity before us to prevent attacks by a rogue regime. In the future, I am certain no Senator wants to be placed in the position where we will have to call an investigation and ask why a tragedy has occurred at the hands of Saddam Hussein, and why it was not prevented when we knew it could happen and we had the opportunity to do something about it.

In order to avoid an ugly predicament, the option of prevention is in place today. Today we must ask ourselves, In the future, do we want, once again, to pose the same question that has now haunted us for over a year? When the civilian population of our country becomes the target instead of our men and women in uniform, then an offensive role of foreign policy is demanded over what I believe is currently a defensive or a reactionary form of foreign policy.

Since World War II, the United States has been the leader of the international world. We have made decisions, taken calculated risks, and engaged ourselves where no other nation would. However, at the end of the day, we have always led and/or brought along our allies. Once again, it is now evident the time is here for the United States to lead. It is prudent for our allies to follow. I believe most of them know that.

Had we known the events of last year were going to occur, we would have made every effort to stop them, to save the loss of thousands of American lives. I am certain the people of this Nation and this body would have called for and demanded all types of preemptive actions to stop the atrocities instead of, as we did, helplessly watching them occur. We were locked in what I believe was a post-cold war mindset that, in part, denied the obvious and rested on the false premise it just simply could not happen in this country.

Like previous warning signs seen throughout history, we are again witnessing the ominous warnings that Saddam Hussein intends to threaten the Middle East region of the world and the United States. In light of this, I cannot sit back, in good conscience, and wait for Saddam Hussein to improve his weapons of mass destruction before he occupies and threatens foreign countries, or worse, harms Americans and American interests and American friends.

As a free and democratic Nation, we have a responsibility that requires a thoughtful, open approach. As we embark on a new path to defend this Nation currently, we are, as the President did last night and, of course, a few weeks ago, addressing the United Nations, consulting with Congress and now working with and having had the resolution just presented to the Congress, forced or helped produce the debate in the Senate. It is evident by this process and by the steps taken, any decision we make will not be in haste. I am confident the manner in which our citizens will be informed will set a new precedent for future Congresses and for future administrations.

This body, this Nation, and this President are methodically weighing the options on the table and assessing the threats we face. We have to include we want and need international support. Fortunately, we currently have the support of some of our closest allies. I do not want to stray from working with the United Nations, of course. We will work with them, and we are. Right now, Colin Powell is pursuing a new resolution out of the Security Council. At the same time, I recognize in the end, in the defense of this Nation, it is the responsibility of this President and of this Congress to make sure that happens. It is critically important that in the end, if you abide by the concept written in the book, ''The Law of Nations,'' then we have no recourse but to act ourselves, if we believe a failure to act would cost lives, put our freedoms at risk, and put our citizens at risk.

While Article 51 of the United Nations charter is not so clearly defined, we have seen in recent history preemptive action taken by nations that were upheld by the U.N. For example, in 1962, President Kennedy took preemptive measures during the Cuban missile crisis by swiftly imposing a naval quarantine on Cuba to halt the delivery of offensive weapons by the Soviet Union. In 1967, Israel launched preemptive attacks on several Arab States after Iraq, Saudi Arabia, Jordan, and Syria began moving troops to the Israeli border.

In 1991, the United States committed to liberate Kuwait. In 1991, the United States was then, as we are now, leading an effort. By the time the conflict in Iraq began, we had the support of the international community to carry out our objective.

I am confident, should we decide to use force, by the time the United States and her closest allies engage Iraq, we will again have the support of the international community.

It is called the responsibility of leadership. It is recognized as the role we play in the world today. I say this because the international community realizes the evidence is clear when it

comes to Saddam Hussein. In addition, Saddam Hussein will once again violate U.N. resolutions, further invalidating that body, and denying weapons inspectors access in a way that should be open and complete and without any form of restriction.

I do not take this vote lightly when it comes, as men and women across the State of Idaho and across the country are put in harm's way. For those who have decided to wear the uniform of our armed services, I want to assure the people of Idaho and the United States, any decision made regarding the use of force will be made with confidence, in consultation with Congress, and with the interests of the security of this great Nation; foremost in all of our minds.

I believe the justification for engagement has been made and the option to use force will be granted. I believe we must still have as an end game, an exit strategy, a recognition of the role we play in a post-Saddam-Hussein Iraq, if that is to occur, and I believe this President, along with quality people he has placed around him, will continue to consult with this Congress as those strategies are developed. I am confident we will pursue all means, as is evident today by the efforts of this administration. But in the end, there is the most important responsibility for the Senate of the United States to play. That is to do what we are doing here, to speak out on it, to allow the American people to know all the differences that occur as it comes to facing a most important issue like this.

I thank my colleague from Virginia for the leadership he has demonstrated. He recognizes the significance and the importance of this debate and the decision that will ultimately be made in the course of this week as we stand in support of the Commander in Chief and the President of the United States, in full consultation with the Congress, as we shape a foreign policy that is a policy of decades to come, in recognition that for the first time in this Nation's history, it is the citizen, not the soldier, who becomes the target of the new wars. With that, a new form of foreign policy, a new relationship, and a new dialog for this country has just begun.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that Senator BYRD be recognized for up to 15 minutes at 12:15 today.

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

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Did the Senator wish to make a remark?

Mr. WARNER. I wanted to reply for 2 minutes.

Mr. BYRD. I yield, without losing my right to the floor, to the Senator from Virginia.

Mr. WARNER. I wish to thank our colleague and compliment him on a very fine recitation of the facts relating to the vote we will soon take.

The Senator raised the important question of the preemptive issue. That has been an issue on the minds of a number of our colleagues. If he would allow me, I ask unanimous consent to have printed, following my remarks, a list of the times the Senator enumerated, the times the Presidents of the United States, going back as far as 1901, have initiated action preemptively to protect the security interests of this country. They have done it under the well-recognized international law or maxim of anticipatory self-defense.

With the advent of high-tech now, with so many other changed factors throughout our 215-year history of this Republic and this body of the Senate, there have to be changes. The Senator was right on point of the need this time to recognize those changes and to understand better this doctrine of taking preemptive action, if that is necessary to protect the security interests of this country.

I ask unanimous consent this be printed in the RECORD.

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

Questions: Has the United States ever conducted ''preemptive'' military operations before?

Yes: Panama (Colombia)—1901; Dominican Republic—1904, 1914, 1965; Honduras—1912; Nicaragua—1926; Lebanon—1958; Cuba (Naval Quarantaine)—1962; Grenada—1983; Libya—1986; Panama (Just Cause)—1989; Somalia—1992; Sudan/Afghanistan—August 1998; Iraq (Desert Fox)—December 1998; and Kosovo—March 1999.

International law recognizes a concept of ''anticipatory self-defense'' if a country is imminently threatened.

And there are other examples—but the bottom line is that confronting or striking Iraq is not preemptive. We have been in conflict with Iraq for twelve years and they have never complied with original terms for ending conflict.

Mr. CRAIG. Madam President, I thank the Senator from Virginia.

I agree. This country, this Commander in Chief, and we as Senators cannot be denied the right to take preemptive action when clear evidence indicates that the citizens of our country are at risk.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I see the distinguished Senator from Connecticut wanted to speak. Does he wish to speak at this point?

Mr. LIEBERMAN. I thank the Senator from West Virginia. I wonder if the Senator—I know the Senator wishes to speak for more than 15 minutes—if he would allow me to speak for not more than 7 or 8 minutes now, without yielding his right to the floor thereafter.

Mr. BYRD. Madam President, I make that request.

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

Mr. LIEBERMAN. Madam President, as the debate continues, I want to address myself to some of the history and also to some of the threat today. This is a most interesting book that somebody gave me, that is most timely. It came out very recently. I don't know the exact date. It is called ''The Threatening Storm: The Case for Invading Iraq.'' It is written by Kenneth Pollack, who worked for the Central Intelligence Agency. In the period of 1990, he was one of only three who earlier in 1990 were advising their superiors, and then ultimately the President of the United States, that an Iraqi attack against Kuwait was imminent, it was going to happen. Over time, he worked for the National Security Council under President Clinton. He is now at the Saban Center, a think tank here in Washington associated with the Brookings Institution.

This is a most compelling piece of work. It speaks history here. It talks about the great history—the Senator from West Virginia is in the Chamber—the great classic history of Iraq. This, after all, is the place where the Biblical Garden of Eden grew, along beside the Tigris and the Euphrates. It is the place where Abraham, the father of the three great monotheistic faiths was when God called out to him and found his heart steadfast. Of course, in succeeding times it has had great periods of progress and leadership—unfortunately, not in recent times.

But as we deal with Saddam today—those of us, including myself, who favor the resolution we have offered as an amendment, a substitute today—we tend to recite phrases about what a brutal dictator Saddam is, and his ambitions. He has used weapons of mass destruction. I think in this debate from time to time we have to go back to the details.

There is a brief biography, in this book, of Saddam, of the radical upbringing he had, of the extent to which he fell under the so-called pan-Arabist influences, to create a power that would gain control over the entire Arab world. I want to read one quote from this book—again, ''The Threatening Storm'' by Kenneth Pollack:

Saddam considers himself a great man of history, someone marked to accomplish great deeds. In his vast personality cult he is constantly compared with great figures of Iraq's past.

Saddam believes himself destined to be the new leader of the Arabs, and he makes it apparent that this role will be a political-military role, meaning that he will achieve his position through some combination of conquest and acclaim. Addressing a unit of the Republican Guard, Saddam proclaimed that the honor of the Arab nation could not be achieved unless ''Iraq's arm reached out [beyond Iraqi territory] to every point in the Arab homeland.'' He has worked assiduously to make Iraq strong so that it can dominate the region militarily, acquire new territorial prizes, and become the champion of the Arabs. Saddam has said often and loudly that his goal is to create a new Arab union of some kind, headed by a powerful Iraq, that will be a new superpower.

This is based on a thorough research of Saddam's history, of his statements,

of his actions. Why did he invade Iran in the 1980s? Why did he invade Kuwait in the early 1990s? It is all part of realizing this ambition. Why has he developed weapons of mass destruction and used them, as this book points out—not once. There was a terrible genocide at Halabja. But he used chemical weapons repeatedly, and indeed experimentally, against the Kurds. Hundreds of thousands of people were killed. Against the Iranians—hundreds of thousands of people killed.

I read somewhere today—elsewhere; I forget where it was—that Saddam is the first person since Hitler who has used chemicals for the purposes of mass death.

So this history is chilling. I do not manufacture it. It is there. It is why it is so critically important to bring this madman back within the constraints of the United Nations resolutions and the peace that he agreed to at the end of the gulf war.

Should Saddam be allowed to continue to develop these weapons of mass destruction and become the controlling hegemonic power he has long dreamed of becoming in the Arab world, Lord protect us. Lord protect the Arab world, when you think of the brutal dictatorship he has represented—no freedom, no opportunity for his people. And what about the rest of us, with Saddam in control of so much of the world's oil supply?

So this history is very current as we consider all the options we have tried over the decade since the gulf war to disarm this dangerous dictator, and why those of us who have sponsored this resolution believe that the moment has come, as the President has said, effectively to say to Saddam: Either disarm or we are going to be forced to go to war to disarm you. We don't want to do this. But you represent such a danger to your neighbors, among whom we have such strong allies whose support is so critical to us, whose energy supply is so critical to our economy and that of the rest of the world, that if you don't disarm, we are going to have to take military action to do that.

That is the history, the chilling history that affects the present and is why the four of us, and others now who have cosponsored this resolution, have done so—to prevent this man from achieving his evil ends.

There have been many thoughtful statements on the floor. Mr. STEVENS, the senior Senator from Alaska, spoke yesterday. Here is a proud, patriotic American, a veteran of World War II. He analogized this dictator we are facing to Hitler. Remember the lessons he was hearing in high school of the dangers represented by Hitler and the extent to which, if we didn't stop him then, we would have to stop him at a much higher price later on. I think the balance we have to strike here in deciding how to act is a similar balance. Do we act now, or do we act later, at much greater cost in blood, in treasure?

Mr. WARNER. Madam President, may I just add to my colleague's remarks—he referred to Senator STEVENS. He was in the Chamber a few moments ago talking with me. We shared those days because I was of that generation.

Saddam Hussein possesses, today, an arsenal of weapons far more dangerous to the whole world than Hitler ever possessed. That was brought out in the colloquy yesterday. I thank my colleague.

Mr. LIEBERMAN. I thank my friend.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator's time has expired.

Mr. LIEBERMAN. I thank my colleague from West Virginia for yielding me time. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Madam President, I thank and commend all those Senators who have been speaking in support of the resolution that will soon come before the Senate for a decision by the Senate. I think they have rendered a service. I commend Mr. LIEBERMAN. I commend Mr. WARNER. And I commend those others who are cosponsors of the resolution. I commend them on their high level of argumentation they have put forth. This is what the country needs. The country needs to hear more of this, and I have only the utmost admiration for those who feel as they do in support of this resolution.

The Senate is the anchor of the Republic, and it is here on this battlefield many of the country's great Senators have expounded their views and taken sides, one way or the other, on the great issues that have come before the Nation over this period of more than 200 years.

I have listened, as best I could, to the various Senators who, for the most part this morning, have spoken in support of the resolution, S.J. Res. 45, which will be at least soon attempted to be amended by S.J. Res. 46.

Madam President, I am not against just any and every resolution of this nature. I could very well be for a resolution. If this debate were to go on for a while, or perhaps to go until after the election, giving us time to debate it thoroughly, giving Senators time to amend it, modify it, to change it, it might very well be I, too, could support a resolution. After all, that is what we should strive for. We should strive for a national consensus.

If this country is going to engage in a military conflict in the near future, it should not be a slapdash resolution that in its makeup looks, for all intents and purposes, as though it were just thrown together, it was a cut-and-paste operation.

I would hope we could come to a conclusion, after ample debate, that we could join hands across the aisle, join hands between the two parties, join hands with the executive branch. I would hope we could do that. And I do not think that is beyond the realm of possibility.

I think it would be possible to develop a resolution which might get a unanimous vote in this Senate, but it would take time. It cannot be this resolution which would be unanimous because it will not be unanimous.

My concerns about this resolution are, in the main, two—two concerns. Getting into further detail, I can express several concerns. But in the main, I would say my concerns are two in number.

One, this resolution authorizes the President to determine and authorizes the President to use military forces as he will, when he will, how he will, and wherever he will, as long as the thread is tied to Iraq, and beyond that—I do not have the resolution in front of me—as long as it is tied, by the thread, to ''defend[ing] the national security of the United States against the continuing threat posed by Iraq; and (2) enforc[ing] all relevant United Nations Security Council Resolutions regarding Iraq.''

Madam President, I can talk in considerable detail and at considerable length with respect to the ''whereas'' clauses and with respect to the authorization section, section 3. Suffice it to say this is a blank check, this authorization paragraph is a blank check, given over to the Chief Executive, not just this one but Chief Executives who will succeed him. There is no sunset provision. There is no termination under this authorization. It can go on and on and on until Congress sees fit to terminate it.

So it is open-ended. It is a blank check. And it cedes the decisionmaking power of the Congress under the Constitution to declare war. It cedes that to a Chief Executive—for the moment, Mr. George W. Bush. Succeeding him, who knows? But it is open-ended.

If Congress is going to waive that part of the Constitution which gives power to the Congress to declare war—and I am not sure Congress can waive that—but if it is going to, why don't we at least have a sunset provision? Why don't we at least have a cutoff at which time the cession of that power is no longer existent? Is that asking too much?

No. 1, my opposition to this resolution in the main is because Congress is ceding—lock, stock, and barrel—its power to declare war, handing that over to a Chief Executive and, by its own terms, as much as to say, that President will determine that. He will use the military forces of these United States—that means the Marines, the Air Force, the Army, the Navy, all the military forces of this country—he shall use all of the military forces of this country in whatever ways he determines, wherever he determines, whenever he determines, and for as long as he determines. That is the way it is written—lock, stock, and barrel.

Congress might as well just close the doors, put a sign over the doors and

say: ''Going fishing.'' Put a sign on the Statue of Liberty up here: ''Out of business.'' That is exactly, that is precisely what we are about to do, if we vote for this resolution as it is currently written. If there is anybody who disagrees with me, they can try to show me that. But they cannot refute the words written in this resolution. All the ''whereases'' constitute nothing more than figleaves, beautifully dressed, beautifully colored, pretty figleaves, with sugar on them.

My second objection in the main is that Congress is being stampeded, pressured, adjured, importuned into acting on this blank check before Congress goes out for the election. Doesn't that make this somewhat suspect? Recall, it was only in late August, around August 23, I believe it was, I read in the newspaper where the President was concerned about the intensified talk that was going on with reference to his plans in respect to an attack on Iraq. Secretary Rumsfeld, in that same newspaper report, referred to it as a ''frenzy.'' So even the President, 6 weeks ago, was seeking to allay the concerns of the people in Washington, people all over the country, with respect to any ''plans'' that he might have to attack Iraq. In other words, he was saying: Cool it.

Well, that was just 6 weeks ago. Then all of a sudden, the whole focus of attention in this country seems to be directed several thousand miles away from these shores to a country called Iraq, to which the distinguished Senator from Connecticut correctly alluded as that great land between the two great rivers, the old Biblical country of Mesopotamia.

So those are my two concerns. Here we are, with all of this pressure to act, act now. I am somewhat mystified by the rush pell-mell to embrace this resolution which, as I understand it, is pretty much the administration's handicraft, and the House may be about to vote on the same.

I wonder what has gotten into our Democratic leaders that they would embrace this kind of thing. They have a right to do that. Every Senator has a right to vote any way he wants, any way his good sense is directing him. But I have been mystified at the rush, at the frenetic activity on the part of leaders of the Congress, of the other body. They embraced this thing down there on the White House lawn.

We should take more time. The American people have questions that they want answered. I have had more than 9,000 telephone calls in the last 5 days that my office has been open, more than 9,000 coming from all over the country, virtually all urging the Senate to slow down, to ask questions, and to fully consider what we are about to do. I hope more people will call. They don't need to call me. They know what my position is. But I hope they will call the Members of Congress, Senate and House Members, Republicans and Democrats, call all the Members. Urge them to stop, look, and listen, look at what we are about to do. We are about to put beyond the reach of Congress the decision to declare war.

I listened to the President's speech. I didn't hear anything new. I didn't hear anything that I hadn't already heard prior to this time. He demonized Saddam Hussein. That is quite all right with me. I think Saddam Hussein is lower than a snake's belly myself. I wouldn't shed any tear if anything happened to him. That is not the question. We have known these things.

I asked the CIA Director myself, within the last 2 or 3 weeks in my office and in room 407: You are not a policymaker, but you are the expert with respect to intelligence. What is there that you can tell me, what is there that you can tell Congress that is new that indicates we wait beyond this election at our peril? What is it that is new that we haven't known? I am talking to the Director of Central Intelligence.

I said: What is it that is new that we haven't known 2 months ago, 6 weeks ago, 3 months ago? They don't have anything.

I asked Secretary Rumsfeld. And he will say: Oh, I will tell you what is new, September 11 of last year.

Well, of course, that is over a year old. What is so new that it requires this Senate and the House of Representatives to vote before we go out for the election? Why so much interest in the election? That is not by my choice that the administration is pushing for a vote before the election. That is not my choice; that is their choice. And I am not sure but that this effort on their part might be turned against them in the election. I think if the American people are fully aware of what this administration is advocating, fully aware of what we are about to do, the people of this country will rise up. They will let their voices be heard.

They have questions. ''What is this going to cost me?'' they will say. Mr. John Q. Citizen will say: What is this going to cost me? What about my son? What about my daughter? What about my grandson? How many American lives are going to be lost if we invade Iraq? What is going to be the cost? What is going to happen to Iraq after its defeat? Who is going to run the government of Iraq then? Are we going to have American fighting men and women in Iraq for 2 months, 6 months, a year, 2 years, 5 years, 10 years? Answer these questions, Mr. Administration.

Tell me, also, what is going to happen to homeland security. Already the focus is being shifted away from homeland security. I can see it.

Mr. WARNER. Will the Senator yield?

Mr. BYRD. Not just yet.

Mr. WARNER. I understood the time was 15 minutes.

Mr. BYRD. I believe I have these 15 minutes now under a previous order.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I simply want to finish——

Mr. WARNER. Madam President, of course, we go into recess at 12:30.

Mr. BYRD. I do not yield at the moment. I will be happy to yield in a moment. The Senator has been on the floor all morning—he and his compatriots over here who are boosting this unfortunate resolution. So I want a few minutes now, and then I will be happy to yield.

Mr. WARNER. For one short question.

Mr. BYRD. Then what is the focus? What about homeland security? What might happen on the southern border, on the northern border of this country, in the ports of this country, at the airports of this country? What might happen? The American people today are concerned about the safety right here in this area, the safety of their own schoolchildren. They are concerned about these things that are going on all around us. What is going to happen to homeland security? I don't hear much about it over this last couple weeks or more. This attack on Iraq we have been talking about—the President says: If you do not do it, I will. If you don't do it, we will. Well, this concerns me.

What kind of a face are we going to present to the world with this kind of cowboy, macho attitude? What kind of face are we presenting to the world? Does the world still see us as a law-abiding Nation that lives by the rule of law? Is that what we recommend to other countries? Are we a country that loves liberty, freedom, justice, the rule of law, or is this going to make us look like a bully? I used to play a tune on my fiddle called ''The Bully of the Town''—''I am looking for the bully of the town.'' Is that the kind of face Uncle Sam is going to present to the world? It sounds like it when the President says to the U.N.: If you don't do something, we will.

Madam President, I am simply saying we ought not have this vote before this election. This election is going to distract members from concentrating, from focusing on the question of war or peace. It is already doing it. It is already doing it.

So there are lots of questions the American people want answered. What about the economy? Is this going to affect the American economy? What about my job? What about my health insurance? What about us older folks? What about prescription drugs? You do not hear much about that now. Everything is tuned to Iraq. The American people are being led to believe something may happen tomorrow—and something may happen right here within our own shores. But they are being led to believe Saddam is such a threat we don't dare wait until after the election. Saddam doesn't present that kind of imminent threat to this country. He doesn't have these kinds of weapons

that he would level at this country before the election. Now, something could happen in our midst before the election. It can happen tonight. It can happen today. It has been happening in this area over the past several days, with a sniper taking six lives, and he shot eight persons.

People are concerned about issues here at home. We should not try to divert their attention to a threat. I don't say Saddam is not a threat. I say he is not the immediate threat the administration is trying to make him out to be at this point. We have some time. We ought to utilize it. We cannot let Saddam Hussein continue to have weapons, such as biological and chemical weapons. We cannot let him acquire weapons of mass destruction. But there is some time, and I think it is very important we get the United Nations involved here, and the President has made a good start in that direction. He made a fine statement when he spoke to the U.N. He put the burden on them. He laid it at their door. They have been recreant in their duty.

We should utilize the time we have to let the U.N. marshal its forces and try to get other countries to assist this country in carrying the burden. Eleven years ago, the cost of that war was $61.1 billion, and other countries helped shoulder the expenses, with the exception of about $7.5 billion. We ought to be seeking to get others' help.

We ought to let the inspectors go back in and have restrictions such that they will have a full and free opportunity to inspect wherever they want, wherever they think they should. So I am for all that. I am not one who says Saddam is not a threat; he is a threat, but he has been a threat for many years. I think it is a disservice to the American people to insist their elected representatives in the House and Senate showdown on this fateful decision before the election. Now, that is highly suspect. To those who are pushing it, I have to say it is suspect.

Why do they want this vote before the election? I am not the one who determines when the election will fall. We know it is going to take place on November 5. Where is the threat that is so imminent to this country we have to declare war here and now, before the election? It is a distraction. Our Senators and House Members need to be concentrating on the matter, debating it, debating other matters. There are many more matters that cry out for the attention of this country. Why should we not be giving attention to them and not be distracted in this vote by what may happen to me on November 5, if I vote this way or that way? That is not right. It is wrong. It is not doing right by the people of this country. They are entitled to better than that.

So I have two main concerns. One, we are ceding the constitutional authority to declare war, and it is open-ended, a blank check. Mr. President, here it is, you can have it. We will just go fishing. You take it and we are out of it. We are out of business. We are out of business for the next year or 2 years or as long as this piece of paper—this blank check—is in effect. You have it. We are cheating the people back home when we vote for that kind of resolution.

Madam President, I have much more to say, but I told the Senator from Virginia I would be glad to yield. I do that now, without losing my right to the floor.

Mr. WARNER. Madam President, I simply say to my colleague, most respectfully, I feel this was not a cut-and-paste job. Senators LIEBERMAN, BAYH, MCCAIN, myself, and other Senators have contributed. Senator LOTT had an open-door policy to engage persons on this issue.

I draw your attention, most respectfully, to section 3, authorization for the use of force.

This is not a blank check. It restricts this authority clearly to Iraq, and if I might read it: Authorization. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to, one, defend the national security of the United States against the continuing threat posed by Iraq; two, enforce all relevant United Nations security resolutions regarding Iraq.

That is a very clear mandate, and once those two criteria are met, this authority ceases.

Madam President, my understanding is that at the hour of 12:30 p.m., the Senate will stand in recess.

Mr. BYRD. Madam President, I ask unanimous consent that I may proceed for 10 minutes.

Mr. WARNER. Madam President, I most respectfully say to my colleague, I am under firm instructions on this side—so many Senators are gathering at the caucuses who otherwise would follow this important debate. I will be happy to resume with Senator BYRD——

Mr. REID. If my friend, the distinguished Senator from West Virginia, will yield, I have a unanimous consent request, about which I have spoken with the Senator from West Virginia, for Senators to speak this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, Madam President, can we possibly accommodate my colleague from West Virginia so he can finish this lineup, and I will be prepared to come to the floor with him, can I suggest, at the hour of 2 o'clock?

Mr. REID. The Senator wishes to speak at 2 o'clock.

Mr. BYRD. I would love to do that.

Mr. REID. If necessary, I will preside at 2 o'clock, but we have presiders starting at 2:15 p.m.

Madam President, I ask unanimous consent that the Senator from West Virginia be recognized for 10 minutes beginning at 5 after the hour.

Mr. BYRD. Madam President, reserving the right to object, I can finish in 10 minutes now.

Mr. REID. I understand that, but the other side has objected to that.

Mr. BYRD. After 2 o'clock, I might be constrained to talk longer.

Mr. WARNER. Madam President, given that opportunity, can we agree then the 10 minutes expires—I am about to join the Secretary of State, Mr. Colin Powell—at the hour of 12:42 or 12:43 p.m.? If that is correct, that will be fine.

Mr. REID. Reserving the right to object, Madam President, I ask unanimous consent that at 2:15 p.m., in addition to Senator BYRD speaking now for 10 minutes, Senator MIKULSKI speak; at 2:35 p.m, Senator GREGG; Senator JEFFORDS at 3 o'clock; there will be a Republican at 3:20 p.m.; Senator KENNEDY at 3:40 p.m.; a Republican at 4 o'clock; Senator CARPER at 4:20 p.m.; a Republican at 4:50 p.m.; Senator FEINGOLD at 5:30 p.m.; a Republican 6 o'clock; and one of the two, REID/REED, at 6:30 p.m.

Mr. WARNER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. Madam President, for how long am I recognized now?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I thank the Chair.

I call the Senate's attention to an article in the Philadelphia Inquirer of October 6 entitled ''Allied Support On Iraq Exaggerated, Officials Say'':

President Bush and some of his top aides, including Defense Secretary Donald H. Rumsfeld, have exaggerated the degree of allied support for a war in Iraq, according to senior officials in the military and the Bush administration.

These officials, rankled by what they charge is a tendency by Rumsfeld and others to gloss over unpleasant realities, say few nations in Europe or the Middle East are ready to support an attack against Iraq unless the United Nations Security Council explicitly authorizes the use of force.

In the latest sign that international support for the administration's plans is soft, key ally Turkey said Friday that it would participate in a campaign against Iraq only if the world body blessed it.

''An operation not based on international law cannot be accepted,'' a Turkish presidential spokesman said after a meeting of top Turkish civilian, military and intelligence officials in Ankara.

The backing of Turkey, which borders Iraq's north, is vital because it hosts air bases at Incirlik and elsewhere that would be necessary to conduct a major air campaign against Iraq and protect the ethnic Kurdish population in northern Iraq from Iraqi leader Saddam Hussein's retaliation.

''Turkey is the key,'' a senior administration official said.

Turkey, which also has a large Kurdish population, is concerned that Iraq's Kurds would try to form their own mini-state and that a war with another Muslim country could aggravate tensions between Islamists and secularists in Turkey and damage the Turkish economy.

Turkey is not alone: No country near Iraq has agreed to serve as a launching pad for a U.S. strike without U.N. authorization, the senior official said. He and others spoke on condition of anonymity.

As they have tried to persuade Congress to give Bush broad war-making authority,

Rumsfeld and other officials have sought to create the impression that there is widespread international support for the Iraq endeavor. That, one top official said, ''is at best premature and at worst deceptive.''

Madam President, I ask unanimous consent that the total article from the Philadelphia Inquirer of October 6 be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. BYRD. Madam President, I quote another article from the Philadelphia Inquirer, this one October 8, 2002, entitled: ''Officials' Private Doubts On Iraq War'':

While President Bush marshals congressional and international support for invading Iraq, a growing number of military officers, intelligence professionals and diplomats in his own government privately have deep misgivings about the administration's double-time march toward war.

These officials say administration hawks have exaggerated evidence of the threat that Iraqi leader Saddam Hussein poses—including distorting his links to the al-Qaeda terrorist network; have overstated the amount of international support for attacking Iraq; and have downplayed the potential repercussions of a new war in the Middle East.

They say that the administration squelches—squelches—dissenting views that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary.

''Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books,'' said one official, speaking on condition of anonymity.

A dozen other officials echoes his views in interviews with the Inquirer Washington Bureau. No one who was interviewed disagreed.

How much time do I have left, Madam President?

The PRESIDING OFFICER. Four and a half minutes.

Mr. BYRD. I thank the Chair.

Continuing the article:

They cited recent suggestions by Defense Secretary Donald H. Rumsfeld and National Security Adviser Condoleezza Rice that Hussein and Osama bin Laden's al-Qaeda network were working together.

Rumsfeld said Sept. 26 that the U.S. government had ''bulletproof'' confirmation of links between Iraq and al-Qaeda members, including ''solid evidence'' that members of the terrorist network maintained a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al-Qaeda member who apparently was passing through Baghdad was overheard calling friends or relatives, intelligence officials said. The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

Rumsfeld also suggested that the Iraqi regime had offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar. While technically true, that, too, is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime Iraqi intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al-Qaeda training camps with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports that bin Laden rejected the offer because he did not want Hussein to control his group.

In fact, the officials said, there is no iron-clad evidence that the Iraqi regime and the terrorist network are working together, or that Hussein has ever contemplated giving chemical or biological weapons to al-Qaeda, with whom he has deep ideological differences.

I ask unanimous consent that the remainder of this article from the Philadelphia Inquirer, dated October 8, 2002, be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

Mr. BYRD. The President indicated he would lead a coalition, and I hope he will. I hope he will continue to work until he gets a solid coalition together. But if, as the President claims, America will lead a coalition against Iraq, it certainly appears that we have much work to do. The first article I read from the Philadelphia Inquirer bears out a clear message: We have asked the United Nations to act and we should give the United Nations that opportunity.

Last night, the President of the United States asked Congress to fully consider the facts in this debate, but I believe that many of the facts are still unclear. We have many questions that demand answers, and we need the time to find those answers.

So I suggest we try to get the facts, and the representatives of the American people in Congress need the facts, the clear, unadulterated facts, before Congress votes on the resolution.

The questions I have are the same questions the American people have. A poll published last Sunday in the New York Times reports that a majority of Americans think that Congress is not asking enough questions about Iraq policy. By a 2-to-1 margin, those polled would prefer to see U.N. inspectors have more time to do their job. Sixty-five percent of those polled think it is better to wait for allies before any attack on Iraq—in other words, not go it alone.

Obviously, the American people are far from convinced that we must attack Iraq. I think as time goes on, if this matter is fully debated, we will find a reverse in the polls from what we have been seeing lately. We are going to find that the American people are not all that ready to invade Iraq all by themselves; not all that ready to put the U.N. aside and say we will go it alone—if you do not do it, we will—and not all that ready to send their boys and girls, their men and women, their loved ones, to war in a foreign land without leaving it up to Congress as to when war should be declared.

I yield the floor.

EXHIBIT 1

[From the Philadelphia Inquirer, Oct. 6, 2002]

ALLIED SUPPORT ON IRAQ EXAGGERATED, OFFICIALS SAY

(By Warren P. Strobel)

WASHINGTON.—President Bush and some of his top aides, including Defense Secretary Donald H. Rumsfeld, have exaggerated the degree of allied support for a war in Iraq, according to senior officials in the military and the Bush administration.

These officials, rankled by what they charge is a tendency by Rumsfeld and others to gloss over unpleasant realities, say few nations in Europe or the Middle East are ready to support an attack against Iraq unless the United National Security Council explicitly authorizes the use of force.

In the latest sign that international support for the administration's plans is soft, key ally Turkey said Friday that it would participate in a campaign against Iraq only if the world body blessed it.

''An operation not based on international law cannot be accepted,'' a Turkish presidential spokesman said after a meeting of top Turkish civilian, military and intelligence officials in Ankara.

The backing of Turkey, which borders Iraq's north, is vital because it hosts air based at Incirlik and elsewhere that would be necessary to conduct a major air campaign against Iraq and protect the ethnic Kurdish population in northern Iraq from Iraqi leader Saddam Hussein's retaliation.

''Turkey is the key,'' a senior administration official said.

Turkey, which also has a large Kurdish population, is concerned that Iraq's Kurds would try to form their own mini-state and that a war with another Muslim country could aggravate tensions between Islamists and secularists in Turkey and damage the Turkish economy.

Turkey is not alone: No country near Iraq has agreed to serve as a launching pad for a U.S. strike without U.N. authorization, the senior official said. He and others spoke on condition of anonymity.

As they have tried to persuade Congress to give Bush broad war-making authority, Rumsfeld and other officials have sought to create the impression that there is widespread international support for the Iraq endeavor. That, one top official said, ''is at best premature and at worst deceptive.''

The defense secretary told a House of Representatives committee Sept. 18 that Bush aides ''know for a fact'' that the United States would not be fighting Iraq along if it failed to obtain a U.N. resolution. ''There are any number of countries that have already announced their support,'' he said.

Bush said Thursday that if the United Nations and Iraq didn't eliminate Hussein's weapons of mass destruction, ''the United States in deliberate fashion will lead a coalition to take away the world's worst weapons from one of the world's worst leaders.''

Several officials said that while those statements were technically true, there was a coalition yet. Diplomats said privately that only staunch ally Britain and Bulgaria—a member of the U.N. Security Council that wants to join the U.S.-led NATO alliance—had said they were willing to act without United Nations cover.

Secretary of State Colin L. Powell has been working intensively to persuade other U.S. Security Council members to back a tough resolution that would force Iraq to accept strict new rules for inspections or face a U.S.-led invasion. He has run into stiff resistance, particularly from France and Russia, both of which hold veto power on the council.

Along with those countries, the United States presumably would need an OK to use

military bases in Persian Gulf countries such as Kuwait, Oman, Bahrain and Qatar. In Qatar the United States has been extending a runway to accommodate more combat planes, and some war planners hope to persuade Jordan to let U.S. and British special forces attack suspected missile bases and weapons facilities in western Iraq from its territory.

None of those countries has told Washington it will be forthcoming without U.N. support, the officials said.

One senior military officer called Rumsfeld's comments ''misleading.''

''`Fine,' `locked in,' `positive,' `concrete'; those words aren't being used over here,'' another Pentagon officer said.

Some analysts said that if the confrontation with Iraq came to war, most countries would choose to join in rather than risk displeasing the United States or missing out on the spoils.

''You will have regimes which, if we force the issue, will support us,'' said Anthony Cordesman, a military expert at the Center for Strategic and International Studies, a conservative center for national-security studies. But those countries want diplomatic cover, he said.

Some allies also want assurances on other issues, Cordesman said.

Turkey, for example, wants debt relief for its teetering economy along with promises that there will be no independent Kurdish state in Iraq. Russia wants a free hand to pursue alleged terrorists in neighboring Georgia, Iraq to pay roughly $8 billion in debt, and Washington to lift Cold War-era trade restrictions.

EXHIBIT 2

[From the Philadelphia Inquirer, Oct. 8, 2002]

OFFICIALS' PRIVATE DOUBTS ON IRAQ WAR

(By Warren P. Strobel, Jonathan S. Landay and John Walcott)

WASHINGTON.—While President Bush marshals congressional and international support for invading Iraq, a growing number of military officers, intelligence professionals and diplomats in his own government privately have deep misgivings about the administration's double-time march toward war.

These officials say administration hawks have exaggerated evidence of the threat that Iraqi leader Saddam Hussein poses—including distorting his links to the as-Qaeda terrorist network; have overstated the amount of international support for attacking Iraq; and have downplayed the potential repercussions of a new war in the Middle East.

They say that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary.

''Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books,'' said one official, speaking on condition of anonymity.

A dozen other officials echoed his views in interviews with the Inquirer Washington Bureau. No one who was interviewed disagreed.

They cited recent suggestions by Defense Secretary Donald H. Rumsfeld and National Security Advisory Condoleezza Rich that Hussein and Osama bin Laden's al-Qaeda network were working together.

Rumsfeld said Sept. 26 that the U.S. government had bulletproof'' confirmation of links between Iraq and al-Qaeda members, including ''solid evidence'' that members of the terrorist network maintained a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al-Qeada member who apparently was passing through Baghdad was overhead calling friends or relatives, intelligence officials said. The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

Rumsfeld also suggested that the Iraqi regime had offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar.

While technically true, that, too, is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime Iraqi intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al-Qeada training camps with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports said that bin Laden rejected the offer because he did not want Hussein to control his group.

In fact, officials said, there is no ironclad evidence that the Iraqi regime and the terrorist network are working together, or that Hussein has ever contemplated giving chemical or biological weapons to al-Qeada, with whom he has deep ideological differences.

Non of the dissenting officials, who work in a number of different agencies, would agree to speak publicly, out of fear of retribution. Many of them have long experience in the Middle East and South Asia, and all spoke in similar terms about the unease with the way the U.S. political leaders were dealing with Iraq.

All agreed that Hussein was a threat who eventually must be dealt with, and none flatly opposed military action. But, they say, the U.S. government has no dramatic new knowledge about the Iraqi leader that justifies Bush's urgent call to arms.

Some lawmakers have voiced similar concerns after receiving CIA briefings.

Sen. Richard J. Durbin (D., Ill.) said some information he had seen did not support Bush's portrayal of the Iraqi threat.

''It's troubling to have classified information that contradicts statements by the administration,'' Durbin said. ''There's more they should share with the public.''

Several administration and intelligence officials defended CIA Director George Tenet, saying Tenet was not pressuring his analysis but was quietly working to include dissenting opinions in intelligence estimates and congressional briefings.

In one case, a senior administration official said, Tenet made sure that a State Department official told Congress that the Energy and State Departments disagreed with an intelligence assessment that said hundreds of aluminum tubes Iraq tried to purchase were intended for Baghdad's secret nuclear-weapons program. Analysts in both departments concluded that the Iraqis probably wanted the tubes to make conventional artillery pieces.

Other examples of questionable statements include:

Vice President Cheney said in late August that Iraq might have nuclear weapons ''fairly soon.'' A CIA report released Friday said it could take Iraq until the last half of the decade to produce a nuclear weapon., unless it could acquire bomb-grade uranium or plutonium on the black market.

Also in August, Rumsfeld suggested that al-Qeada operatives fleeing Afghanistan were taking refuge in Iraq with Hussein's assistance. ''In a vicious, repressive dictatorship that exercises near-total control over its population, it's very hard to imagine that the government is not aware of what's taking place in the country,'' he said. Rumsfeld apparently was referring to about 150 members of the militant Islamic group Ansae al Islam (''Supporters of Islam'') who have taken refuge in Kurdish areas of northern Iraq. However, one of America's would-be Kurdish allies controls that part of the country, not Hussein.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, it is in the true spirit of this institution, which Senator BYRD knows so well, that we exchange viewpoints as we have done Friday, yesterday, and again today, and we will continue to do that. Hopefully, these facts which the Senator deems essential—and I also—will be brought to the attention of this body. I thank my colleague.

Mr. BYRD. And I thank my colleague.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. REED).

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—Resumed

Ms. MIKULSKI. Mr. President, I rise to speak in support of the Levin amendment in terms of determining our action in Iraq.

As a graduate of West Point, the Presiding Officer knows how great a decision it is for the U.S. Congress to decide about war. Now this Senate is considering the gravest decision we will ever be called upon to make, which is to give the President unlimited authority to go to war, to make a decision to send American military men and women in harm's way. I say to my constituents, to the people of this country, and to the military, I take this responsibility very seriously.

I have listened to the President and his advisers make their case. I have consulted with experts and wise heads. I have participated in hearings and briefings as a Member of the Senate, and particularly as a member of the Intelligence Committee. I have listened very intently to my own constituents. I know that the decision we are about to make will affect the lives of America's sons and daughters, and the future of the United States of America.

But first, let me say a word about our troops. Each and every member of our military is part of the American family. Their service is a tremendous sacrifice and also a great risk. These are ordinary men and women, often called upon to act in a very extraordinary way, and they have never failed us. Whatever the Nation asks them to do,

I know they will do it with bravery, fortitude, and gallantry.

Therefore we, all Americans, owe them a debt of gratitude. But we owe them even more. The Congress owes it to them to choose the wisest, most prudent course in this matter. As Senators, we must keep in mind the men and women of our military.

That is why I support Senator LEVIN's resolution on Iraq. I support that because it meets my principles. Have all diplomatic and other nonmilitary means been exhausted? The Levin resolution turns to the United Nations and its Security Council to make a decision in terms of the enforcement of its own resolutions. It calls for international legitimacy, international cooperation, international support, and, I might add, international resources. It urges the Security Council to fill President Bush's request to demand Iraqi disarmament and to authorize the use of a multinational military force if Iraq refuses to comply. If the U.N. refuses to act under the Levin amendment, Congress would then promptly consider whether America should act alone.

Senator LEVIN's is not the only resolution before the Senate. As I have looked at all of them, I asked questions. First, what really is Saddam Hussein's intent?

Second, does he have the means to accomplish this intent? Does he have weapons of mass destruction: chemical, biological, and nuclear?

Third, how grave and imminent is the threat? Is the Iraqi threat best met by a unilateral approach or a vigorous international response?

Finally, what are the consequences of our action? What will our military face in Iraq? What will be the impact on Iraq and the Middle East? What does this mean to the war on terrorism?

These are the kinds of questions I am asking myself so I can make a wise decision.

But make no mistake, I firmly believe that Saddam Hussein is duplicitous, deceptive, and dangerous. I despise him. Saddam is a brutal, totalitarian dictator and history shows us how dangerous Iraq is under his rule. He invaded Kuwait and used chemical weapons against his own people. I do believe he has developed chemical and biological weapons, and I also believe he is pursuing nuclear weapons, defying the will of the international community and also denying the agreement that he made at the end of the gulf war.

I also really do not believe Saddam is going to change. The question then is, what does this mean for the future? I think Iraq does have the grim and ghoulish means to carry out its evil plans. I think if we look at declassified CIA reports and the British white paper, we can see that Iraq does continue to develop and produce and stockpile chemical and biological weapons, and is trying to get the technology and materials to produce nuclear weapons. So these threats cannot and must not be ignored.

Therefore, what is the best way to proceed? My analysis further indicates that Saddam Hussein just doesn't threaten the United States or our assets or our people abroad. He threatens the entire region. He also threatens treasured allies. And because the threat is greater than ourselves, we must bring the international community with us, to share the responsibility and the burden of stopping these threats.

This is why I support the Levin amendment. It is our best chance to forge a vigorous international response, and to also have the backing of a multinational military response.

The Levin amendment requires four things. It urges the U.N. Security Council to promptly adopt a resolution demanding access to U.N. inspectors to destroy Iraq's missiles and weapons of mass destruction. We know that works. When the inspectors were in Iraq, they destroyed more weapons of mass destruction than we did during the gulf war.

The Levin amendment authorizes member states to use necessary and appropriate force if Iraq refuses to comply. I understand the use of force might be necessary. It also very clearly asserts and affirms the U.S. right to self-defense.

It authorizes the President to use armed force to fulfill the U.N. Security Council resolution, provided the President determines that diplomacy was tried and exhausted first. It also tells us not to adjourn so Congress can further consider action if the U.N. fails.

That is what we are looking at. The consequences of committing American troops to war in Iraq are very serious and they must be carefully reviewed.

The question is, will our American troops be welcomed with flags or will they be welcomed with land mines? Our troops could face an Iraqi military entrenched in cities instead of the open desert warfare of the gulf war. Iraq could use chemical and biological weapons right on our troops as we are engaged in battle. They could also do this against their own Iraqi civilians.

This is why I believe America should not face these threats alone. If we go in, we should not go in by ourselves. If the threat is so real, the world should take it seriously and then vote to be able to come with us.

Mr. ALLARD. Will the Senator yield?

Ms. MIKULSKI. When I finish, yes.

America cannot face this situation alone. The support and cooperation of allies would enable us to share the risks and the cost. We need international legitimacy, international support, and international manpower.

What happens when we win the war? Military victory is only the start of U.S. engagement in Iraq. Fostering a new regime could take decades. Most people don't realize that Iraq is an artificial construct, formed in 1920 by a League of Nations mandate after the first World War. Iraq has no unifying history or culture or religion or language: Its population is deeply divided on ethnic and religious lines.

The end of Saddam Hussein could mean the start of a civil war. Fostering the creation of new government in Iraq will not be easy. There is no real opposition group ready to take over because Saddam's totalitarian regime does not tolerate opposition.

If Saddam is overthrown—we have to be prepared for what happens next. Will American troops become an army of occupation or will Iraq fall into chaos and civil war?

America cannot face this situation alone. The support and cooperation of allies would enable us to share the risks and the costs.

War on Iraq could also have unintended consequences for the Middle East. Some optimists see war in Iraq leading to democratization and peace in the Middle East. They predict the overthrow of undemocratic regimes in Iran, Saudi Arabia, Syria and other countries. But there is a real risk that attacking Iraq would unify Arab countries and the wider Muslim world against us. We are already seeing signs of cooperation between Sunni and Shi 'ite extremists and terrorist groups.

A mandate from the United Nations would mean the international community against Saddam instead of the United States against Iraq. Other countries in the region would join our coalition, rather than obstructing or opposing us.

I also worry that unilateral action could undermine the war on terrorism. Some special forces are already being withdrawn from the efforts to hunt al-Qaida in Afghanistan. Intelligence resources would be re-directed to cover Iraq, reducing our focus on Afghanistan and Pakistan. Arab and Muslim states may reduce their intelligence cooperation against al-Qaida and other terrorist groups. The focus of our top military and civilian leaders could shift away from bin Laden and al-Qaida. There are other issues.

An international coalition helps address the impact of war in Iraq on the war on terrorism. By sharing the burden during and after a war, more of our troops and resources can pursue the war on terrorism by keeping together the global coalition against terrorist groups.

I want to conclude by thanking President Bush for engaging in intensive diplomacy at the U.N. I know the Bush administration is being aggressive at the U.N. and in the key states, including Russia, China, and France. I applaud the President for this.

President Bush also made it clear that the U.N. has a responsibility to address Iraq's threat to international peace and security. I absolutely agree with him on this. But also I agree we have to get the United Nations Security Council authorization to form an international coalition.

We cannot fail to act if action is necessary, but we must take the time to

see if we can minimize the danger and also build a coalition to share the risk. An international coalition would do that.

The Senate faces difficult decisions on how to address the Iraqi threat. I believe the Levin amendment is by far the strongest option. It endorses the President's speech to the United Nations, strengthening the U.S. position in multilateral diplomacy and authorizing the use of force only if authorized by the U.N. Security Council without ruling out the possibility that Congress will authorize the unilateral use of force if that decision becomes necessary. Most importantly, the Levin resolution presents the best hope for the United States to achieve international support and a multinational military coalition to address the Iraqi threat to peace and security.

Therefore, I look forward to voting for the Levin amendment. I urge my colleagues to join me in doing that because I believe the way to deal with this issue is international support and a multinational military coalition, should force be necessary.

Before I yield the floor, I turn to the Senator from Colorado, who had a question.

Mr. ALLARD. I say to the Senator from Maryland, I did have a question. I just finished a bipartisan press conference with the Secretary of State. He said the diplomats, our negotiators at the United Nations, felt they needed the strongest position possible in order to make their negotiations end in a successful way. I was struck by your comments and your support for the Levin amendment. I wonder if you could respond to his comments that we just had, about 12:30 or so.

Ms. MIKULSKI. I say to the Senator, I did not hear his comments at the press conference.

I applaud Secretary Powell. I think his is a vigorous effort to try to resolve the situation through diplomatic means, to send a message to Saddam that he should voluntarily disarm and let the inspectors in.

That might not work. But it is then up to the U.N., as the President said when he spoke to them, to take responsibility; to therefore authorize action to enforce their own resolutions so the United States of America is not doing this all by ourselves. It is not America versus Saddam. It should be the international community against Saddam because, I think you would agree, he is a despicable cad.

Mr. ALLARD. I would agree with that. But I think the point was being made, if we have a strong resolution, it would be less likely we would be out there by ourselves. If we had some weaker position, and we went in——

Ms. MIKULSKI. Going where, sir? Going to the U.N. or going back to Saddam? I am sorry, who is negotiating with whom? Are you talking about the U.N. negotiating with Saddam or Secretary Powell negotiating within the U.N.?

Mr. ALLARD. I am talking about Secretary Powell and our diplomats negotiating within the United Nations, negotiating with members of the Security Council. The feeling is we need to have a strong resolution in order to make those negotiations successful.

Ms. MIKULSKI. I see. I thought you were talking about sending a message to Saddam. No. I understand. I believe the Levin amendment is a pretty muscular amendment, saying back to the U.N., you passed those resolutions, you should really step up to those resolutions, and putting the pressure back on them; and also saying, we are not going to adjourn until we hear what you are going to do. And we will be ready to respond promptly.

So I think the Levin amendment is a fairly muscular amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will now yield to the Senator from New Hampshire, a good friend, and somebody who does a great job. I yield to him 20 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Colorado. I appreciate his courtesy, and I appreciate his leadership on the most important resolution. His leadership has had an integral impact on how this resolution was designed, and he has been a leader on addressing what is obviously the major national security issue which we confront as a Nation today.

I—like many Americans, hopefully—have followed the debate in this Chamber. I have been interested in the tenor and tempo of the debate. I believe it has obviously been serious and substantive in its approach to how we address the question of this resolution, which will authorize the President to take such action as is necessary in order to protect our Nation relative to Iraq, and to work with the United Nations in that undertaking.

One of the things, however, I have also noted is there is almost a sophistry being presented here. For example, I heard one presentation, talking about whether or not we were pursuing preventive war versus preemptive war, in which there was almost a rather nice dissertation of what I would call political science 101 on the difference between preemptive war and preventive war, and whether or not we, as a Nation, had a right to pursue a preventive war versus a preemptive war.

I would simply point out we are at war. We are not initiating war. We are not in the process of striking an enemy by whom we have not been struck. Two Embassies in Africa were attacked. Hundreds of people died. An American ship in Yemen was attacked. Many sailors died. And, of course, on September 11, thousands of Americans died in America as a result of an attack.

We are at war. We did not ask for it. We did not initiate it, but we have no choice but to respond to it. In responding to it, we must have our eyes open. We are a Nation which inherently believes in the better nature of people. We inevitably give people the benefit of the doubt. It is our culture, and it is one of our strengths. Regrettably, in this war, giving people the benefit of the doubt—people who have a track record of either hating us, attacking us, or confronting us militarily—may end up costing us even more lives.

I think we need to review the enemy's purpose. Let's begin with al-Qaida and bin Laden, and use his own words.

bin Laden, in an interview that was published in January 1999—it originally appeared in Time—made the following statement:

> Hostility toward America is religious duty.

He went on to say, in February 1998:

> The ruling to kill the Americans and their allies, civilians and military, is an individual duty of every Moslem, who can do it in any country in which it is possible to do it.

''Civilians and military.''

He went on to say:

> We, with Allah's help, call on every Moslem, who believes in Allah and wishes to be rewarded, to comply with Allah's order to kill Americans and plunder their money.

And most recently, in a tape recently released just a week ago:

> The youth of Islam are preparing something to strike fear in your hearts——

Referring to America——

> and will target the vital sections of your economy until you renounce your injustice and hostility.

This is an enemy who has called to arms the people who believe in him and follow him for the purposes of killing Americans as defined by his own language: ''civilian and military.'' That is the enemy we confront in al-Qaida.

And what is the relationship to Iraq?

First off, we must look at the history of our relationship and of Iraq's relationship in the area of military activity. Saddam Hussein has attacked his neighbors, neighboring nations twice. He has mercilessly—mercilessly—suppressed his own people, especially the Kurdish minority within Iraq. He has invaded Iran and Kuwait.

He has also developed and used weapons of mass destruction. ''Weapons of mass destruction'' is a terribly antiseptic term. But what it means is, he is essentially willing to spread disease which will kill thousands—tens of thousands—of people in order to obtain his purpose. And he has done it. He has used biological weapons. He has used chemical weapons against the Iranians and against the Kurdish people in his own country, killing literally thousands of people.

Of course, we went to war with Iraq in the early 1990s. So our history with Iraq is significant, as we recognize they are governed by an outlaw and, as a result, have been a nation functioning outside of the civil discourse of organized nations.

But why is it important we confront them at this time and in this context?

It is important because of the weapons of mass destruction which they have. If this were the world prior to 1980, let us say, when weapons of mass destruction were not so readily available, or nations which had them were governed by governments which had at least some modicum of responsibility, then you might not look at a tyrant such as Hussein and say you needed to do anything: Let him, regrettably, do his harm to his neighbors and his nation. It is not affecting us.

The problem is, after September 11, we, as a country, cannot take such an isolationist view, for we know there is an enemy out there called al-Qaida that has stated, unequivocally, their purpose is to kill Americans and destroy our society and culture. And we have seen them take action to do that on September 11, and in Africa at our Embassies, and at the USS *Cole*.

We also know there is another nation out there, run by a tyrant, who is a murderous individual, who has weapons which are capable of exacting massive—massive—amounts of damage and loss of life, if used.

The threat, obviously, is that the two should be joined or that the tyrant should just unilaterally use these weapons. Why is that threat legitimate? It is legitimate because there is significant common sense which tells us that it may be joined.

There have been reports not by American news media or by American intelligence services but by Arab sources which have made it clear that there is a cross-fertilization between the Hussein government and al-Qaida. Reports appearing in a Karachi newspaper, the Ummat, on November 22 carried an article saying that Saddam Hussein has offered asylum to the top Taliban and al-Qaida leadership, including Osama bin Laden and Mullah Omar. In this regard, a delegation led by a senior official in the Iraqi Government, Taha Hussein, met with Mavlana Jalal ud-Din Haqqani—I hope I pronounced that correctly, but considering his purposes, I don't really care—in Qatar and conveyed Saddam Hussein's offer to him.

If the report is true, then it is at least the second time Saddam Hussein has offered bin Laden asylum. A report in the Christian Science Monitor cited Arab sources which it considered to be legitimate that, according to Hassan Mohammed, who claims to have worked for two decades for Iraq intelligence services, graduates of an Iraqi school were intimately involved in training both Assad al Hassan and al-Qaida cells, and the quote is:

My information is that the Iraqi Government was directly supporting al-Qaida with weapons and explosives.

There are more and more reports like this. It is also logical, logical because Osama bin Laden and his people have made it clear that those who consider us an enemy are their allies. Therefore, Iraq is a natural ally to them, and vice versa.

So the possibility that a weapon of mass destruction which has been developed—and we know they have been developed within Iraq, biological and chemical weapons—could fall into al-Qaida hands or people representing the same concepts of al-Qaida is distinct.

We also know that Iraq is moving forward with a nuclear program, that they wish to have a nuclear bomb, and that they may well have it, if they are able to get fissile material within a year; if not, within 3 or 4 years. They are much further down the road toward obtaining nuclear weapons than we even anticipated when we had the war with them in the early 1990s. That was terminated then but has been restarted.

So what are we to do about this? The U.N. has passed 16 resolutions, the basic purpose of which is to try to disarm Saddam Hussein and his government, specifically in the area of weapons of mass destruction. There is no civilized nation today that does not understand the threat that is represented by having a government headed by a tyrant such as Saddam Hussein having weapons of mass destruction.

So the U.N. has made a conscientious effort to address this with these 16 resolutions. Of course, Saddam Hussein has ignored those, lied about what he is doing, and he ejected the inspectors, which leads us to the point we are at today.

This resolution has as its fundamental purpose the disarmament of Saddam Hussein, taking away his weapons of mass destruction. If, as a corollary to that, a regime change occurred in Iraq, that would be for the betterment of the world, I suspect. But the vital purpose here is to terminate the capacity to have and to use weapons of mass destruction, either by Iraq or by a client of Iraq or by an ally of Iraq or by al-Qaida specifically.

It is a totally legitimate national security purpose that we should pursue. The President has outlined the need to accomplish this. What he has essentially said, and appropriately so, is that we will support the U.N. effort to accomplish this. But if the U.N. is unable to accomplish it, then our national security is so important, so overriding, that we should take action with our allies to accomplish this. That is the only reasonable approach when you confront a threat of this significance.

There are some in this body who have essentially said we should pursue what I call the good intentions approach. That is an American trait—that we do give people the benefit of the doubt. But the good intentions approach in this area—hoping that things will work out through a policy of containment—has not worked.

We know for a fact that Hussein and his people have ignored the 16 resolutions and that they are developing weapons of mass destruction, and they actually possess them. We know for a fact that they may well use them. To wait and rely on good intentions would be an error of policy which might lead to the death of many Americans. We can't afford that risk. We must insist, as the President has said, on the disarmament of the Hussein regime; specifically, the disarmament of their weapons of mass destruction, in a manner which is absolutely confirmable, where we know without question that it has occurred and that those weapons have not been moved into other places of hiding or into other hands, which may cause greater harm.

What the resolution before us does is give the President the authority to accomplish those goals. To fail to give the President the authority to accomplish those goals would be, in my opinion, an act of gross negligence, a failure of our responsibility as a government to defend our people.

We are at war. We have been attacked. Americans have been killed. And if Mr. bin Laden and his people have their way, more will be killed.

If we are to defend ourselves, we must be assured that the most threatening weapons they can use will not be used against Americans. Therefore, we must take action relative to Iraq. This resolution empowers the President to accomplish that. That is why I intend to vote for it.

I yield the floor.

Mr. ALLARD. Mr. President, I congratulate the Senator from New Hampshire for a very fine statement. I notice that our colleague from North Carolina has arrived in the Chamber, and we have Senator JEFFORDS scheduled to speak at 3. I ask the Senator from North Carolina, does he need a minute or two to make a comment?

Mr. HELMS. I thank the Chair, but I cannot use the time now.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I was speaking to the manager of the bill, Senator ALLARD. He is scheduled to speak after Senator JEFFORDS, who is not here. I ask unanimous consent that Senator ALLARD be recognized for 20 minutes and that Senator JEFFORDS follow him.

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

The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Senator from Nevada.

Mr. President, today, I rise in strong support of S.J. Res. 46, the bipartisan joint resolution to authorize the use of the U.S. Armed Forces against Iraq.

First, I want to praise the President for his leadership and for reaching out to all Members of this body. I am proud

to be an original cosponsor of S.J. Res. 46 with Senators LIEBERMAN, MCCAIN, WARNER, BAYH, DOMENICI, HELMS, HUTCHISON, LANDRIEU, and MILLER. These Senators are leaders of the Senate, and I am proud to be associated with them on this important matter.

Also, I want to commend the leadership of the other body for their leadership in brokering this agreement between the administration, the Senate, and the House.

I know this debate will be vigorous in nature and serious in tone, which is exactly how such a debate should take place. One of our most solemn duties as Senators is when we are called upon to cast a vote on whether to send our men and women in uniform into harm's way. Quite simply, this is one of the most serious votes any Member will make.

I remember, as a new Member of Congress in 1991, one of my first votes was whether to go to war in the Persian Gulf. Just like in 1991, voting on this resolution will be a tough vote. But that is why we are here—to take a stand, state what we believe, and make the tough votes. In the end, I hope this debate will show that the Senate, despite any disagreements, is united in its resolve against Saddam Hussein.

Mr. President, the United States has basically been at war with Iraq ever since the Persian Gulf conflict. In April 1991 and August 1992, the northern and the southern no-fly zones were established in order to enforce United Nations Resolution 688. Since then, U.S., British, and coalition aircraft patrolling these no-fly zones have been fired upon by Iraq more than 2,500 times and over 400 times this year alone. However, despite the daily threat in the no-fly zones, our pilots have only fired back in response 44 times.

Saddam Hussein has repeatedly defied sixteen United Nations resolutions which were designed to ensure that Iraq would no longer be a threat to international peace and security. Plus, the United Nations Security Council has issued 30 statements regarding Saddam Hussein's violations of these 16 resolutions. At this time, I ask unanimous consent that a list provided by the White House of the 16 United Nations Security Council Resolutions and a list of Council statements regarding the violations be printed in the RECORD.

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

U.N. SECURITY COUNCIL RESOLUTIONS AND COUNCIL STATEMENTS REGARDING VIOLATIONS

DEFIED UN SECURITY COUNCIL RESOLUTIONS BY SADDAM HUSSEIN

UNSCR 678—November 29, 1990

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

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

UNSCR 686—March 2, 1991

Iraq must release prisoners detained during the Gulf War.

Iraq must return Kuwaiti property seized during the Gulf War.

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

UNSCR 687—April 3, 1991

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

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

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

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

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

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

Iraq must declare fully its weapons of mass destruction programs.

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

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

Iraq must return Kuwaiti property seized during the Gulf War.

UNSCR 688—April 5, 1991

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

Iraq must immediately end repression of its civilian population.

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

UNSCR 707—August 15, 1991.

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

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

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

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

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

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

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

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

UNSCR 715—October 11, 1991

Iraq must cooperate fully with UN and IAEA inspectors.

UNSCR 949—October 15, 1994

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

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

Iraq must cooperate fully with UN weapons inspectors.

Iraq must not enhance its military capability in southern Iraq.

UNSCR 1051—March 27, 1996

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

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

UNSCR 1060—June 12, 1996

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

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

UNSCR 1115—June 21, 1997

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

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

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

UNSCR 1134—October 23, 1997

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

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

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

UNSCR 1137—November 12, 1997

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

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

Iraq must cooperate fully with UN weapons inspectors and allows immediate, unconditional and unrestricted access.

UNSCR 1154—March 2, 1998

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

UNSCR 1194—September 9, 1998

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

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

UNSCR 1205—November 5, 1998

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

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

UNSCR 1284—December 17, 1999

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

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

Iraq must fulfill its commitment to return Gulf War prisoners.

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

ADDITIONAL UN SECURITY COUNCIL STATEMENTS

In addition to the legally binding UNSCRs, the UN Security Council has also issued at least 30 statements from the President of the UN Security Council regarding Saddam Hussein's continued violations of UNSCRs. The list of statements includes:

UN Security Council Presidential Statement, June 28, 1991.
UN Security Council Presidential Statement, February 5, 1992.
UN Security Council Presidential Statement, February 19, 1992.
UN Security Council Presidential Statement, February 28, 1992.
UN Security Council Presidential Statement, March 6, 1992.
UN Security Council Presidential Statement, March 11, 1992.
UN Security Council Presidential Statement, March 12, 1992.
UN Security Council Presidential Statement, April 10, 1992.
UN Security Council Presidential Statement, June 17, 1992.
UN Security Council Presidential Statement, July 6, 1992.
UN Security Council Presidential Statement, September 2, 1992.
UN Security Council Presidential Statement, November 23, 1992.
UN Security Council Presidential Statement, November 24, 1992.
UN Security Council Presidential Statement, January 8, 1993.
UN Security Council Presidential Statement, January 11, 1993.
UN Security Council Presidential Statement, June 18, 1993.
UN Security Council Presidential Statement, June 28, 1993.
UN Security Council Presidential Statement, November 23, 1993.
UN Security Council Presidential Statement, October 8, 1994.
UN Security Council Presidential Statement, March 19, 1996.
UN Security Council Presidential Statement, June 14, 1996.
UN Security Council Presidential Statement, August 23, 1996.
UN Security Council Presidential Statement, December 30, 1996.
UN Security Council Presidential Statement, June 13, 1997.
UN Security Council Presidential Statement, October 29, 1997.
UN Security Council Presidential Statement, November 13, 1997.
UN Security Council Presidential Statement, December 3, 1997.
UN Security Council Presidential Statement, December 22, 1997.
UN Security Council Presidential Statement, January 14, 1998.

Source: White House.

Mr. ALLARD. After the Persian Gulf conflict, the international community levied economic sanctions and established the ''Oil for Food'' program. However, these sanctions have largely eroded due to the lack of resolve by the international community and the reality of Iraq's substantial illicit trade. Turkey and Jordan import Iraqi oil via truck routes, Iran escorts oil tankers through territorial waters, an Iraq-Syrian pipeline is the largest export method of Iraqi oil, with an Iraq-Jordan pipeline scheduled to be operational in 2005.

The United States attempted to garner support for ''Smart Sanctions'' in early 2001, but this attempt met tepid reception by the international community. Russia, China, and France have negotiated substantial contracts with Iraq which would be executable upon lifting of U.N. sanctions. Under the Oil for Food program, food import levels exceed and oil revenue is comparable to pre-Gulf war levels. The program experiences periodic progressive adjustments in its export ceiling in response to growing international concern about the Iraqi humanitarian condition.

However, Saddam Hussein consistently circumvent's the economic sanctions and attempts to thwart the oil for food program. Saddam's regime has exported thousands of barrels of oil each day in violation of UN resolutions and he completely disregards the humanitarian well-being of his own people. By illegally exporting this oil, he has deprived the Iraqi people billions of dollars in food and medicine which would have been allowed under the program.

The living conditions of the Iraqi people are intolerable. Saddam Hussein has expanded his violence against women and children, withheld food and medicine from his own citizens, and violated the basic human rights of the Iraqi people.

Mr. President, some have blamed the oil for food program and the economic sanctions for these conditions. But let us be very clear, the reason for these intolerable conditions and why we are debating this topic today lay at the feet of Saddam Hussein and his regime. To quote Secretary of State Powell from a Foreign Relations Committee hearing on September 26, ''Iraq stands guilty. It convicts itself by its actions.''

The threat of Saddam Hussein is real and is growing. Iraq enjoys a sizable military advantage over all Gulf States except Iran. Iraq's 424,000 military personnel outnumber the combined personnel total of all U.S. Gulf allies. Iraq continues to pursue weapons of mass destruction, and is attempting to acquire a nuclear capability. According to recent reports, it is estimated that if Iraq were to obtain fissile material then Saddam Hussein could build a nuclear bomb within months. United Nations Special Commission has identified gaps in accounting for Iraq's current chemical stockpiles and capabilities and has not accounted for hundreds of tons of chemical precursors and 1000's of delivery warheads. UNSCOM also reported that Iraq has understated their declarations regarding the extent of its biological agents.

Again, I would like to quote Secretary Powell from the same hearing, when he stated:

We can have debates about the size and nature of the Iraqi stockpile. We can have debates about how long it will take them to reach this level of readiness or that level of readiness with respect to these weapons. But no one can doubt two things: one, they are in violation of these resolutions—there's no debate about that; and secondly, they have not lost the interest to develop these weapons of mass destruction. Whether they are one day, five days, one year or seven years away from any particular weapons, whether their stockpile is small, medium or large, what has not been lost is the interest to have such weapons of mass destruction.

Secretary Powell also made it clear that we aren't alone in our concern regarding the threat of Saddam Hussein. Referencing Arab leaders and their thoughts regarding Saddam, Secretary Powell added, ''There is no question in their minds that he's a threat to regional stability and peace. There is no question in their minds that he is a threat to the region and has demonstrated previously his willingness to use weapons of mass destruction. And there is no doubt in their minds that he continues to have the intent to develop these weapons of mass destructions.''

So what now—what do we do? Do we hope that Saddam Hussein goes gently into the night or do we finally stand up to this dictator and let the world know that Saddam Hussein can no longer thumb his nose at the international community.

We only need to go back a few weeks to see Saddam's duplicity. On September 16, 4 days after the President's speech at the U.N., the Iraqi government announced it would unconditionally allow the return of U.N. inspectors. However on September 20, Iraq backpeddled on its previous announcement by stating that the definition of ''unconditional access'' means no ''presidential sites'' and 24 hours notice before any inspection.''

My reaction to this new definition of ''unconditional'' by Iraq is best summed up in an October 3 Denver Post editorial when it stated, ''Saddam, there you go again.''

I ask unanimous consent that the entire article entitled ''Saddam Must Open Palaces'' be printed in the RECORD.

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

[From the Denver Post, Oct. 3, 2002]

SADDAM MUST OPEN PALACES

Saddam, there you go again. Pardon the paraphrasing of Ronald Reagan, but Saddam Hussein's offer to allow weapons inspectors back into his country under current United Nation rules—the same rules he has willfully and flagrantly violated for years—is pure smoke-and-mirrors diplomacy.

Under those rules, Saddam's palaces would be off limits to inspectors.

Any inspection of Iraq must be unfettered. Otherwise, what's the point?

It's simply Saddam trying to stay one step ahead of the United States, with catch-me-if-you-can stall tactics.

The Iraqi dictator has been spending billions since the Persian Gulf War building what the U.S. government believes to be dozens of mammoth desert palaces. Meanwhile, his people starve. (Saddam cleverly blames

U.N. sanctions for keeping food and medicine out of his country, yet somehow finds the marble and gold to build palaces.)

Who's he trying to fool?

Well, France, Russia and China for starters. Those three permanent, voting members of the U.N. Security Council have not yet backed the United States' push to require open weapons inspections, destruction of any weapons of mass destruction and the use of military force if Iraq doesn't comply.

President Bush was right in going to the United Nations to remind its members how Saddam has consistently and brazenly laughed off its rules.

It was a big step toward building a much-needed world consensus for striking Iraq. But if getting U.N. Security Council approval requires us to work under old rules, such as those where palaces are off limits, the world, and those three countries, must know the United States will act without them.

The U.N. can't fall for Saddam's old tricks.

Congress on Wednesday was moving forward with a strongly worded resolution that gives Bush authority to attack Iraq if diplomatic measures fail.

Bush, in turn, must certify to Congress before an attack, or within 48 hours, that diplomatic and other peaceful means alone aren't enough to protect Americans.

''We will not leave the future of peace and the security of America in the hands of this cruel and dangerous man,'' Bush said Wednesday from the White House Rose Garden.

As he spoke, he was flanked as usual by Republicans, but also by what seems to be a growing number of Democrats.

Perhaps it's the approaching election. Or perhaps, as we hope, it's the morning briefings with congressional leaders where Bush is privately detailing why he considers Iraq an imminent threat.

For whatever reason, one of his potential rivals in 2004 strongly foreshadowed Wednesday that soon both parties will be singing with ''one voice,'' as Bush predicted last week.

Sen. Joe Lieberman, D-Conn., said the administration has exhausted all non-military means to disarm Saddam.

''They've not worked,'' he said. ''The moment of truth has arrived for Saddam Hussein. This is his last chance.''

We've heard that before. Let's hope this time it's true.

Mr. ALLARD. Mr. President, I wish to quote a few passages from the editorial:

Any inspection of Iraq must be unfettered. Otherwise, what's the point? It's simply Saddam trying to stay one step ahead of the United States, with catch-me-if-you-can stall tactics.

Later in the editorial it states:

President Bush was right in going to the United Nations to remind its members how Saddam has consistently and brazenly laughed off its rules. It was a big step toward building a much-needed world consensus for striking Iraq. But if getting U.S. Security Council approval requires us to work under old rules, such as those where palaces are off limits, the world, and those three countries (France, China, and Russia), must know the United States will act without them. The U.N. can't fall for Saddam's old tricks.

I hope the United Nations Security Council will devise a new tough resolution which will demand ''unconditional and unfettered'' access to all sites. I do not want to have to use force to disarm Saddam Hussein. However, I also will not allow the United Nations or any permanent member of the Security Council with veto power, to control our national security policy. And that is why I support this resolution.

S.J. Res 46 does not advocate force, but it does not preclude it. It uses force as the last resort, the very last. The resolution basically states that the President is granted authority to use force if he determines that:

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq, and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

I believe Secretary Powell clarified the administration's position even further regarding the use of force during the September 26 hearing by stating, ''Yes, he [the President] wants the authority to carry out those resolutions where he believes force is the appropriate way to get implementation of those resolutions. I think it unlikely the President would use force—if he [Saddam Hussein] complied with the weapons of mass destruction conditions, it seems very unlikely that anybody would be using force to comply with any of the other resolutions.''

Much of this debate is about when to pass this resolution. Should we pass a resolution before the United Nations acts or should we wait until after the United Nations acts? I believe this Senate should act prior to the United Nations to show that we speak with one voice in the importance of disarming Saddam Hussein. I agree with Secretary Powell and former Secretary of State Albright when they both stated that the United States would be in a much better position to prevail in the United Nations if the administration had a congressionally approved resolution in their pocket.

Passing this resolution in no way precludes the United Nations from acting, nor should it lessen the resolve of this administration to gain such support, but I believe a vote on this resolution will show our resolve to the world that we want the United Nations to act. However, if the United Nations is determined to follow the same course it has over the last 10 years, then Saddam Hussein must understand that the United States will act alone. On August 20, 1998, President Clinton addressed the Nation and said, ''The risks of inaction to America and the world would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact.'' I do not want us to use force, but I also cannot and will not sit idly by and hope that Saddam Hussein does nothing while the U.N. talks, and talks, and talks.

I believe President Bush summed up our task at hand during his speech last night in Cincinnati when he stated:

We did not ask for this present challenge, but we accept it. Like other generations of Americans, we will meet the responsibility of defending human liberty against violence and aggression. By our resolve, we will give strength to others. By our courage, we will give hope to others. By our actions, we will secure the peace, and lead the world to a better day.

Mr. President, I end on a personal note about this Senate. As I look across the aisle and see the ''Conscience and Historian of the Senate'', the wonderful senior Senator from West Virginia—with whom I find it a honor to serve—and as I see Members of this Senate debate and disagree on this resolution, it is during these debates I am in awe of this great country and this great institution. Unlike so many other nations, we can debate war and peace and at the end of the day there is no fracture in the fiber of democracy that makes America great. It is this which we all wish for Iraq and for the Iraqi people. I look forward to the day when real democratic elections occur and when the voices of the Iraqi people, which have been silenced for too long, will be heard.

Mr. President, I yield to the Senator from Vermont who is speaking next.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank my good friend.

Mr. President, I have come to discuss, not unexpectedly, the situation in Iraq and what our country ought to do in response to that threat.

As has happened many times before when faced with a potential threat to our national security and to the security of our allies, we must carefully evaluate that threat, and decide how best to deal with it.

It is imperative we not make a rash decision that will have lasting consequences for generations to come.

I am very disturbed by President Bush's determination that the threat from Iraq is so severe and so immediate that we must rush to a military solution. I do not see it that way.

I have been briefed several times by Defense Secretary Rumsfeld, CIA Director Tenet, and other top administration officials. I have discussed this issue with the President. I have heard nothing—nothing—that convinces me that an immediate preemptive military strike is necessary or that it would further our interests in the long term.

Saddam Hussein's desire to acquire weapons of mass destruction is of grave concern. Based on the information that has been provided to me by this administration, I believe this threat is best dealt with in the context of the United Nations.

The U.N. must move aggressively to ensure unfettered inspections and bolster its efforts to stop the proliferation

of materials that can be used in the production of weapons of mass destruction.

I urge the U.N. Security Council to take immediate and strong action to deal with Iraq and its infractions. Should Iraq fail to comply with the United Nations resolutions, it is incumbent on the United States to aggressively work with member nations to develop a means to bring Iraq into compliance.

But at this time, I cannot in good conscience authorize any use of military force against Iraq other than in the context of a U.N. Security Council effort.

If we receive information that the threat is more imminent, or if the United Nations' effort fails, then the President should come back to Congress for consideration of the next step.

Providing the President with authorization at this time for unilateral U.S. military action would undercut U.N. Security Council efforts to disarm Iraq.

We must ensure that any action we take against Iraq does not come at the expense of the health and strength of our Nation, or the stability of the international order upon which our economic security depends.

I spoke at length on the Senate floor last week about pressing problems that will determine the future strength of our Nation:

Grossly inadequate funding for education, declining access to affordable health care, degradation of our environment, and erosion of pension security for many hard-working Americans.

Saddam Hussein is as bad a dictator as they come. His past actions speak volumes about his true intentions. But is the only solution to this dilemma a military solution? Experience tells us otherwise. Ten years of containment through enforcement of two no-fly zones and U.N. economic sanctions have prevented Saddam Hussein from rebuilding his military to any significant extent especially with respect to our security. His military strength remains significantly weaker than when he moved against Kuwait more than a decade ago.

There is much speculation about his weapons of mass destruction program, but no evidence that he has developed a nuclear capability, and less that he could deliver it. While there is talk of cooperation between Iraq and al-Qaida, and I don't doubt that there has been some cooperation, I have not seen any hard evidence of close cooperation. There is, however, a great deal of evidence of Saddam's paranoia and his distrust of all but his closest inner circle. He has wiped out any viable political opposition and tightly holds all the reins of control. Even if he were to develop a nuclear capability, which he does not have, I have a hard time believing that Saddam Hussein would turn these weapons over to any organization, particularly a terrorist organization, after he has paid so dearly to acquire them.

Our greatest problem, it seems to me, is that we have very little good intelligence on what is going on inside Iraq. We know that Saddam Hussein's intentions are bad, but we don't have a clear picture of what his capabilities actually are, or if a threat exists. Clearly, we need to get United Nations inspectors on the ground immediately. The inspectors must have unfettered access to all suspected sites in Iraq. This is proving to be a major challenge for the United Nations, but the United Nations is much more likely to succeed if the United States is squarely behind its efforts, and not standing off to the side, secretly hoping that it will fail.

We should give the United Nations the opportunity to step forward and deal with Iraq and its infractions. In my estimation, the United States stands to gain much more if we can work with the United Nations to deliver a multilateral approach to disarming Iraq, even providing military force, if necessary. If the United Nations fails to press for the disarmament of Iraq or is blocked in its efforts, then I would expect the President to come back to Congress for further discussion of the alternatives.

In view of this threat from Saddam Hussein, which I believe is missing, I urge the Congress not to adjourn sine die upon completion of its work this fall, but to be ready to return to session at any time prior to the New Year if further action against Saddam Hussein should become necessary.

We must also work with the United Nations to stop the flow of those materials needed for producing weapons of mass destruction. There is a great deal more that we could do to tighten international nonproliferation regimes. Rather than supporting and empowering international efforts to stop the flow of nuclear materials and force greater transparency in chemical and biological commercial production facilities, the Bush administration has undercut these efforts and refused to participate in attempts to strengthen existing nonproliferation regimes. For example, last fall, at the Biological Weapons Convention review conference, the Bush administration scuttled efforts by our closest allies, most notably Great Britain, to strengthen the international biological weapons inspection regime.

The administration has actively undermined efforts to monitor and verify the existing international moratorium on nuclear weapons testing.

Additionally, we should be putting more resources into the Nunn-Lugar program, which has had some success at preventing the export from the former Soviet Union of nuclear weapons materials and scientific know-how. Saddam Hussein is not the only deranged dictator who is willing to deprive his people in order to acquire weapons of mass destruction.

Just think of what progress we could make on nonproliferation if we were to put one fraction of the cost of a war against Saddam Hussein into efforts to prevent the emergence of the next nuclear, chemical, or biological threat. Strong efforts at strengthening international nonproliferation regimes would truly enhance our Nation's future security.

In our preoccupation with Saddam Hussein, we must not lose sight of potential crises in several other areas of the world. The India-Pakistan nuclear confrontation and the standoff over Kashmir have demanded a great deal of American effort during the past year. We cannot rule out a re-emergence of this nuclear threat. The conflict between Israel and the Palestinians continues to claim lives and threaten the stability of the region. Without U.S. prodding and even direct involvement, there is little chance that a peace process could resume there. War with Iraq could have an inflammatory effect upon that situation, and potentially risk the security of Israel as well. A war with Iraq would diminish our focus on bringing stability to Afghanistan, risking a return of anarchy to an area we have just given American lives to stabilize. While Pakistan has stood with us this year, a lessening of U.S. attention to Afghanistan could significantly undercut our influence in Islamabad. And the larger war on terrorism, our top concern just a few months ago, would take a back seat to a protracted war with Iraq and a major reconstruction effort. Yes, we must worry about Saddam. But we must not do so in a manner that reduces our ability to deal with these other threats.

I fear that this administration is, perhaps unwittingly, heading us into a miserable cycle of waging wars that isolate our Nation internationally and stir up greater hatred of America. This cycle will generate more enemies, while undercutting our support from a broad coalition of allies—coalitions that have proven to be the hallmark of all successful peacemaking efforts in recent years.

We owe it to the American people not to rush into a war, but to work with the institutions that we fought so hard to develop for just this eventuality. If multilateral efforts fail, then the President should come back to Congress for consideration of the next course of action. I cannot support a resolution that puts this Nation on a path to war without first exhausting diplomatic efforts. Now is the time to put the international system to work for us, and consider unilateral military action only as a last resort.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Mr. President, we are running ahead of time with our scheduled speakers. I have not had an opportunity to speak to the manager of the bill, but I have spoken to the staff. Senator KENNEDY comes to speak automatically at 3:40. I ask unanimous consent that Senator CLELAND be recognized at 3:30 for 10 minutes.

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

The Senator from Colorado.

Mr. ALLARD. Mr. President, the Senator from Connecticut will speak for the next 10 minutes or so, and then we will be on schedule for our 3:30 speaker.

Mr. LIEBERMAN. Mr. President, as one of the four lead sponsors of the amendment in the nature of a substitute resolution, I appreciate very much the thoughtfulness of my colleagues in addressing the resolution we put forward, including those who have expressed reservations or objection to it. I will take a few moments to respond to a few of those, as time allows.

One of the concerns expressed was that our resolution essentially provides the President with a blank check and, at its worst, according to the critics, is in derogation of the Constitution of the United States.

Respectfully, I object to both of those descriptions. Let me take the first, which is the question of the Constitution. The Constitution says in article I, among the powers enumerated in section 8 that the Congress of the United States is to have, is the power to declare war. That is stated. Incidentally, in the same clause there are other powers: To grant letters of marque and reprisal and make rules concerning captures on land and water.

Though the Congress of the United States, for various reasons, has not formally declared war since December of 1941, that is the effect of the resolution before the Senate, to authorize the President to take military action to put American troops into combat, into war. That is the extent of the description in the Constitution.

The authority that would be given to the President under our resolution is entirely within that constitutional grant to the Congress, which is to give the President the authority to defend the national security of the United States—and again, no blank check here—against the continuing threat posed by Iraq. It is targeted to that particular point, based on the conclusions about Iraq's danger to the United States stated in the preamble or the whereas clauses. ''And''—not ''or''—and this authority is given not only to protect the security of the United States against the threat imposed by Iraq and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

So one may disagree with the conclusions that those who are sponsoring this resolution have reached about the clear and present danger Iraq under Saddam Hussein represents to America's national security, but I respectfully do not think anyone can convincingly claim this resolution is in any sense unconstitutional. It is well within the authority granted to the Congress under article I of the Constitution. Nor is it, in any sense, a blank check. It is circumscribed by the terms I have just described, ''and''—not ''or''—two grounds of authority. It is not a blank check. It is a check that can only be spent within the parameters set out in those two clauses.

I might add, the Congress also is given by the Constitution the power to appropriate funds. That is the ultimate power that Congress has, to make sure this is not a blank check either in terms of what the money can be spent for or how much money can be spent.

Questions have been raised about the urgency of this matter and the timing of the request by the President for this authority. I said earlier today and I will say briefly again that in the case of this Senator, I have believed now for more than a decade that we have been much too patient—in fact, have been in error at the end of the Persian Gulf war for not moving to remove Saddam Hussein from power when his military was in disarray. We knew what his goals were, what his record was. We knew by statements he made that he had the ambition to be the leader of the Arab world, the modern-day Saladin, to have Baghdad become the capital of the Arab world, of the Persian Gulf. That, of course, would be terrible for the Arab world, terrible for the world, and terrible particularly for the United States of America.

Over the last decade, for those who believe we are acting precipitously in passing and offering this resolution, we have tried everything else to get Saddam Hussein to keep the promise he made at the end of the gulf war. We have tried sanctions, embargoes, inspections, trade restrictions, the Oil for Food Program, even limited military action. None of them has worked.

I repeat briefly some of the history. In February of 1991 after the Iraqi military was vanquished in the Persian Gulf war, Saddam Hussein, effectively to preserve his leadership of that country, signed an agreement accepting all U.N. Security Council resolutions passed after his invasion of Kuwait as a condition for the termination of hostilities. That included Resolution No. 687 which required that Iraq's weapons of mass destruction be ''destroyed, removed or rendered harmless.'' In that Resolution 687, it goes on to require that inspectors be allowed into Iraq.

Saddam Hussein systematically withheld information, used every available method of deception. I have an article from Time magazine of September, 1995, 7 years ago, which describes how much we knew about the deception that Saddam Hussein—the cheating and retreating, as the article said, that Saddam Hussein had gone through to frustrate the will of the United Nations and how much we have learned in admissions that were made as the United States mobilized forces to invade Kuwait: That the Iraqis had admitted they had begun filling 191 bombs and Scud missile warheads with deadly biological agents such as anthrax and botulism toxin, which were to be mounted on missiles, planes, and drone aircraft and dropped on enemy troops, fewer than half of whom had received the appropriate germ warfare vaccinations.

One Iraq report, reading from the article in Time magazine 7 years ago, stated that shortly before invading Kuwait in August of 1990, Saddam ordered a crash program to have a nuclear weapon built by April of 1991.

Interestingly, a month before this article was printed in Time magazine, Baghdad rushed to give some documents to the U.N. to jump ahead of Saddam's son-in-law, Hussein Kamel al-Majid, who had defected. He had been a senior general in charge of the nuclear and biological weapons program. Hussein, according to the article, knew he could not keep him quiet, so he decided to try to make points with the U.N. by producing a flood of information. It was devastating in its content in terms of the deadly toxins of which he was developing an enormous inventory.

Of course, we know since the inspectors were ejected in 1998 and Saddam has now had, after his deception of the years that preceded, 4 years to build up his inventory which our intelligence and allied intelligence confirm has grown, remains, and is today more threatening and more powerful in terms of weapons of mass destruction, unconventional, than he had ever been before.

I want to go back to one final quote. On February 15 of 1991, as we had won a victory in the gulf war, Saddam said:

> Every Iraqi child, woman, and old man knows how to take revenge. They will avenge the pure blood that has been shed, no matter how long it takes.

That is undoubtedly why Saddam tried to assassinate former President Bush in 1993. That is why our State Department continues to designate Iraq under Saddam as a state sponsor of terrorist groups that have killed Americans. That is why we cannot rest until he is disarmed, which is the purpose of this resolution—disarm or face military action.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 10 minutes.

Mr. CLELAND. Mr. President, I find it the height of irony in the midst of our discussion on potential war with Iraq and potential use of force and committing young Americans into harm's way—and I indicated my support yesterday for the bipartisan resolution that would authorize the use of force to go after weapons of mass destruction in Iraq—I find it ironic in the midst of this debate about whether to commit American forces to a national objective somewhere in the world, that in the Washington Post yesterday an article was entitled ''New Pension Benefits Imperil Defense Bill. In Cost-Conscious Move, Bush Vows to Veto Entire Budget if Item Isn't Eliminated.''

The message in the article is disturbing to me because the item referred to is something called concurrent receipt.

I might say currently under law there is an untenable situation where, if someone has served 20 years in the American military and additionally gets wounded in that service, they cannot draw their retirement which they have earned and their disability compensation which they are entitled to, concurrently. They cannot do that. So I find it ironic in the midst of the time when the President is calling upon us to authorize the use of force somewhere in the world, he is opposing the use of concurrent receipt or the ability of our troops, our servicemen and women who have served 20 years or more and get wounded in that effort, to draw those entitlements concurrently. He opposes that and has threatened to veto the almost $400 billion defense authorization bill because of that one item. That is unconscionable.

This article says the President has threatened to veto the defense authorization bill for fiscal year 2003 in order to block the Defense Department from paying veterans and military retirees the very compensation they have earned.

I am puzzled. I am flabbergasted by the President's position and the veto threat. He goes on television one night and threatens war to accomplish our national objectives, and the next moment says he is going to veto the entire defense authorization bill which would help pay for that very war because he doesn't agree with the Senate's position here, where we stand foursquare behind those who have gone in the military, served more than 20 years, and gotten wounded.

I can't understand it. Surely, with all the benefits and quality-of-life provisions we have in our laws supporting our military families, and authorizing weapons systems, and passing, as we passed in this body, a defense authorization bill of $393.4 billion—that the President has threatened to veto this package over a question that ought to be a nonstarter, a no-brainer, is very alarming. The fact is, if somebody serves in the American military 20 years or more and gets wounded in that service, what they are actually entitled to is not authorized.

I challenge anyone who opposes the repeal of the concurrent receipt: Just what are we talking about here? What is the cost to our military personnel who put their lives on the line? And what is the cost to our Nation when nobody else wants to do that because we are not giving them their just due? We have to address this issue and protect our military retirees and veterans. To ignore it is actually the height of hypocrisy, and dishonors the very men and women who serve in uniform.

How can we as a Nation, in good conscience, in a matter of hours, ask our military men and women to put their lives on the line in the future if they know this country will not take care of them?

That is idiotic. The defense authorization bill is in conference between the House and the Senate. It is my hope we can find the right compromise that will make sure we take care of our veterans and retirees. I urge that the House and Senate adopt legislation that will address this issue, and I ask the President and the Secretary of Defense rethink their position and stand up for our veterans and military retirees who are unfairly affected by the current law. We need to change it.

This body stood foursquare behind them. As a matter of fact, one of my combat veterans in this great body here, fellow Vietnam veteran Senator JOHN KERRY from Massachusetts, he and I and others are sending a letter to the President of the United States, urging him to recant that position on threatening to veto the very defense authorization bill we will need to go to the very war he is trying to crank up.

I see this as the height of irony. At one moment we are threatening to put our young Americans into harm's way. At the other moment the President said he is going to veto the entire defense authorization bill because of one item. What is that one item we are paying at the request of this great body? Those who serve 20 years or more and get wounded, they get their just due.

I appreciate my colleague, Senator REID from Nevada, for pushing this issue and bringing it to national attention as the chairman of the Personnel Subcommittee in the Armed Services Committee. We feel very strongly in our committee and in the Armed Services Committee of this body on this issue.

I yield the floor.

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

Mr. CLELAND. I yield.

Mr. REID. I worked on this situation a long time. I appreciate the Senator from Georgia coming, lending your prestige, I underscore that, on this very important issue. As the Senator said, this is a simple issue, whether someone who has put in his time in the military, whether it is 10 or 20 or whatever years it is—20 or 30—whatever it is, and then, I say to my friend from Georgia, the distinguished Senator, then finds himself, because he has a disability—it could be 100 percent or whatever percent disability—he has to make a choice. He can't get both pensions, both of which are earned.

If there were ever an example of how a country owes this to these people, this is it. I say to my friend from Georgia, thank you very much. The Senator from Georgia, I know, as I do, goes to VFW halls and the other veterans' organizations, and we see there large numbers of World War II veterans. I am not happy to say this, but a thousand are dying every day. These men—and very few women, from World War II; as we went back, there were more women involved—deserve this. As in Korea. I have a friend the Senator from Georgia knows, who was my high school teacher, the Governor of the State of Nevada, who lost a limb in Korea. He had to make a choice. He cannot do both. He spent time in the Air Force, in the Marines, in the Army and, under this goofy law he cannot draw both pensions if, in fact, he was entitled to them.

This is just senseless. So I appreciate very much the Senator from Georgia recognizing the importance of this and lending his prestige.

No one can come and speak on veterans' matters with more authority than the Senator from Georgia. I say to the Senator, not only have you received injuries, but you are also the person who ran the Department of Veterans Affairs. You have seen it from all sides. I appreciate very much your being here, helping on this legislation the conference committee must approve. It is simply just unfair if they do not.

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

Mr. CLELAND. I do.

Mr. BIDEN. I apologize for not hearing the Senator's entire remarks. On what I heard at the end, I fully concur.

Mr. WARNER. Will the Senator use his microphone?

Mr. BIDEN. I beg your pardon.

Does the Senator actually believe the President would veto this? I mean, the President speaks so glowingly and lovingly—and I believe he means it—about our veterans and our responsibilities and our obligations. If you laid out to the American people what we are talking about here, they would understand this just does not make sense.

Most people—who are not veterans, who are not disabled, who do not participate in any way—I think assume the law is as you and Senator REID and myself and others are trying to change it.

I ask the Senator, A, do you really believe the President would veto this? And, B, what is the real reason for the veto? I mean, is there something I am missing here?

Mr. CLELAND. The Senator is right in his sense of being absolutely dumbfounded by this. I am absolutely perplexed. I would certainly hope the President of the United States, the Commander in Chief, would not veto a defense authorization bill worth $394 billion, that this body passed, on a spurious issue that it costs money to pay those who fight our wars. It sure does, especially those who get wounded in our wars. It sure does. If we can find the money for war, certainly we can find the money to take care of those who fight our wars. It is just as simple as that to me.

So I thank the Senator from Delaware for his question.

Mr. WARNER. Mr. President, if I could, because I have been aligned with the distinguished Senator from Nevada, Senator LEVIN, and others on both sides of the aisle, together with our colleague from Georgia, about this concurrent receipt—this Senator knows of no time the President of the

United States has directly spoken to this issue. Thus far, only the individuals who are working in the budgetary matters at OMB have. As you mentioned yesterday, I say to the Senator from Nevada, Mr. Chu, who is a principal adviser to the Secretary of Defense, had made comments.

At this point in time I find no foundation to associate the President personally with this decision. Furthermore—and then I will yield right away—being an active member of the conference of the four principals between the House and the Senate, the targets are moving back and forth. There is the Senate version, there is the House version, and there is the amended Senate version. There is also one Senator MCCAIN and I have talked about, and that is, should we move forward on concurrent receipts, we would do it in the context of the Purple Heart winners and those who have injuries that are directly associated with having served in combat zones. That may not be to the liking of all of us, but all types of options are being explored.

I know at this time no basis of fact that the President is personally involved.

Mr. REID. Mr. President, I do not know what is the proper procedure at this time. The Senator from Georgia has the floor. But with the permission of the Chair and the Senator from Georgia, I would like to direct a question to my friend, the distinguished ranking member of the Armed Services Committee.

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

The Senator from Nevada.

Mr. REID. The Senator will recall yesterday, on the floor, I said, I do not think the President knows what the people are saying. I think if the President really knew what people were saying—we are robbing Peter to pay Paul on people who have injuries, people who are disabled because of their service in the military—I do not think the President would do that. I hope not. That is what I heard coming from the distinguished Senator from Delaware, that I do not think this is President Bush's personality; at least I hope not.

I say, though, to my friend, as I said yesterday, I really do believe a person who is injured in combat—and I cannot speak from experience, as can my friends, such as Senator KERRY, Senator INOUYE, and Senator CLELAND, what combat is like. I do not really know. But I do know people who have disabilities in the military. No matter how they received those disabilities, I believe they are entitled to that disability payment. I think it may be an easy way out for some to just say: Well, if you are injured in combat, you are entitled to your disability pay, but if you are injured on the back lines by a tank running over you, or a truck hitting you, or falling off a truck doing work to take care of those people on the front lines, then you are not. But I say, whether that person is 3,000 miles away or 30,000 miles away from the front lines, I think they are entitled to that compensation for disability just as well as someone else. That is a comment I make to my friend from Virginia prior to your making a decision in that conference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my good friend he is very correct and accurate, as always, in what he stated yesterday as not being associated to the President personally.

I say to the Senator, I associate myself with your goal of having broader concurrent receipts. But I am faced, as the ranking member of the committee, with the reality of the situation. We will have to ascertain exactly: Is there a line at which the executive branch will accept some version of concurrent receipts? And we just have to bring that back to our colleagues.

Because if we were to experience a veto—I am not suggesting in any way it has been communicated other than through the staff to this Senator—our bill would go down. Twelve months of work by the Armed Services Committee would go down. Many benefits, pay raises for the men and women of the Armed Forces, new weapons—it all goes down on this one issue.

I say to the Senator, I share with you—I find it very hard to think that could come about. But, nevertheless, all of us having been here many years, under several Presidents, know there are junctures in conferences when this does happen. It is our responsibility—and I assume it—to try and ascertain, is there some form? And then we bring it back to our colleagues. If there isn't, then I think we should all recognize the situation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could respond very quickly.

Senator BYRD has been here—and I say this with dignity and respect—and he has given us so many lectures on the Constitution. I have listened. I believe in the Constitution. We are a separate and equal branch of Government. The President cannot tell us what happens in conference. He can offer his opinion.

I say this, as I said yesterday, the President cannot sustain a veto on this matter. He cannot sustain a veto. I would put up before this body, any time, my veterans compared to the people who surround the President.

So I say to my friend from Virginia, a man of courage, integrity, and, as I said yesterday, a gentleman, hang in there. We are the third branch of Government. We deserve to be able to do what we have passed in this body. We cannot let the administration cow us on this because we are right. If he vetoes it, we will override the President.

Mr. BIDEN. Mr. President, I ask unanimous consent to speak 2 minutes on this point—just 2 minutes.

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

The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been here 30 years. This is the most ridiculous thing I have ever heard. This is absolutely mind-boggling. This is brain dead. We have a roughly $400 billion defense bill. We may be asked to go to war. And some bureaucratic functionary, somewhere in the bowels of OMB—if that is what is to be believed—is suggesting that we hold up this bill because they do not want to allow disabled veterans to have concurrent receipt of their disability and their military pension. That is brain dead.

And, Mr. President—you are not listening; but I hope your staff is listening—stop this. Stop this. Stop this. It makes no sense, Mr. Chairman, to yield to blackmail that they'll veto this bill when the Senate has overwhelmingly voted for concurrent receipt. If you yield to this, Mr. Chairman, I will be dumbfounded—dumbfounded. I know you've worked a whole year. I have worked a whole year, and up to 8 years, on legislation.

But I can't believe you'd even listen to somebody who would say this. Why wouldn't you pick up the phone and call up the President and say: Mr. President, is this the deal? Is this the deal? Tell me straight up, boss. What is the deal? Because if it is, it is outrageous.

So I suggest we just pick up the phone and call the President. You have a close relationship with him. Call him. Ask him. Ask him. I pray to God he would not even think of saying to you: No. I will veto a $400 billion bill at the same time while nailing the veterans. Call him. Phone home.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, point of parliamentary inquiry: What is the business currently pending?

The PRESIDING OFFICER. The Lieberman amendment.

Mr. REID. Parliamentary inquiry, under the order now before the Senate, we are on the Lieberman amendment. It is my understanding the Senator from Massachusetts is entitled to the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. KENNEDY. I am glad to yield to the Senator from Florida.

AMENDMENT NO. 4857 TO AMENDMENT NO. 4856

Mr. GRAHAM. Mr. President, I thank the Senator.

My purpose is to offer an amendment to the Lieberman amendment which is in the nature of a substitute. I send the amendment to the desk.

Mr. WARNER. Could I inquire of the leader, before he departs the floor, regarding the order that is in now, we are dealing with matters relating to debate on Iraq; the nature of this substitute amendment is what?

Mr. GRAHAM. It will add an additional authority to the President relative to the use of force.

Mr. WARNER. This is an amendment to the matter that is pending before the Senate?

Mr. GRAHAM. It is an amendment to the matter pending before the Senate, yes.

Mr. WARNER. I see. Could I ask my colleague: We have been trying to work in a very cooperative way, Senator LOTT and Senator DASCHLE, Senator REID and myself, on the timing of these things. Has this matter been taken to the leadership?

Mr. GRAHAM. I have discussed it with Senator DASCHLE.

Mr. WARNER. And his views on it are?

Mr. GRAHAM. I do not know what his views are.

Mr. WARNER. I see. Could I ask the distinguished majority whip about the procedure at this point in time? I know on this side we have tried very hard to stay within the framework, although it is not clearly established, but the framework as to how this Iraq debate would go on and the timing of the introduction.

Mr. REID. I would say to my friend from Virginia, the Senator from Florida wants to offer the amendment and then leave the floor.

Mr. GRAHAM. I will not debate the amendment.

Mr. REID. He has a right sometime today to offer the amendment. The Senator from Connecticut is aware of his wishing to offer this. He has a right to offer it, but it is just a question of when he would do it.

Mr. WARNER. I don't dispute the rights. I am just trying to stay within the framework of the guidance being given by our respective leadership on the management of this matter.

Mr. REID. The reason he did it this way is so we would not interrupt the order in effect.

Mr. WARNER. Then the amendment would become the pending business, would it not?

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. WARNER. I asked the question as to whether or not it would become the pending business.

The PRESIDING OFFICER. The amendment will be reported, and it will become the pending business.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The clerk will report.

Mr. WARNER. Is that the desire then?

Mr. REID. I guess we should have mentioned it to you. I apologize we didn't do that. I think there was wide knowledge he was going to do this sometime today.

Mr. WARNER. I am asking then if I might just have time to consult with our leadership, recognizing the Senator has a right, so I could get such instructions as my leader may wish to contribute.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding the clerk is going to report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 4857 to amendment No. 4856.

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

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

The amendment is as follows:

(Purpose: To provide substitute language that includes an authorization for the use of the United States Armed Forces to defend the national security of the United States against the threat posed by certain foreign terrorist organizations)

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for the Use of Military Force Against Iraq and International Terrorists Resolution''.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq;

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq; and

(3) defend the national security of the United States against the threat posed by the following terrorist organizations:

(A) The Abu Nidal Organization.

(B) HAMAS.

(C) Hizballah.

(D) Palestine Islamic Jihad.

(E) Palestine Liberation Front.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in paragraph (1) or (2) of subsection (a) to use force, the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq, or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

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

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Mr. REID. Senator GRAHAM will speak on this at a later time. The Senator from Virginia, the manager of the bill, will ask for 2 minutes now. Regarding the order in effect that was gotten earlier today, I ask unanimous consent that we eliminate the times when the Senators are to appear. It just hasn't worked. Somebody finishes 10 minutes early, or 5 minutes late, and it throws everything off kilter.

So I ask unanimous consent that following the statement of the Senator from Virginia, Senator WELLSTONE be recognized for 5 minutes, and Senator KENNEDY for 15 minutes; that we then have a Republican Senator for 20 minutes; Senator CARPER for 20 minutes; a Republican for 30 minutes; and then that we have Senator DODD for 30 minutes and a Republican for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have just been handed the amendment of the distinguished Senator from Florida. I have looked it through. We will have a debate on it in due course. I must bring to the attention of the Senate that in the course of the drafting of the resolution by my good friend from Connecticut, myself, Senator MCCAIN, and

Senator BAYH, we took into consideration a lot of things and counseled with the administration.

The point I wish to make is that, at first glance, this amendment seems to restore, in some sense, the original words of S.J. Res. 45, which I read:

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce the United Nations Security Council resolution referenced above, to defend the national security interests of the United States against a threat posed by Iraq . . .

This is the key part:

. . . and restore international peace and security in the region.

My recollection is that, in the negotiation, the Democrat side of the aisle was strongly in opposition to that last phrase in S.J. Res. 45 and, therefore, Senator LIEBERMAN and I and others took it out when we drafted ours, S.J. Res. 46. I just make that observation, and I find it a bit perplexing. Nevertheless, I have had the opportunity to state my point.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Will the Senator yield for a moment?

Mr. WARNER. I yield the floor on this. Under the time agreement, our two colleagues are to speak. I suggest the Senator address the Chair as to his desire.

Mr. GRAHAM. Mr. President, it was our intention to maintain the amendment in all respects, other than adding the language that begins on page 2 at line 23 and runs through page 3 at line 4. That was our sole intent in offering the amendment in the form that we have done so. If there had been negotiations of which we were unaware that altered the underlying amendment, at the appropriate time it would be my intention to offer an amendment to make it conform to the proposal that adds what yourself and others have currently agreed to.

Mr. WARNER. At the appropriate time, we will address that. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise to speak for a short time today about the Iraq resolution, and tomorrow I will have a chance to speak at greater length. I thank Senator KENNEDY for allowing me to precede him. I also tell my colleague from Georgia that his speech on the concurrent receipt was powerful and, having spent the whole day with veterans yesterday, is absolutely right. It is critically important that this defense appropriations bill go through with that provision.

Mr. President, I did not have a chance to hear the President speak last night, but I read the transcript. I think it is important that the President focus on obtaining international support. The military option should only be considered as the last option. I believe that people were glad to hear that last night in Minnesota and in the country.

The problem is that the actual resolution before us goes in a different direction. What this resolution does is give the President the authority for a possible go-it-alone, unilateral military strike and ground war. I think this would be a mistake. We should not go it alone.

There is a critical distinction between going it alone and taking action in conjunction with our allies. Our focus should be going to the United Nations Security Council and asking for a resolution that makes it clear to Saddam Hussein that he must disarm. Saddam must give arms inspectors unfettered access. And, if he does not comply with this new UN resolution there will be consequences, including the use of appropriate military force. But we must do this together with our allies. We must bring the international community on board. This resolution allows for a preemptive, unilateral strike, which I believe would be a huge mistake.

When Secretaries Kissinger and Albright testified before the Foreign Relations Committee, I asked both of them about the consequences of going alone versus working with the international community. First I asked: Shouldn't the goal be disarmament, and shouldn't we make every effort to try to make disarmament happen before taking military action?

They both were in agreement. Secretary Kissinger said: Yes, we need to play this out.

No one trusts Saddam Hussein. Everybody knows he is a brutal dictator. That is not the point. The point is how to proceed; how to do this the right way. The focus should be on disarmament and getting the support of our allies in the international community.

I do not think we should be approving a preemptive, unilateral strike by the United States, going it alone, or only with Great Britain.

I asked the former secretaries what the differences would be. They spelled out hugely different consequences between our going it alone, if, in fact, military action was necessary, versus taking action with our allies.

The former secretaries made the following points. If we take unilateral military action Saddam Hussein will have a better chance of uniting the world community against us, rather than vice versa. Moreover, there could be grave consequences in the Near East and South Asia that could include energizing other radical elements and increasing support for al-Qaida. Would this not play into the hands of the radicals? This is a big question if we go it alone.

What about our men and women, our sons and daughters who would be put in harm's way? What would the consequences be on the ground for them if we go it alone versus with our allies?

What about this war against terror? As a father and grandfather of six children I take al-Qaida very seriously. Unfortunately international terror is a part of the world in which we now live. Will we have the same international cooperation to fight international terror if we go it alone? In many parts of the world we need the cooperation, assets, and on-the-ground intelligence of our allies for the continued war on terror. I think going it alone, a preemptive military strike, perhaps a ground war, could very well undercut that effort.

Mr. President, I have one more point. I am not going to talk at length about my interaction with people in Minnesota over the last several days since I announced my opposition to the first resolution, but I will tell my colleagues this: Many people have come up to me, and I had great discussions with people in Minnesota. I cannot thank them enough.

I do not really know what the breakdown is in terms of X percentage this way or that way, but I will say that the people in Minnesota and our country are worried about this issue. They are worried about us going it alone. They are worried about what might happen to our sons and daughters in Iraq. They far prefer we work together with our allies. They far prefer we have international support and that the focus be on disarmament.

I believe that is the direction in which we should go. That is not what this resolution before us asks us to do. Therefore, I will vote no on this resolution.

I yield the floor.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend President Bush for taking his case against Iraq to the American people last evening, and I agree with the President that Saddam is a despicable tyrant who must be disarmed. As many of us had hoped, the President has now clearly given the Iraqi regime an opportunity to avoid war. The President himself says he has not yet decided war will be necessary. In this situation, it would be wrong for Congress to act now to authorize the President to go to war before the steps the President has outlined are exhausted.

The most solemn responsibility any Congress has is the responsibility given the Congress by the Constitution to declare war. We would violate that responsibility if we delegate that responsibility to the President in advance before the President himself has decided the time has come for war.

The President acknowledged last night there are major risks in going to war. I do not believe these risks have been adequately described to the American people.

General Wesley Clark, the former Supreme Allied Commander in Europe, told the Armed Services Committee on September 23 if you are talking to the mothers and the loved ones of those who die in that operation in Iraq, you

want to be sure using force and expending American blood and lives and treasure is the ultimate last resort, not because of the sense of impatience with the arcane ways of international institutions or frustrations from the domestic political process of allies.

As the Senate continues to debate the use of military force against Iraq, we must do all we can to assess the potential costs of such a war in blood and treasure. The American people deserve to know what a conflict in Iraq might be like. They deserve to know how many casualties there might be. They deserve to know the true preparedness of our troops to fight in a chemical or biological environment. If they are in the National Guard or Reserves, they deserve to know how a conflict in Iraq will affect them and whether they are likely to be called up for duty.

Many Reservists who were initially recalled for the war in Afghanistan have been either demobilized or extended for a second year. They are concerned about what the impact of war against Iraq will have on their families and on their jobs. Many employers, who are struggling in the current sagging economy, are also deeply concerned about the stability of their workforce. These patriotic Americans are willing to sacrifice, but they deserve to know all reasonable alternatives to war have been exhausted.

None of us can foresee the course of events that will unfold if we go to war. Before Congress acts, the administration has an obligation to explain to the Congress and the American people the potential consequences of war. As of now, it has not.

The President is asking Congress to delegate its constitutional power to declare war before he has decided we need to go to war, but he has not adequately explained what this war will look like. How many ground troops will be required? How many casualties can we expect to suffer? How well can we respond to the use of chemical or biological weapons against our troops? How will postwar occupation and reconstruction in Iraq be conducted? How will our ongoing military operation in Afghanistan be affected, and what will the impact be on the overall war against terrorism?

Today, our service men and women are helping to combat terrorism in Afghanistan, the Philippines, the Nation of Georgia, and elsewhere around the world.

Our purpose is clear; defend our country against the clear and compelling threat to our security posed by al-Qaida. I strongly support the President in the war against al-Qaida and the al-Qaida terrorists. I am proud of the achievement of our Armed Forces in the war against terrorism.

Some argue that America's vastly superior military force can easily defeat the Iraqi army, but many of us are concerned that the very strength and success of our Armed Forces in the gulf war and in Afghanistan will lull America into thinking if war with Iraq becomes necessary, it will be a bloodless war with few casualties.

The gulf war was fought in the desert a decade ago with an overwhelming superiority of forces in a strong coalition of the United States and other nations. They achieved one of the most decisive victories in the history of warfare. The experts I have consulted believe that a new war with Iraq will not be as easy, especially if we do not have the support of a coalition of nations.

Some defense analysts contend the Iraqi regular army is plagued with low morale and poor equipment and may well surrender at the first sight of American might. Other experts believe, however, that unlike the regular Iraqi army, up to 100,000 Republican Guard and special Republican Guard troops of Iraq will defend Baghdad and remain fiercely loyal to Saddam Hussein.

Michael O'Hanlon of the Brookings Institution believes the Iraqi Republican Guard forces could make a U.S. military attack very difficult. He estimates that our military casualties could be as high as 5,000. By comparison, in the gulf war, just under 400 U.S. service members lost their lives.

Many believe our Armed Forces may need to occupy Baghdad, which has over 5 million residents. Testifying before the Armed Services Committee on September 23, GEN Joseph Hoar, former commander in chief of the U.S. Central Command, discussed the potential horrors of urban warfare. He said in urban warfare you could run through battalions a day at a time. All of our advantages of command and control, technology and mobility are, in part, given up and you are working with corporals, sergeants, and young men fighting street to street. It looks like the last 15 minutes of the movie ''Saving Private Ryan.''

Despite the risks of urban warfare, the administration has avoided questions about how a military operation in Iraq may unfold. We have not been told how many ground troops we will need or, again, how many casualties we can expect. The Joint Chiefs should provide Congress with casualty estimates for a war in Iraq as they have done in advance of every past conflict. These estimates should consider Saddam's possible use of chemical or biological weapons against our troops.

Unlike the gulf war, many experts believe Saddam would resort to chemical and biological weapons against our troops in a desperate attempt to save his regime if he believes he and his regime are ultimately threatened.

In the September 19 hearing before the Senate Armed Services Committee, General Myers, the Chairman of the Joint Chiefs of Staff, cited a long list of improvements that have dramatically increased the combat effectiveness of our forces since the gulf war. He said our troops now have improved ability to protect themselves against chemical or biological attacks.

However, the General Accounting Office published a report on October 1 which clearly suggests that our forces are not adequately prepared for a chemical or biological attack. The report concluded that although the Defense Department has taken significant actions to provide such protection, serious problems persist. This is what the GAO report found: Chemical and biological defense training continues to be a problem; medical readiness of some units to conduct operations in a contaminated environment remains questionable; some units are critically short of required protective gear.

One Air Force wing has only 25 percent of the protective masks required and only 48 percent of required patient decontamination kits.

If Prime Minister Blair is correct in saying that Iraq has the capability to launch chemical or biological warheads in 45 minutes, what sense does it make to put our soldiers in the path of that danger without exhausting every reasonable means to disarm Iraq short of war?

We do not know whether the military will be able to adequately protect our service men and women from a chemical or biological attack, and this issue should be explained to the American people.

The Wall Street Journal reported last week that in addition to chemical and biological chemical deficiencies, there are other notable gaps in the Pentagon's planning. Civilians working at port facilities in the Persian Gulf region, where our forces will be unloading warfighting equipment, have not all received the proper protective gear or training for a chemical and biological attack.

The Secretary of Defense and the Chairman of the Joint Chiefs have not adequately answered such questions about the military operation in Iraq. They both say there will be risks to a conflict, but they have not adequately and fully discussed those risks with Congress and the American people.

The Bush administration has also repeatedly claimed that we can fight a war in Iraq without undermining the war against terrorism, but last year, on June 21, 2001, testifying before the Senate Armed Services Committee, Secretary Rumsfeld cited significant problems in military readiness. He said we have underfunded and overused our forces, and we are steadily falling below acceptable readiness standards. Yet last month, on September 19, when asked about military readiness in the Armed Services Committee hearing, Secretary Rumsfeld said recent defense budget increases, coupled with the recall of reservists and shifts in the assignment of existing personnel, have reduced the stress on our forces.

He did not explain how the budget increases, which only recently took effect, could have reversed the starkest estimate of readiness he provided to the Armed Services Committee last year. In fact, experts say that most of the growth in operations and maintenance spending over the past decade

have been for infrastructure-related programs, not military readiness.

General Myers, in his September 19 testimony, agreed that the U.S. military was stretched in some key areas. He said if our operations on the war on terror are expanded, we will be required to prioritize the deployment of unique units in high demand such as special operation forces and combat rescue forces. He also said our coalition partners may facilitate our combined operations by having similar units of forces. That, of course, assumes we will have a coalition in terms of a potential conflict.

Before the Senate Armed Services Committee 2 weeks ago, the Chairman of the Joint Chiefs admitted that because of the high demand placed on some of our forces that coalition partners are necessary to mitigate the risk of war in Iraq.

Two weeks ago, the Chairman of the Joint Chiefs admitted that because of the high demand on some of our forces that coalition partners are necessary. The way we are going to get the coalition forces is by going to the United Nations and gaining their support for the disarming of Saddam, and if action is necessary in the future.

War against Iraq may well undermine the ongoing war against al-Qaida and our continuing operation in Afghanistan by draining resources from our Armed Forces that are already stretched thin. In Afghanistan, U.S. forces continue to search villages, caves, and potential hideouts. The searches are now being conducted by the 82nd Airborne, not the elite special operation forces which are being recalled in preparation for a potential invasion of Iraq.

Many of us in the Senate are aware of these concerns with the Reserves and National Guard. We have heard them firsthand. Already, the Nation has mobilized and demobilized thousands of reservists and National Guardsmen to support the current war on terrorism. Massachusetts reservists and reservists from across the country are providing training, intelligence, and security support around the world.

Almost 1,500 National Guardsmen from Massachusetts alone are deployed to support the war on terror. Citizen soldiers are now serving in critical security positions throughout the United States and in Afghanistan. They have distinguished themselves for their patriotism and superior service. They have proven ready to meet the challenge of fighting the war on terrorism, despite outdated equipment and funding shortfalls.

The phenomenal performance of our forces in the war on terrorism attest to their resolve. But how long can we sustain this high level of operation? Approximately 11,000 of our reservists from across the Nation have been recalled for a second year to support the war on terror. This is the first time in decades that we have needed to take this measure to enhance our military strength. Not even in the gulf war did we recall reservists for over a year. If we open a second front in Iraq, we may be forced to recall even more.

Additionally, due to critical shortages of special operations personnel, pilots, intelligence specialists, and security personnel, another 22,000 service members, a number about as high as the entire gulf war, have been involuntarily retained on active duty as part of the current war on terrorism. If we embark upon a premature or unilateral military campaign against Iraq or a campaign with only Great Britain as our ally, our forces will have to serve in even greater numbers for longer periods of time with graver risks.

There is no doubt that Saddam Hussein is a despicable tyrant. The international community must work together to disarm him. But the war against terrorism and our wider interests in the region and the world demand a course that relies on war only as a last resort after all reasonable alternatives have been fairly tried.

I have no doubt our forces will prevail in any conflict with Iraq. But Congress and the American people deserve to know the true risk of war with Iraq. The administration has the responsibility to state what the real costs of such a war may be. We need that information now, before—not after—Congress exercises its constitutional responsibility to declare war.

I yield the floor.

Mr. WARNER. If I could ask my colleague a question. It seems to me the risk is only magnified by the passage of time—whether it is weeks, months, or years—if we do not act.

I draw to my colleagues' attention what the President said in addressing the Nation last night:

> Approving this resolution does not mean that military action is imminent or unavoidable.

I paraphrase that he has not sought by this a declaration of war. War is the last option. The decision has not been made.

Continuing, the President said:

> The resolution will tell the United Nations and all nations that America speaks with one voice and is determined to make the demands of the civilized world mean something.

Congress will also be sending a message to the dictator of Iraq that his only choice is full compliance and the time remaining for that choice is limited.

I draw the Senator's attention to a document entitled ''Joint Resolution'' distributed by the chairman of the Senate Armed Services Committee and the chairman of the committee on which my distinguished colleague and I serve. While this document is not at the desk, it purports to be in the form of an amendment and is under some consideration. I presume that because that is what was distributed by my good friend and colleague, Senator LEVIN.

From page 4, I read the following:

> Authorization for use of United States Armed Forces pursuant to a new United Nations Security Council resolution.

The question I ask for my colleague is in regard to section A:

> Pursuant to a resolution of the United Nations Security Council described in section 22, after the enactment of this Joint Resolution and subject to subsection B, the President is authorized to use the Armed Forces of the United States in destroying and rendering harmless weapons of mass destruction, [et cetera.]

I read that as putting in the hands of the United Nations a veto on the actions taken by this body, a veto on the President's ability to use, as he has been given by the Constitution, the Armed Forces of the United States to protect at any time he deems necessary the security of America.

Does the Senator support such a concept that the United Nations would have a veto at any time in this situation? The President has gone to the U.N. asking that they take action to enforce the 16 resolutions that have been ignored by Saddam Hussein, defied by Saddam Hussein, and they are now looking at a 17th, a framework for perhaps a new inspection regime, but this current draft of a proposed amendment implies that the U.N. has to act before our President can utilize the forces given to him by the Constitution of our country.

Mr. KENNEDY. The Senator has asked a number of questions in his comments. I will do my best to respond.

As the Senator has rightfully pointed out, the President has not decided on the course of war. If the President has not decided that we have an imminent threat from Saddam Hussein, we have a serious threat. It is a very important threat. For all the reasons that have been outlined on the floor during the course of this debate about Saddam Hussein, we understand that. But the President of the United States has not made a judgment that it is an imminent threat to the United States.

He has not made a judgment that he is prepared to go to war today. If that is so, which is what he stated last night, why in the world are we saying, in the Senate of the United States, we will give him this power when he has not made up his mind he wants to use it, without any limitation on time—no sunset of this? That is No. 1. So I am opposed.

Second, on the question of the Senator from Virginia, in referring to the Levin amendment, that conforms with the constitutional authorities I have discussed, that we have done in other periods. That does not happen to be my position. I believe in a two-step approach. I believe the Security Council should have a tough resolution with unfettered inspections and we ought to galvanize the international community. I personally believe the way we galvanize the international community is by demonstrating we believe the international community has the responsibility and obligation to take action.

I believe if we go ahead and take action as being proposed by the Senator

from Virginia, that will be unilateral, where the President says: I have not made up my mind whether there is a necessity for war. I am not even prepared to say we are in an imminent threat. If we had an imminent threat from Saddam Hussein, he obviously would have a responsibility to take action in order to protect the American people.

What we are saying to the Security Council is: We are just going to have something over here on the side in case you people up there are not going to be serious.

I would like to challenge the Security Council the way the President of the United States did. I commend President Bush for finally going to the Security Council, challenging the Security Council. That is the way to go. The Security Council takes every step, uses every opportunity, and finally comes back and says: There is no alternative, there is an imminent threat.

We should be at our desks at that time in making the judgment we will have to make about committing American forces—a two-step approach for those reasons.

I have difficulty in accepting the concept that we are going to effectively give to the President of the United States the authority when he has stated, as the good Senator stated, he has not made up his own mind.

Lastly, part of the trouble we have been in over the period—and I have great respect for my colleague, and he knows he is my friend and colleague—the debate has been about the resolutions, but not about the war. We are debating the resolutions. My good friend from Florida is talking about changing the resolutions. We ought to be talking about what the implication is going to be in terms of the conflict and the war. The American people ought to understand that more clearly. That is an issue where the administration has failed the American people.

What are the best estimates?

What should we expect are going to be needed in terms of the forces?

What is the best judgment in terms of how Saddam Hussein will react?

What will be the enormous impact it will have in our battle against terror around the world?

What will it do in terms of inflaming the Muslim world if the United States has a go-alone policy, which this resolution will permit?

Will it be effectively a breeding area for al-Qaida terrorists?

We ought to be debating those issues. We do not do that. We have been debating the technicalities of these resolutions.

I know the Senator has—as I have—listened to many debates, not only on the technicalities but the broad issues of war and peace as well. But it is my regret that we are going to be faced with a cloture motion here to try to insist on a vote on this in another 2 days when we have just barely talked about the issues of war and peace and haven't had that kind of informed debate and haven't had that kind of information that is available to us. That is part of my deep concern about where we are on the floor of the Senate now.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. Indeed, we have worked together many times. We work together.

I strongly differ. I think our President has clearly said—first before the United Nations and as late as last night—that there is imminent danger to our Nation from Saddam Hussein and his possession of weapons of mass destruction. We clearly have a difference on that.

I strongly believe that this resolution, if it is to be brought before the Senate, will place a veto power in the hands of the United Nations. I cannot be a part of that. I will certainly oppose it as strongly as I know how.

Mr. KENNEDY. Would the Senator be willing to change the words? I don't have it here. Would he be willing to change the words to include ''an imminent threat'' from the language that is included in the resolution which talks about a grave threat or continuing threat?

Mr. WARNER. Mr. President, I will say at this point in time, Senator LIEBERMAN and I, and Senators MCCAIN and BAYH drafted this resolution after listening to the suggestions of many Senators on both sides of the aisle. At this point in time, if any Senator has talked about changes, then the format by the Senator from Florida I expect should be followed by way of a formalization of the amendment. But at this point in time, we have other colleagues who are anxious to speak.

I will give three quotes from President Bush's speech to the Nation last night about the imminent threat posed by these weapons of mass destruction:

In 1995, after several years of deceit by the Iraqi regime, the head of Iraq's military industries defected. It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced 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 . . .

Alliances with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints . . .

We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas. We are concerned that Iraq is exploring ways of using UAVs for missions targeting the United States.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I have listened with a great deal of interest to this presentation. I think there are a couple of clear points one can make in response, and then I will comment.

We have been dealing with Saddam Hussein with our men and women in uniform for 12 years. We have been occupying positions in the Middle East. We have been flying over the regions that Saddam has. We are flying the no-fly zones in the north and south of Iraq. We had weapons inspectors in there for the 12 years, until they were kicked out 4 or 5 years ago. After Saddam was kicked out of Kuwait, after there was a United Nations agreement, and after basically he agreed to an armistice, and after inspectors, he said: I will take out all weapons of mass destruction, and I will turn them over to the international community. And he has not done that. We know that. He has failed to do that.

We have had economic sanctions against Iraq for a period of years now. They have not worked. There is such a sieve in the region that he is able to get oil out and goods in without any problem.

We have worked with the United Nations. We had some 16 resolutions that passed through the United Nations. It is as if some of the debate on the floor is that we are just now starting to try to deal with Saddam Hussein, when I think you have to look back over the past 12 years. We have been dealing with this dictator and this despot for 12 years in every way conceivable.

I think the conclusion most people have is that 12 years ago we should have gone into Baghdad and removed him at that time. That is the real conclusion people come to. Yet, for reasons of the Congress or the international community—whoever you want to say in that point of time—there was no agreement to kick him out.

Since that time, it has not changed. He is the same guy who has these weapons of mass destruction. It has just gotten worse in that period of 12 years.

I would analogize it to having cancer. If you have cancer, you have a couple of options: You can deal with it. You can go in and have surgery to remove the big areas that are spreading. You can try to contain it for a period of time through different therapies. Or you can ignore it and just say: It does not affect me today. I am fine today.

Saddam Hussein has chemical weapons. He has biological weapons. He is working on nuclear weapons. He has missile capacity to deliver all of these.

That is the cancer that exists. We can say we feel fine today; we are fine. What if he decides to launch any one of those? What if he does it not at military targets but at civilian targets, at one of our allies, or even at us? Are we fine then? I can just see us having a commission after that period of time asking: Why didn't we catch these terrorists? We were working on Iraqi soil before they attacked the United States. We should have gone in there. Did we not know enough? Were we not sufficiently concerned about it in a similar way that we are having hearings now about why we didn't do things prior to September 11? Did we see the

clues and the situation building up prior to the Twin Towers and the Pentagon being hit? Did we not see this coming?

Let us apply that same standard to Saddam Hussein and the nexus he provides between the weapons of mass destruction and terrorists. They are clearly there. I just articulated the weapons of mass destruction that he has. He is also working on such things as smallpox. We think he may be trying to do something with that. He is working on all sorts of things. Yes. Weapons of mass destruction.

What about the terrorist connection that is there? Abu Nidal's organization was headquartered there for a period of time. He just died, or he was killed recently, for whatever reason. Al-Qaida leadership is in Iraq. Hussein has worked closely with a number of terrorist organizations in and on his soil. They are there. You have the mix of these two sitting side by side—a toxic mix that the United States cannot countenance.

I respect a number of people who think this isn't the way we do things. Democracies have real difficulty declaring war. That is a very good thing. This is just something we don't like. We want somebody to come and hit at us first, before we go on to war. You can look through the history of the United States and the acts where we were hit and then we responded. That is the way we are most comfortable in dealing with these tough, difficult issues about whether you go to war with a foreign nation. It is good that we wrestle with that and with this situation.

It is like in the old television show ''Gunsmoke.'' At the end of the ''Gunsmoke'' episode every week, it ended the same way: Matt Dillon walks out on the main street of Dodge City. The bad guy walks out on the street on the other end. They stare at each other for a little while. The bad guy has a chance to walk off, if he wants to. He also gets to draw first. He draws first. Then Matt Dillon draws. The bad guy goes down. There is a sense of fair play and honor about that. There is a set of rules. The bad guy gets to shoot first, but you are going down in the process. If you are going to do that; you have a chance to walk away. If you decide not to, that is your choice.

That is the way we like to do things, because there is a sense of, Do we really want to bother somebody else to this degree? Is this the right thing to do?

Saddam Hussein doesn't operate that way. The terrorists today don't operate with those same sorts of rules of decorum in operation, and the rules of boxing, if you will.

These are people who don't go out on Main Street with Matt Dillon. They sneak around behind buildings and try to get at innocent people and women and children. They don't go straight at our military. They attack people in civilian positions. Their object is to disrupt. It is not to protect a nation state. It is not to confront the military. It is to kill as many civilians as they can.

Can we afford, in that type of atmosphere and that new way of operating, to have terrorists force us to sit back and say: OK? Are we going to wait until somehow they attack us, or try to get botulism in our food supply, or try to get anthrax into a broad area of the United States, or one of our allies, or try to make a weapon with smallpox, and then we will go at them?

The cost of doing that is to spread a cancer; the deaths of many people. This is not something we can countenance. It is not something—when my primary duty and the primary duty of the elected Members of this body is to provide for the national defense—that we can countenance. It is not something we can do.

I want to read from some testimony Henry Kissinger gave 2 weeks ago before the Senate Foreign Relations Committee.

I ask unanimous consent that his entire testimony be printed in the RECORD after my comments.

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

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, former Secretary Kissinger is probably one of the best minds, if not the best mind, in foreign policy in the world. He dealt with the cold war. He was directly involved in that, and he has been a very astute student. And now he is a student of what takes place today in the war on terrorism that we have. Listen to just a couple paragraphs of what he says about these weapons of mass destruction in the hands of a country that also works with and provides support and housing for terrorists. He says this:

If these capabilities remain intact—

That is, weapons of mass destruction—

they will become an instrument—actual and symbolic—for the destabilization of a volatile region.

There he is speaking of the entire Middle East.

And if Saddam Hussein's regime survives both the Gulf War and the anti-terrorism campaign, this fact alone will compound the existing terrorist menace.

He points out in this statement that he thinks going at Iraq will have a very positive impact on terrorism, and if we do not go at Iraq, our war against terrorism will just devolve into an intelligence operation, and that would be the likely continued status of it.

He handles another argument. I will read another quote from Secretary Kissinger:

It is argued that dealing with weapons of mass destruction in Iraq weakens the war against terrorism. The opposite is more likely to be true. Eliminating such weapons in Iraq is an important aspect of the second phase of the anti-terrorism campaign. It demonstrates American determination to get at the root causes and some of the ultimate capabilities of what is, in essence, a crusade against free values.

That is what Secretary Kissinger goes on to say in this presentation. He argues that this is an essential part of the war against terrorism, if we are to effectively deal with this terrorist threat and the problem that we have. And not to overrepeat this, but I do not think one can overrepeat it. It is a little bit like a doctor's prescription dealing with your health where you are, and here are the possible problems you have.

Here is what we know that Saddam Hussein has.

Gaps identified by UNSCOM in Iraqi accounting and current production capabilities strongly suggest that Iraq maintains stockpiles of chemical agents, probably VX, sarin, cyclosarin, and mustard.

UNSCOM reported to the U.N. Security Council in April 1995 that Iraq had concealed its biological weapons program and had failed to account for 3 tons of growth material for biological agents.

In 2001, an Iraqi defector reported visiting some 20 secret facilities in Iraq for chemical, biological, and nuclear weapons.

Saddam continues to pursue nuclear weapons, and has used chemical weapons against his own people, as well as his neighbors.

I do not think I need to remind people about what he has done in his region. He has attacked Iran, invaded Kuwait, and he has launched missiles at Saudi Arabia and Israel. That is why we will have had, and have today, strong allies in the region opposed to Saddam Hussein continuing.

I want to look at the positive, the upside of dealing with Saddam Hussein. We have a lot of difficulty, a lot of potential problems to deal with, but what happens if you get Saddam Hussein out of power?

I think there are significant, positive steps moving forward in that region.

It is interesting to note that from 1920 until the late 1950s, Iraq had a constitutional monarchy, a bihouse parliament that had authority over budgets and ministers. They have a history of some democracy. It was not the level of democracy we have, but they have that in their historical background.

Ten percent of the world's oil supplies are located in Iraq. They have an educated urban population. They will embrace and encourage and move forward with democracy on a rapid basis. Now, it is not going to be completely free of any hitches, but I think the potential in developing an active, vibrant, working democracy in Iraq is significantly greater and higher than what we are seeing in the situation in Afghanistan, which is moving forward but with a lot of difficulty. They do not have the natural resources to build. They do not have a historical basis of democracy with which to work. They have a number of warlords in the area, which does not exist in Iraq.

There is reason to believe that the upside potential with Iraq, and the

spread of democracy and human rights and religious freedoms and pluralism will be significant in Iraq. And that will spread throughout that region. These are a set of values, of human values, for which the United States stands and has stood for years, and we have been very positive in this. Yet we have not pushed this set of values generally in that region of the world, in the Islamic region of the world.

There is something like 49 countries and 2 democracies in that region of the world. And a number of people wonder why there is the push for human rights, democracy, and religious freedom everywhere else and not there. And we have kind of hemmed and hawed and ''well, I don't know,'' and we have allies there, and we are dependent on the oil, and we don't want to upset things in the region.

The truth is, we need to stand for the things there that we stand for everywhere else. And if we do that, and push that in Iraq, it is going to be a flower that will bloom there in the desert. It is going to show the way to a number of countries. It is going to involve the people. And the people are going to be able to grow and possess that beauty of liberty that they seek and know and want. We will be able to help put it forward and move it into action in that region.

These are very difficult times for us. There are difficult times in the region. But I think the question clearly before us is whether we should move forward. I think the answer is definitely yes, that we should move forward.

This is a time for us to be very humble and wise about what we need to do and definite about how we move forward. We do not make this choice lightly, nor without the understanding that with this action comes difficult consequences to some of our finest citizens in the Armed Forces and potentially of terrorist attacks to our allies and to us.

We would do well to remember the words of Psalm 140:

> Grant not, God, the desires of the wicked one; do not grant his conspiracy fruition. . . .As for the head of my besiegers, let the mischief of their own lips bury them.

Once again, we have come to deal with a very difficult situation where we are called upon to stand up to the threats of evil and tyranny—something we have had to do many times in the history of this wonderful Nation. As daunting as this is, it is not a responsibility we can shirk. Saddam has made the case against himself. He has buried himself with his own lips and his own actions. We cannot ignore this. And we should not put off for another year, or a few, a difficult matter that will only get worse. If we do not take this action now, we are unlikely to any time in the near future. Now is the time for us to act.

I support the bipartisan resolution authorizing the President to use force in Iraq. I hope all the American public is praying for us, and praying about this for wisdom, for protection, for limited loss of life, and for the right thing to be done.

This is a tough moment. It is a different stage for us. It is a ways and means of handling something we have not done in the past where we go in and try to take care of a situation before it kills many people. We need those prayers for wisdom and wise action.

I urge my colleagues to support this resolution, this bipartisan resolution authorizing the President to use force in Iraq.

I yield the floor.

EXHIBIT 1

STATEMENT OF THE HONORABLE HENRY A. KISSINGER BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, SEPTEMBER 26, 2002

Mr. Chairman, Congress is considering one of the most consequential expressions of its views since the end of the Cold War: what action the United States should take to deal with the threat posed by illegal stockpiles of weapons of mass destruction in Iraq and their potential growth. President Bush has reaffirmed America's commitment to a cooperative would order by asking the United Nations to rectify Iraq's defiance of a large number of U.N. resolutions mandating the destruction of these stockpiles as well as Iraq's flagrant breach of its pledge to do so as a condition for the suspension of the Gulf War in 1991. But were the world community, by fudging its response, to opt for the risk of a greater threat in the future, can American and a coalition of the like-minded acquiesce in stockpiles of weapons of mass destruction in Iraq? Thus the Committee will need to consider not only the risk of action but also the consequences of inaction.

The Iraqi stockpiles of weapons of mass destruction will be growing in an international environmental in which their danger merges with the threat of terrorism. For on September 11, 2001, the world entered a new period in which private, non-state organizations undertook to threaten national and international security by stealth attacks. The controversy about preemption is a symptom of the impact of this transformation. At bottom, it is a debate between the traditional notion of sovereignty of the nation-state prevalent since the Treaty of Westphalia in 1648 and the adaptation required by both modern technology and the nature of the terrorist threat.

Osama bin Laden's base was on the territory of a national state, though his was not a national cause. Highly disciplined operatives are scattered around the globe, some on the soil of America's closest allies and even within America itself. They enjoy financial and organizational support from a number of states—most frequently from private individuals ostensibly not under the control of their governments. Bases for terrorists have been established in several countries, usually in areas where the governments can plausibly deny controls are actually not in control, such as in Yemen, Somalia, or perhaps Indonesia and Iran.

Having no territory to defend, the terrorists are not subject to the deterrent threats of the Cold War; having as their aim the destruction of social cohesion, they are not interested in the conciliating procedures and compromises of traditional diplomacy.

Unlike the previous centuries, when the movement of armies foreshadowed threat, modern technology in the service of terror gives no warning, and its perpetrators vanish with the act of commission. And since these attacks are capable of inflicting catastrophic damage, traditional notions of sovereignty have to be modified with respect to countries that harbor terrorist headquarters or terrorist training centers. The problem of preemption is inherent in the nature of the terrorist challenge.

The accumulation of weapons of mass destruction in Iraq in violation of U.N. resolutions cannot be separated from the post-Afghanistan phase of the war against terrorism. Iraq is located in the midst of a region that has been the hotbed of the special type of global terrorist activity from which the attack on the United States was organized. And the consequences of weapons of mass destruction have many similarities to those of terrorism. They can be used without warning; their impact is catastrophic. In some circumstances, their origin can be uncertain. If the world is not to turn into a doomsday machine, a way must be found to prevent proliferation—especially to rogue states whose governments have no restraint on the exercise of their power.

Cold War principles of deterrence are almost impossible to implement when there is a multiplicity of states, some of them harboring terrorists in position to wreak havoc. The Cold War world reflected a certain uniformity in the assessment of risk between the nuclear sides. But when many states threaten each other for incongruent purposes, who is to do the deterring, and in the face of what provocation? This is especially true when that which must be deterred is not simply the use of weapons of mass destruction but the threat of them.

Suicide bombing has shown that the calculations of jihad fighters are not those of the Cold War leaders. The concern that war with Iraq could unleash Iraqi weapons of mass destruction on Israel and Saudi Arabia is a demonstration of how even existing stockpiles of weapons turn into instruments of blackmail and self-deterrence. Procrastination is bound to magnify such possibilities.

The existence and, even more, the growth of stockpiles of weapons of mass destruction in Iraq poses a threat to international peace and stability. The issue is not primarily whether Iraq was involved in the terrorist attack on the United States. The challenge of Iraq is essentially geopolitical and psychological. Its policy is implacably hostile to the United States, to neighboring countries, and to established rules that govern relations among nations. It possesses growing stockpiles of biological and chemical weapons, which Saddam Hussein has used in the war against Iran and on his own population. Iraq is working again to develop a nuclear capability. Saddam Hussein breached his commitment to the United Nations by preventing the operation of the international inspection system he had accepted on his territory as part of the armistice agreement ending the Gulf War. There is no possibility of a direct negotiation between Washington and Baghdad and no basis for trusting Iraq's promises to the international community. By what reasoning can the world community—or America—acquiesce in this state of affairs?

If these capabilities remain intact, they will become an instrument—actual and symbolic—for the destabilization of a volatile region. And if Saddam Hussein's regime survives both the Gulf War and the anti-terrorism campaign, this fact alone will compound the existing terrorist menace.

By its defiance of the U.N. Security Council resolutions requiring it to give up weapons of mass destruction, Iraq has in effect asserted the determination to possess weapons whose very existence compounds the terrorist threat immeasurably. Global terrorism cannot flourish except with the support of states that either sympathize or acquiesce in its actions. To the extent that

these countries observe the flouting of U.N. resolutions, the weakening of international norms, and the defiance of America, they feel less restrained in acquiescing in or ignoring terrorist activities. For the nations of the world to accept the existence of growing stockpiles of weapons of mass destruction where the new form of terrorism has been spawned is to undermine restraint with respect not only to weapons proliferation but to the psychological impulse toward terrorism altogether.

The campaign in Afghanistan was an important first step. But if it remains the principal move in the war against terrorism, it runs the risk of petering out into an intelligence operation while the rest of the region gradually slides back to the pre-9/11 pattern, with radicals encouraged by the demonstration of the world's hesitation and moderates demoralized by the continuation of an unimpaired Iraq as an aggressive regional power. In short, the continuation of illegal proliferation, the global dangers which it involves, the rejection or infeasibility of a viable inspection system, and the growth of terrorism require action, preferably global, but as an ultimate resort of America's, together with those countries prepared to support it.

It is argued that dealing with weapons of mass destruction in Iraq weakens the war against terrorism. The opposite is more likely to be true. Eliminating such weapons in Iraq is an important aspect of the second phase of the anti-terrorism campaign. It demonstrates American determination to get at the root causes and some of the ultimate capabilities of what is, in essence, a crusade against free values. Enforcing U.N. resolutions in Iraq does not compete with the capabilities needed to pursue the second phase of the anti-terrorism campaign. In all likelihood, such action will strengthen it by additional deployments to the region.

Nor should it weaken the cooperation of other countries in the anti-terror campaign. Assisting in this effort is not a favor other countries do for the United States but ultimately for themselves. And what exactly will they decline to support without risking their entire relationship to the United States? The fight against terrorism will take many years. To wait for its end before acting is to guarantee that stockpiles of weapons of mass destruction multiply.

At the same time, while reserving the option to act in concert with only the nations it can convince, the United States is wise to appeal to cooperative action of the world community. As the most powerful nation in the world, the United States has a special unilateral capacity and, indeed, obligation to lead in implementing its convictions. But it also has a special obligation to justify its actions by principles that transcend the assertions of preponderant power. It cannot be in either the American national interest or the world's interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security. The case for enforcement of established resolutions should be the opening move in a serious effort of consultation to develop fundamental principles that other nations can consider in the general interest.

The United Nations is therefore challenged to come with a control system that eliminates existing weapons of mass destruction in Iraq—together with procedures to prevent their being rebuilt. the control system must go far beyond the inspection system negated by Saddam Hussein's evasions and violations. It must prevent any possibility for local authorities to harass informants or to impede free access to the inspectors. It should be backed by standby authority and perhaps a standby force to remove any obstacle to transparency. Moreover, any system of inspection must be measured against the decline in vigilance that accompanied the previously flawed system's operation. Nor can it be achieved at the price of lifting sanctions while Sad Dam Hussein stays in office. For that would provide the Iraqi regime with the means of rearmament as a reward for ending its violations. Indeed, the rigorous measures required to implement the U.N.'s own resolutions are almost surely incompatible with Hussein's continuation in power.

In the end, enforcement of U.N. resolutions should be coupled with a program of reconstruction for Iraq. Because of the precedent-setting nature of this war, its outcome will determine the way U.S. actions will ultimately be viewed. And we may find more nations willing to cooperate in reconstruction than in enforcement, if only because no country wants to see an exclusive position for America in a region so central to international political and economic stability.

Reconstruction will require dealing with how to preserve the unity and ensure the territorial integrity of a country that is an essential component of any Gulf equilibrium. A federal system to enable the Shiite, Sunni, and Kurdish ethnic groups of Iraq to live together without domination by one of them is surely appropriate. But any serious planning would have to consider the means to prevent autonomy from turning to independence, which, in the case of the Kurds, would put Turkish support for the military phase at risk. And all this would have to take place in the context of a government capable of resisting pressures from the remnants of the old regime or from neighboring countries determined to destabilize the emerging system.

The United States has put forward a reasoned definition of the dangers: the possession of weapons of mass destruction by governments that have demonstrated their willingness to use them, have professed hostility toward America or its allies, and are not restrained by domestic institutions. Can the world community reject that definition of the danger?

However the issue of weapons of mass destruction in Iraq is resolved, the longer-range goal must be to devise a system for dealing with new attempts by additional countries to acquire weapons of mass destruction or biological and chemical weapons. We are only at the beginning of the threat of global proliferation. The nations of the world must face the impossibility of letting such a process run unchecked. The United States would contribute much to a new international order if it invited the rest of world, and especially the major nuclear powers, to cooperate in creating a system to deal with this challenge to humanity on a more institutional basis.

Congress has an opportunity to vindicate a system of international order. I urge you to give the President the authority to enforce the appropriate U.N. resolutions together with the world community if at all possible, in concert with like-minded nations if necessary.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have had excellent cooperation in the management of this very important matter. Senators have been forthcoming. I note that the Presiding Officer is now scheduled to speak. Is there a means by which we could accommodate him? I would be happy to sit in the Chair. But I also observe the presence of another Senator who immediately follows the distinguished Senator. We could perhaps flip.

If I might suggest that.

The PRESIDING OFFICER. The Chair is prepared to recognize the Senator from Montana.

Mr. WARNER. We will recognize the Senator from Montana then.

Mr. President, while we are waiting for the Senator from Montana to address the Senate, I want to thank our colleague, Senator BROWNBACK, for an excellent statement. I was privileged to follow it, and it is an important contribution to this debate.

I thank my colleague.

Mr. BROWNBACK. Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my good friend from Virginia.

I thank my good friend from Delaware, whose kindness and generosity is as good as the size of his State is small, in allowing me to speak now. And I understand the Presiding Officer may get some relief in a little bit and will be able to make his statement.

As we get into a debate such as this, every time we spend a lot of time going over and saying about the same thing. We know who Mr. Hussein is.

I congratulate the President for an excellent speech on Monday night. Not only did it complement his words before the United Nations, some would construe the speech as a statement of war. I think that is not the case. I had an opportunity to hear our Secretary of State, General Powell, put it very well when he said it was ''a statement of what we intend to do.''

We know and we have seen this man operate who claims the Presidency of Iraq, going way back to the time he attacked Iran, then his actions against a neighbor, Kuwait. And since then, Saddam Hussein has deceived the world for over a decade.

He has violated 16 U.N. resolutions without consequence. He has stockpiled weapons of mass destruction and has a clear intention of obtaining nuclear weapons. His brutal regime has used these weapons on his own people. On one occasion this dictator used sarin, VX, and mustard gas agents to kill 5,000 innocent civilians in a single day.

He has abused the U.N.-established Oil-for-Food Program, weaponizing his oil to finance his fanaticism. All this time he has bankrupted his own country. Saddam has amassed black market revenues of $6.6 billion since 1996. I tell the American people this is not an Oil-for-Food Program. It is oil for terror.

Peace in our time, how long have we been kicking that phrase around? And it is still with us. It is in peril again and will be so long as Saddam Hussein is in power with the most destructive weapons in history in his hands.

Evidence of Saddam Hussein's complicity in and sponsorship of international terrorism is ample. He praised the September 11 attacks, calling them ''God's punishment'' in his government-controlled press. Al-Qaida terrorists are known to be hiding and harbored in Iraq. He continues to play

host to networks and has ordered acts of terror on foreign soil. And the worst of all worlds, though, is that he paid Palestinian families of Palestinian suicide bombers $25,000 as a reward for mass murder.

We know he violated U.N. sanctions and resolutions for inspections in that country, and now we are going back to the U.N. again for another resolution. There is one pitfall that we do not want to fall in again. By allowing new weapons inspections with conditions makes a mockery of our capacity for trust. He will exploit every opportunity to conceal and lie about what he has and where he has it—not only from us here in this country, but from the rest of the world. And the rest of the world should be outraged. What else is new?

He has a known record. Rather than playing the role of appeasers with a terrorist regime, the world community must vigorously pursue enforcement and compliance of those United Nations resolutions. If the United Nations Security Council cannot enforce its own authority and prove itself relevant and effective, then President Bush has no choice but to take whatever action he deems necessary to protect America from avowed enemies.

I understand fully the seriousness of committing our military, our men and women, in harm's way. I also understand the seriousness of the situation, not only just for Americans but for those freedom-loving and those freedom-desiring nations and societies around the world. I see a threat that overrides my fears and most of my concerns. We must act to depose a brutal regime and religious extremist who hates our freedoms and would do us harm.

I know America's intent is never to dominate other nations but to liberate them. We have a strong historical track record there. Our intent today with Iraq should be no different—to bring liberty and democracy to the Iraqi people who suffer arbitrary imprisonment, execution, torture, starvation, gang rape, and mutilation at the hands of this tyrant.

It is a changed world. It is a different time. Let me tell you that September 11 did not make it this way. September 11 gave us a horrible and graphic picture of the dangers of a changed and smaller world. No longer can we look the other way when the bully on the other side of the world pushes us and others around.

By today's standards, Saddam Hussein has been the bully on the block, right here at home. No longer can the international community simply do nothing.

How can we idly stand by and allow this monster to hide behind the veil of sovereign nation status? My conscience cannot allow it. There are no national boundaries when it comes to ferreting out and ending human injustice and suffering. We do have a responsibility to our fellow man. We always have. We also have an absolute right to defend ourselves.

Monsters are not going to be given a free hand to inflict unending suffering and death upon their own people and others, nor shall they be allowed to export terrorism or provide solace for terrorists. As Americans, we have a moral and ethical obligation to assure that each global member conducts themselves in an acceptable manner. Depending upon the magnitude of the offense, the remedy is different.

Saddam Hussein's oppressive regime has committed such severe atrocities that the world community can no longer stand idly by and do nothing. We cannot turn a blind eye.

A new world requires a new philosophy regarding defense. This new philosophy has been evolving for over a decade, ever since the end of the cold war. Deterrence and containment no longer suffice.

In this new age, this smaller world, we can no longer look the other way because a conflict is on the other side of the world. It is just like a conflict in our own neighborhood. There is no other side of the world anymore. It is just down the street.

So not only do we have a right, but a duty to protect ourselves and freedom-loving people around the world. The world community needs to be involved in making sure our partners in the world community treat their citizens and other nations fairly and with respect. If nations fail to do this and rise to a certain level of threat, just like kids at home, these nations must be dealt with. This is an evolving sense of conscience, and mine cannot sit back and wait until there is another strike.

Three-thousand people died on September 11, 2001. I do not want to see the tragic loss of American life again because of our inaction. It cannot happen to me, my children, or their children, or any innocent life.

So what do we do with a leader who has so blatantly violated 16 U.N. resolutions over the last decade, has invaded neighboring countries, and has tortured and killed his own people? Do we sit idly by and watch? That has never been the American way. America has never stood paralyzed by inaction when its citizens are threatened. Does Saddam pose a threat to this country's livelihood and to the American people? I believe he does.

September 11 also taught us another lesson—how fragile our freedoms are, especially when you inject fear. Also, we found out how fragile our economy was. He clearly has growing and increasingly sophisticated biological and chemical weapons capabilities, which strikes fear into the heart of every citizen on this planet. He has used them in the past and has the intent to use them again. He also actively continues his efforts to acquire nuclear weapons.

To those who still do not see the link between Iraq and the terrorist attacks on America and American interests, I say look again. The absence of an obvious link does not mean that one link does not exist. To those of us who study and learn from history, there should be no question what we need and should do. Hussein is a monster and a threat to the United States as we know it. Congress must speak with one united voice. The Nation must speak with a united voice. The world community must speak with one united voice. Those who resist speaking with a strong, united voice have a very short memory. The security of this country is the responsibility of each and every one of us who live here. If this great Nation wants to stand by and pacify, I tell you we will get hit again.

We have heard lots of speeches and seemingly a lot of logic that would say this is a wrong thing to do. I can remember when another President by the name of Theodore Roosevelt said, ''Speak softly, but carry a big stick.'' With Saddam Hussein, we have tried to speak softly and, so far, it has not worked. He has not responded to any U.N. resolution, sanctions, or even oil for food. So people like Saddam Hussein and Osama bin Laden, who hate Americans, hate our system, hate what free people have built here, will find a soft spot somewhere else at a later time—another vulnerability—and they will seize upon this opportunity to attack us once again.

That is what a blind eye creates. So I will vote for this resolution. I would even like to see it stronger because I think it strengthens the hands of our Secretary of State as he maneuvers his way through developing a new resolution in the world community called the United Nations. It also sends a very strong message to the rest of the world that all of us have a responsibility when a cancer falls upon the face of our planet. I will vote for this one and even a stronger one if I could get it.

Once again, speak softly, but carry a big stick.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I hold the Senate seat of the late Wayne Morse. Senator Morse lost his job in 1968, and many have attributed his loss to his outspoken opposition to the Vietnam war. Wayne Morse's election loss makes his words from that era no less true today.

In a 1966 debate on the role of the Senate with respect to the great issues of war and peace, Senator Wayne Morse said:

> This is what the United States Senate is for. It is what the Founding Fathers created the Senate to do—take the long-range view of actions prompted in national councils that may be warped by some strong passion or momentary interest.

It is the long-term interest of our country, Madam President, that Wayne Morse so presciently focused on in 1966 that leads me to outline the following conclusion that I have made with respect to the Iraq resolution.

Saddam Hussein is the bad actor here and the United States of America is the good actor. I believe the authorization of a unilateral preemptive military attack based on the information now available will cause much of the world, unfortunately, to lose sight of this reality. This perception in a region racked by poverty and already marked by a deep mistrust in American foreign policy could foster decades, possibly even centuries of undeserved hatred of our great Nation that will threaten our children and our grandchildren.

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require a staggering financial commitment from our National Government. Given the pressing financial needs here at home for public safety, for education, for health, where are the funds going to come from after our Nation wins such an engagement with Iraq?

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require an American policy of energy independence—especially independence from Middle East oil. We are a long way from there, and on some issues, such as saving energy and the crucial transportation sector, it seems that now we have been going backward.

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require a plan for rebuilding confidence among many of the countries that stood with us during the gulf war conflict, but do not stand with us today. Many of those countries do not believe diplomatic and other steps have been fully exhausted. If our Government cannot convince them of that, it is certainly going to be tough to restore faith after a unilateral, preemptive attack.

For many weeks now, I have waited and listened patiently, I feel, for the administration to make its case for the resolution. I serve on the Senate Intelligence Committee. I followed this issue very closely, and I believe neither partisan politics nor the pressures of an anxious public should be factored into a decision of this magnitude.

Instead, I see my duty as an elected representative of the great State of Oregon to listen, to inquire dispassionately, and make the decision I believe to be in the best interest of Oregon and this great country, and leave the judgment to history and the voters as to whether I made that judgment in the right way.

In approaching the decision about whether to vote to authorize the military option this measure calls for, I laid out some criteria on which to base my decision.

My criteria were: If our security agencies were to provide me with compelling evidence of a significant threat to our domestic security if Hussein's Iraq is not defeated militarily, I would be willing to grant authority for the use of force. But I am unwilling to give my approval for a first-strike, unilateral attack until and unless there is assurance under the resolution that before such an attack, the administration exhausted all other reasonable means to accomplish our goals.

Second, I am convinced it is essential to have a workable plan to contain the situation if Iraq attacks Israel and Israel enters the conflict.

And third, I am concerned there has to be a showing such an attack will not make our Nation less safe by setting us back in the war on terrorism.

The President has made a compelling case—I believe a sincere one—regarding the danger posed by Iraq under the rule of Saddam Hussein, but his argument—and I say respectfully—does not meet the criteria I have laid out.

First, I am not convinced, regarding a clear and present threat, Saddam Hussein currently imposes a clear and present threat to the domestic security of the Nation. While my service on the Senate Intelligence Committee has left me convinced of Iraq's support of terrorism, suspicious of its ties to al-Qaida, I have seen no evidence, acts, or involvement in the planning or execution of the vicious attacks of 9/11.

While Iraq has aided terrorism for many years, there are any number of regimes who have aided terrorism, including some with far more direct links to Osama bin Laden's network of terror. In this regard, I note the first conclusion in the Central Intelligence Agency's declassified letter to Chairman Bob Graham of Florida dated October 7 of this year which states that at present, Iraq does not appear to be planning or sponsoring terrorism aimed at the United States.

Yet, had the administration met this threshold test, in my view, it has still not met the rest of what I consider to be prudent criteria. While the President has stated his desire to seek alternative means to accomplish his goals before beginning a military strike, to grant the President the authority to conduct a first-strike war before first witnessing the exhaustion of those efforts is to abdicate the obligations of this body in its most sacred role. The Founding Fathers surely envisaged a more challenging inquiry when granting the Congress the responsibility of authorizing armed conflict.

On my second point, while I am not privy to the administration's war plans, I am of the belief the administration is satisfactorily preparing for a potential enlargement of the conflict with Israel or other allies. I am concerned this issue has not been adequately addressed.

I do believe the administration needs to outline in further detail how they would address issues with respect to the enlargement of the conflict, and I want to make clear I do not believe that point has been addressed clearly and fully to date. The possibility this conflict would be enlarged with an attack on Iraq to one that involves Israel is one I think needs to be laid out and laid out clearly.

Finally, and perhaps most importantly for my purposes, I reached the conclusion that pursuit of a first-strike war, absent any credible sign Saddam Hussein is preparing to wage war against our Nation or other nations, will leave this Nation less secure than before. I believe we have to look at greater length at these key questions, and I do not believe that has been done to date.

It is the sacred duty of the Senate to focus and act upon the long-term interests of our beloved Nation. Saddam Hussein is an extremely dangerous and extremely despicable man. Time and again, he has demonstrated that to his enemies, as well as his own people. He lives in a part of the world where there is no shortage of dangerous and despicable men who pose a threat to the security of the United States. In my service on the Senate Intelligence Committee, I have not seen satisfactory evidence he is any more despicable than the threat presented by Hamas, Hezbollah, and Iran.

In summary, those are the central questions. Making sure we have exhausted all of the diplomatic opportunities before one considers a first strike, making sure we are ready to deal with the region after a first strike and one that, in my judgment, we are clearly going to win, the unanswered questions of what happens when there is an attack on Iraq and the possibility of enlarging the conflict to Israel—these questions have not been addressed, and they have not been addressed fully.

There is no question in my mind Saddam Hussein represents a very real threat to this country and to the world, but I do not want to, in the days ahead, compound the problems we already face with Hussein in the region by authorizing a unilateral, preemptive military strike at this time, and that is why I will oppose the resolution.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, while I disagree with the thesis of our distinguished colleague, the Senator from Oregon, I do respect his views on it. I wonder if I might engage him in a brief colloquy.

This doctrine of preemptive attack unilaterally, clearly the Senator knows the President is diligently working with the United Nations, with the Secretary of State—the Secretary of State visited here with a group of us at midday today and held a press conference, and he indicated progress is being made. For the moment, we have to accord the administration at least clear support for trying hard to gain a coalition of nations and a new resolution in the Security Council which hopefully will be much stronger than anything we have seen before, and could act as a deterrent to the use of hostilities for a period of time, and hopefully, who knows, the regime may have a change of heart and cooperate.

Cooperation is a keystone to any successful inspection regime. But back to the preemptive—and I have shared this with others—in my research, the United States, under a number of Presidents, has directed military action in the following: Panama in 1901; Dominican Republic in 1904, 1914, 1965; Honduras, 1912; Nicaragua, 1926; Lebanon, 1958; Cuba, the naval quarantine, 1962, President Kennedy—clearly that was a preemptive threat and action by our President—Grenada, 1983; Libya, 1986; Panama, that was just cause in 1989; Somalia in 1992; Sudan, Afghanistan, August of 1998. You recall the bombing raids we did at that time. Iraq, that was Desert Fox in December of 1998, and I remember well as ranking member going over and talking with then-Secretary of Defense Cohen, a valued friend and colleague in the Senate of many years. And Kosovo in March of 1999.

Now, they fit the description of the preemptive type strikes my esteemed colleague from the great State of Oregon has enumerated. They were done under the concept, which is tried and true in international law, recognizing ''the anticipatory self-defense if a country is imminently threatened.''

I think the Senator pointed out he feels President Bush has indicated this country is imminently threatened. So there are some examples. I do not think this contemplated action by the President—he says he has made no decision to use force, but then again I point out we have been in a state of hostility with Iraq for some time. I point out our airplanes, our brave pilots, together with Great Britain, have been engaged in enforcing a resolution of the United Nations.

Here are two nations flying missions, clearly trying to enforce the resolutions. We are fortunate even though they have been shot upon many times by ground fire directed at the aircraft, some 60 times in September of this year alone—our military has been engaged in this conflict with Iraq for 12 years. So I think it is a continuation of the conflict to which we refer in this resolution.

I ask my good friend if he has any views with regard to my points.

Mr. WYDEN. I thank my distinguished colleague for the chance to further discuss this. My colleague makes a good point that clearly last night in the President's speech, and further today, he made it clear he was interested in trying to mobilize world opinion, and I think all of that is extremely constructive.

At the same time, the letter to Senator GRAHAM that now has been declassified—I sit on the Senate Intelligence Committee—makes it clear the CIA does not believe, as of October 7 of this year, the threat is imminent. That is why I think we have now reached the point where we are debating whether there is a continuing threat, which clearly Saddam Hussein is, or whether there is an imminent threat. It was the imminent threat I really set out as one of the thresholds I thought was relevant for supporting this resolution.

As the Senator could hear from my speech, A, I do not doubt the President's sincerity; B, I thought what he said last night was clearly a step in the right direction, and he elaborated on that further today.

On this matter with respect to the nature of the threat, for me what has been dispositive has been the now-declassified letter from the CIA where the CIA did not believe, as of October 7, the threat was imminent. I thank my distinguished colleague because he makes a number of good points, and always does.

Mr. WARNER. Could the Senator direct himself to the point made by the Senator from Virginia, that our aircraft have been fired upon in enforcing resolutions 60 times in the month of September of this year alone? The total firings by ground-to-air missiles on our aircraft—fortunately, they have not hit or brought down an airplane as yet—is that not engaging in combat, in war?

Mr. WYDEN. Will the Senator yield further?

Mr. WARNER. Yes.

Mr. WYDEN. The Senator again makes a legitimate point, but what we are talking about now, it seems to me—and this is what the CIA is talking about in their letter of October 7—is an imminent threat to the American people. It is very clear that conflict is a hostile one. It is one that must be countered. It is being countered today. I do not take a backseat to any Member of the Senate in terms of supporting our troops, our military, in terms of countering that conflict. But the question for the Senate then becomes whether a conflict like that should translate into support in this body for a resolution that would authorize a unilateral preemptive strike.

In spite of all of the attacks which the distinguished Senator from Virginia has mentioned—and they are very serious ones—as of October 7 of this year, the CIA did not believe there was an imminent threat to our country. I assume in making that judgment before the Intelligence Committee, if they had felt the attacks the Senator was talking about are dispositive, they would not have written that letter.

Mr. WARNER. Madam President, I guess I am missing something, but drawing on my own modest experience in the military, where I for a period was communications officer in the 1st Marine Airwing, living with aviators who were being shot at every day, to me they are American citizens. I think Americans are being shot at as that fire is trying to interdict their aircraft. They may not be home in the United States—perhaps they would like to be—but they are out there pursuant to orders of the Commander in Chief. It is not just President Bush. It was President Clinton. To me, that is hostility. To me, Americans are involved. Great Britain likewise is flying with their brave pilots. Somehow I am missing it.

Mr. WYDEN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. WYDEN. Again, I want our people who are in harm's way, as the Senator has outlined, to be able to counter that very hostile attack. They are doing so today under existing law and it is an effort I support. In spite of those attacks, the Central Intelligence Agency stated at present Iraq does not appear to be planning or sponsoring terrorism aimed at the United States which, after 9/11, was the stated concern that was vital to our national security.

Mr. WARNER. Madam President, was the Senator among the group that was being briefed in S–407 this afternoon from 2:00 to 3:00?

Mr. WYDEN. I was not, but I will tell the Senator I have probably sat in more briefings, as a Member of the Senate Intelligence Committee, on this point than just about any Member of this body. I have kept fully abreast of this issue.

Mr. WARNER. I would ask unanimous consent that the letter to which Senator WYDEN referred be printed in the RECORD. Is that possible?

Mr. WYDEN. It is declassified.

Mr. WARNER. I beg your pardon?

Mr. WYDEN. It is declassified.

Mr. WARNER. The Senator has been speaking to it and reading excerpts from it. I am unfamiliar with the letter.

I am not familiar—I heard the Senator addressing a letter from the CIA. I was under the assumption it was a declassified document. Is it a classified document?

Mr. WYDEN. It is a declassified document.

Mr. WARNER. The Senator has been referring to a classified document, is that it?

Mr. WYDEN. Throughout this afternoon, I have been speaking from a declassified document.

Mr. WARNER. I apologize to the Senator.

Mr. WYDEN. I have mentioned on several occasions it was declassified. I take my responsibilities as a Member of this committee very seriously.

Mr. WARNER. I am not challenging the Senator. I was not able to hear him as he spoke. I tender an apology. Since the Senator referred to the letter, and if it is declassified, perhaps it should be a part of the RECORD so those who are following this debate can read the letter in its entirety.

Mr. WYDEN. It would be possible to do that and have that made a part of the RECORD. I appreciate the Senator's thoughtfulness. We all have strong views on this. The Senator from Virginia is an expert on national security and military affairs. That happens to be an area where I believe reasonable people may differ. I look forward to working closely with my colleague.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I compliment the Senator from Virginia.

While I was in Florida this weekend, I had a number of people say they had been listening to the debate in which the Senator from Virginia and the Senator from West Virginia had both engaged. They found the quality of the debate to be excellent, and they were looking forward to the continuation of the debate.

On grave matters of war and peace, as the Senate is considering this resolution, I add my comments. They are addressed to perhaps one of the gravest things we discuss in a constitutional body such as this. That is, authorizing the sending of Americans into harm's way—moms and dads, sons and daughters, brothers and sisters—into combat. We must determine whether the situation in Iraq threatens the United States sufficiently enough to send Americans into harm's way, and put American lives at risk.

I have spoken with many citizens across Florida. I understand the concerns and the reservations many of them have.

We must use force only as a last resort. That is what this resolution is about; it is authorizing the use of force.

I remain convinced that the Saddam Hussein regime in Iraq poses a clear and increasing danger to the national security interests of the United States. We must disarm its arsenal of chemical and biological weapons. We must halt the development of nuclear weapons. Ultimately, one way or another, those weapons of mass destruction have to be taken out. If it means taking out Saddam Hussein along with them, then so be it. Our hope is that this threat can be dismantled by means less than the use of force, and discussions in the United Nations toward that goal are underway now. But if those efforts in the U.N. are not successful, we cannot sit and do nothing as the danger grows.

On a regular basis, Saddam's troops fire on the United States and British aircraft seeking to enforce the no-fly zones created to protect the Kurds in the north and the Shi'ites in the south. These no-fly zones exist to keep Saddam contained and to prevent him from acquiring technologies aimed at further enhancing his military capability.

At the conclusion of the Persian Gulf war in 1991, U.N. Security Council Resolution 687 set forth the conditions for peace. The cease-fire conditions required Iraq to disarm all weapons of mass destruction, fully declare and disclose all weapons of mass destruction, and not seek to further acquire weapons of mass destruction. That was in 1991—11 years ago.

Those terms have been clearly violated by Saddam Hussein. When a country willfully violates cease-fire terms which end war, a state of conflict continues to exist. The regular hostilities endured by coalition pilots in the no-fly zones make that state of conflict even more acute.

Saddam Hussein seeks regional hegemony. He seeks control of the oil supply of the Middle East. That is his end game. He wants to control all of those vast reserves so that he can have his fingers in a stranglehold around the industrialized world of planet Earth. He associates with known enemies of the United States. He has paid compensation to suicide bombers aimed at undermining the peace process in the Middle East. And Saddam seeks at every turn to flout international law and the will of the United Nations. His aggressiveness and thirst for war and blood are evident by his own actions and brutality, past and present, against his own people and against his neighbors.

It is time now to complete the job that was left undone in 1991 when we failed to completely disarm and remove Saddam. The longer he remains in power, the longer he delays, obfuscates, and lies—all the while he strengthens his arsenal. Weapons of mass destruction must be removed from Saddam Hussein, and the Iraqi people need to be liberated from his brutal grip. This is not a fight we can enter alone. We must pursue this cause with as much international support as is possible. The revised resolution makes this clear.

Yesterday, I had the privilege of speaking to several hundred at Central Command Headquarters at MacDill Air Force Base along with the Commander in Chief, GEN Tommy Franks. I brought words of a grateful nation to those men and women in uniform, and to all of our coalition partners who are part of this effort in going after the terrorists. That international support is critical to our successful prosecution of the war against terrorism, and that international cooperation is critical as we now approach military hostilities in Iraq.

Our European allies are starting to come around. It is very important that our Arab friends in the region do come around. The United States needs the world community to support us in eliminating these threats of weapons of mass destruction. As we consider engaging in a military conflict, we need this international support so as not to hurt our efforts in the war against terrorists in 30-some countries, nor hinder our efforts to try to strike a peace accord in the Middle East.

Madam President, the President has asked the Congress to authorize the use of American troops in Iraq for these purposes. He presented his case to the American people last night.

As it exists now, the Lieberman resolution clearly has been improved enormously from the draft resolution sent to us several weeks ago by the White House which, in essence, was nothing more than a blank check. Now it requires that the President must certify that diplomatic and other peaceful means will not adequately protect the national security interests of the United States, or that diplomatic and other peaceful means will not lead to the enforcement of the United Nations Security Council resolutions on Iraq. The President must certify those conditions.

It also has language regarding the United States' responsibility in planning for a post-Saddam Hussein Iraq—an Iraq that the United States, after Saddam Hussein, had best not abandon, as we did after the Soviets got licked in Afghanistan and tucked their tail between their legs and left—and we left also. That created a vacuum in Afghanistan and allowed the terrorists to fill that vacuum. In the post-Saddam Hussein Iraq, we don't want that same thing to occur. The United States must be there for the long run to give military, diplomatic, and economic security assistance to ensure that the Free World's interests are clearly protected in an Iraq after Saddam Hussein.

It was good that President Bush addressed the United Nations on September 12, and sought broad-based support from the international community. Secretary Powell will and must continue efforts at getting strong language—strong language—in a United Nations Security Council resolution that clearly spells out the actions Iraq is required to take and the consequences if it fails to do so. Such a resolution would strengthen the U.S. position and help us gain support from our Arab friends in the region. We must keep the focus on Saddam Hussein and the resolutions regarding weapons of mass destruction that he has ignored.

The Lieberman resolution also requires the President to report regularly to the Congress on ongoing operations in Iraq and the administration's plans, specifically, as I mentioned, for the post-Saddam Hussein Iraq and ensuing reconstruction. All of the additions that have been included in the Lieberman resolution have clearly improved upon the blank check that was sent here early on as a draft from the White House.

Having detailed plans in place will be crucial to ensuring that after Saddam Hussein, Iraq does not disintegrate into a permanent source of instability in the Middle East which would pose a serious threat to U.S. national security interests.

The current resolution also is improved from earlier drafts because it also makes reference to Navy CAPT Scott Speicher of Jacksonville, FL, the American pilot still missing since the first night of the gulf war when he was shot down over Iraq. Through a series of mistakes, the United States walked away from a downed pilot.

We have kept at this, over and over, in the Armed Services Committee and the Foreign Relations Committee, and have been talking to world leaders asking them to task their intelligence apparatus for word on Captain Speicher.

He is still considered Missing In Action. He was first declared Killed In Action. The Department of Defense changed that to Missing In Action. The Department of Defense is reportedly considering a change in status even from Missing In Action.

He is the only American among the thousands who are still unaccounted for at the hands of Saddam Hussein—thousands, I might say, going back to the Iran-Iraq war.

I appreciate the fact that the majority leader worked to ensure that the request of Senator PAT ROBERTS and myself to make reference to Captain Speicher was honored. It is honored in this resolution. It is my hope that our upcoming efforts and actions in Iraq will make progress towards resolving the fate of Captain Speicher.

You can just imagine what it is like for that family back in Jacksonville—a family with children that has not heard the fate of their father for the last 11 years.

This resolution, in my view, asserts the role of Congress granted by the Constitution and the War Powers Act. We have heard hours of testimony from senior administration officials and outside experts representing many different views on the subject. I have sat through hours of testimony in the two committees I have the privilege of serving on—the Foreign Relations Committee and the Armed Services Committee—that have delved in detail into this subject in preparation for our coming to this floor in this debate.

We have heard those hours of testimony in both classified and unclassified form. My office, as well as all of our offices, has received thousands of calls, letters, and e-mails. I have heard those voices. I share those concerns.

The threat posed by Iraq grows with each passing day. Since September 11 of a year ago, we can't wait to protect ourselves against the threats of weapons of mass destruction and regimes hostile to the United States with their links to terrorism. We must not leave ourselves exposed to an attack, which, after it comes, we will wish we had acted to prevent.

That is why I come to this floor to announce my support of the Lieberman-Warner-McCain-Bayh resolution authorizing the President to use force in Iraq. It is the right thing to do, and it is in the vital national security interests of the United States.

I thank the Chair for allowing me this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to speak on this resolution.

First, I compliment my friend and colleague, the Senator from Florida, Mr. NELSON, for his speech and for his tenacity in trying to remind everyone about the condition of Naval Aviator Speicher. I think that keeps pressure on our Government, other governments, and the Iraqi Government to disclose his whereabouts and his status. Whether he is alive remains to be seen.

I appreciate my colleague from Florida for continuing to press that issue. I join with him. I know the President of the United States is also pushing that issue. I appreciate his effort as well.

Mr. WARNER. Madam President, will the Senator yield? I just wish to express my profound appreciation for the support of the Senator from Florida for the Lieberman-Warner-McCain-Bayh resolution. He is a valued member of the committees here in the Senate. Certainly he has worked hard on our committee. I listened carefully as he stated the case. He stated it clearly. I join with my colleague from Oklahoma in commending him for the fight on behalf of that brave airman, Captain Speicher.

Mr. NELSON of Florida. Will the Senator from Oklahoma yield for one comment so I can respond to the distinguished Senator from Virginia?

Mr. NICKLES. Certainly.

Mr. NELSON of Florida. I thank the Senator from Virginia, Mr. WARNER. He told us how he and Senator Nunn were leading our Armed Services Committee 11 years ago as the Nation was preparing for the gulf war and how important it was in Senator WARNER's mind that the RECORD be laid out so a record would be there as to why the Congress should vote to give the President the authority to unleash the military might in Kuwait and going after Iraq.

I thank Senator WARNER and Senator LEVIN, the chairman, for how they have laid that predicate, and Senator BIDEN and Senator HELMS, and, in his absence, Senator LUGAR, in the Foreign Relations Committee. They laid that predicate with lengthy hearings, and provided access to classified information we have had in those two committees, which helped me to draw the conclusions I have drawn in support of this resolution.

So I particularly thank the great Senator from the Commonwealth of Virginia for his leadership.

Mr. WARNER. Madam President, I thank my colleague. I share the same sentiments towards the distinguished Senator from Florida.

Madam President, in 1990–1991, Chairman Sam Nunn and I, as ranking member, had nine hearings. It is interesting, in the first hearing we had Secretary of Defense Cheney and Chairman of the Joint Chiefs of Staff Colin Powell. Isn't that interesting? And then in the ninth hearing were the same two witnesses, Cheney and Powell. And today, of course, I shared briefly a press conference with now-Secretary of State Powell and had lunch with now-Vice President CHENEY. So that same team is together that was together under the first George Bush, ''Old 41,'' as we say.

So I thank the Senator for that.

We did lay before the Senate a record. We have put a record before the Senate of hearings in the two committees to which you have referred. I had hoped we would have had more hearings in our committee, but for reasons best known to our chairman, apparently, that was not possible. I very much wanted to have all four of the military chiefs. They don't want to sit this thing out. They are heavily involved. I was hopeful we could have had them, and then also the CINC, General Franks, who has the leading responsibility in the area of operation. But, unfortunately, no matter how hard we tried, it did not come to pass. My chairman, I respect whatever his views are on that.

Senator KENNEDY raised the question, why we did not have more facts. I just say that there were some of us who wanted to go on and have some additional hearings, but it was not possible.

I thank the Senator.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the colloquy.

Just for the information of my friend from Florida, I was also here in 1991, and, unfortunately, Senator Nunn did not support the resolution in 1991. There was a partisan divide, for whatever reason. One, the resolution passed with bipartisan support. I tell my friend and colleague that. But at that point in time, the Democrat leader at the time, Senator Mitchell, was opposed to the resolution. Many Democrats opposed it, although several Democrats did support it.

It passed, if my memory serves me correctly, 52 to 47. It was one of the first votes we had in early January of 1991. And it was one of the most important votes that this Senator has cast. I believe, probably this Thursday, the Senate likewise will be casting one of the most important votes we will cast.

I appreciate the support of my friend and colleague from Florida for this resolution.

Mr. President, I ask unanimous consent to be added as a cosponsor of the joint resolution.

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

Mr. NICKLES. Mr. President, I likewise would like to compliment my colleague, Senator WARNER, because he has been leading the debate, certainly on this side of the aisle, but, frankly, on both sides of the aisle. Senator WARNER has carried the debate on this side almost all of Friday, almost all of Monday, a great deal of today, and I am sure tomorrow and Thursday.

He has also been joined by Senator LIEBERMAN as a principal sponsor, as well as Senator MCCAIN, Senator BAYH, and others. I compliment them.

I heard some people debating this resolution as if they had not read it. Senate Joint Resolution 46 is well written. It is supported by the administration. There was a lot of time spent in putting this resolution together. Sometimes we legislate without reading. Sometimes we talk to people without listening.

I encourage my colleagues to read the resolution. I hope it will get a unanimous vote.

I looked at the resolutions we have passed in the last many years dealing with Iraq. Going back to the resolution we passed in 1991, I remember that resolution very plainly. A few days before that resolution passed, I was in Israel. Saddam Hussein was making statements like: If war broke out, Israel would burn. It would be consumed with fire. He was making all kinds of statements against the United States, against Israel, against any potential ally.

As the previous administration, President Bush 1, was putting together an international coalition, Saddam Hussein was threatening anybody in that coalition. Congress debated, for months. You might remember that Kuwait was invaded in August of 1990. President Bush made a very strong statement. He said: This invasion will not stand. And he made that statement: You are going to be removed from Kuwait, one way or another. Frankly, he made that strong statement, and he backed it up. He sent 550,000 United States troops to Saudi Arabia and Kuwait to build the military force and, in the next 6 months, built an international coalition that was unprecedented, unbelievably strong and powerful, with a number of countries, Arab and other countries, neighbors and from across the world, to stand up to Saddam Hussein's invasion of Kuwait and to kick him out of Kuwait.

That war was fought. It was very successful. And then President Bush stopped the war at that point because we achieved the U.N. resolution objectives, kicking Saddam Hussein out of Kuwait.

Then there were several resolutions that were passed, to which Saddam Hussein and the Iraqi Government agreed, that called for their disarmament and inspections. They agreed to these resolutions. We also passed resolutions that said we would use military force, if necessary, to compel compliance. And the United Nations, subsequent to that, beginning in 1991, all the way through 1998, passed 16 resolutions telling Saddam Hussein and the Iraqi Government: You must comply with these resolutions.

We went to war, developed an international coalition to force him out of Kuwait and to force him to disarm, and he agreed. Unfortunately, he did not live up to his agreement. He lied. He did not comply. He was defiant in his noncompliance.

As a result, he continued to build weapons of mass destruction. And the United Nations passed resolutions saying: You must comply, and, if necessary, we will use force. I could put in all these resolutions.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution that passed Congress, the Iraqi Breach Of International Obligations, because it is about a four-page summary, a short summary, but it is a resolution we passed on July 31, 1998, Public Law 105–235, and talks about the Iraqi breach of international obligations.

I will not read it all, but basically the Iraqi Government totally failed to comply with the U.N. resolutions. The essence of the resolve—and I will read it—

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

That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

That is the key phrase. This is what passed Congress in 1998. That was our unified statement that we made in 1998, that resolved we will ''bring Iraq into compliance with its international obligations,'' and we will use ''appropriate action,'' i.e., military action, if necessary, to get him to comply.

That resolution passed the Senate unanimously—unanimously—with no opposition.

It had very strong support. I am looking at some of the statements made. I will just read part of one made by President Clinton on February 17, 1998 regarding Iraqi noncompliance. He made this speech to the Joint Chiefs of Staff and the Pentagon dealing with Iraq. It is very relevant today, as it was in 1998. This is President Clinton:

Now, let's imagine the future. What if he 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 and rebuild an arsenal of devastating destruction.

And some day, some way, I guarantee you, he'll use the arsenal. And I think every one of you who's really worked on this for any length of time believes that, too.

President Clinton continued:

If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow by the knowledge that they can act with impunity, even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program.

I mention this. This was from President Bill Clinton, a very strong statement. I read that statement. I am kind of proud of him and I think he was exactly right. Though his rhetoric was pretty strong, his actions, unfortunately, were not. He said, we are going to compel compliance. The Congress passed a resolution saying, we will do what is necessary to compel compliance. But we didn't follow up.

I will read to you a statement made by Senator DASCHLE on the floor, the Democrat leader at the time. This was made on February 12, 1998:

. . . Iraq shall not be permitted to develop and deploy an arsenal of frightening chemical and biological weapons under any circumstances.

Skipping a couple paragraphs:

The United States continues to exhaust all diplomatic efforts to reverse the Iraqi threat. But absent immediate Iraqi compliance with Resolution 687, the security threat doesn't simply persist—it worsens. Saddam Hussein must understand the United States has the resolve to reverse that threat by force, if force is required. And, I must say, it has the will.

I think Senator DASCHLE was right. I could go on. I have quotes from Vice President Gore, other prominent leaders in Congress at the time. We passed a strong resolution.

I ask unanimous consent that the 1998 resolution be printed in the RECORD.

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

PUBLIC LAW 105–235

A joint resolution of the 105th Congress finding the Government of Iraq in unacceptable and material breach of its international obligations.

''Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

''Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

''Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

''Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

''Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

''Whereas in June 1991, Iraqi forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in United Nations Security Council Resolution 707 which found Iraq to be in ''material breach'' of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

''Whereas in January and February of 1992, Iraq rejected plans to install long-term monitoring equipment and cameras called for in United Nations resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in ''continuing material breach'' of its obligations;

''Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with

UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting in the Security Council Presidential Statement of February 28, 1992, which reiterated that Iraq was in ''continuing material breach'' and noted a ''further material breach'' on account of Iraq's failure to allow destruction of ballistic missile equipment;

''Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6, 1992, which declared that Iraq was in ''material and unacceptable breach'' of its obligations under United Nations resolutions;

''Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface-to-air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying United Nations weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993, which declared that Iraq was in an ''unacceptable and material breach'' of its obligations under United Nations resolutions:

''Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993, reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17, with an allied missile attack on Iraqi targets;

''Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993, declaring Iraq's refusal to comply to be a ''material and unacceptable breach'';

''Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

''Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

''Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

''Whereas on March 8, 11, 14, and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning ''clear violations by Iraq of previous Resolutions 687, 707, and 715'';

''Whereas from June 11–15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the ''clear violation on United Nations Security Council Resolutions 687, 707, and 715'' and in response to Iraq's continued violations, issued a Presidential Statement detailing Iraq's ''gross violation of obligations'';

''Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the United Nations oil for food plan;

''Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile engines from Iraq for analysis, resulting in a Security Council Presidential statement which ''deplore[d]'' Iraq's refusal to cooperate with UNSCOM;

''Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of ''special consultation'' with the Council;

''Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a United Nations Security Council Presidential Statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

''Whereas on September 13, 1997, during an inspection mission, an Iraqi official attacked UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997, adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for noncompliance with United Nations resolutions;

''Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down United States U–2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997, which imposed the travel ban on Iraqi officials and threatened unspecified ''further measures'';

''Whereas on November 13, 1997, Iraq expelled United States inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council Presidential Statement demanding Iraq revoke the expulsion;

''Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption of a United Nations Security Council Presidential Statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

''Whereas despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998, of United National Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the ''severest consequences'' for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

''Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the United Nations Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX; and

''Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security: NOw, therefore, be it

''*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.''

Approved August 14, 1998.

Mr. NICKLES. Later in 1998, the U.N. weapons inspectors were kicked out of Iraq. We bombed them. Then nothing happened. Since 1998, for the last 4 years, we haven't had any weapons inspectors in Iraq. They have done exactly as President Clinton forecasted they would do. They have continued to build their weapons of mass destruction, and they have been emboldened by our lack of action, by the lack of will.

As a matter of fact, in all those years, the Oil-for-Food program grew. At that point he was exporting a little bit of oil for food. That figure has quadrupled in the last few years. Every 6 months it was renegotiated. And due to pressure from a lot of countries it was renegotiated; yes, we don't want the Iraqi people to suffer so we will allow them to sell more oil. Saddam Hussein has abused that program and exported a lot more oil. He has basically been producing almost all he can.

He has taken that money and put it back into his weapons of mass destruction. He is not taking care of his people. We have Congressmen who were in Iraq last week talking about how pitiful it is that some of the kids are living in the hospitals and so on. Saddam Hussein has made billions off of oil, most of it illegally, but instead of using that money for the health and well-being of the Iraqi people, he has used it to build weapons of mass destruction.

President Clinton was pretty insightful of what would happen. Unfortunately, during his term, things got worse. The inspectors were basically kicked out of Iraq. They were denied access. There is a long litany. I will insert in the RECORD a list of Iraqi noncompliance with the arms control inspectors, how they basically stopped them from doing their job. They did a decent job on occasion because they would get some insights from a defector, but Saddam Hussein's mistress was laughing about the fact Saddam Hussein would laugh that he would continue to conceal these weapons and basically defy the United Nations and the United States.

We have had a change in the United States. Now we have President Bush, who said we should enforce the U.N. resolutions. We should stand up to Saddam Hussein. Things have changed. September 11 of last year did change things. It made us aware we are vulnerable to terrorists. Saddam Hussein has coalesced, has financed, has trained terrorists. The idea he is building these weapons of mass destruction and they might be distributed to potential terrorists is just not acceptable.

What needs to be done? Frankly, what needs to be done is to enforce the existing U.N. resolutions and to reaffirm them. Some people have said: We don't think President Bush should just

move unilaterally. The world community signed off on those U.N. resolutions, and at the time we gave those U.N. resolutions the use of force, if necessary, to compel compliance. What has changed?

In 1998, we reaffirmed the use of force, if necessary, to compel compliance. Are things better now than they were in 1998? He kicked the arms control inspectors out, and they are building all kinds of weapons. I don't see how anything is better. Things are worse, just as President Clinton predicted they would be.

We have rewarded his noncompliance. The international community has rewarded his noncompliance, and the United Nations has basically fallen into a group that lost its prestige and the status of being able to say: The world community is making a statement. This will not stand.

They have allowed it to stand. They have allowed it to be neutered, to be ineffective. Now we have a President Bush who went to the United Nations and said: These resolutions are still in effect. We need to enforce them. There is a real danger out there. It is a danger not to us, the United States, but to the world.

Many people in this body have said: I don't want him to move unilaterally, but let's do it in conjunction with the United Nations. President Bush didn't have to do that, but he did. He went to the United Nations and made a very strong speech. He is working to rebuild the international coalition that dissipated, if not disappeared, during the Clinton administration. The Clinton administration inherited the strongest, largest international coalition maybe ever assembled against a tyrant in Saddam Hussein in 1990 and 1991. By the year 2000, that international coalition was totally gone.

Saddam Hussein was producing all the weapons he wanted. There were no arms control inspectors. It really deteriorated over those 8 or 9 years.

President Bush is trying to rebuild it. He made the speech to the United Nations. He has contacted Members of Congress. He has brought many of us into the White House. He made a speech last night to the American people as well as to Congress.

People said: We want Congress to speak on this so we will be united. He came to Congress. He asked for a resolution. We are going to give him a resolution. We are going to show the Congress is behind the President, I hope with an overwhelming vote, an overwhelming vote.

What have we learned since 1991? Many people who voted no on the resolution in 1991 said: Let's give the sanctions a chance. I think we have had a little period of understanding now that Saddam Hussein doesn't care about sanctions and he doesn't care about U.N. resolutions. He doesn't care about pieces of paper. He does care about force. He respects force.

He misjudged the will of President Bush 1. He misjudged the will of the United States, earlier in his invasion and also in events that led up to the war in 1991.

I think he understands, too, that President Bush is very forceful. He means exactly what he says. If there is any chance to have a peaceful resolution in Iraq, it will only be after we pass this resolution, and he understands quite well that we will use force, if necessary, to compel compliance. Maybe then he will have a change of behavior. If not, he will pull the U.N. around and play them like a fiddle and try to do some type of diplomatic dance, never to do anything. He did that quite successfully for years.

He will not be successful with President Bush and this team. President Bush has assembled a team—I respect President Bush greatly for the speeches he has made and for his courageous positions but also for the team he has put together. His Vice President, DICK CHENEY, is former Secretary of Defense, and he has dealt with Saddam Hussein. His Secretary of State, Colin Powell, was the Chairman of the Joint Chiefs in the war in 1991. Secretary Rumsfeld is well respected by our military leaders and around the world. President Bush has put together a great team—one that probably wasn't designed for this problem, but it could not be more experienced and ready to take on this enormous challenge. I have great confidence in their ability to be able to do the job.

Is it without risk? No. Sure, there is risk involved. There is a lot that is involved. But doing nothing is a greater risk. Doing nothing is a much greater risk. If we want to have any hope of a peaceful resolution or to have this happen successfully without military conflict, it will only be after Saddam Hussein realizes the United States is behind our President, our Commander in Chief, and that we will enforce these resolutions. These resolutions don't have to be pieces of paper that are going to be ignored; they are the rule and effect of law. I hope the international community comes together.

The U.N. passing a strong resolution is much greater after they see the Congress speak with one voice and pass overwhelmingly a resolution stating we believe the existing resolutions should be enforced. We do not think it is satisfactory to have Saddam Hussein—a person who used chemical weapons against his own people, who fought wars with Iran, who has invaded Kuwait, and who lobbed missiles against Saudi Arabia and the Israeli people, we don't think it is satisfactory for that person, that regime, to be able to develop and continue to manufacture tons and tons and tons of chemical and biological weapons, and work on nuclear weapons that could threaten millions of people—millions of people.

That is not satisfactory. It needs to be stopped. I believe this President will do it. I think this resolution will be a big step in the right direction.

I want to make one final comment, and this is to the Iraqi people. They have suffered enough under Saddam Hussein. This is really for the liberation of the Iraqi people, just like getting rid of the Taliban in Afghanistan was liberation for the Afghan people. They have been suppressed for too long. This tyrant, this dictator who executed people himself and had relatives executed, and countless people who might be his political opponents have been executed—he needs to go.

In 1998, this Congress said we are for a regime change in Iraq. We were for it in 1998. We are for it now. In my opinion, we will not really have a return to a peaceful, growing, prosperous Iraq until there is a regime change. We will not have any confidence that there is any peaceful outlook for Iraq as long as Saddam Hussein is in the area. This Congress spoke in 1998 strongly and unanimously for regime change. I still think that is needed. The point I want to make is that if military conflict breaks out, it will not be a war with the Iraqi people. The war is with the leadership of Iraq, the unelected leader, Saddam Hussein, the tyrant who continues to oppress his people, basically stealing their money and using it to build weapons of mass destruction for his purposes, which is not for the well-being of the Iraqi people, but, frankly, for his desire to build a military machine that can threaten us. That is not acceptable.

I believe this resolution, when it passes—and I hope it does overwhelmingly—will send a strong signal to the world and to Saddam Hussein that these resolutions can, should, and will be enforced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Oklahoma for his very strong statement on behalf of the resolution Senators WARNER, BAYH, MCCAIN, I, and others have put before the Senate. I also thank my friend and colleague from Florida, Senator NELSON, for his strong statement on behalf of the amendment we have offered. I think together they form bookends that are bipartisan and quite strong in endorsing our resolution, and also in responding to some of the complaints, or questions, or criticisms about it that have been made in this first day of direct debate on it, which I do want to do a little bit more of myself.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. LIEBERMAN. Yes.

Mr. NICKLES. I compliment the Senator for his leadership on this. I have actually read the resolution. I think it is a very good product, bipartisan, due in large part to the Senator's leadership. I remember working with him on the 1991 resolution, as well as Senator WARNER and many others who were on the floor 11 years ago. So I thank my friend and colleague from Connecticut. We have had the pleasure of working together on many issues, and this is

one of the most important. The Senator's leadership is very notable and commendable, and I thank him for it.

Mr. LIEBERMAN. Mr. President, I thank the Senator for his kind words. I remember our work together in 1991. We are older and maybe wiser. In any case, I am proud to be working with the Senator and others on both sides of the aisle in a good cause.

I want to say, as he talked about reading the resolution—and I think that is important and I hope all our colleagues will read it—not just the ''resolved'' part, but the ''whereas,'' the preamble.

There have been suggestions here and there that either this resolution we have adopted was sort of patched together in a hurry, or that the White House just dictated it. The good news is this resolution is the result of a bipartisan, bicameral, House-Senate negotiation with the White House in a spirit of accommodation and compromise as part of a desire to go forward together. Some significant changes were made in the resolution from the original draft sent by the White House that were requested by Members of Congress, including particularly Members on the Democratic side of the aisle.

I just want to mention very briefly those changes. They include, first, support for and prioritization of American diplomatic efforts at the U.N. Just so there would be no doubt that what we were authorizing or intending to authorize was a unilateral, go-it-alone, ''don't care what anybody else says in the world'' military strike at Saddam Hussein, it is not that. In fact, at the heart of this resolution is the authority given to the President to enforce United Nations resolutions in great number, which have been consistently ignored, violated, denied, and deceived by Saddam Hussein over the decade.

While Congress is only able to authorize the President, as Commander in Chief, to take military action, the clear implication that I read into our resolution—but more than that, the clear statement of intention of the President should we face the moment we hope we do not face, when either Saddam does not respond to the U.N. or the U.N. itself refuses to authorize action to enforce its resolutions, then I think the President has made clear, and those of us who are sponsoring the resolution have made clear, that the United States will not go it alone and we will not have to, as a result of the decision to go to the U.N., as a result of the consultation with allies in Europe and Asia, in the Middle East and elsewhere in the world, as a result of the discussion and debate here and what I hope will be strong bipartisan support of this underlying resolution.

If we come to that moment where we have no other choice but war, then it is clear that we will have allies in good number at our side. That was one of the items we added to the resolution.

We also limited the scope of the authorization to Iraq and resolutions of the United Nations related to Iraq. The initial language submitted by the White House had a third clause which would justify military action, and that was to give the President authority to take military action to restore international peace and security to the region. That was a good step forward to grant the President authority but to limit the authority.

I take it also to be a limitation on duration, although some have spoken today and in previous days about the fact that this is unlimited. This is limited to the duration of authority necessary to address the current and ongoing threats posed by Iraq. When those threats are over, the authority is gone. Because the connection between sections 1 and 2 of the material parts of the resolve clause, which is the conditions that would justify military action, are joined by the word ''and'' and not by the word ''or,'' I think it is meant to clarify that this authority applies only to the relevant United Nations resolutions regarding Iraq.

There was another significant change. We also asked the White House and they agreed to put in language that requires the President to submit to Congress a determination, prior to using force, that further diplomatic means will not protect the national security of the American people or lead to enforcement of U.N. resolutions—another way, consistent incidentally with the gulf war resolution of 1991, to make it clear in this resolution that the policy of the United States is not to go to war first but to go to war last, after all other means of achieving Saddam's disarmament have failed.

We also require the President to submit to Congress a determination, prior to using force, that taking military action against Iraq is consistent with continuing efforts by the United States and other nations to take the necessary actions against international terrorists or terrorist organizations.

Justifiable concern was expressed that somehow a potential war against Iraq would interrupt, disrupt, deter the ongoing war on terrorism.

As I said, I think the two are connected because Saddam is a terrorist and supports terrorism and has had contacts with al-Qaida, but this makes clear the President has to make a determination publicly to Congress that these two are not in conflict and then requiring the President to comply with the War Powers Act which mandates regular consulting and reporting procedures.

I spoke earlier this afternoon and said to my colleagues I did not understand why there were some who said this resolution was somehow in contravention of the Constitution. One might disagree with the evaluation we sponsors of the resolution have made about the danger of Iraq under Saddam or of the imminence of the threat, but clearly the language of this resolution is not only within the power that Congress is given by the Constitution to declare war, to authorize military action, but also, by complying with the War Powers Act, embraces the later section of article I that says Congress is empowered to adopt legislation to implement the powers the Constitution gives.

Finally, there is a requirement that the President report every 60 days to Congress on military operations and on the planning for close of conflict activities, such as reconstruction and peacekeeping. It is not too soon to begin to plan for that now. I had occasion to speak on this subject last night at the Wilson Center here in Washington.

The bottom line is the ultimate measurement of the success of war is the quality of peace that follows. We have an obligation not just to, if necessary, tear down the dictatorship that Saddam has built in Iraq, but to help the Iraqi people build up a government that will follow in a better life, better economy, and more freedom for themselves, and this reporting requirement will be an incentive for that to happen.

Obviously, I hope and trust our colleagues will read the resolution in full. I want my colleagues to understand a significant process of negotiation went on between Democrats and Republicans in the House and the Senate and the White House before this resolution, which the President does support, was introduced into the Senate.

I see my friend from Colorado.

Mr. ALLARD. Will my friend yield?

Mr. LIEBERMAN. Madam President, I will be happy to yield to the Senator.

Mr. ALLARD. I thank the Senator from Connecticut for yielding.

Madam President, I wish to express again my appreciation for his leadership on this very important subject. He is recognized in the Senate as somebody who is an expert on Middle East affairs, and a lot of us lean on his opinion as we go through these debates.

I am sure the President appreciates the Senator from Connecticut sitting down and working with him in a bipartisan manner.

I compliment the Senator publicly for his fine work on this resolution.

Mr. LIEBERMAN. Madam President, I say to my friend and colleague from Colorado, he is very gracious. I appreciate it. It is an honor to have this opportunity to be involved in this very important debate and to do so across party lines. I thank him for his thoughtful advocacy of this resolution and of a strong U.S. presence in this region generally. I appreciate it.

Madam President, not seeing anyone else who wishes to speak at this time, I want to begin to respond to some of the thoughtful questions that were raised by the Senator from Oregon, and to some extent by the Senator from Massachusetts, about the imminence of the threat that Iraq represents and the basic question of, why now? what is the rush?

For my own part, as I said earlier today, the question for me is, why not

earlier? In other words, not, why now? but, why not earlier? We have gone through almost 11 years since the gulf war, since the armistice, the cease-fire agreement by which Saddam committed himself to adhere to the various U.N. resolutions and then proceeded rapidly to violate almost all of them, to play a cat-and-mouse game with the U.N. inspectors, testified to by so many of them, including the most memorable to me, Richard Butler, the Australian who headed the UNSCOM inspectors during the nineties, saying—and he used the word ''lies.'' He said the Iraqis under Saddam kept telling lies about what they had and did not have.

The record sadly shows—and there is now an indisputable record in this regard—that they have a growing inventory of very deadly toxins, biological, and chemical weapons.

We say with some glibness, because we say it so much, that Saddam is probably the only leader of a country in the world today who has used chemical weapons. He has, and used them not just once but several times against the Kurdish people, citizens of Iraq, and on some occasions actually having medical personnel nearby to follow up, not to help those who were attacked, but to use them as if they were test objects, to see to what extent they were hurt or how they were killed. That is how brutal and inhumane this regime is.

All the time this deceit and deception was going on, we tried everything over and over to stop the violations of the U.N. agreements. Nothing worked—inspections, sanctions, Food for Oil, trade restrictions, and even limited military action.

That is why we come to this point where we have said enough is enough. There is no question, in terms of is this imminent, that the events of September 11, 2001, have affected our judgment. I say for myself they have affected my judgment. I have said now that I have felt this way about Saddam for a long time.

In 1998, former Senator Bob Kerrey, Senator MCCAIN, Senator LOTT, and I cosponsored the Iraq Liberation Act based on the constant deception and violation of the U.N. inspection team, kicking them out of Iraq. That act declared it American policy to no longer just contain Saddam, but because of the danger that he was brewing within his borders with chemical and biological weapons, ballistic missiles and unmanned aerial vehicles which he could deliver on targets near and far, that we had to adopt a new policy to change the regime. That was adopted into law in 1998.

So as for myself, I have had this feeling about Saddam and his potential to use these weapons to expand his control of the Arab world. This is what I referred to earlier in the day in the incredibly timely book that has just come out by Kenneth Pollack, an expert on Iraq, called ''A Threatening Storm.'' In that book, Mr. Pollack tells the life story of Saddam through the Baath Party, so-called pan-Arabic views, and the extent to which his dream and his ambition is to be the new Saladin of the Arab world and control the entire Arab world.

So that is what these weapons are for, and his Arab neighbors are the nearest and most immediate targets of that, many of whom are very good allies of ours and from whose countries we receive much of the oil that fuels our economy, as well as the economy of the rest of the world.

So this has been building. Yet September 11, 2001, has had a profound effect on all of us. Speaking for myself, it has had a profound effect on me.

We look back and we say we knew what Osama bin Laden was saying; we knew his hatred for the United States; we knew he had struck at the two American embassies in Africa; we knew he had attacked the USS Cole.

We made some attempt to strike back at him, but now having experienced the horror of September 11, 2001, don't we wish we had invaded Afghanistan, overthrown the Taliban, and disrupted al-Qaida before September 11, 2001? Of course, we all do. The will was not there, notwithstanding the warnings.

So in terms of imminence, this resolution uses the phrase ''continuing threat,'' that we authorize the President to use the Armed Forces of the United States to defend the national security of the United States against the continuing threat posed by Iraq.

When we put together Saddam's hatred for the United States—I quoted earlier today, February 15, 1991, in defeat, after the gulf war, Saddam said:

> Every Iraqi child, woman, and old man knows how to take revenge. They will avenge the pure blood that has been shed, no matter how long it takes.

Surely, that was one of the reasons he attempted to assassinate former President Bush on a visit to Kuwait; why he, according not to this Senator or any other Senator but according to our own State Department, is one of seven nations on the State Department list of state sponsors of terrorism who has supported terrorist groups that have killed Americans.

So I read the word ''continuing threat'' as contained in our resolution to hold within it implicitly the words ''grave and imminent'' that some of our colleagues have said they wish were there.

The record shows that. The experience of September 11, 2001, shows that. I do not want to look back on some dark day in the near or not so near future, after some terrorist group supported by Saddam, or Iraq itself, has struck at allies of ours in the region or at American forces there or at Americans in the United States itself, which he is capable of doing, and say I wish we had taken action against him before he acted against us. We do not ever want to face a moment like that again.

So I believe the record before us, recited in some detail in the preamble, the whereas clauses of our resolution, argues loudly that the continuing threat referred to in the literal wording of the authorization clause is both grave and imminent and calls out for the action and the strength that this resolution requires.

The best way to achieve peace is to prepare for war. That is what has been said so many times in the past, particularly when dealing with a dangerous dictator like Saddam Hussein—and through his agents—an aggressor, a brutal killer himself.

There is no substitute for strength. We are a strong Nation and we are marshaling that strength before the United Nations, before the world community and directly to Saddam Hussein, hoping the message will get through and he will disarm without requiring the U.N., or an international coalition led by the United States, to disarm him. That is our hope. That is our prayer. But we will not achieve it unless our intentions are clear and strong.

There is a wonderful sentiment, an insight that I read a while ago from GEN Douglas MacArthur, obviously a great soldier but also a great student of warfare. MacArthur once said, and I quote: The history of failure in war can be summed up in two words, ''too late''—too late in comprehending the deadly purpose of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends.

It is a brilliantly insightful and moving quote, and remarkably relevant to the challenge that our resolution puts before our colleagues—too late in comprehending the deadly purpose of a potential enemy, that is the case we are making, the continuing threat of Saddam Hussein, grave and imminent; too late in realizing the mortal danger—that is the point that he continues to build an inventory of chemical and biological weapons that pose literally a mortal danger, the danger of killing Americans in great number if we do not stop him.

In the colloquy I had earlier today with the Senator from Virginia, Mr. WARNER, I expressed that there has been a lot of debate leading up to this resolution about whether Saddam has nuclear capacity and when he will achieve it. Is it going to be a year, 6 years, 10 years? I do not know, but I do know he possesses biological weapons today, deadly biological weapons, with the capacity to deliver them with ballistic missiles, and now increasingly sophisticated and small unmanned aerial vehicles, which when taken together could, in the worst nightmare scenario, create as much or more devastation and death than the kind of primitive nuclear weapon he will sooner or later possess. So that is the mortal danger in MacArthur's warning.

Too late in preparedness, well, that is what we are authorizing the President,

as Commander in Chief, and our military to do. Too late in uniting all possible forces for resistance. We are working now with our allies, with the Iraqi opposition, finally, 4 years after the Iraq Liberation Act authorized our government to begin working with the broad-based Iraqi opposition to Saddam Hussein.

Finally, too late in standing with one's friends. Here we are talking about our friends in the Middle East and the Persian Gulf. Good friends. Arabs, mostly, but also obviously Israelis. I say ''Arabs mostly'' because if you follow the line of Saddam's ambitions, they are to control the Arab world. That is what the invasion of Iran was about, that is what the invasion of Kuwait was about.

If we give him the opportunity, that is what future invasions, using chemical, biological, and potentially nuclear weapons, will be about.

It is time to stand with our friends in that region. I repeat, the history of failure in war can be summed up in two words: Too late. Too late in comprehending the deadly purpose of a potential enemy. Too late in realizing the mortal danger. Too late in preparedness. Too late in uniting all possible forces for resistance. Too late in standing with one's friends. This resolution is our way of saying to the American people, to the United Nations, to our allies in the Middle East and to Saddam Hussein, this time we cannot, we must not, and we will not wait until it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will make a few brief comments. I associate myself completely with the statement made by the Senator from Connecticut. I thought they were thoughtful comments. I also think Senator NICKLES from Oklahoma, who spoke prior to him, did a nice job of laying out for the Senate this issue, whether we should move forward with the resolution the President has requested.

I believe the President seeks to avoid conflict. I don't think there is anyone in this Chamber who wants to see us go into a conflict as a first option. We are very much concerned about the lives of our men and women who serve in the military. We certainly do not want to put them at risk unnecessarily.

The question occurs, if Saddam Hussein fails to comply, are we prepared to use force? I look at it this way. Historically, if we look at Iraq and what has been happening, I don't think anyone can deny there is a buildup. We either address it now or we address it later. I am of the view the sooner we address this problem, the less the risk will be. If we continue to let the problem grow, it increases the risks to our men and women in the military who may be called into battle as a result of noncompliance with Iraq. Hopefully we do not reach that point.

I compliment the President on his leadership. It is the kind of leadership we need at this time. It is a judgment call. It is what every Senator has to make a decision about in his own mind, whether this is the right thing to do. The longer we hold this up, the risk is magnified. That puts the neighbors of Iraq at risk, it puts countries all around the world at risk.

There is no doubt in my mind Saddam Hussein has the capability of using weapons of mass destruction. He is capable mentally of doing that. He has done it before. He has used it on his own. If he can use it on his own, he would certainly be willing to use it any place else. If we look at biological weapons, there is not much doubt he has the capability to use biological weapons. Their threat is extremely serious. That is another threat that will continue to grow. We know he is out there trying to develop nuclear capability. That expands even more my concerns about an expanding risk as we continue to delay action.

We need to move forward. We need to move forward quickly. The sooner we get this resolved, the sooner we get the support from the United Nations, we can move forward, give the President that option, a final option, that, if necessary, he will go in, even unilaterally, to protect the interests of the United States, to protect the Americans, and, if necessary, protect our friends and allies in the Middle East.

There is a quote in the President's speech last night I will restate. He says approving this resolution does not mean military action is imminent or unavoidable. The resolution will tell the United Nations and all nations that America speaks with one voice and is determined to make the demands of the civilized world mean something. Congress will also be sending a message to the dictator in Iraq that his only choice is full compliance. That is key.

The time remaining for that choice is limited. We need to act quickly. I am glad we have this before the Senate. We should have had it earlier than this week, but hopefully we will get it out this week and move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 4856, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I have a technical modification of the amendment that we offered earlier, and it is at the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 4856), as modified, is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for the Use of Military Force Against Iraq''.

SEC. 2. FINDINGS.

Since in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq:

Since after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Since the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Since Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Since in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in ''material and unacceptable breach of its international obligations'' and urged the President ''to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations'' (Public Law 105–235);

Since Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Since Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Since the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Since the current Iraq regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Since members of Al Qaida, an organization bearing responsibility for attacks on the

United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Since Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Since the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Since Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Since United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Since Congress in the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President ''to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677'';

Since in December 1991. Congress expressed its sense that it ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1),'' that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and ''constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region,'' and that Congress, ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688'';

Since the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

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

Since the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Since Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Since the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Since the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution an Authorization for Use of Military Force (Public Law 107–40); and

Since it is in the national security of the United States to restore international peace and security to the Persian Gulf region.

SEC. 3. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed, or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

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

SEC. 5. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 4 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Mr. LIEBERMAN. I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman-Warner amendment to S.J. Res. 45:

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

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close the debate on S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq:

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

Mr. REID. Mr. President, we have been able to accomplish a great deal today on this most important resolution. I think the debate has been pertinent. I think people have had a chance to express themselves without hindrance. We would hope that Senators would continue in the same vein. With these two cloture motions that have been filed, we are hopeful and confident that the debate on this will be brought to a close on Thursday morning and that following that we can complete work on the resolution. We certainly hope so.

In the meantime, we would hope people who have amendments to offer would do that and, if possible, we would like to have those amendments resolved prior to Thursday. If not, of course, if some of them are germane, they will be carried over until after our cloture votes.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING THANKS TO CAPITAL-AREA LAW ENFORCEMENT

Ms. MIKULSKI. Mr. President, on behalf of the people of America, I thank President Bush and all Federal law enforcement agencies for the help, response, and support they have given to those who live in the Capital region as we face the threat of a predatory serial killer. The entire Nation knows six people have died. Some have been shot but are in recovery, like the 13-year-old boy who was so critically wounded yesterday. There is a serial killer out there. The President yesterday issued a statement extending his sympathies to those family members who have lost loved ones. He also directed law enforcement to be as responsive as possible.

As soon as the first dastardly and despicable deed occurred, Federal law enforcement, in terms of FBI and ATF, were there offering voluntary and informal assistance. Last night I spoke to FBI Director Mueller. Through a request from the Montgomery County police chief, they are formalizing and coordinating this effort. So we in Maryland really want to extend our gratitude to the President, to Federal law enforcement, and to all of America that is sending their love and prayers to our region.

Mr. WARNER. Will the Senator yield?

Ms. MIKULSKI. I am happy to yield.

Mr. WARNER. We talked together about the efforts your office, my office, Senator ALLEN, and Senator SARBANES, working as a team, in fielding calls. We urge people to come to us. I also speak for the Mayor of the District of Columbia. The District of Columbia is grateful for the quick response led by our President, led by the Attorney General and others, to this crisis.

I have been privileged to live in this area throughout my entire life. I was an assistant U.S. attorney one time. Never have I seen a crime situation such as this. It has brought about the unity between the regions to work to solve this problem. I join with my friend and thank her for bringing this matter to the attention of the Senate.

TRIBUTE TO MAJOR GENERAL STROM THURMOND

Mr. HELMS. Mr. President, throughout America's history, our Nation has been blessed with leaders of rare courage, character, and conviction. The Senate for almost half a century has been fortunate to count among its members an especially remarkable individual, Senator STROM THURMOND.

Earlier, I joined in paying tribute to Senator THURMOND's unparalleled record of public service both to his country and to his beloved citizens of South Carolina. His extraordinary record of service spans almost 80 years.

We should also recall another aspect of service to his country—Senator THURMOND's heroic and selfless record of military service.

His distinguished military career spanned more than three decades, commencing shortly after his 21st birthday when he was commissioned a Second Lieutenant in the U.S. Army Reserve. When he retired in 1965, Senator THURMOND had risen to the rank of Major General, the highest rank then available to a Reserve Officer.

Inasmuch as he was serving as a South Carolina circuit judge at the outset of World War II, Mr. THURMOND was exempt from military service. But, then First Lieutenant THURMOND did not hesitate: he volunteered for duty the day the U.S. declared war against Germany, receiving a commission in the Active Army and becoming a member of the First U.S. Army.

While serving in the European theater, STROM served in all battles of the First Army, fighting through France, Belgium, Holland, Luxembourg, Czechoslovakia, and Germany. A lieutenant colonel at the time of the Normandy invasion—known forever as D-day—STROM volunteered for temporary duty with The All-American Division, North Carolina's 82nd Airborne, with whom he would land on the first day of the invasion.

Senator THURMOND once recounted this experience with the 82nd:

On May 23, they informed us that they needed Civil Affairs officers for temporary duty with the 82nd Airborne. Three of us volunteered. . . . On May 29, our units headed for an airfield near Newbury, where the three of us were briefed, given final instructions, and assigned to various gliders. We were to arrive with the 82nd in France on D-Day, June 6. The primary mission of the 82nd and the 101st Airborne Divisions was to keep enemy reinforcements from the invasion beaches. One fifth of the American airborne soldiers were killed or wounded that day, but we succeeded in accomplishing our mission.

After we crossed the coast line of France we were subjected to heavy anti-aircraft fire, soon thereafter the tow plane cut us loose. Well, after that, we lost altitude fast. All I could see rushing toward us were fields full of fences and trees and crooked up gliders. As we came in to land, we hit a tree and tore off one of our wings. The crash threw us into another tree, and that clipped off our other wing. What was left of us kept going until it plowed into a fence. We had crash landed into an apple orchard.

We had landed within the German lines and as soon as we touched the ground we were hit with enemy fire. I headed a reconnaissance party with personnel from my glider to locate a command post. I borrowed a jeep from an officer of the 4th Infantry Division and made a reconnaissance of other nearby gliders, trying to assist injured personnel in getting to the rendevous. As soon as we had consolidated the group and set up a temporary camp, we started to dig foxholes. We were still being shelled, but not as heavily, along with [receiving] small arms fire. I had busted up my left knee when the glider had landed, so once we had taken care of more urgent matters, I had the medics patch me up.

With typical humility, Senator THURMOND failed to note that he was awarded a Purple Heart for his injuries that day. In addition, he has been the recipient of numerous other decorations for heroism and valor, including 5 battle stars and 18 decorations, the Legion of Merit with Oak Leaf Cluster, the Bronze Star Medal with V device, the Belgian Order of the Crown, and the French Croix de Guerre.

In an effort to honor all soldiers of the 82nd Airborne and to acknowledge the spirit and actions of Major General STROM THURMOND during his military career, I wrote to the Secretary of the Army this past April. My request was that Fort Bragg's new 82nd Airborne Division Strategic Deployment Facility—a key complex ensuring that Fort Bragg will serve as the Army's principal power projection platform for years to come—be named in honor of Major General STROM THURMOND.

Mr. President, I ask unanimous consent that the text of my letter of April 19, 2002, and the Department of the Army's response of June 4, 2002, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, needless to say, I am grateful to have received the Army's positive response and in September a ceremony was held at the green ramp at Pope Air Force Base, adjacent to Fort Bragg. More than 200 gathered to dedicate a premier facility,

to honor the 82nd Airborne, and to pay tribute to Major General THURMOND's exemplary contributions as a soldier and a statesman.

On that occasion, many fine tributes were spoken. I was particularly moved, though, by the words of the Under Secretary of the Army, the Honorable Les Brownlee. As a result of his distinguished service as majority staff director of the Senate Armed Services Committee, where he served under both Senators THURMOND and WARNER, Secretary Brownlee is well known to many Senators.

Mr. President, I ask unanimous consent that Secretary Brownlee's remarks from the September 16 dedication and a copy of a document ''Thurmond Military Service Record'' be printed in the RECORD.

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

REMARKS BY HON. LES BROWNLEE, UNDER SECRETARY OF THE ARMY AT DEDICATION CEREMONY, MG STROM THURMOND STRATEGIC DEPLOYMENT FACILITY, POPE AFB, NC, SEPTEMBER 16, 2002

Congressman Hayes, thank you very much for your very enthusiastic remarks to our soldiers here in the 82nd Airborne Division.

I hope you forgive me if I don't mention everybody's name again, since they have been mentioned a number of times already. But I did want to recognize the soldiers of the 82nd Airborne Division and the airmen of the 43rd Airlift Wing who are here today and who I know will enjoy the benefits of this marvelous facility.

I also wanted to recognize that not only did Congressman Hayes play a pivotal role in this facility but Senator Helms and his staff did as well, and I know that Senator Helms insisted that this facility be named for his colleague, Senator Strom Thurmond.

This year we will lose two giants out of the Senate. Senator Thurmond and Senator Helms will complete their tenure in the Senate this year but they will be sorely missed by the Nation.

I want to recognize also the great work that was done by everyone concerned in achieving this marvelous facility. It is truly a wonderful example of the jointness and cooperation that exists between the Army and the Air Force, and I want to recognize and express our appreciation to our Air Force comrades in arms.

I'm going also to pay a special tribute here to Mr. Duke Short, Chief of Staff at the current time to Senator Thurmond for almost thirty years. But more importantly, as a lieutenant he was assigned to the 82nd Airborne Division and served here at Fort Bragg. Duke, please stand. Please join me in giving Duke a big round of applause for his many years of outstanding service to the Nation and to Senator Thurmond.

I spent some time last week with Senator Thurmond and remarked that I was planning to borrow Duke Short from him for a few hours so that he could participate in this dedication ceremony. In typical Strom Thurmond fashion he didn't blink an eye as he deadpanned ''that's fine . . . just bring him back.''

As many of you know, I have had the distinct honor and privilege of working directly for Senator Thurmond for many years on the Senate Armed Services Committee, so I feel especially grateful for the opportunity to say a few words today. Senator Thurmond has been, and continues to be, an inspiration for us all and I am certain he is both honored and humbled by the dedication of this facility in his name.

Pay particular notice that this facility is dedicated to Major General Strom Thurmond—no Senator Thurmond. This is significant as it recognizes his military career and accomplishments. But let's also take note of the extraordinary list of important positions Strom Thurmond has held throughout his life: Superintendent of Education for Edgefield County, South Carolina State Senator, Circuit Judge of South Carolina, Governor of South Carolina, Candidate for President of the United States, United States Senator where he served as chairman of the Armed Services, Veterans Affairs, and Judiciary committees and as President Pro Tempore, Major General in the Army Reserve, and the oldest Senator, as well as the longest serving senator. On December 5th this year Senator Thurmond will be 100 years old and still an active senator. What an impressive list—what a marvelous life of public service.

In 1924 Strom Thurmond was commissioned as a second lieutenant in the US Army Reserve. During World War II, although exempt from military service due to both his age and position as a judge, he took a four-year leave of absence from a Circuit Judgeship in South Carolina in order to voluntarily serve his country as a soldier. As a 43 year old lieutenant colonel he served with the All Americans—the 82nd Airborne—and landed in a glider carrying 8 other soldiers and a jeep as part of the D–Day invasion in Normandy. His team reinforced parachute troops that landed earlier that day and collectively routed the German forces from the town of Ste. Mere-Eglise.

In fact, I remember discussing the glider operations with Senator Thurmond. Riding a glider into battle is high adventure, and the usual result was a crash-landing. That's in fact how Senator Thurmond landed—a terrific crash that wounded him and destroyed the jeep the glider was carrying. I asked the Senator how he got out of the glider and into the battle. He explained that the entire side of the glider was torn open. ''All you had to do was to stand up and walk right out the side!''

Four days after landing in the glider Lieutenant Colonel Thurmond, armed with only a pistol, captured a German motorcycle and commandeered it for his section's use.

Subsequently, Lieutenant Colonel Thurmond participated in the liberation of Paris, the Rhine Campaign, and was among the first Americans to liberate the Buchenwald concentration camp. As a result of his actions, Strom Thurmond was awarded the Legion of Merit—the Bronze Star for Valor, the Purple Heart, and 5 Battle Stars. Although the war ended in Europe, General Thurmond didn't return straight home. He volunteered for and was transferred to the Pacific Theater at the conclusion of combat in Europe and was preparing for the final assault on the Japanese island of Okinawa when the war ended.

In 1959 Senator Thurmond was promoted to the rank of Major General, and retired from the Army Reserve in 1964 after 40 years of active and reserve duty. Senator Thurmond obviously knows the military, is a stalwart supporter of the Army, and holds dear to his heart the soldiers, particularly the paratroopers, of our Army.

At this time I have a letter from Senator Thurmond which he asked that I read to you this morning:

DEAR FRIENDS: I am sorry that I am unable to join you today as you dedicate the Major General Strom Thurmond Strategic Deployment Center.

When the Commander-in-Chief needs to project American military might quickly, he has no better option than the 82nd Airborne Division. For more than the past fifty-years, ''The All American'' has distinguished itself in military operations around the world.

I think one of my proudest distinctions as a Soldier is my association with the 82nd Airborne Division. A lot of things have changed over the past 55 years that makes the Paratrooper an even more efficient Soldier than he was in 1944. Thank goodness you do not use wooden gliders anymore. I must confess that my one day only ride in that particular aircraft is not one of my favorite memories. We can be proud that today's Paratrooper is better equipped, better trained, better armed and more lethal than the Airborne Soldiers of any other generation or army. The military power that a Regiment of 21st Century Paratroopers brings to bear in a fight is nothing short of awe-inspiring to our allies, and nothing less than terrifying to our enemies.

In addition to advances in weapons and tactics, there have been considerable changes in quality of life for our Soldiers. Investing in the well being of our Soldiers and their families is not only a down payment toward readiness, but it is simply the right thing to do. The Deployment Center being dedicated today will give Paratroopers a modern, and well designed, power projection platform.

That this facility is being named in my honor is a recognition that is truly flattering and meaningful. I am proud of this . . . and I am proud of my affiliation with the 82nd Airborne Division. I am very appreciative of this distinction and I am always proud to do whatever I can to help the fine men and women of our Armed Forces.

With best wishes and kindest regards,

Sincerely,

STROM THURMOND.

In December 1996 Senator Thurmond celebrated his 94th birthday with the 82nd Airborne Division. He served as honorary jumpmaster on a C–141 with the same unit he had served with in 1944. Senator Thurmond said at the time that he wanted to parachute into Normandy in 1944 but was told that he was too old. Then, with his typical style, Senator Thurmond stated ''Perhaps they will finally let me jump and I'll get a pair of Airborne wings in celebration of my 94th birthday!''

Almost five years ago I was honored to attend Senator Thurmond's 95th birthday party. Throughout the party many friends and well-wishers all remarked to the Senator that they hoped that they could attend his 100th birthday party. The Senator looked at each of them and said, ''well, if you eat right, exercise, and take care of yourself there's no reason why you can't be there.''

This Strategic Deployment Facility is a tremendous testament to the spirit and tenacity of General and Senator Thurmond. Strom Thurmond admires courage, toughness, and perseverance—traits he believes, and I certainly agree with him, are found in every soldier. The soldiers who pass through this facility will be the standard-bearers of our great Nation, and will undoubtedly live up to the ideals of Strom Thurmond. The soldiers who train here, the soldiers who will deploy from here, the soldiers who we send in harm's way, will be better prepared to meet the challenges of today's environment because of both this facility and the lifelong dedication to the Nation rendered by Senator Strom Thurmond—a man committed to our nation's security.

We have learned all too well the uncertainty of our world. The threats to our Nation's interests are more complex and diverse than at any time in our history. The stakes are high. The United States must

safeguard our national interests and fulfill our world leadership responsibilities as well. Today, the U.S. military is protecting our Nation's interests both on the war front and on the home front, and the call may come at any time, day or night, for our valiant troopers to pass through these portals and answer the call to battle.

As our military forces use this MG Strom Thurmond Strategic Deployment Facility to protect and defend this great Nation, I am confident that all of us, military and civilian, soldier and family member, will always remember and live up to the words of our President, George W. Bush, on 14 September last year when he stated: ''America is a nation full of good fortune, with so much to be grateful for. But we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America, because we are freedom's home and defender. And the commitment of our fathers is now the calling of our time.''

A week later President Bush declared: ''We will rally the world to this cause by our efforts, by our courage. We will not tire, we will not falter, and we will not fail.''

The paratroopers who pass through this facility will never fail us. They will continue to live to the high standards of courage, valor, and selfless service demonstrated by Senator Thurmond. I know that our soldiers of today and the future will draw strength, resolve, and inspiration from this facility and its namesake, and will continue to protect the security of this great nation.

God bless each and every one of you and God Bless America!

THURMOND MILITARY SERVICE RECORD—JANUARY 9, 1924–NOVEMBER 22, 1964

Strom Thurmond began his military career when he was a Reserve Officers Training Corps cadet at Clemson Agricultural College from 1919–1923. He was appointed an officer in the United States Army Reserve, at the rank of 2nd Lieutenant, on January 9, 1924, and received the rank advancement to 1st Lieutenant on August 9, 1927. He enlisted in the army, shortly after the Japanese attack on Pearl Harbor, on December 11, 1941. However, he did not actually enter the service until April 17, 1942. He performed various military duties with the Military Police, as Captain, in the United States until October 26, 1943, when he was assigned to the Civil Affairs Division (Section G–5) of the headquarters, First Army, as Major and Lt. Colonel, which was formed on October 23, 1943. He worked in the European (England, France, Belgium, and Germany) and Pacific (Philippines and Japan) theaters, and participated in the Normandy Invasion with the Eighty-second Airborne Division. Thurmond was awarded five battles stars, eighteen decorations, medals and awards, including the Legion of Merit with Oak Leaf Cluster, the Bronze Star with ''V'' device, the Purple Heart, and the French Croix de Guerre. He took official leave on October 19, 1945 to return to the South Carolina Circuit Court and was officially discharged on January 20, 1946, with the rank of Lieutenant Colonel. He then joined the U.S. Army Reserve Corps and also became involved with the Reserve Officers Association and the Military Government Association. Thurmond served as the National Vice-President (July, 1953–June, 1954) and President (June, 1954–July, 1955) of the Reserve Officers Association and the President (December, 1957—c. December, 1958) of the Military Government Association. Thurmond retired at the rank of Major General of the Army Reserves on November 22, 1964, after forty years of service in the armed forces.

Strom Thurmond served with the Civil Affairs Division (Section G–5) of the First Army Headquarters during World War II. The division's mission was to occupy, govern, and help restore devastated, war-torn countries and their economies, and usually arrived during large-scale combat operations. Thurmond studied and used various military school instruction material, i.e., military police, legal, G–5, European geography and history, etc. in connection with his civil affairs/military government training and responsibilities. This material covered numerous directives and rules dealing with civilians, displaced persons, welfare, finance, background in formation on Germany and France, etc. Of interest, and further study, is a report discussing the activities of the First Army Civil Affairs Division during the D-Day Invasion titled, Civil Affairs: Soldiers Become Governors, by Harry L. Coles and Albert K. Weinberg and was published by the Office of the Chief of Military History, Department of the Army, Washington, DC: GPO, 1964 (SuDoc number D114.7:C49).

From 1946 to 1959 Thurmond used the civil affairs/military government training material and manuals he collected, along with prior experience and knowledge, as he taught basic and advanced officer courses to officers of the 352nd and 360th Military Government Area Headquarters Units.

From 1948 to 1958 Thurmond was involved with the Reserve Officers Association and the Military Government Association in leadership capacities. In particular, Thurmond served as President of the South Carolina Department of the Reserve Officers Association and as the organization's National President and Vice-President, and as the National President of the Military Government Association, mentioned above.

On January 15, 1948, at Fort Jackson, South Carolina, Lieutenant Colonel Strom Thurmond was promoted to the rank of Colonel in the United States Army Reserves (USAR). On February 20, 1955, at Third Army Headquarters, Fort McPherson, Georgia, Colonel Thurmond was promoted to the rank of Brigadier General in the USAR by General A.R. Bolling. And on April 25, 1960, at the Pentagon in Washington, DC, Brigadier General Thurmond was promoted to the rank of Major General in the USAR by General R.V. Lee, United States Army Adjutant General, witnessed by Secretary of the Army Wilber M. Brucker.

Senator Strom Thurmond (D–SC), as Colonel in the USAR, organized the 360th Military Government Area Headquarters (MGAH) Unit on October 1, 1950, and commanded it from that date until January 3, 1954. During the four years Colonel Thurmond commanded the 360th MGAH he received various commendations including a superior rating by the South Carolina Military District Headquarters, 3rd Army Headquarters, and Army Inspectors from Washington, DC, rated his the top reserve unit in 3rd Army area.

During the last two weeks of October 1956, Senator Thurmond, as Brigadier General in the USAR, accompanied the Assistant Secretary of Defense, Carter L. Burgess, on an inspection tour of the Far East. Secretary Burgess, was traveling in dual capacity as Assistant Secretary of Defense and Vice-Chairman of the Defense Advisory Committee on Professional and Technical Compensation, as a part of the Gordiner Committee. They visited Air Force and Army personnel on bases in Alaska, Japan, Okinawa, and Korea. Senator Thurmond made a special point of greeting all servicemen & women from South Carolina during his visits to each base.

The last two weeks of September 1957, Senator Strom Thurmond, as Brigadier General in the USAR, and Congressman LeRoy H. Anderson (D–MT), as Major General in the USAR, during their active tours of duty, visited Air Force and Army personnel at bases in France, Germany, and Italy. Again, Senator Thurmond made an effort to visit with servicemen & women from South Carolina.

From October 25 to November 7, 1959, Senator Strom Thurmond, as Brigadier General in the USAR, attended a two-week senior officer's course at the US Army Command & General Staff College in Fort Leavenworth, Kansas.

In November 1962, Senator Thurmond, as a Major General in the USAR, toured US, German and Pakistani bases in Germany and Pakistan with other member of the Congressional Command & Operations Group consisting of member of Congress and their congressional aids. Senator Ralph W. Yarborough (D–TX), a Colonel in the USAR, was a member of the group as was Captain Harry S. Dent, Senator Thurmond's Administrative Assistant.

In January 1964, Senator Thurmond, as a Major General in the USAR, was one of the 84 students enrolled in the Special Warfare School's Senior Officers Counterinsurgency & Special Warfare Orientation Course at Fort Bragg, North Carolina where he viewed various demonstrations and presentations including scuba diving.

And in November 1964, prior to his retirement from the military, Major General Thurmond, again with members of the USAR Congressional Command & Operations Group, consisting of members of congress and their congressional aids, visited elements of the Southern European Task Force in Italy. The purpose of the visit was to become familiar with the organization and mission of the bi-national command. During the latter part of his trip with the active duty group Major General Thurmond also toured Wheelus Field in Libya.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 19, 2002.

Hon. THOMAS E. WHITE,
Secretary of the Army, 101 Army Pentagon, Room 3E700, Washington, DC.

DEAR MR. SECRETARY: The Honorable Strom Thurmond has established an unparalleled record of public service during his almost 48 years in the United States Senate.

For the past 29 years, it has been my privilege to serve as a colleague of Senator Thurmond's. During that time, his leadership, dedication, and integrity have served as a source of personal inspiration.

As Strom will soon be retiring from the Senate, I expect there to be a number of tributes and dedications honoring various aspects of his unprecedented service to our country. I would like to ensure that his 36 years of dedicated service to the United States Army are also recognized in an appropriate manner.

As you are probably aware, Strom's remarkable record of service to the Army began in 1924 when he was commissioned a Second Lieutenant in the Infantry. An Army Reserve First Lieutenant on the eve of World War II, Strom volunteered for an active Army commission on the day the United States entered the war against Germany (in spite of the fact that his duties as a South Carolina Circuit Judge exempted him from deployment). After receiving his commission, Lt. Thurmond became a member of the First U.S. Army where he would subsequently be attached to Fort Bragg's own 82nd Airborne Division for the Invasion of Normandy. It was during that operation that he sustained an injury that led to the eventual award of a Purple Heart.

As a gesture of our country's gratitude for his remarkable military and public careers and as an inspiration to the soldiers who will pass through it in defense of our nation, I request that the Army dedicate the soon to be completed 82nd Airborne Division Deployment Staging Complex adjacent to Pope Air Force Base's Green Ramp as the ''Major General Strom Thurmond Airborne Operations Center.''

So dedicating this premier facility, designed by the Army and the Air Force to ensure that Fort Bragg and Pope AFB will function as the Army's leading Power Projection Platform for many years to come, will serve as both an appropriate tribute to Strom Thurmond's immeasurable contributions in service to our country and as an inspiration to the courageous young men and women who have committed their lives to the security of our nation.

Mr. Secretary, I will appreciate your expeditious consideration of my proposal as I am told that the facility is expected to open in July. If you have any questions, please do not hesitate to call me or David Whitney of my staff at 202–224–6342.

Many thanks.

Sincerely,

JESSE.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY,

Washington, DC, June 4, 2002.

Hon. JESSE HELMS,
Senate, Washington, DC.

DEAR SENATOR HELMS: Thank you for your recent letter to the Secretary of the Army, proposing the soon to be completed 82d Airborne Division Deployment Staging Complex at Fort Bragg, North Carolina, be named in honor of Senator Strom Thurmond.

Senator Thurmond's distinguished record of almost 48 years in the Senate, coupled with his military service and heroic actions in the line of duty during World War II, merit recognition. The package recommending that the Secretary of the Army grant an exception to policy permitting the requested naming has been prepared and is being expeditiously processed.

Thank you for your efforts to gain recognition for Senator Thurmond for his long and distinguished service to our Nation.

Sincerely,

JOSEPH W. WHITAKER,
Deputy Assistant Secretary of the Army (Installations and Housing), OASA (I&E).

CONGRATULATIONS TO THE REPUBLIC OF CHINA

Mr. SMITH of New Hampshire. Mr. President, I rise to congratulate the Taiwanese people in celebrating the 91st National Day of the Republic of China on October 10, 2002.

Taiwan is, and has been, a loyal ally and trading partner in Asia. Its people participate and fully subscribe to the principles of freedom and democracy. The Taiwanese people have worked with the United States on issues ranging from endangered species, trademark infringements to global terrorism. They look to us for cooperation, guidance and protection.

President Bush will soon be meeting with PRC President Jiang Zemin in the United States. I ask my colleagues to join with me in urging President Bush not to enter into any agreement which would restrict Taiwan or compromise its growing democracy. Better relations with the PRC must not come at the expense of the 23 million people on Taiwan, who must depend on America to defend their interests.

I am, however, pleased to see that on September 26 Congress passed the Foreign Relations Authorization Act which contains a few Taiwan-friendly clauses. While the act is not legally binding, this is a goodwill gesture towards Taiwan by the United States. It is apparent that Congress has reached a consensus that ''the Taiwan Strait issue must be peaceful and must include the assent of the people of Taiwan.'' I totally agree with many of my colleagues that as long as the PRC has not renounced the use of force against Taiwan, we must continue to help Taiwan defend itself by selling submarines, patrol aircraft, and advanced destroyers to Taiwan. In addition, the PRC must be left with no doubt that we will provide military support to Taiwan if it is attacked. In fact, the PRC's military buildup in recent years has made it not only a threat to Taiwan but to other neighboring Asian countries as well.

Mr. President, the October 10 celebration should mark the continuance of the close cooperation in all areas between our two countries, as well as the founding of a nation. Again, I congratulate Taiwan on the occasion of its National Day.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on October 20, 1999 in Barron, WI. A 22-year-old man was beaten to death with a tire iron because his assailants thought he was gay. The attacker, Raymond C. Welton, 33, lured the victim from a bar, then beat him while shouting anti-gay epithets, according to witnesses.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO KATHLEEN LEMMONS

● Mr. BUNNING. Mr. President, I rise today to congratulate Kathleen Lemmons of Fort Thomas, KY, on being recognized as one of the Nation's top educators in 2002 Education's Unsung Heroes Awards Programs.

This awards program, sponsored by ING-Northern Life Insurance Co., recognizes kindergarten through 12th grade educators nationwide for their innovative teaching techniques and creative learning projects.

Ms. Lemmons, a teacher in the gifted program with Fort Thomas Independent Schools, has been specifically recognized for her project in which students constructed robots to carry out certain tasks. This learning adventure combined the principles of math, science and teamwork in an effort to demonstrate how innovative thinking and teamwork can be combined to propel the imagination further than any one individual ever thought possible.

I ask that my fellow colleagues join me in thanking Kathleen Lemmons for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have teachers willing to challenge their students and teach them the importance of being educated.●

COLONEL PATRICIA E. BOYLE

● Mr. INOUYE. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for 25 years in the Air Force Nurse Corps: Col. Patricia E. Boyle. Colonel Boyle began her career as an intern and then staff nurse at Wilford Hall Medical Center in San Antonio, TX. She quickly rose through the ranks and served at Air Force bases throughout the country, including Peterson Air Force Base, AFB CO, Vandenburg AFB, CA, Wright-Patterson AFB, OH, and Robins AFB, GA. In each assignment, she excelled and overcame every challenge, and was rewarded with greater responsibilities and opportunities. Colonel Boyle has been recognized throughout her career as a leader who could motivate others to give the best they had to offer. Her talent for teaching and mentoring personnel, as well as her creativity and skill in management were instrumental in many of the successes the Air Force Medical Service enjoys today. Above all, she is a compassionate nurse who always put the welfare of her patients first.

Colonel Boyle served with distinction as a fellow on my staff from 1999 to 2000, and in this capacity greatly strengthened the acclaimed Department of Defense Tri-Service Nursing Research Program, among other highly valuable efforts. In her follow-on assignment as director of Congressional

and Public Affairs in the Office of the Air Force Surgeon General, she worked tirelessly behind the scenes in the department of Defense to make TRICARE for Life a reality for senior military retirees. The Surgeon General and his staff depended daily on her astute judgment and seasoned advice to meet the increasingly difficult challenges faced by our military departments today as they provide exemplary health care around the world in the 21st century. Colonel Boyle has made a substantial difference in the lives of our young troops and their families everywhere, and has improved the lot of our retired military patriots who have sacrificed so much. She always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the U.S. Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful Nation for her dedicated service. Congratulations, Col. Patricia Boyle. I wish you Godspeed.●

HELEN VINCENT

● Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of a remarkable Delawarean, Helen Vincent, upon her passing at the age of 82. Helen was a good friend and a woman who demonstrated tremendous courage and integrity. She was a woman with a kind heart, diverse interests, great abilities, and boundless energy. In the way she lived her own life, Helen reminded each of us how good we can be.

In her 30 years in Newark, DE, Helen became a well- known political and civic activist who championed ethics and justice. She believed in the democratic process and the value of honesty and integrity. A staunch ally, she was a major figure in our successful efforts to clean up New Castle County politics. We are a better State and a stronger Democratic Party because of her tireless efforts to infuse ethics into politics and her refusal to be deterred.

Helen taught us all how to act responsibly, with vision and determination. She understood the inherent danger that comes from the silence of good people. With her courage, she made it just a bit easier for the rest of us to stand up and make our voices heard.

Like Helen, Lou Gehrig's disease works across boundaries, without regard to racial, ethnic or economic barriers. But while the disease seeks to weaken the body, it proved only to bolster Helen's spirit and resolve. In life, and in facing death, Helen Vincent exemplified grace and grit.

In the face of adversity, Helen seemed to always prevail. Even now, as we reflect on her life, she seems somehow to have triumphed again.

Helen's legacy will live on in the lives of those she helped to shape, in the halls of the institutions she served, and in the hearts of those of us who were lucky enough to call her their friend. She believed that we could all do a bit better, and inspired us to do just that.

So I rise today to commemorate Helen, to celebrate her life, and to offer her family our support. Helen truly embodied the best of Delaware. She will be sorely missed by all Delawareans who cherish honesty and integrity and who are committed to playing by the rules.●

DOMESTIC VIOLENCE AWARENESS MONTH

● Mr. DOMENICI. Mr. President, I rise today to speak in recognition of October as Domestic Violence Awareness Month.

Domestic violence continues to be one of the silent tragedies in our society. Because this topic can be uncomfortable to talk about, many people choose to ignore it hoping that it will just go away. This is an unfortunate and, ultimately, harmful response.

Uncomfortable as it may be, we have to recognize that domestic violence occurs far too often and it will continue to occur if we, as a society, fail to take appropriate measures to stop it. We can't know how many occurrences of domestic abuse take place every year because so many of them go unreported. However, estimates range from just under a million to as many as 3 million cases each year.

While this is a staggeringly high number, it represents only one stage in the cycle of abuse that will not end on its own. You see, the women who are abused in these relationships are not the only victims, in the vast majority of these cases, the woman is not the only one who is affected; the children in these families are also victimized.

A man who physically abuses his partner is likely to physically abuse his children as well. But the abuse doesn't have to be physical for it to have a devastating and far-reaching impact. Simply witnessing this kind of abuse begins a cycle of violence that is often passed on from one generation to the next.

We, as a society, have to do better to create an atmosphere in which abused women and children can escape from the abusive relationship. While we have not yet succeeded in addressing this scourge on our society, we have taken some important steps.

Passage of the Violence Against Women Act in 1994 was an important step that has done much to address the problem. A number of other laws at both the Federal and State levels to prevent domestic abuse and punish those who abuse their domestic partners have been enacted over the years.

There are steps being taken to combat domestic violence all over the country at the local levels as well. In my own State of New Mexico, the Dona Ana County Domestic Violence and Sexual Assault Task Force has recently reconvened. This group, made up representatives from the law enforcement community, the criminal justice system, the religious community, and those in the social services, is charged with helping all victims of domestic violence and sexual violence.

In Santa Fe, NM, the Rape Crisis Center will break ground later this month on a new facility. While I am saddened that we have such a need for this facility, I am pleased to have had a part in making the center a reality by securing $1 million in the fiscal year 2002 VA–HUD appropriations bill. I believe that it will provide a safe haven for those who have no other way to escape the abuse they are living with.

While these are all important components in the fight against domestic abuse, there is much that still has to be done.

We have an obligation to shine a spotlight on this dark secret. Taking this month to focus on this issue represents an important step in the fight against those who would terrorize their families.

It is my fervent hope that this step leads us to the day when no woman or child has to live in fear in their own home. I remain committed to doing all I can to seeing that hope become reality.●

TRIBUTE TO THOMAS SEAY LAWSON

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend and mentor, Judge Thomas Seay Lawson of Montgomery, AL. Judge Lawson died on Monday, September 2, at the age of 96.

Judge Lawson was a native of Greensboro, AL, and was only 32 when he was elected attorney general of the State of Alabama in 1938 after serving for 7 years as an assistant attorney general. He was elected to the first of five consecutive terms to the Alabama Supreme Court in 1942.

Judge Lawson took a leave of absence from the Supreme Court to volunteer for military service during World War II and served as a U.S. Navy officer aboard the U.S.S. Massachusetts, which was involved in major battles in the Pacific theater including Okinawa and Iwo Jima.

He also served for 38 years as a member of the University of Alabama board of trustees and was president pro tem of the board for 10 years. He was a member of the Alabama Academy of Honor. He was the grandson of Thomas Seay, who served as Governor of Alabama from 1886 to 1890.

Judge Lawson earned his bachelor's degree from Davidson College and was a graduate of the University of Alabama Law School. The university conferred upon him a Doctor of Humane Letters degree and Davidson College awarded him its Alumni Citation for Accomplishments in the Field of Law.

He was a member of the Alabama Academy of Honor, Omicron Delta Kappa, Sigma Alpha Epsilon, Phi Delta Phi, and a honorary member of Omicron Kappa Upsilon. He also served as a

commissioner of the National Commission of Digestive Diseases of the National Institute of Health. He was the first president of the Alabama Law School Foundation.

Judge Lawson is survived by his wife Kathleen, his son Thomas Seay Lawson, Jr., his daughter Jule, and many grandchildren and great-grandchildren.

Judge Lawson was a good friend, a patriarch of his community, a great leader of the State of Alabama, and a much-beloved family man. He will be greatly missed by many.●

TRIBUTE TO PETTUS RANDALL

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, H. Pettus Randall III, of Tuscaloosa, AL. Pettus Randall died on Saturday, September 7, at the age of 57.

Pettus was a native of Tuscaloosa, AL and attended the University of Alabama where he received bachelor's degrees in English and history. He attended New York University's Graduate School of Business and completed his law degree at the University of Alabama in 1971.

Following the death of his father, Henry Pettus Randall Jr., in 1976, Pettus took over the publishing company that his father had started in 1934. Pettus grew Randall Publishing Company from a $1 million a year company into the $70 million a year nationwide operation it is today. Randall Publishing Company employs more than 600 workers in 20 States and is one of the largest publishers in construction and trucking. It is among the 20 largest privately held U.S. publishing companies and was rated the sixth-fastest-growing publishing companies in the United States.

Under Pettus' management, Randall Publishing Company employees were among the first in the Nation to have 401(k) benefits and, as Randall Publishing Company grew, the growth of equity was shared with each employee.

In the summer of 2000, I had the honor of introducing then-Governor George W. Bush to Pettus at an event at Randall Publishing Company.

Pettus served as president of the West Alabama Chamber of Commerce and the Greater Tuscaloosa Kiwanis Club. He chaired State campaigns for the Cancer Society and Christ Episcopal Church in Tuscaloosa. He worked with United Way, Tuscaloosa Boys and Girls Clubs, March of Dimes and the Tuscaloosa Association of Retarded Citizens.

Pettus and his wife, Catherine were recognized this year by the Alexis de Tocqueville Society for their contributions to the quality of life in west Alabama. In May, he received the west Alabama Chamber's lifetime achievement award and was named Tuscaloosa County's citizen of the year.

Pettus also found time to raise a family. He and Catherine raised three exceptional children. Their daughter Jaynie Rogers attends an MBA program at Harvard. Their daughter Kate is a graduate of both Vanderbilt and Cambridge Universities, and is about to join an investment management firm in Los Angeles. Their son Pettus IV attends Princeton University.

Pettus Randall was a good friend, a patriarch of the Tuscaloosa community, and a much-beloved family man. He will be greatly missed by many.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)

MESSAGE FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 163. An act to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes.

H.R. 2578. An act to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Augustus F. Hawkins Post Office Building''.

H.R. 2672. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse''.

H.R. 3100. An act to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data.

H.R. 3340. An act to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; and for other purposes.

H.R. 3731. An act to amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, and for other purposes.

H.R. 4005. An act to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4561. An act to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

H.R. 4685. An act to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

H.R. 5083. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Compos United States Courthouse''.

H.R. 5169. An act to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

H.R. 5331. An act to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights.

H.R. 5335. An act to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''.

H.R. 5340. An act to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the ''Francis Doyle 'Chick' Hearn Post Office''.

H.R. 5385. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 5427. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building''.

H.R. 5469. An act to amend title 17, United States Code, with respect to the statutory license for webcasting, and for other purposes.

H.R. 5507. An act to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation.

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

H.J. Res. 6. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 116. Concurrent resolution recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

H. Con. Res. 409. Concurrent resolution supporting the goals and ideals of National Community Role Models Week, and for other purposes.

H. Con. Res. 411. Concurrent resolution recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty ship that was sunk on February 23, 1945.

H. Con. Res. 465. Concurrent resolution recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten.

H. Con. Res. 503. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2121) to make available funds under the Foreign Assistance Act of 1961 to expand

democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 4085) to amend title 38, United States Code, to provide a cost-of-living increase in the rates compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans and their survivors, and for other purposes.

ENROLLED BILLS SIGNED

The following bills, previously signed by the Speaker of the House, were signed by the President pro tempore (Mr. BYRD) on October 7, 2002:

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

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

MEASURES REFERRED

The following bill and joint resolution were read the first and the second times by unanimous consent, and referred as indicated

H.R. 5169. An act to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

H.J. Res. 6. Joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 2394, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients. (Rept. No. 107–300).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2743: A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes. (Rept. No. 107–301).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2847: A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes. (Rept. No. 107–302).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:

S. 2897: A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries. (Rept. No. 107–303).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with amendments:

H.R. 3908: A bill to reauthorize the North American Wetlands Conservation Act, and for other purposes. (Rept. No. 107–304).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:

H.R. 4807: 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. (Rept. No. 107–305).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 2466: A bill to modify the contract consolidation requirements in the Small Business Act, and for other purposes. (Rept. No. 107–306).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 451: A bill to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 980: A bill to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2628: A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes.

H.R. 2818: A bill to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971.

H.R. 2990: A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes.

H.R. 3401: A bill to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 3421: A bill to provide adequate school facilities within Yosemite National Park, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

H.R. 3656: A bill to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 3786: A bill to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3858: A bill to modify the boundaries of the New River Gorge National River, West Virginia.

H.R. 3909: A bill to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes.

H.R. 3928: A bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

H.R. 3954: A bill to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 4073: A bill 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.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4682: A bill to revise the boundary of the Allegheny Portage Railroad National Historic Site, and for other purposes.

H.R. 5099: A bill to extend the periods of authorization for the Secretary of the Interior to implement capital construction projects associated with the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 5125: A bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1451: A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1816: A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1959: A bill to direct the Secretary of the Interior to conduct a study of the former Eagledale Ferry Dock in the State of Washington for potential inclusion in the National Park System.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1988: A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 2016: A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

S. 2475: A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

S. 2556: A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2565: A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness and for other purposes.

S. 2585: A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2587: A bill to establish the Joint Federal and State Navigable Waters Commission for Alaska.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2612: A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2623: A bill to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2652: A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2670: A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2672: A bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2696: A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2727: A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 2731: A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes.

S. 2744: A bill to establish the National Aviation Heritage Area, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2756: A bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes.

S. 2773: A bill to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2776: A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2788: A bill to revise the boundary of the Wind Cave National Park in the State of South Dakota.

S. 2823: A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

S. 2872: A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 2880: A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

S. 2893: A bill 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.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2899: A bill to establish the Atchafalaya National Heritage Area, Louisiana.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2927: A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Oregon.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2937: A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2952: A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail.

S. 3003: A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 3005: A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.

S.J. RES. 44: A joint resolution to consent to amendments to the Hawaii Homes Commission Act, 1920.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LEAHY for the Committee on the Judiciary:

Stanley R. Chesler, of New Jersey, to be United States District Judge for the District of New Jersey.

Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia.

Mark E. Fuller, of Alabama, to be United States District Judge for the Middle District of Alabama.

Daniel L. Hovland, of North Dakota, to be United States District Judge for the District of North Dakota.

Kent A. Jordan, of Delaware, to be United States District Judge for the District of Delaware.

James E. Kinkeade, of Texas, to be United States District Judge for the Northern District of Texas.

Robert G. Klausner, of California, to be United States District Judge for the Central District of California.

Robert B. Kugler, of New Jersey, to be United States District Judge for the District of New Jersey.

Ronald B. Leighton, of Washington, to be United States District Judge for the Western District of Washington.

Jose L. Linares, of New Jersey, to be United States District Judge for the District of New Jersey.

Alia M. Ludlum, of Texas, to be United States District Judge for the Western District of Texas.

William J. Martini, of New Jersey, to be United States District Judge for the District of New Jersey.

Thomas W. Phillips, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Linda R. Reade, of Iowa, to be United States District Judge for the Northern District of Iowa.

William E. Smith, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Jeffrey S. White, of California, to be United States District Judge for the Northern District of California.

Freda L. Wolfson, of New Jersey, to be United States District Judge for the District of New Jersey.

Carol Chien-Hua Lam, of California, to be United States Attorney for the the Southern District of California for the term of four years.

Glenn T. Suddaby, of New York, to be United States Attorney for the Northern District of New York for the term of four years

Johnny Mack Brown, of South Carolina, to be United States Marshal for the District of South Carolina for the term of four years.

John Francis Clark, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

Robert Maynard Grubbs, of Michigan, to be United States Marshal for the Eastern District of Michigan for the term of four years.

Joseph R. Guccione, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs:

*Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development.

*Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

*Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2002.

*Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

*Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

*Rafael Cuellar, of New Jersey, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*Michael Scott, of North Carolina, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

*Philip Merrill, of Maryland, to be President of the Export-Import Bank of the

United States for the remainder of the term expiring January 20, 2005.

By Mr. BIDEN for the Committee on Foreign Relations:

*John R. Dawson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John R. Dawson.

Post: Lima, Peru.

Contributions, Amount, Date, Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses, none.

4. Parents: Robert and Joan Dawson, none.

5. Grandparents: Ernest and Eva Dawson, John and Mildred Power—all deceased.

6. Brothers and spouses: Scott and Carrie Dawson, none.

7. Sisters and spouses: Deborah Dawson and Gerald Bailey, $100.00, March, 2000, Bill Bradley.

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*Gene B. Christy, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gene B. Christy.

Post: Brunei Darussalam.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses: Geoffrey B. Christy, none; Emilie Henshell Christy, none.

4. Parents: George B. Christy, (father/deceased); Clara Williams Christy, (step-mother/deceased); Rosea Whitmire Christy, (mother/deceased).

5. Grandparents: Arthur Christy, (grandfather/deceased); Minnie Beach Christy, (grandmother/deceased); Burl Durden Whitmire, (grandfather/deceased); Rose Rice Whitmire, (grandmother/deceased).

6. Brothers and spouses: None.

7. Sisters and spouses: None.

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*Charles Aaron Ray, of Texas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles A. Ray.

Post: Cambodia.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse: Myung W. Ray, none.

3. Children and spouses: Gayle D. Ray and Spouse: Reuben Watson, none. Jason A. Ray, none. David E. Ray, none. Denise E. Ray, none.

4. Parents: Father: L.B. Holman, deceased; Mother: Magnolia (Gardner) Alexander, none.

5. Grandparents: Fraternal: Grandfather: Day Holman, deceased; Grandmother: Mary Jackson, deceased. Maternal: Grandfather: Levi Gardner, deceased; Grandmother Sally Young, deceased.

6. Brothers and spouses: Mr. and Mrs. Thomas J. Holman, $500, 2000, Tom Davis; $300, 2000, Rep. Party; Mr. Wilton J. Holman, deceased; Mr. Donald W. Alexander, none; Mr. Dennis R. Alexander, none; Mr. Michael D. Holman, none.

7. Sisters and Spouses: Billye M. Morant (Divorced), none; Mrs. Dorrie E. Hill, none; Mr. Benjamin Hill (spouse), none.

David L. Lyon, of California, is a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lyon, David L.

Post: Fiji, Nauru, Tonga & Tuvalu.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse: Maureen Lyon, none.

3. Children and spouses: Nathaniel Lyon, none. Jocelyn Lyon, none.

4. Parents: Scott Lyon, deceased. Nancy Lyon, (deceased).

5. Grandparents: Calvin Lyon, (deceased), Lulu Lyon, (deceased), Walter Wilson, (deceased), Mary Wilson, (deceased).

6. Brothers and spouses: Peter Lyon, none. Stephen Lyon, (deceased).

7. Sisters and spouses: n/a.

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*Linda Ellen Watt, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee.

Nominee: Linda Ellen Watt.

Post: Panama.

2. Self, none.

2. Spouse, none.

3. Children and spouses: Thomas L. Crosby, and Laura M. Crosby, none.

4. Parents: Mr. & Mrs. William Watt, $25.00, 7/31/98, Rep Nat'l Comm; Mrs. Frances Watt, $25.00, 1/19/99, Friends Guilian; $20.00, 4/04/02, Rep Nat'l Comm.

5. Grandparents: Mr. & Mrs. Ulysses S. Ford, deceased. Mr. & Mrs. Alexander Watt, deceased.

6. Brothers and spouses: William A. Watt, Jr., Less than $200 total various dates, Nat'l Rep Congr. Committee.

7. Sisters and spouses: none.

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*Richard Allan Roth, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Allan Roth.

Post: Dakar, Senegal.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse: Carol Kinsman Roth, none.

3. Children and spouses: Aaron Kinsman Roth and David Kinsman Roth, none.

4. Parents: mother, Marcia Roth:

Contributions for Senator Carl Levin (D–MI), $10.00, August 16, 1998, Levin for Congress; $25.00, May 20, 1998, Levin for Congress; $20.00, July 12, 2000, Levin for Congress; $25.00, December 1, 2001, Friends of Carl Levin.

B. Contributions for Senator Deborah Stabenow (D–MI), $20.00, April 1, 2000, Stabenow for U.S. Senate.

C. Contributions for the Michigan Attorney General, $20.00, February 27, 2000, Jennifer Granholm for Attorney General of Michigan.

D. Contributions to the Democratic Party, $20.00, July 12, 2000, Michigan Democratic Victory; $20.00, September 2, 1998, Michigan Democratic Party Fund; $20.00, August 16, 1998, Democratic Congressional Campaign Committee (DCCC); $30.00, June 3, 1999, DCCC; $20.00, July 12, 2000, DCCC; $25.00, September 11, 2000, DCCC; $30.00, July 27, 2001, DCCC; $20.00, June 12, 1998, Democratic National Committee (DNC); $20.00, November 3, 1999, DNC; $20.00, February 27, 2000, DNC; $20.00, June 10, 2001, DNC; $20.00, June 27, 2001, DNC; $25.00, October 15, 2001, DNC. Father, Morton Roth, deceased.

5. Grandparents: Samuel and Fay Atlas, deceased; Nathan and Fanny Roth, deceased.

6. Brothers and spouses: Robert Ira Roth, (not married), none.

7. Sisters and spouses: Nicki Felica Roth (not married), none.

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*Antonio O. Garza, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Antonio O. Garza, Jr. (Tony Garza).

Post: Ambassador to Mexico.

Contributions, Amount, Date, Donee.

1. Self: $1000, 6/25/99, George W. Bush; $1000, 11/13/00, Bush-Cheney Recount Fund.

2. Spouse, none.

3. Children and spouses, none.

4. Parents: Antonio O. Garza Sr. and Lita Q. Garza (deceased), none.

5. Grandparents: Nicolas A. Garza (deceased), Rosa Garcia de Garza (deceased); Magdalena Sanchez de Quintana (deceased); Pelayo Quintana (deceased).

6. Brothers and spouses: Nicolas A. Garza, none.

7. Sisters and spouses: Mrs. Miguel Ortiz (sister), $500, 9/29/00, Republican National Committee. Mr. Miguel Ortiz (brother in law), $500. 5/5/97, IBC Commerce Committee for Improvement of the Country; $500, 4/20/98, IBC Commerce Committee for Improvement of the Country; $500, 9/29/00, Republican National Committee.

*Joseph Huggins, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joseph Huggins.

Post: Gaborone, Botswana.

Contributions, Amount, Date, Donee.

1. Joseph Huggins, none.

2. Spouse: Margot A. Sullivan (spouse), none.

3. Children: Keisha A. Huggins, Wahida M. Hugguns, Cecelia E. Huggins, and Joseph Huggins III, none.

4. Parents: Elizabeth C. Huggins and Joseph Huggins (deceased), none.

5. Grandparents, deceased.

6. Brothers and spouses: Jerome and Janet Huggins, Lawrence and Aria Huggins, and Michael Huggins, none.

7. Sisters: Lisa A. Huggins, none; Lorraine Brandon (deceased).

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*Grover Joseph Rees, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of East Timor.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Grover Joseph Rees III.

Post: Ambassador to East Timor.

Contributions, Amount, Date, Donee.

1. Self, $100, 10/2000, Republican Natl Commi; 50, 10/2000, Bill McCollum for Sen; JoAnn Davis for Congress, October 2000, $50; Mike Ferguson for Congress, October 2000, $50; Ric Keller for Congress, October 2000, $50; Jay Dickey for Congress, October 2000, $50; Jim Rogan for Congress, October 2000, $50; Mike Ferguson for Congress, May 2000, $25; Mike Ferguson for Congress, May 2000, $50.

2. Spouse, none.

3. Children and Spouses: Grover Joseph Rees IV, son, none; Oksana Prokhvacheva, daughter-in-law, none.

4. Parents: Grover Joseph Rees Jr., father, none; Patricia Byrne Rees, mother, none.

5. Grandparents: Maternal grandparents, Robert Byrne and Anna McLaughlin Byrne, deceased; paternal grandfather, Grover Joseph Rees, is also deceased; paternal grandmother, Consuelo Broussard Rees, none.

6. Brothers and Spouses: Robert Byrne Rees and Sally Billeaud Rees, none; John Murphy Rees and Linda Lough Rees, none; Stephen Gregory Rees and Mary Aline Rees, none; Charles Andrew Rees, none; Thomas Matthew Rees, none; Daniel Anthony Rees and Kay Sibille Rees, none; James McLaughlin Rees and Jeannine Lanoux, none; Richard Claude Rees and Nicole Rees, none.

7. Sisters and spouses: Kathleen Ann Rees Rosa and Richard Rosa, none. Margaret Mary Rees Crain and David Crain, none; Mary Elizabeth Rees, none.

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*Robin Renee Sanders, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robin Renee Sanders.

Post: Brazzaville.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses, none.

4. Parents: Geneva Sanders and Robert Sanders, none.

*5. Grandparents: Lucille Lawrence, none.

6. Brothers and spouses, none.

7. Sisters and Spouses: Sharon Sanders and Paula Sanders, none.

*All other grandparents are deceased

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*Kim R. Holmes, of Maryland, to be an Assistant Secretary of State (International Organizations).

*Francis X. Taylor, of Maryland, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

*Francis X. Taylor, of Maryland, to be an Assistant Secretary of State (Diplomatic Security).

*Maura Ann Harty, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Consular Affairs).

*Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund for a term of two years.

*Seth Cropsey, of the District of Columbia, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

*Steven J. Simmons, of Connecticut, to be Member of the Broadcasting Board of Governors for the remainder of the term expiring August 13, 2003.

*Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2005.

*D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2004.

*Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

*Wendy Jean Chamberlin, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

*C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

*Samuel E. Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2003.

*Ned L. Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2003.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning Deborah C. Rhea and ending Ashley J. Tellis, which nominations were received by the Senate and appeared in the Congressional Record on June 21, 2002.

*Foreign Service nominations beginning Dean B. Wooden and ending Claudia L. Yellin, which nominations were received by the Senate and appeared in the Congressional Record on June 21, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. HATCH:

S. 3069. A bill for the relief of Daniel King Cairo; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 3070. A bill to authorize appropriations for the Merit Systems Protection Board and the Office of Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ENSIGN:

S. 3071. A bill to require reports to Congress related to airports that will not deploy explosive detection systems by December 31, 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3072. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. LEAHY, Mr. NICKLES, Mr. HATCH, Mr. SHELBY, Ms. SNOWE, Mr. BUNNING, Mr. ENZI, and Mr. MCCONNELL):

S. 3073. A bill to encourage the establishment of Johnny Micheal Spann Patriot Trusts; to the Committee on Armed Services.

By Mr. BIDEN (for himself, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. CARPER, and Mr. SCHUMER):

S. 3074. A bill to provide bankruptcy judgeships; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. BROWNBACK, and Mr. HELMS):

S. 3075. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on Foreign Relations.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 3076. A bill to provide risk sharing and indemnification for government contractors supplying anti-terrorism technology and services, and for other purposes; to the Committee on Armed Services.

By Mr. CLELAND (for himself, Mr. MILLER, and Mr. THURMOND):

S. 3077. A bill to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the ''Michael Lee Woodcock Post Office''; to the Committee on Governmental Affairs.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 3078. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 3079. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 3080. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON:

S. 3081. A bill to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3082. A bill to suspend tax-exempt status of designated terrorist organizations; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Ms. SNOWE, Mr. JEFFORDS, Mr. SCHUMER, Ms. CANTWELL, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. EDWARDS, and Mr. THOMPSON):

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. KENNEDY, Mr. REED, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JEFFORDS, Mr. EDWARDS, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Mr. LIEBERMAN, Mr. KERRY, Mr. TORRICELLI, and Mrs. BOXER):

S.J. Res. 49. A joint resolution recognizing the contributions of Patsy Takemoto Mink; 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. CORZINE:

S. Res. 336. A resolution urging the international community to reject a boycott of Israeli academic and cultural institutions; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1038

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small nonprofit health care and educational institutions.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1877

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1877, a bill to clarify and reaffirm a cause of action and Federal court jurisdiction for certain claims against the Government of Iran.

S. 2667

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S. 2793

At the request of Mr. ENSIGN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2793, a bill 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.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2869

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2869, supra.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 2968

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 2969

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of S. 2969, a bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

S. 2990

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2990, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. 3062

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3062, a bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of silver-based biocides as an alternative treatment to preserve wood.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 333

At the request of Mr. HUTCHINSON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Res. 333, a resolution expressing the sense of the Senate relating to a dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. CON. RES. 136

At the request of Mr. BAUCUS, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 136, a concurrent resolution requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from

Massachusetts (Mr. KENNEDY) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. LEAHY, Mr. NICKLES, Mr. HATCH, Mr. SHELBY, Ms. SNOWE, Mr. BUNNING, Mr. ENZI, and Mr. MCCONNELL):

S. 3073. A bill to encourage the establishment of Johnny Michael Spann Patriot Trusts; to the Committee on Armed Services.

Mr. SESSIONS. Mr. President, I rise today to introduce the Johnny Michael Spann Patriot Trusts Act. Members of the United States military, CIA personnel, FBI personnel, and other Federal employees defend the freedom and security of our Nation each day, often at high risk to their own safety, and sometimes at the cost of their own lives. This bill will help facilitate the flow of private charitable money to the widows and orphans of our American servicemen, CIA officers, FBI agents, and other Federal employees who give their lives in the War on Terrorism.

In the days following the terrorist attacks of September 11, we passed the Victims Compensation Fund of 2001 to provide compensation to the victims of those attacks. The September 11 Fund only covers those who were injured or killed on September 11 as a result of the September 11 attacks. It is estimated that the September 11 Fund will provide the families of the September 11 victims with an average of $1.85 million each.

The September 11 Fund, however, does not cover military or government personnel who have been killed while fighting against terrorists in the new War on Terrorism after September 11, 2001. For example, it does not cover Alabama native Johnny Michael Spann and his family. CIA officer Johnny Michael Spann was the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the September 11 terrorist attacks. Because individuals like Mr. Spann are not included in the fund, their beneficiaries will receive far less than the $1.85 million that the beneficiaries of the September 11 fund will receive. Instead, family members of our soldiers, sailors, airmen, and marines killed in action while fighting terrorists will receive only relatively minor benefits currently $6,000 plus a small monthly payment. If the military man or women had purchased life insurance, the most the family can hope to receive is $250,000. CIA and FBI benefits are somewhat better, but still do not approach the $1.85 million mark. Now is the time to remedy this inequity and to meet the responsibility of taking care of the families of the military and government personnel who give their lives defending us from terrorism.

So today, I offer this bill to narrow the gap in the current compensation system. This bill will facilitate and encourage private charitable giving for the benefit of spouses and dependents of military, CIA, FBI, and other Federal employees killed in the line of duty while combating terrorism. The bill will use no government monies and will not affect the September 11 Fund. Instead, the bill will allow private monies to fill in the gap.

If a Section 501(c)(3) charity meets the requirements of the bill, it can designate itself as a ''Johnny Michael Spann Patriot Trust.'' The requirements are: 1. Beneficiaries—The trust must benefit government employees or contractors whose death occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force that we passed last year.

2. Tax Rules—The trust must qualify under existing tax rules for charitable trusts or private foundations. Thus, contributions to the fund will be tax deductible.

3. Distrubutions—The trust must distribute at least eighty-five percent of funds collected to beneficiaries. Thus, administrative expenses can be no more than fifteen percent, after the initial organizing expenses are made.

4. Audit—If contributions to the trust exceed $1 million, it must be audited by an independent certified public accountant.

5. McCain-Feingold—The trust must comply with the existing exemption in the McCain-Feingold campaign finance law for charities.

Once a trust meets the requirements, it will be entitled to two key benefits. First, the Secretary of Defense will be authorized to contact the Patriot Trusts on behalf of surviving spouses, thus eliminating the indignity widows often face when they are forced to go to a charity and ask for money.

Second, the bill will ensure that federally elected officials can raise money for Patriot Trusts without any problem under the McCain-Feingold campaign finance law. This encouragement of Senators and Congressmen to raise money for the families of slain military, CIA, or FBI personnel should help build real resources to help families with real needs.

Overall, this bill will help private charities provide a level playing field for those who give their lives for our freedom and security. It will address the current inequity between those who died in their office and those who died on the battle field defending America, and it will seek a fair and patriotic way for charities to recognize those who died defending their country against terrorism.

Who among us can look into the eyes of the widow of a soldier who lost his life fighting for his country and say, ''Sorry, you only get $6,000, but the widow of the securities broker in New York gets almost $2 Million.'' This bill takes a modest step toward ensuring fair and equitable treatment to all of those making the ultimate sacrifice, giving their lives to protect the United States and her citizens against terrorists around the world.

It is our moral duty and obligation to assist these service members and federal employees who are giving their lives in service to our country. Helping charities fill the gap is the least that we can do. I would urge all of my colleagues to support this bill as a way to show our Armed Forces and other employees that they are deserving of fair and equitable treatment.

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. 3073

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

SECTION 1. TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States have lost their lives while battling the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of covert observation of terrorists around the world are often put in harm's way during their service to the United States.

(4) Personnel of the Central Intelligence Agency have also lost their lives while battling the evils of terrorism around the world.

(5) Employees of the Federal Bureau of Investigation (FBI) and other Federal agencies charged with domestic protection of the United States put their lives at risk on a daily basis for the freedom and security of our Nation.

(6) United States military personnel, CIA personnel, FBI personnel, and other Federal agents in the service of the United States are patriots of the highest order.

(7) CIA officer Johnny Micheal Spann became the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the terrorist attacks of September 11, 2001.

(8) Johnny Micheal Spann left behind a wife and children who are very proud of the heroic actions of their patriot father.

(9) Surviving dependents of members of the Armed Forces of the United States who lose their lives as a result of terrorist attacks or

military operations abroad receive a $6,000 death benefit, plus a small monthly benefit.

(10) The current system of compensating spouses and children of American patriots is inequitable and needs improvement.

(b) DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which otherwise meets all applicable requirements under law with respect to charitable entities and meets the requirements described in subsection (c) shall be eligible to characterize itself as a ''Johnny Micheal Spann Patriot Trust''.

(c) REQUIREMENTS FOR THE DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—The requirements described in this subsection are as follows:

(1) Not taking into account funds or donations reasonably necessary to establish a trust, at least 85 percent of all funds or donations (including any earnings on the investment of such funds or donations) received or collected by any Johnny Micheal Spann Patriot Trust must be distributed to (or, if placed in a private foundation, held in trust for) surviving spouses, children, or dependent parents, grandparents, or siblings of 1 or more of the following:

(A) members of the Armed Forces of the United States;

(B) personnel, including contractors, of elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947;

(C) employees of the Federal Bureau of Investigation; and

(D) officers, employees, or contract employees of the United States Government,

whose deaths occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224).

(2) Other than funds or donations reasonably necessary to establish a trust, not more than 15 percent of all funds or donations (or 15 percent of annual earnings on funds invested in a private foundation) may be used for administrative purposes.

(3) No part of the net earnings of any Johnny Micheal Spann Patriot Trust may inure to the benefit of any individual based solely on the position of such individual as a shareholder, an officer or employee of such Trust.

(4) None of the activities of any Johnny Micheal Spann Patriot Trust shall be conducted in a manner inconsistent with any law with respect to attempting to influence legislation.

(5) No Johnny Micheal Spann Patriot Trust may participate in or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office, including by publication or distribution of statements.

(6) Each Johnny Micheal Spann Patriot Trust shall comply with the instructions and directions of the Director of Central Intelligence, the Attorney General, or the Secretary of Defense relating to the protection of intelligence sources and methods, sensitive law enforcement information, or other sensitive national security information, including methods for confidentially disbursing funds.

(7) Each Johnny Micheal Spann Patriot Trust that receives annual contributions totaling more than $1,000,000 must be audited annually by an independent certified public accounting firm. Such audits shall be filed with the Internal Revenue Service, and shall be open to public inspection, except that the conduct, filing, and availability of the audit shall be consistent with the protection of intelligence sources and methods, of sensitive law enforcement information, and of other sensitive national security information.

(8) Each Johnny Micheal Spann Patriot Trust shall make distributions to beneficiaries described in paragraph (1) at least once every calendar year, beginning not later than 12 months after the formation of such Trust, and all funds and donations received and earnings not placed in a private foundation dedicated to such beneficiaries must be distributed within 36 months after the end of the fiscal year in which such funds, donations, and earnings are received.

(9)(A) When determining the amount of a distribution to any beneficiary described in paragraph (1), a Johnny Micheal Spann Patriot Trust should take into account the amount of any collateral source compensation that the beneficiary has received or is entitled to receive as a result of the death of an individual described in subsection (c)(1).

(B) Collateral source compensation includes all compensation from collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the death of an individual described in subsection (c)(1).

(d) TREATMENT OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Each Johnny Micheal Spann Patriot Trust shall refrain from conducting the activities described in clauses (i) and (ii) of section 301(20)(A) of the Federal Election Campaign Act of 1971 so that a general solicitation of funds by an individual described in paragraph (1) of section 323(e) of such Act will be permissible if such solicitation meets the requirements of paragraph (4)(A) of such section.

(e) NOTIFICATION OF TRUST BENEFICIARIES.—Notwithstanding any other provision of law, and in a manner consistent with the protection of intelligence sources and methods, sensitive law enforcement information, and other sensitive national security information, the Secretary of Defense, the Director of the Federal Bureau of Investigation, or the Director of Central Intelligence, or their designees, as applicable, may forward information received from an executor, administrator, or other legal representative of the estate of a decedent described in subparagraph (A), (B), (C), or (D) of subsection (c)(1), to a Johnny Micheal Spann Patriot Trust on how to contact individuals eligible for a distribution under subsection (c)(1) for the purpose of providing assistance from such Trust; provided that, neither forwarding nor failing to forward any information under this subsection shall create any cause of action against any Federal department, agency, officer, agent, or employee.

(f) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence, shall prescribe regulations to carry out this section.

JOHNNY MICHAEL SPANN PATRIOT TRUSTS ACT

Mr. LEAHY. Mr. President, I am pleased to join Senators SESSIONS and NICKLES in introducing the Johnny Michael Spann Patriot Trusts Act. This legislation will facilitate private charitable giving for the benefit of spouses of servicemen and other Federal employees who are killed in the line of duty while engaged in the fight against international terrorism.

Many of us have fought for some time to achieve fair and expeditious compensation for victims of terrorism. In 1996, we passed the Justice for Victims of Terrorism Act, which authorized grants to states to provide assistance and compensation to victims of terrorism. Two years ago, we passed legislation directing the Justice Department to establish a Federal compensation program for victims of international terrorism. And last year, in the wake of the September 11 attacks, we established a special fund to provide compensation to the many families who lost loved ones on that terrible day.

I am proud of these legislative accomplishments. We should make every effort to help the innocent civilians whose lives are shattered by terrorist acts. At the same time, we must not forget those who are killed while serving on the front line in the war on terrorism. Under current law, beneficiaries of members of the U.S. Armed Forces get paid $6,000 only in death benefits from the Government, over any insurance that they may have purchased. Moreover, these individuals may not be eligible for payments from any existing victims' compensation program or charitable organization.

The Johnny Michael Spann Patriot Trusts Act will provide much needed support for the families of those who have made the ultimate sacrifice for their country. The bill encourages the creation of charitable trusts for the benefit of surviving spouses and dependents of military, CIA, FBI, and other Federal Government employees who are killed in operations or activities to curb international terrorism. In addition, the bill authorizes Federal officials to contact qualifying trusts on behalf of surviving spouses and dependents, pursuant to regulations to be prescribed by the Secretary of Defense. This will help to inform survivors about benefits and to ensure that those who are eligible have the opportunity to access the money. It will also spare grieving widows the embarrassment of having to go to a charity and ask for money. Finally, for the avoidance of doubt, the bill makes clear that federal officeholders and candidates may help raise funds for qualifying trusts without running afoul of Federal campaign finance laws.

While we have greatly improved our victims assistance and compensation programs, we still have more to do. I urge my colleagues on both sides of the aisle to join in advancing this legislation through Congress before the end of the year.

Mr. WARNER. Mr. President, I rise today to introduce a bill on behalf of myself and Senator ALLEN to authorize the President to apply the indemnification authorities now available to the Department of Defense and other agencies for national defense purposes to those agencies engaged in defending our Nation against terrorism. This authority is needed to enable America to access the best private sector solutions to defend our homeland, particularly

from those innovative small businesses who do not have the capital to shoulder significant liability risk.

There is an urgent need for this authority. For example, contractors will not sell chemical and biological detectors already available to DOD to other Federal agencies and state and local authorities because of the liability risk. Some of our Nation's top defense contractors will not sell these products because they are afraid to risk the future of their company on a lawsuit. In the meantime the American people are vulnerable. We should give the President the option that he currently does not have, of deciding whether the Federal Government should facilitate these purchases. This legislation would do precisely that.

This liability risk has been a longstanding deterrent to the private sector freely contracting with the Federal Government to meet national security needs. Congress has acted in the past to authorize the indemnification of contracts, particularly in times of war. On December 18, 1941, less than two weeks after the attack on Pearl Harbor, the Congress enacted Title II of the First War Powers Act of 1941. By providing authority to the President to indemnify contracts, this legislation and its successor have enabled the private sector to enter into contracts that involve a substantial liability risk. Administrations since Roosevelt's day have used these authorities to indemnify or share the risk with defense contractors. This was required to jump start the ''arsenal of democracy'' in 1941. It was true in 1958, when the nuclear and missile programs were facilitated by the indemnification of risks associated with the use of nuclear power and highly volatile missile fuels. it is true today for technology solutions required by agencies engaged in the war against terrorism.

This war is going to be different in many ways. For one, much of the Nation's homeland defense activities are going to be conducted by State and local governments. It is thus imperative to ensure that State and local governments can access vital anti-terrorism technologies.

To facilitate this, this bill would require the establishment of a Federal contracting vehicle to which state and local governments could turn to rapidly buy anti-terrorism solutions from the Federal Government. The President would also be authorized, if he deemed it necessary, to indemnify these purchases.

I want to emphasize two points. One, that this authority is discretionary. The President, on a case by case basis will decide whether to indemnify contracts. I expect the President will use this authority much like it has been used at the Defense Department, carefully and thoughtfully, and only for those products that the government cannot obtain without the use of the authority.

The second point I want to emphasize is that indemnification not in conflict with any efforts to limit or cap liability. I see these two efforts as complimentary. This legislation should not be seen as an alternative for tort reform, but merely as one tool that can be used by the President to ensure that vitally needed technologies necessary for homeland defense are placed into the hands of those who need them.

During World War II and all subsequent wars, conflicts and emergencies in which the U.S. has been involved, we have needed domestic contractors to be innovative, resourceful and ready to support efforts at home and abroad. In 1941, the Congress wanted contractors to know that if they were willing to engage in unusually hazardous activities for the national defense, then the U.S. Government would address the potential liability exposure associated with the conduct of such activities. Our position should be no different now.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 3079. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, last night the President of the United States said something very important about United Nations inspections in Iraq. He said:

> Clearly, to actually work, any new inspections. . .will have to be very different. . . . To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside the country, and these witnesses must be free to bring their families with them so they are all beyond the reach of Saddam Hussein's terror and murder. And inspectors must have access to any site, at any time, without preclearance, without delay, without exceptions.

The President is right on the money about the inspections. This is how to get the information the world needs on Saddam Hussein's weapons of mass destruction programs. But how is the U.N. to do that?

Where will those weapons scientists and their families go, once they've told the truth about Saddam's weapons programs? They can't go home again. And at least in the short run, there will be no safe haven in the region for the people who reveal Saddam's most terrible secrets.

So where will those scientists go? Maybe some can go to Europe, although both al Qaeda cells and Saddam's agents have operated there. Maybe some can go to Canada, or to South America.

But if the United States wants the world to show resolve in dealing with Saddam Hussein, then we should show the way by taking the lead in admitting those Iraqis who have the courage to betray Saddam's nuclear, chemical and biological weapons programs.

We have a large country in which to absorb those people, and, for all our problems, we have the best law enforcement and security apparatus to guard them.

What we do not have is an immigration system that readily admits large numbers of persons who have a recent involvement with weapons of mass destruction, have recently aided a country in the so-called ''axis of evil,'' and are bringing their families.

I am introducing today, therefore, legislation to admit to our country those Iraqi scientists, engineers and technicians, and their families, who give reliable information on Saddam's programs to us, to the United Nations, or to the International Atomic Energy Agency.

My esteemed colleague on the Judiciary Committee, Senator SPECTER of Pennsylvania, joins me in introducing this legislation, and I am very pleased to have his support. This bill is not political. Rather, it is a bipartisan effort to help the President succeed in forcing Iraq to destroy all its weapons of mass destruction capabilities.

I urge my colleagues to support this legislation. Why? Because those Iraqis will deserve our protection. And equally important, because they will not come forward unless we offer that protection.

Charles Duelfer, former Deputy Executive Director of UNSCOM, the original U.N. inspection force in Iraq, recently wrote an article entitled, ''The Inevitable Failure of Inspections in Iraq.'' He made the following recommendations: First, inspectors should be mandated to interview the few hundred key scientists, engineers, and technicians who were involved in the previous weapons of mass destruction efforts and have them account for their activities since December 1998. The U.N. knows who these individuals are. If, as is suspected, Iraq has been continuing to develop weapons of mass destruction, some or most of these people will have been involved.

Second, the conditions for such interviews must be changed. Iraqi government observers must not be present. the previous UNSCOM agreement to the presence of such ''minders'' was a mistake. The fact that junior workers would shake with fear at the prospect of answering a question in a way inconsistent with government direction made this obvious.

Third, and most important, the U.N. should offer sanctuary or safe haven to those who find it a condition for speaking the truth. The people are key to these programs. Access to the people under conditions where they could speak freely was not something UNSCOM ever achieved except in the rare instances of defection.

Mr. Duelfer concludes: I often summarized this problem to Washington by suggesting that, if UNSCOM had 100 green cards to distribute during inspections, it could have quickly accounted for the weapons programs.

Other experts, including Dr. Khidir Hamza, a former Iraqi nuclear weapons

scientist who testified before the Senate Foreign Relations Committee on July 27, have pointed out that by enticing scientists and engineers away from Iraq, we will also deprive Saddam Hussein of the very people he needs to produce those weapons of mass destruction and long-range missiles.

If we do, in the end, have to go to war against Saddam, then the fewer weapons scientists he has, the better.

Current law includes several means of either paroling non-immigrants into the United States or admitting people for permanent residence, notwithstanding their normal inadmissibility under the law.

These are very limited provisions, however, and they will not suffice to accommodate hundreds of Iraqi scientists and their families.

The legislation that I am introducing, the ''Iraqi Scientists Liberation Act of 2002,'' will permit the Secretary of State and the Attorney General, acting jointly and on a case-by-case basis, to admit a foreigner and his family for permanent residence if such person: is a scientist, engineer, or technician who has worked in an Iraqi program to produce weapons of mass destruction or the means to deliver them, during the years since the inspectors left and Saddam began rebuilding those programs; is willing to supply or has supplied reliable information on that program to UNMOVIC, to the IAEA, or to an agency of the United State Government; and will be or has been placed in danger as a result of providing such information.

The Attorney General will be empowered to set the rules and regulations governing implementation of this law, in consultation with the Secretary of State and other relevant officials.

Finally, this legislation will be limited to the admission of 500 scientists, plus their families, over 3 years. If it works and we need to enlarge the program, we can do so.

The important thing for now is to give our country the initial authority, and to give United Nations inspectors the ability to call on us when one of Saddam's nuclear, chemical or biological weapons experts is willing to help the world to bring those programs down.

It is hard to predict what we will achieve by opening our doors. Iraq will surely object to giving UNMOVIC the inspection and interview powers that the President proposes. But if UNMOVIC does get into Iraq under a stronger Security Council resolution in the coming weeks, then having this law on the books could help to undermine Saddam Hussein's weapons of mass destruction programs.

Even if inspectors never get in, a public offer of asylum for Iraq's scientists could lead some to defect, as Dr. Hamza did.

Last night the President called for inspections that protect the lives of those who are interviewed and their families.

We owe it to the President to do all we can to make that possible.

We owe it to the United Nations inspectors to give them every chance to succeed.

We owe to it Iraq's people and its neighbors to do everything we can to dismantle its weapons of mass destruction programs.

And we owe it to our own people to do all we can to achieve that end peacefully, and with international support.

This bill is a small step toward those ends, but it is a vital one. I urge my colleagues to give it their immediate attention and their considered support.

I ask unanimous consent that the full text of my bill appear following my remarks in the CONGRESSIONAL RECORD.

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

S. 3079

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 known as the ''Iraqi Scientists Liberation Act of 2002''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The President stated in substance the following to the United Nations General Assembly:

(A) In 1991, the Iraqi regime agreed to destroy and stop developing all weapons of mass destruction and long-range missiles, and to prove to the world it has done so by complying with rigorous inspections. Iraq has broken every aspect of this fundamental pledge.

(B) Today, Iraq continues to withhold important information about its nuclear program: weapons design, procurement logs, experiment data, an accounting of nuclear materials, and documentation of foreign assistance. Iraq's state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

(C) Iraq also possesses a force of Scud-type missiles with ranges greater than the 150 kilometers permitted by the United Nations.

(2) United Nations Special Commission (UNSCOM) experts concluded that Iraq's declarations on biological agents vastly understated the extent of its program, and that Iraq actually produced two to four times the amount of most agents, including anthrax and botulinum toxin, than it had declared.

(3) UNSCOM reported to the United Nations Security Council in April 1995 that Iraq had concealed its biological weapons program and had failed to account for 3 tons of growth material for biological agents.

(4) Gaps identified by UNSCOM in Iraqi accounting and current production capabilities strongly suggest that Iraq maintains stockpiles of chemical agents, probably VX, sarin, cyclosarin, and mustard.

(5) Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions, including Scud variant missile warheads.

(6) Iraq has not accounted for at least 15,000 artillery rockets that in the past were its preferred vehicle for delivering nerve agents, nor has it accounted for about 550 artillery shells filled with mustard agent.

(7) For nearly 4 years, Iraq has been able to pursue its weapons of mass destruction programs free of inspections.

(8) Inspections will fail if United Nations and International Atomic Energy Agency inspectors do not have speedy and complete access to any and all sites of interest to them.

(9) Inspections will be much less effective if those scientists, engineers, and technicians whom the inspectors interview are monitored and subjected to pressure by agents of Saddam Hussein's regime.

(10) As the President made clear in his speech to the Nation on October 7, 2002, the most effective international inspection of Iraq would include interviews with persons who are unmonitored by Saddam Hussein's regime and who are protected from it in return for providing reliable information.

(11) The emigration from Iraq of key scientists, engineers, and technicians could substantially disable Saddam Hussein's programs to produce weapons of mass destruction and the means to deliver them.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Iraq must give United Nations and International Atomic Energy Agency inspectors speedy and complete access to any and all sites of interest to them;

(2) United Nations and International Atomic Energy Agency inspections in Iraq should include interviews with persons who are unmonitored by Saddam Hussein's regime and who are protected from it in return for providing reliable information; and

(3) key scientists, engineers, and technicians in Saddam Hussein's programs to produce weapons of mass destruction and the means to deliver them should be encouraged to leave those programs and provide information to governments and international institutions that are committed to dismantling those programs.

SEC. 4. ADMISSION OF CRITICAL ALIENS.

(a) AUTHORITY.—Notwithstanding the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), whenever the Secretary of State and the Attorney General, acting jointly, determine that the admission into the United States of an alien described in subsection (b) is in the public interest, the alien, and any member of the alien's immediate family accompanying or following to join, shall be eligible to receive an immigrant visa and to be admitted to the United States for permanent residence.

(b) ELIGIBILITY.—An alien described in this subsection is an alien who—

(1) is a scientist, engineer, or technician who has worked at any time since December 16, 1998, in an Iraqi program to produce weapons of mass destruction or the means to deliver them;

(2) is in possession of critical reliable information concerning any such Iraqi program;

(3) is willing to provide, or has provided, such information to inspectors of the United Nations, inspectors of the International Atomic Energy Agency, or any department, agency, or other entity of the United States Government; and

(4) will be or has been placed in danger as a result of providing such information.

(c) LIMITATION.—Not more than 500 principal aliens may be admitted to the United States under subsection (a). The limitation in this subsection does not apply to any immediate family member accompanying or following to join a principal alien.

(d) EXPIRATION OF AUTHORITY.—The authority granted in this section shall expire 36 months after the date of enactment of this Act.

SEC. 5. RULES AND REGULATIONS.

The Attorney General, in consultation with the Secretary of State, is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 6. WEAPON OF MASS DESTRUCTION DEFINED.

(a) IN GENERAL.—In this Act, the term ''weapon of mass destruction'' has the meaning given the term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by subsection (b).

(b) TECHNICAL CORRECTION.—Section 1403(1)(B) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)(B)) is amended by striking ''a disease organism'' and inserting ''a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code)''.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 3080. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. LUGAR. Mr. President, I rise today to introduce the Teaching Fellows Act of 2002.

This year Congress passed, and the President signed into law the No Child Left Behind Act. This new law represents the most sweeping changes to the Elementary and Secondary Education Act, ESEA, since it was enacted in 1965. The Act underscores the importance of a good education; it stresses the use of research-based teaching programs, increases funds available to public schools, broadens local flexibility, and enhances accountability.

In focusing on these principles, we aim to change the way our schools do business. This is important. While some schools are doing well, many are not. It is important that our low performing schools are given the assistance they need to improve, along with the knowledge that they will be held accountable for turning themselves around and narrowing the existing achievement gaps.

I have long championed the greater use of research-based programs in troubled schools, specifically Comprehensive School Reform. Good reform programs are a bargain for our schools and our children when we compare their costs to that of retention, special education and illiteracy.

However, I also realize that the best research-based programs cannot be successfully implemented without a sufficient number of teachers in the classroom. Statistics vary, but it is estimated that 1 million of the Nation's 3 million teachers will retire in the next 5 years. Schools will need to hire over 2 million new teachers in the next decade.

To help address this problem, my colleague Senator BINGAMAN and I are introducing today the Teaching Fellows Act, legislation that aims to encourage the best and brightest to enter teaching.

The problem of teacher shortages is complex, and the problems States are experiencing in recruitment and retention vary. The bill we introduce today encourages states to structure their scholarship program so that it addresses the individual needs of the State, and utilizes the best resources they have to offer.

Similar to the National Health Service Corps, selected students would receive at least $6,500 per year toward college expenses, and in return, would incur an obligation to serve in an under-served area. In this case, we require new teachers to teach five years in a low performing public school.

The Teaching Fellows Act would set up a competitive process whereby states could apply for matching, 75–25 percent, Federal grants to establish or expand scholarship programs for prospective teachers. The proposal is based on one of the most successful teaching scholarship programs in the Nation—that of State of North Carolina. There are two main prongs to this act. The first is the teaching fellowship program, this program would distribute grants to states for teaching scholarships that students could apply for after their senior year of high school or their second year of college. The bill also authorizes a ''partnership program,'' aimed at community college students, particularly those who are currently trained or training as teaching assistants. With encouragement, the hope is that these individuals might go on to obtain four-year degrees to become licensed teachers. Grants would be available to states for partnership programs between community colleges and four-year colleges to provide for the training.

Other approaches such as loan forgiveness programs and offering federal stipends are important tools in our quest to recruit teachers. However, the strength of the Teacher Fellowship Act is the focus that we place on the enrichment of these students. Qualifying States will have developed programs that have designed a strong extra-curricular program that serves as a support system for new teachers.

It is estimated that up to 22 percent of new teaches leave within 3 years—this figure is as high as 55 percent in urban or rural areas. Not only must we recruit more teachers, but we must encourage a more comprehensive and supportive system of training.

Our bill is not a panacea to the problems of teacher recruitment and retention. However, I believe it is a step in the right direction. I hope that we will give more states and communities the incentive to work with their institutions of higher education to more comprehensively address the education of one our Nation's most important resources—that of teachers.

The successful education of our nation's children requires that we work together at the Federal, State, and local levels to ensure that no child is left behind.

Mr. BINGAMAN. Mr. President, I rise today to join my esteemed colleague, Senator LUGAR, in the introduction of the Teaching Fellows Act of 2002.

Earlier this year, the No Child Left Behind Act was signed into law. I was proud to be a member of the Conference Committee that ultimately wrote this important piece of legislation. This legislation includes important reform efforts and increased resources for schools that will go a long way toward addressing many of the needs in our education system. I will continue to fight for increased appropriations for the programs contained in this bipartisan legislation.

As we begin to consider reauthorization of the Higher Education Act, we must continue to seek avenues for supporting our Nation's schools. Providing additional support for the training of new, high quality teachers is an important way to do that. Ultimately, improving the quality of education in our nation will require a comprehensive approach that includes raising standards and increasing school accountability. However, central to any effort to improve education are teachers. Being the son of two former teachers, I am well acquainted with the challenges and the rewards that being a good teacher brings. Being a parent and a community member, I also know how influential teachers can be in the lives of our children. Teachers not only pass along knowledge and act as role models, but research shows that teacher quality is critical to student achievement.

Over the years, I have had the opportunity to meet with many of our dedicated and hard-working teachers in New Mexico. These personal experiences have strengthened my belief that we need to do all that we can to encourage the best and the brightest to enter and to remain in this most important profession.

It is estimated that nearly a third of our Nation's teachers will retire over the next five years. In addition, large numbers of new teachers leave their jobs within a few years, particularly in rural and urban areas. These patterns could seriously jeopardize the quality of our children's education unless we take some steps to insure that there are enough trained people available to fill these positions. We must also do what we can to support the preparation and training of these individuals.

The Teaching Fellows Act would create two programs designed to encourage people to enter and to remain in the profession of teaching. First, the program would distribute grants to states for teaching scholarships. In return for at least $6,500 per year toward college expenses, students would agree to teach in a low-performing school for five years. This program would thus not only help teachers to prepare for their profession but it would also insure that students in our poorest and most challenged schools have access to well-trained teachers.

Second, the bill would provide grants for individuals currently working in

our schools as instructional assistants or in other capacities to obtain four-year degrees to become licensed teachers. Grants would be available to States for partnership programs between community colleges and four-year colleges to provide for this training. These programs require that states come up with 25 percent of the funding and students will be required to stay in the state to teach for five years.

In conclusion, I would like to say that I am very excited about co-sponsoring a bill that seeks to recruit new teachers and to enrich their training experiences. Although this bill is only part of a larger effort to provide all American students with a quality education, it is an important component. Having well-qualified teachers available to teach, especially in the most impoverished districts, is something that we owe to our children and ourselves. We, as parents and as legislators, must do what we can to see that America's teachers are recognized and supported as a crucial component in our children's education.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Ms. SNOWE, Mr. JEFFORDS, Mr. SCHUMER, Ms. CANTWELL, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. EDWARDS, and Mr. THOMPSON):

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on Rules and Administration.

Mr. MCCAIN. Mr. President, today I am introducing a resolution to disapprove the Federal Election Commission's final regulations to implement the title I soft money provisions of the Bipartisan Campaign Reform Act, under the procedures established by the Congressional Review Act. The Commission's regulations, titled ''Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money; Final Rule,'' were published in the Federal Register on July 29, 2002, 67 FR 49064.

I wish I did not have to introduce this resolution. When President Bush signed the Bipartisan Campaign Reform Act of 2002 into law on March 27, 2002, the soft money campaign finance system should have met its demise. This system of unlimited soft money contributions to national political parties, unlimited soft money fundraising by national parties and Federal candidates and officeholders, and unlimited laundering of soft money into Federal elections by State parties had bred public cynicism about the workings of our institutions of government. At a minimum, the actions of Congress and the executive branch were severely tainted by the specter of six-figure soft money donations by special interests with a stake in legislation and policies pending before the Federal Government.

Banning soft money wasn't an easy legislative or political endeavor. Powerful forces lined up to preserve a status quo that served them well. But after a 7-year fight on Capitol Hill over campaign finance reform, Congress concluded that it could no longer abide the corruption and appearances of corruption caused by soft money. It sought fundamental change and a restoration of public confidence in our democracy by at last enacting the Bipartisan Campaign Reform Act.

Unfortunately, four unelected members of the Federal Election Commission thought they knew better. In writing rules to implement the party and candidate soft money provisions of the new campaign finance law, these Commissioners proceeded to resurrect aspects of the soft money system that Congress had just banished. This exercise entailed gyrations of logic and rationalizations that flew squarely in the face of statutory language, legislative intent, and even interpretations of the law urged by the Commission's own general counsel and professional staff. At times during the soft money rulemaking process, this bloc of four Commissioners appeared willfully blind to the language and purpose of the statute, as well as the Commission's own interpretive practices and precedents. Their actions were so brazen that one of the two Commissioners who voted to implement the law faithfully to Congress's intent told them, ''You have so tortured this law, it's beyond silly.''

The result was the adoption of agency regulations that undermine the three fundamental components of the Bipartisan Campaign Reform Act: the prohibition on national parties' soliciting, directing, receiving, or spending soft money; the prohibition on Federal candidates' and officeholders' soliciting, directing, receiving or spending soft money; and the prohibition on State parties' spending unregulated soft money donations on activities affecting Federal elections. The loopholes created out of whole cloth by the Federal Election Commission operate separately and in combination to permit the continuation of elements of the soft money system.

While I will not today discuss each and every soft money regulation that contradicts the statute and legislative intent, I will list some examples of how four Commissioners substituted their own personal views for the will of Congress—and left in their wake a campaign finance system too similar to the one we in this body set out to eliminate.

The Bipartisan Campaign Reform Act states that national parties and Federal candidates or officeholders may not ''solicit'' or ''direct'' soft money. These prohibitions on soliciting and directing soft money are critical to the integrity of our political system. The specter of national parties soliciting six-figure donations from special interests with a stake in legislation or policies pending before the executive or legislative branches has tainted the decisions ultimately made on these matters in Washington. Likewise, the soft money fundraising activities of Federal officeholders have led the public to suspect that those who serve in Congress or the White House are paying special heed to the will of the wealthy few.

The new campaign finance law's prohibitions on soliciting and directing soft money are aimed precisely at this problem. As Senator Carl Levin, D-MI, said on the Senate floor on March 20, 2002, during debate on the Bipartisan Campaign Reform Act:

> . . . [W]e have had enough of the solicitations by our elected officials and the officers of our national parties, soliciting huge sums of money by offering insider access to government decisionmakers . . . Under this soft money ban, public officials and candidates *will be out of the soft money fundraising business,* and that's a very important step we will be taking with this legislation. The official with power, and the candidate seeking to be in a position of power, won't be able to solicit huge sums of money and sell access to themselves for their campaign or for outside groups . . .'' (emphasis added).

The Federal Election Commission decided nonetheless to allow national parties and Federal officeholders to remain in the ''soft money fundraising business''—by adopting definitions of the terms ''to solicit'' and ''to direct'' that invite widespread circumvention of the law.

To achieve this result, the Commissioners had to overrule the agency's own general counsel and professional staff. The draft final rules recommended to the Commissioners by the general counsel and professional staff appropriately defined ''to solicit'' as ''to request or suggest or recommend that another person make a contribution, donation, or transfer of funds''—thus, a national party could not request, suggest or recommend that an individual or entity donate soft money. This definition was consistent with the Commission's longstanding practice and understanding concerning what constitutes a solicitation. As the Commission's associate general counsel explained to the Commissioners during the soft money rulemaking proceedings:

> . . . the concept of solicitation is not something that is new, in terms of the [Bipartisan Campaign Reform Act of 2002]. It is something that has been in the Federal Election Campaign Act for a very long time. It's been particularly significant in terms of corporations and labor organizations, in terms of the solicitations that they may do, and some of the limitations on the frequency of their solicitations. With that in mind, we do have a long history of advisory opinions, and some very specific guidance in our campaign guides as to what does and what does not constitute 'to solicit.'
>
> We based the definition that we came up with, with those materials in mind, with the thought that *just the common-sense usage of the word, 'solicit' would not mean something different in the context of BCRA than what it has always meant for purposes of the FECA. And we have looked at it very broadly in the past,* in terms of encouraging support for, and providing information as to how to contribute, and publicizing, the right to accept unsolicited contributions from any lawful contributor. Those sorts of factors. *I think*

it's an area of the law that's pretty clear and pretty well-settled (emphasis added).

Putting aside the associate general counsel's explanation that the meaning of ''to solicit'' is ''pretty clear and pretty well-settled'' in the law, four Commissioners apparently decided that a dramatic change in course was somehow warranted with respect to implementing soft money solicitation restrictions. A lame-duck, holdover Commissioner proposed an amendment during the rulemaking proceedings that narrowed the definition of ''to solicit'' from ''to request or suggest or recommend'' to ''to ask.'' In explaining this amendment, that Commissioner repeatedly made it clear that he intended to narrow considerably the scope of the definition of ''to solicit'' contained in the general counsel's draft, to eliminate the concepts of to ''suggest or recommend.''

The Commission's general counsel expressed strong reservations about this amendment to narrow the definition of ''to solicit,'' stating the following:

> . . . [T]his is a pretty huge concept in the Act. You can't solicit soft money. Certain actors can't solicit soft money now under the law. And it doesn't seem to me to take a great deal of cleverness to make a solicitation that is clearly intended to encourage—to persuade a person to make a contribution, without coming out and asking. And I think this definition has the potential for great mischief . . . And I'm concerned that this language creates a definition so narrow that it would, frankly, be very easy to avoid.''

The Commissioner that offered the amendment narrowing the definition of ''to solicit'' replied, ''It indeed runs that risk.''

Despite the warnings of the Commission's general counsel, the amendment was ultimately adopted. The result is to exclude all but the most explicit ''asks'' for soft money from the new law's solicitation prohibitions. Because of this amendment, national parties and Federal candidates and officeholders may ''recommend'' or ''suggest'' that a donor contribute soft money. Far from being out of the soft money fundraising business, parties and candidates now stand to be in a more subtle soft money fundraising business. That is hardly the fundamental change in the campaign finance system that Senator LEVIN was discussing on the Senate floor or that Congress as a whole sought in enacting the Bipartisan Campaign Reform Act.

The Commission compounded the problem by essentially reading the prohibition on ''directing'' soft money out of the statute. The new campaign finance law makes it illegal for national parties and Federal officeholders or candidates not only to ''solicit'' soft money but also to ''direct'' soft money. The clear implication is that those terms are not redundant. Specifically, ''to direct'' covers instances in which a national party or Federal candidate suggests to whom an already willing contributor should make a soft money donation, as opposed to initiating the idea of the contribution, which amounts to a ''solicitation''.

The general counsel's draft properly assigned distinct meaning to the term, ''to direct.'' It defined ''to direct'' as, ''to provide the name of a candidate, political committee or organization to a person who has expressed an interest in making a contribution, donation, or transfers of funds to those who support the beliefs of goals of the contributor or donor . . .'' However, the same amendment that substantially narrowed the definition of ''to solicit'' redefined ''to direct'' to mean, ''to ask a person who has expressed an intent to make a contribution, donation, or transfer of funds, or to provide anything of value, to make that contribution, donation, or transfer of funds, or to provide that thing of value.'' In other words, the Commission ultimately defined ''to direct'' to mean nothing different from ''to solicit.'' This will allow national parties and Federal officeholders to tell a willing donor where they should send their soft money—in violation of the plain language of the statute.

The Bipartisan Campaign Reform Act bans the receipt, solicitation, direction, or spending of soft money not only by national party committees but also by any entities ''directly or indirectly established, financed, maintained or controlled'' by those party committees. This prohibits national party committees from spawning and in other respects significantly supporting ''shadow entities'' designed to carry on the raising and spending of soft money once those party committees can no longer accept soft money contributions themselves.

The soft money ban enacted by Congress will achieve its full effect only if the Federal Election Commission applies it to all entities in fact ''directly or indirectly established, financed, maintained or controlled'' by national party committees. If the Commission instead willfully blinds itself to relevant information concerning a national party's involvement with a given organization, the soft money ban could fall short of the coverage spelled out in the statute. Under that scenario, shadow entities set up by national parties could carry on the raising and spending of soft money under the false guise of ''independence'' from the parties—including spending soft money on television and radio sham ''issue ads.''

Unfortunately, four Commissioners opted for willful blindness rather than a complete and accurate analysis of whether an entity was in fact ''directly or indirectly established, financed, maintained or controlled'' by a national party. The explanation and justification accompanying the draft rules prepared by the Commission's general counsel noted that ''certain actions that occur before the effective date of BCRA have as much of an impact on whether an entity is 'established, financed, maintained or controlled' by a sponsor as actions that occur immediately after BCRA's effective date.'' Accordingly, the draft rules proposed by the General counsel indicated that the Commission should review conduct occurring before the law's effective date of November 6, in addition to conduct occurring after that date, in determining whether a national party had established, financed, maintained or controlled an organization. Indeed, there is absolutely no basis in the statute for concluding that the Commission should review anything less than all of a party's conduct involving an organization in undertaking this analysis.

A Commissioner nonetheless offered an amendment containing an invented ''grandfather clause.'' Under this amendment, a national party could set up a shadow entity before November 6 to raise and spend soft money after that date—and yet the Commission would have to ignore that fact and any other pre-November 6 conduct in analyzing whether the shadow entity was ''established'' by a national party. The parties could provide considerable support to these shadow entities prior to November 6 and indeed hold them out to donors as future soft money surrogates for the parties. The Commission's general counsel strongly objected to this bizarre idea, saying, ''. . . [I]t is hard to see how Congress imagined that an entity that . . . . was established a couple of days before the effective date of BCRA, is any less established . . . on November 10th, November 15th or December 1st.'' Still, the Commission adopted the amendment by a vote of four to two.

By adopting a ''grandfather clause'' invented out of whole cloth, the Commission invited schemes by the national parties to evade the new law by setting up surrogates prior to November 6th. Not surprisingly, the parties appear to be taking up the Commission's invitation. According to a Washington Post story of August 25, 2002, ''Both the Democratic and Republican senatorial campaign committees are exploring the creation of separate soft-money funds.'' A National Journal article of September 7, 2002 likewise stated, ''[E]ven some national party committees are looking at setting up, before November 5, new groups that they say could legally raise soft money next year so long as they do not coordinate their activities with the national committees.''

The Bipartisan Campaign Reform Act puts an end to soft money leadership PACs. Soft money leadership PACs are entities controlled by Federal officeholders or candidates that take in unlimited contributions from corporations, unions, and wealthy individuals to finance activities beneficial to their sponsors. These activities can include events and entertainment, contributions to State and local parties and candidates, fundraising and administrative costs, sham ''issue ads,'' payments to consultants, and expenses for partisan get-out-the-vote efforts. According to a February 2002 report by

Public Citizen, 63 Members of Congress had their own soft money leadership PACs at that time. From July 1, 2000, until June 30, 2001, the top 25 politician soft money leadership PACs collected more than $15.1 million in contributions.

The new law prohibits entities ''directly or indirectly established, financed, maintained or controlled'' by Federal officeholders or candidates from soliciting or receiving soft money. As a matter of plain meaning and simple common sense, this language clearly covers officeholder and candidate leadership PACs. Furthermore, this statutory standard linking leadership PACs to their officeholder or candidate sponsors is deliberately broader than preexisting language under which the Commission has treated leadership PACs as independent of Federal officials. In sum, the new law was intended to bring about the demise of soft money leadership PACs—and was well-crafted to achieve that result.

Despite the statutory language and clear legislative intent, the Federal Election Commission has left open the possibility of continued operation of officeholder and candidate soft money leadership PACs. If the Commission considers a leadership PAC to be ''directly or indirectly established, financed, maintained or controlled'' by a Federal officeholder or candidate, it will not be permitted to receive soft money. However, the Commission also decided that it would analyze whether individual leadership PACs are so established, financed, maintained or controlled by applying the same standards under which it has always considered leadership PACs to be independent of Federal officeholders and candidates. This decision threatens to delete an important element of the new law's soft money prohibitions.

The Bipartisan Campaign Reform Act permits Federal officeholders and candidates to ''attend, speak, and be a featured guest at'' State party fundraising events. However, these individuals may not expressly solicit soft money at State party fundraising events.

The Commission's professional staff clearly perceived the line drawn by the law in terms of permissible Federal officeholder or candidate participation in State party fundraising events. Consistent with the statutory language and legislative intent, the draft final soft money rules prepared by the general counsel and professional staff held that Federal candidates and officeholders could attend, speak at, or be featured guests at a State party fundraising event, but they could not ''actively solicit funds at the event.''

Once again, the Commission overrode the draft regulations developed by its professional staff and departed from the statute. A Commissioner offered an amendment to permit Federal officeholders not merely to attend and speak at State party fundraising events but also to make express solicitations for soft money at those events. He characterized this amendment as a ''total carve-out'' from the law's restrictions on soft money solicitations by Federal candidates and officeholders. Commissioner Scott Thomas, who consistently voted against efforts to undermine and compromise the law, strenuously disagreed, saying, ''[Congress] drafted the statute in a way that says in essence Federal candidates are not to solicit soft money and the one part of Commissioner Toner's amendment that I just can't square with the statutory ban is the last clause: the candidates and individuals holding Federal office may speak at such events without restriction or regulation.'' The amendment passed despite Commissioner Thomas's objections.

This departure from the statutory text and legislative intent creates a significant loophole that undermines Congress' effort to eradicate the soft money system. Under this amendment, whatever is deemed to be a State party fundraiser essentially becomes a ''rules-free zone'' for soft money solicitations. It is readily conceivable that Federal officeholders and candidates will engage in unrestrained soft money solicitations at any kind of event or gathering that is simply called a ''State party fundraiser.'' Indeed, one could envision a State party holding its ''fundraiser'' in Washington DC's, Union Station, with the President and numerous Members of Congress in attendance to expressly solicit unlimited soft money contributions for that state party. This result is simply impossible to square with the text of the law and Congress's intent. The problem is compounded by the fact that the Commission elsewhere opened loopholes permitting State parties to spend unregulated, unlimited soft money donations on activities affecting Federal elections, again contrary to statutory text and legislative intent.

In general, the Bipartisan Campaign Reform Act does not merely ban national parties and Federal officeholders from receiving, spending, directing, or soliciting soft money. The bill also prohibits State parties from spending unregulated soft money on activities that have a particularly pronounced effect on Federal elections—defined in the statute as ''Federal election activity.''

This portion of the law responds to an ongoing, significant problem. Currently, State parties often use unlimited soft money donations, which are transferred to them by national parties or contributed directly to them, to help finance sham ''issue ads'' promoting or attacking clearly identified Federal candidates, voter mobilization activities clearly benefitting Federal candidates, and other campaign activities affecting Federal elections. This compromises the integrity of our democracy. If unregulated and potentially unlimited soft money donations can be funneled through State parties into activities supporting the election of Federal candidates, at a minimum, officeholders appear beholden to the sources of those unlimited donations.

To remedy this problem, the new campaign finance law requires State parties to use exclusively hard money contributions to finance public communications promoting or attacking clearly identified Federal candidates, voter registration activity occurring within 120 days of a regularly scheduled Federal election that mentions a Federal candidate, and get-out-the-vote activity, voter identification, and generic campaign activity mentioning a Federal candidate and conducted in connection with an election in which a Federal candidate appears on the ballot. It also requires State parties to use either exclusively hard money, or a combination of hard money and tightly limited and regulated non-Federal funds, to finance voter registration, get-out-the-vote activity, voter identification, and generic campaign activity that do not mention Federal candidates.

The law does not permit the use of unregulated, unlimited soft money donations by State parties for any of the specified ''Federal election activities.'' Indeed, during floor debate over a number of years, the House and Senate repeatedly rejected substitute proposals that would have allowed State parties to use unlimited soft money donations for these activities. However, what was settled by Congress was reopened by the Federal Election Commission. Through a series of amendments that defied the statutory language, legislative intent, its own precedents, and simple common sense, the Commission opened the door for the use of unlimited soft money donations by State parties for certain activities that clearly and significantly affect Federal elections. As such, the Commission preserved the status quo of the soft money system in a number of respects—clearly contrary to Congress's overriding purpose in enacting this law.

The statute does not permit State parties to use unregulated, unlimited soft money donations to finance ''voter registration activity'' within 120 days of a regularly scheduled Federal election and ''get-out-the-vote activity'' conducted in connection with an election in which a Federal candidate appears on the ballot. State parties must use exclusively hard money, or a tightly controlled mix of hard money and limited, regulated non-Federal donations, if no Federal candidate is mentioned, to pay for these activities. The Federal Election Commission, however, permitted State parties to use unregulated soft money for these activities, by adopting unjustifiably narrow definitions of the terms ''voter registration activity'' and ''get-out-the-vote activity.''

The draft final rules prepared by the Commission's general counsel had appropriately defined ''voter registration activity'' and ''get-out-the-vote activity'' to include not merely ''to assist'' individuals to vote or register to vote but also ''to encourage'' them to do so, consistent with Commission precedent.

For instance, elsewhere in title 11 of the Code of Federal Regulations, specifically, in 11 CFR 100.133, the Commission uses the heading ''voter registration and get-out-the-vote activities,'' to describe ''activity designed to encourage individuals to vote or to register to vote''. However, on a four-to-two vote, the Commission overrode its general counsel and deleted the concept of ''encouraging'' people to register to vote or to vote from the definitions of ''voter registration activity'' and ''get-out-the-vote activity.''

This amendment departs from not only Commission precedent but also common sense. Under the amendment, a State party phone bank targeted at the party's core voters, urging them to ''get out and vote this November'' because of key issues at stake, but not mentioning the location of a polling place or offering transportation assistance, would not constitute ''get-out-the-vote activity'', and thus could be financed in part with unregulated, unlimited soft money. This is an absurd result, contradicting common understandings of what constitutes ''get-out-the-vote activity'' and perpetuating certain aspects of the current soft money system. By failing to include all ''get-out-the-vote activity'' and ''voter registration activity'' in its definitions of those terms, the Commission violated the statute.

The Commission also failed to include all ''voter identification'' activity in its regulatory definition of that term, violating the statute and undermining its prohibition on the use of unregulated soft money by State parties for such activity. The draft final rules prepared by the Commission's general counsel had included ''obtaining voter lists'' in the definition of ''voter identification.'' However, a Commissioner offered an amendment to delete voter list acquisition from this definition, even though this is a commonly understood component of voter identification activity. A lawyer from the Commission's general counsel's office pointed out the problem with this amendment, noting during the rulemaking:

> In particular, I would note that the [definition of voter identification proposed in the amendment] excludes—and I know, by design—list acquisition, which is a key means of identifying voters and, therefore, seemed to us to be voter ID. And also a very significant part—component of campaign spending.

Nonetheless, the Commission adopted the amendment by a four-to-two vote, allowing State parties to continue their current practice of using unregulated, unlimited soft money donations to help acquire voter lists employed to identify likely voters in upcoming elections in which a Federal candidate appears on the ballot.

As part of its mission to permit the continuation of aspects of the soft money system at the State level, the Commission also constricted the meaning of ''generic campaign activity'' from that provided in the statute. The Bipartisan Campaign Reform Act prohibits State parties from financing ''generic campaign activity'' with unregulated, unlimited soft money donations. It proceeds to specifically define ''generic campaign activity'' as ''campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate''.

While the statutory definition covers ''campaign activity,'' the Commission adopted, again on a four-to-two vote, an amendment limiting the corresponding regulatory definition to a ''public communication that promotes a political party and does not promote a candidate or non-Federal candidate.'' Notably, ''public communication'' is defined elsewhere in the statute and regulations to include only ''a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.'' Thus, the Commission overrode the statute to permit State parties to use unregulated, unlimited soft money donations to send party promotion mailings that do not constitute ''mass mailings'' and to engage in other party promotion activities that do not rise to the level of a ''public communication'' as specifically defined in the statute and regulations.

The Bipartisan Campaign Reform Act specifies that its restrictions on State party use of unregulated soft money for get-out-the-vote activity, voter identification, and generic campaign activity apply when these activities are ''conducted in connection with an election in which a Federal candidate appears on the ballot.''

For purposes of this rulemaking, the Federal Election Commission adopted an artificially and unrealistically short time window for designating State party get-out-the-vote activity, voter identification, and generic campaign activity as having been ''conducted in connection with an election in which a Federal candidate appears on the ballot'' and thus subject to the new law's soft money limits. The Commission ultimately decided that these activities fell under the statutory standard only if they occurred after ''the date of the earliest filing deadline for access to the primary election ballot for Federal candidates as determined by State law'' up until election day of an even-numbered year. As the Commission's professional staff pointed out during the rulemaking proceedings, this filing deadline can occur as late as in August in certain States.

At the very least, it is difficult to reach the conclusion that State party voter identification and generic campaign activities conducted at any point in even-numbered years are somehow not ''conducted in connection with an election in which a Federal candidate appears on the ballot.'' Federal candidates will be on the ballot in regularly scheduled primary and general elections that occur in those years. Indeed, that conclusion is a departure from relevant Commission precedent.

In determining when a hard money match has been required for State party generic voter drives, the Commission has long indicated that State party generic voter drive expenses incurred as early as the beginning of a 2-year election cycle, e.g., January of 1995, for the 1995–96 cycle, required partial hard money financing. The result of the Commission's arbitrary and incorrect interpretation of the statute and departure from its precedent in this instance is that State parties will be able to use unlimited soft money to help finance certain generic party promotion activity and activities to identify likely voters occurring in at least the same year, and sometimes considerably proximate to, Federal elections.

In conclusion, the cumulative effect of these provisions is to resurrect significant aspects of the current soft money system at the State level, directly contrary to statutory text and legislative intent. State parties will be able to use unregulated, unlimited soft money donations to help finance targeted, effective get-out-the-vote activity closely proximate to Federal elections, the purchase of voter lists for voter identification purposes, generic party promotion activity occurring in Federal election years, and other activities directly and substantially affecting Federal elections. Furthermore, under other Federal Election Commission regulations shrinking the statute, these unregulated soft money donations could be secured for State parties by national parties and Federal candidates and officeholders.

Because of the Commission's truncated definition of ''to solicit,'' national parties and Federal candidates and officeholders could ''recommend'' or ''suggest'' that donors write large soft money checks to State parties for use on get-out-the-vote drives and other activities on Federal elections. Indeed, Federal candidates could also take advantage of the ''total carve-out'' invented by the Commission for soft money solicitations at State party fundraisers, in order to expressly ask donors to contribute unregulated soft money to State parties. Acting together, the Commission's various departures from the statute would perpetuate many of the State party practices that have undermined public confidence in our political system and that Congress sought to eliminate.

The previously cited examples are not the only instances in which the Commission departed from the statute and legislative intent. For instance:

> The Commission allowed State parties to spend certain non-Federal funds to raise funds ultimately used, in whole or in part, to finance ''Federal election activity.'' This directly violates the statutory language indicating that State parties must use funds ''subject to the limitations, prohibitions, and reporting requirements of this Act'' (i.e., hard money) to pay the costs of raising funds

used for ''Federal election activity.'' A section-by-section summary of the bill included in the Senate Congressional Record on March 18, 2002 underscores the statutory hard money financing requirement in this area: ''Sec. 323(c). Fundraising Costs. Requires national, state, and local parties to use hard money to raise money that will be used on federal election activities, as defined by the bill'' (emphasis added).

The Commission even rolled back certain state party hard money financing requirements applicable prior to the enactment of the Bipartisan Campaign Reform Act. Previously, state parties had to use at least some hard money to finance the salaries of state party employees spending less than 25 percent of their time on federal election activity. An amendment by one Commissioner eliminated that hard money allocation requirement, allowing state parties to finance those salaries exclusively with soft money.

The Commission allowed state parties to use unregulated soft money donations to help finance Internet websites and widely distributed e-mails promoting or attacking clearly identified federal candidates. In doing so, they disregarded the statute's prohibition on state parties' using any soft money for ''general public political advertising'' promoting or attacking federal candidates. In fact, this decision departed from Commission precedent—as the agency had previously construed the term ''general public political advertising'' to include Internet communications.

The Commission failed to include the concept of ''apparent authority'' in its definition of who constitutes a party or candidate ''agent'' for purposes of the Bipartisan Campaign Reform Act, even though it acknowledged that apparent authority is included in the settled common law meaning of the term ''agent.''

Even this is not a complete list of the problems created by the Commission. However, the list is sufficient to demonstrate a pattern of statutory distortion with a common theme: allowing soft money banned by Congress to creep back into our campaign finance system.

The agency that created soft money is clearly intent on saving it. A number of Commissioners have made no secret of their dislike for the policy choices made by Congress in enacting the Bipartisan Campaign Reform Act. They are entitled to their opinions about the merits of the law. But they are not entitled to substitute their opinions for the judgment of Congress. This pattern of statutory distortion and contradiction of legislative intent—always with the result of reintroducing soft money to the system—suggests that four Commissioners did not grasp the limits on their authority, or care much about them.

With the enactment of the Bipartisan Campaign Reform Act, Congress honored the American people's desire for cleaner elections. Though I wish it were not necessary, it appears that we must act again to ensure the public obtains the full benefits of this law. A Federal Election Commission that has failed the public time and time again should not enjoy the last word on the health of our democracy. So I urge support for this resolution—to reclaim for Congress its role as the author of our Nation's laws; and to deliver the full campaign finance reform that the American people deserve.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 48

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Election Commission relating to Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, published at 67 Fed. Reg. 49063 (2002), and such rule shall have no force or effect.

Mr. FEINGOLD. Mr. President, I join with the Senator from Arizona in introducing a disapproval joint resolution pursuant to the Congressional Review Act, ''CRA''. An identical joint resolution is being introduced in the House of Representatives by supporters of campaign finance reform in that body. If passed by the Senate and the House and signed by the President, this resolution would result in the disapproval of regulations issued by the Federal Election Commission to implement the core provision of the McCain-Feingold/Shays-Meehan campaign finance reform bill, the ban on soft money.

We are taking this step, reluctantly, because the rules transmitted to Congress are not faithful to the letter and the spirit of the bill that we passed, and the President signed, just a few months ago. That bill was necessary because rulings over a period of years by the FEC had created the soft money system. We cannot stand by while the same regulatory body thwarts the efforts of this Congress, and the strong desire of the American people, to end that corrupt system of financing campaigns in this country. We must send a clear message that we meant what we said when we passed campaign finance reform earlier this year.

No unelected body can be permitted to rewrite the law. No group of appointed officials can be permitted to punch loopholes in a law before the ink is even dry on the President's signature. The role of the FEC is to implement and enforce the laws that Congress passes, not to pass judgment on them and revise them according to the Commissioners' own views of the way that campaigns should be financed in this country.

As my colleagues are aware, section 402(c) of the new law required the FEC to promulgate rules relating to Title I of the new law, the ban on soft money, within 90 days of enactment of the law on March 27, 2002. The FEC worked diligently to meet that statutory deadline. It published proposed rules on May 20, 2002, received comments from interested parties on May 29, 2002, held public hearings on June 4 and June 5, 2002, and completed work on the rules themselves on June 25, 2002. Incidentally, Senator MCCAIN and I and Representatives SHAYS and MEEHAN filed extensive comments on the proposed rules. So the FEC had before it our views on the issues covered by the rules when it made its decisions.

Let me first take a moment to outline a few of the deficiencies in the FEC's rules, and then I will discuss our decision to invoke the Congressional Review Act. One of the central provisions of the McCain-Feingold bill was a prohibition of Federal candidates and officeholders soliciting soft money. The President and members of Congress are now intimately involved in their parties' fundraising efforts. They spend hours at a time making phone calls to corporate CEOs and labor leaders asking for contributions of hundreds of thousands of dollars. One member of this body commented to me after making one of those calls that he felt like taking a shower. The White House coffees from 1996 and other ''donor service'' events were part of this soft money system.

This kind of fundraising demeans this body, it demeans the Presidency, it demeans public service. We knew if we were going to end the soft money system, we had to call a halt to members of Congress raising these kinds of unlimited contributions.

The FEC took it upon itself to define the term ''solicit'' in our statute. The General Counsel's office sensibly suggested a definition that to ''solicit'' means to ''request, suggest, or recommend'' that a contribution be made. The Commissioners decided that definition was too broad so they amended the General Counsel's definition and said that solicit only means to ''ask'' for a contribution.

There can be no question that our intent in this law was to broadly prohibit the involvement of Federal candidates and officeholders in the raising of soft money. The FEC's definition narrows that provision. As the Commission's General Counsel said, ''it doesn't take great cleverness'' to figure out ways to request a donation without formally asking for one. The bank on Federal officeholders raising soft money is plainly compromised by this narrow definition. It is contrary to the clear intent of the Act.

In our prohibition of soft money fundraising, we included a narrow exception to permit federal officeholders to ''attend, speak, or be a featured guest at'' at a fundraiser for a State political party committee. The idea behind this exception was to allow Federal candidates to be part of such fundraisers, even if the State party was using the event to raise money that might not be legal under federal law. We did not intend that Federal candidates should be allowed to expressly solicit soft money contributions at such fundraisers.

So what did the FEC do with this exception? In the words of one Commissioner, it created a ''rules free zone'' at these events. Absolutely nothing is now out of bounds at any event deemed

to be a State party fundraiser, members of Congress can not only attend and speak at a fundraiser, they can individually solicit corporate CEOs in attendance, they might even be able to make phone calls to other donors from such fundraisers. Anyone who would have suggested on this floor that the intent of the narrow exception in the bill was to create a ''rules free zone'' would have been laughed out of town. But that is exactly what the FEC did.

The FEC also laid the groundwork for the national parties to transfer their soft money operations to other entities before the law takes effect. This was clearly not permitted by the law we passed. The soft money ban applies not only to the parties but to any entity ''directly or indirectly established, financed, maintained, or controlled'' by the party or any party official. The idea here, as you can tell by the broad language was to make sure that ban was difficult to evade.

The FEC went right to work on this language. It determined that any action taken before the bill becomes effective cannot be considered in deciding whether an entity is established, financed, maintained, or controlled by the parties. Under this regulation, the parties can create shell entities this year, provide seed money and staff and donor lists for them, and inform all their soft money donors that this new entity is their favored recipient for soft money after the election. But under the FEC's rules, none of those facts can even be considered in deciding whether this entity is ''established'' by the party, and therefore subject to the ban on raising and spending soft money.

This is a strained reading of the law, to say the least. One Commissioner said with respect to the actions of the FEC's majority on these rules: ''You have so tortured this law, it's beyond silly.'' This is clearly a prime example. How can an entity such as the one I described not be considered to have been ''established'' by the party? Yet that will be the result of the ''grandfathering'' that the FEC included in the regulations, a provision that is nowhere reflected in the law itself, and that was simply made up by the FEC out of whole cloth.

There are many other examples of torturing this law, and we will detail all of them when we consider the resolution. I think it is clear that these problems go to the heart of the soft money ban. They are not just quibbles. They undermine the central provisions of the new law. That is why we are seeking to invoke the Congressional Review Act. Some may call that a draconian step because the CRA requires us to overturn the entire regulation. But in our view, such action is appropriate. No rules are better than rules that create huge loopholes from the very start.

Furthermore, it is our view that the FEC would remain under an obligation to promulgate new rules and that new rules that address the shortcomings that we identify in this debate will be permitted under the CRA because they will not be ''substantially the same'' as the regulations that we disapprove with this resolution. The CRA would give the FEC a full year from the date of enactment of the disapproval resolution to repromulgate the rules. But we expect that the FEC will act expeditiously in response to a clear message from Congress that these rules are unsatisfactory. Indeed, the regulated community will demand quick action, because it will want the guidance that regulations provide. Otherwise, it will be required to abide by a statute without the more specific guidance provided by regulations.

We take no pleasure in having to follow this course. But we worked for seven years to pass this reform for the American people. Sixty Senators voted in favor of the bill when it finally passed the Senate on March 20, 2002. We cannot turn our backs on the extralegal action of the FEC. We must act to protect the reform that so many fought so hard for so long to enact.

When we passed the McCain-Feingold bill in March, I indicated that we would continue to work for reform and to make sure that the new law was properly implemented. I really did not expect to be back on the floor so soon. But I make no apologies for it. The FEC's rules cannot stand. I ask for my colleagues support for this disapproval resolution.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. KENNEDY, Mr. REED, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JEFFORDS, Mr. EDWARDS, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Mr. LIEBERMAN, Mr. KERRY, Mr. TORRICELLI, and Mrs. BOXER):

S.J. Res. 49. A joint resolution recognizing the contributions of Pasty Takemoto Mink; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I rise to introduce a resolution passed last night in the other body, along with my colleagues Senators INOUYE, KENNEDY, and others, which continues our tribute to Congresswoman Pasty Takemoto Mink in the wake of her untimely passing on September 28, 2002. The resolution honors a remarkable woman and her accomplishments for equal opportunity and education by renaming after her a provision in law commonly known as Title IX that consists of few words but has had incomprehensible and tremendous positive impact on the lives of countless numbers of girls and women in our country. With our combined action, Title IX of the Education Amendments of 1972 will now be known as the Pasty Takemoto Mink Equal Opportunity in Education Act.

As we honor our colleague, we can also recount some of the milestones in the 30-year history of Title IX and the efforts to establish standards of equal opportunity of women. The progress we as a Nation have made in 30 years has been remarkable, and we have Patsy and a few of her visionary colleagues to thank for the equal opportunities our children enjoy today. In 1970, the U.S. House of Representatives Committee on Education and Labor held the first Congressional hearings on sex discrimination in education. At those hearings, Patsy made the following statement, ''Discrimination against women in education is one of the most insidious forms of prejudice extant in our nation. Few people realize the extent to which our society is denied full use of our human resources because of this type of discrimination. Most large colleges and universities in the United States routinely impose quotas by sex on the admission of students. Fewer women are admitted than men, and those few women allowed to pursue higher education must have attained exceptional intellectual standing to win admission.'' She went on to state, ''Our nation can no longer afford this system which demoralizes and demeans half of the population and deprives them of the means to participate fully in our society as equal citizens. Lacking the contribution which women are capable of making to human betterment, our nation is the loser so long as this discrimination is allowed to continue.''

In April, 1972, Congresswoman Mink introduced the Women's Education Act of 1972. On the day of introduction, on the floor of the other body, she said, ''We need the input of every individual to continue the progress we enjoy. All persons, regardless of their sex, must have enough opportunities open so that they can contribute as much to their lives and this society as they can.'' She further noted that, ''it is essential to the existence of our country that sincere and realistic attention to there realignment of our attitudes and educational priorities be made. I suggest that education is the first place to start in a reexamination of our national goals.''

On June 23, 1972, Congresswoman Mink, working with Congresswoman Edith Green of Oregon and others on the then Education and Labor Committee, saw their efforts on an important education package come top fruition as the Education Amendments of 1972 were signed into law. Title IX was included in that package. Final regulations for Title IX were issued on June 4, 1975. On June 17, 1997, President Clinton announced that he issued an executive memo directing all appropriate federal agencies to review their Title IX obligation and report their findings within 90 days to the Attorney General. In all, although the reach of Title IX has been felt the most in the athletics arena, the landmark statutes about gender roles in our society and helped to correct inequalities in areas such as educational attainment by women, educator pay, and the wide range of extracurricular activities enjoyed by female students of all ages. Much of this

would not have been possible, were it not for the immense vision and determination of Patsy Mink.

Last Friday, I attended a most fitting and moving memorial service for Patsy in Honolulu, Hawaii. I joined the senior Senator from Hawaii and many dignitaries from the other body, as well as many of Hawaii's other distinguished elected officials and thousands of Hawaii residents, in attendance to pay tribute to Patsy Mink. Among the eloquent speakers, University of Hawaii Assistant Athletics Director Marilyn Moniz-Kahoohanohano called herself, ''a living example of Mrs. Mink's vision of quality for women.'' Marilyn recounted how she had just graduated from high school after the passage of Title IX, and the University of Hawaii formed the Rainbow Wahine athletic teams. She recalled, with joy, how she and her team placed second for the national volleyball title and took pictures with Patsy on the steps of the Capitol. Marilyn's powerful words on Friday range true for many female athletes in Hawaii and around the country, as she said, ''Because of you, we can play the game.''

I urge the Senate to act quickly on this resolution to honor the groundbreaking efforts of Congresswoman Patsy Takemoto Mink on behalf of countless girls and women of America. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 49

Whereas Patsy Takemoto Mink was one of the Nation's leading voices for women's rights, civil rights, and working families and was devoted to raising living standards and providing economic and educational opportunity to all Americans;

Whereas Patsy Takemoto Mink was a passionate and persistent fighter against economic and social injustices in Hawaii and across the Nation;

Whereas Patsy Takemoto Mink was one of the first women of color to win national office in 1964 and opened doors of opportunity to millions of women and people of color across the Nation;

Whereas Patsy Takemoto Mink had unprecedented legislative accomplishments on issues affecting women's health, children, students, and working families; and

Whereas Patsy Takemoto Mink's heroic, visionary, and tireless leadership to win the landmark passage of title IX of the Education Amendments of 1972 opened doors to women's academic and athletic achievements and redefined what is possible for a generation of women and for future generations of the Nation's daughters: Now, therefore, be it

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

SECTION 1. PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT.

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) is amended by adding at the end the following:

''SEC. 910. SHORT TITLE.

''This title may be cited as the 'Patsy Takemoto Mink Equal Opportunity in Education Act'.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 336—URGING THE INTERNATIONAL COMMUNITY TO REJECT A BOYCOTT OF ISRAELI ACADEMIC AND CULTURAL INSTITUTIONS

Mr. CORZINE submitted the following resolution; which was referred to the Committee on Foreign Relations.

Whereas a campaign is underway by elements of the international academic community to limit cultural and scientific collaboration between foreign universities and academics and their counterparts in Israel;

Whereas a number of European academics have signed petitions calling upon the national governments of Europe, the European Union, and the European Science Foundation to sever contacts with Israeli academics, as well as issue a moratorium on grants to Israeli research centers and cultural institutions;

Whereas the Association of University Teachers and NATFHE, unions that represent professors and researchers employed by research centers and universities in the United Kingdom, have passed resolutions supporting academic boycotts of Israel;

Whereas several institutions of higher education, such as the University of Lille in France, have refused to cooperate with Israeli Universities;

Whereas invitations requesting Israeli researchers to address academic assemblies have been rescinded because of anti-Israel sentiment;

Whereas Israeli scholars, including Gideon Toury and Miriam Shlesinger, have been dismissed from their positions on the editorial boards of academic journals solely because of their affiliation with Israeli institutions;

Whereas because of its location in Israel, the Goldyne Savad Institute in Jerusalem was denied scientific materials needed to develop effective treatments for anemic Palestinian children by a Norwegian school of veterinary medicine;

Whereas a campaign to limit academic ties between the United States and Israel is emerging, as demonstrated by a petition calling for an American academic boycott of Israel circulated by Mazin Qumsiyeh, a Yale University professor;

Whereas counter campaigns to oppose an academic boycott of Israel have gathered significant support in several countries, including France, Poland, the United Kingdom, Germany, Australia, and the United States;

Whereas Philippe Busquin, the Commissioner for Research for the European Union, issued a statement on April 23, 2002, maintaining that ''the European Commission is not in favour of a policy of sanctions against the parties to the conflict but rather advocates a continuous dialogue with them which is the best way to bring them back to negotiations'';

Whereas an open letter written by Paul Scham and Eva Illouz, academics associated with Hebrew University in Jerusalem, asserts that ''the call to boycott Israeli academics shows unpardonable ignorance of the role played by scientists, intellectuals, and artists in challenging the political consensus and in creating the public debate that rages in Israel at all times, including now'';

Whereas an editorial in the May 2, 2002, issue of the respected British scientific journal Nature states that, ''Israel is a research powerhouse that, given an eventual improvement of relations with its neighbors, could rejuvenate science and development in the region through collaboration and training. Rather than signing boycotts, which will achieve nothing, researchers worldwide can help the peace process concretely by actively initiating more. . . collaborations and encouraging their institutions to do the same.'';

Whereas foreign-funded research projects intended to foster cooperation between Israelis, Palestinians, and Arab academics in various disciplines including water resource management, desalinization, and cancer treatment, have continued despite current events;

Whereas Article 19, section 2, of the United Nations Covenant on Civil and Political Rights states that, ''Everyone shall have the right to. . . receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice'';

Whereas any attempts to stifle intellectual freedom through the imposition of an academic boycott is counterproductive since research and academic exchange provide an essential bridge between otherwise disconnected cultures and countries; and

Whereas stifling scientific and cultural exchange would limit the substantial contributions the international academic community makes to humanity: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the international scholarly community, the European Union, and individual governments, should reject, or continue to reject, calls for an academic boycott of Israel and reaffirm their commitment to academic freedom and cultural and scientific international exchange;

(2) the worldwide educational establishment should reverse actions taken to impede academic collaboration and free intellectual expression with Israeli intellectuals and institutions; and

(3) the United States and the American scholarly community should continue to actively support efforts to increase academic cooperation and encourage cultural and scientific exchange between the United States and Israel.

Mr. CORZINE. Mr. President, I rise today to submit a resolution calling on the world community to reject, or continue to reject, calls for an academic boycott of Israel and reaffirm its commitment to academic freedom and cultural and scientific exchange. This legislation also calls on the international educational establishment to reverse any actions it has taken in support of an academic boycott of Israel, and on the U.S. to support efforts to increase academic cooperation and encourage cultural and scientific exchange between the United States and Israel

In recent months I have been troubled by reports that a movement is brewing to limit contact between European Governments, institutions, and academics, with their counterparts in Israel. Petition drives are underway in Europe and elsewhere to encourage decision-makers and scholars to academically isolate Israel as a way of expressing dissatisfaction with Israeli policies regarding the Palestinian population.

Campaigns in support of an academic boycott are as counterproductive as they are unjustified. They breed intolerance, disrupt important scientific inquiries, and undermine efforts towards

peace. Yet groups ranging from the Association of University Teachers, a labor union in England, to the University of Lille in France have made the unfortunate decision to allow their misguided political beliefs to disrupt constructive academic collaboration with colleagues in Israel.

As you may be aware, in June of this year, two Israeli scholars were dismissed from the boards of translation journals based in Manchester, England. No one asserts that these two fine academics were dismissed for incompetence or for poor scholarship. No one argues that the remarks or actions of these intellectuals reflected poorly on their institutions or on these publications. No one even claims that they were dismissed for their political views. They clearly were not. Rather, they were dismissed simply because of their nationality. They both are Israeli citizens and carry Israeli passports.

What makes their dismissal all the more ridiculous is that one of the academics discharged is Miriam Schlesinger, an Israeli human rights activist who has been a consistent voice of dissent within Israeli society. As the former chair of Israel's chapter of Amnesty International, Professor Schlesinger has been highly critical of some of the Israeli policies that the boycott is also seeking to reverse. The case of Miriam Schlesinger highlights an important fact seemingly overlooked by proponents of the boycott: in free societies, like Israel, academics often provide a range of viewpoints, many of which will differ from official government policy.

In addition to working against peace and cultural understanding, an academic boycott will stifle meaningful scientific advancements. Despite the nascent quality of the campaign against academic exchange with Israel, the announced boycott has already confounded research projects intended to foster cooperation between Israelis and Palestinians in many important areas, including water resource management and cancer treatment.

In fact, in one particularly shocking example, a Norwegian veterinary school refused to provide an Israeli research center, Goldyne Savad Institute of Gene Therapy at Hadassah Medical Center, with material it needed to conduct an important medical study. This thoughtless bureaucratic decision disrupted research intended to develop new therapies for treating anemic Palestinian children.

By passing this resolution, the Senate will join a growing chorus of institutions and publications that have condemned the practice of restricting academic exchange with Israeli and academics and institutions. For example, an editorial in the well-respected British scientific journal Nature, argues that an academic boycott of Israel will undermine regional progress. The article explains, and I quote, ''Israel is a research powerhouse that, given an eventual improvement of relations with its neighbors, could rejuvenate science and development in the region through collaboration and training. Rather than signing boycotts, which will achieve nothing, researchers worldwide can help the peace process concretely by actively initiating more . . . collaborations and encouraging their institutions to do the same.''

The European Union has already made it clear that an academic boycott is unhelpful at best and counterproductive at worst. Philippe Busquin, the Commissioner for Research for the European Union, explained in an open letter that sanctions against Israeli academic institutions would undermine efforts to create a constructive dialogue. In that letter, Busquin appropriately emphasized the role that European, Israeli and Palestinian institutions and scientists play in ''addressing critical regional issues such as agriculture or water management . . . which, is certainly more effective than many well-intentioned words without any concrete impact.''

Sharing ideas and learning about another culture leads to greater tolerance and understanding, while severing intellectual and cultural ties only breeds ignorance and stultification. This senate must send a message that an academic boycott of Israel is not a catalyst for peace, but rather an unwarranted impediment to progress in the region. Because cultural understanding and scientific advancement improve the human condition, the US should seek to encourage cultural and scientific exchange between our country and our strongest ally in the Middle East, Israel.

I urge my colleagues to support this resolution, and I yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4856. Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) proposed an amendment to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

SA 4857. Mr. GRAHAM proposed an amendment to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON,, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, supra.

TEXT OF AMENDMENTS

SA 4856. Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) proposed an amendment to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for the Use of Military Force Against Iraq''.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

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

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

SA 4857. Mr. GRAHAM proposed an amendment to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for the Use of Military Force Against Iraq and International Terrorists Resolution''.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq;

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq; and

(3) defend the national security of the United States against the threat posed by the following terrorist organizations:

(A) The Abu Nidal Organization.

(B) HAMAS.

(C) Hizballah.

(D) Palestine Islamic Jihad.

(E) Palestine Liberation Front.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in paragraph (1) or (2) of subsection (a) to use force, the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq, or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

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

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 9, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a Hearing on S. 2694, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2002.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. 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, October 8, 2002, at 10 a.m. to conduct an oversight hearing on ''Perspectives on America's Transit Needs.''

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. 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, October 8, 2002, immediately following the party luncheons, to conduct a mark-up on the nominations of Mr. Alberto Faustino Trevino, of California, to be Assistant Secretary of Housing and Urban Development for Policy Development and Research; Mr. Armando J. Bucelo, Jr., of Florida, to be a director of the Securities Investor Protection Corporation; Ms. Carolyn Y. Peoples, of Maryland, to be Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity; Ms. Deborah Doyle McWhinney, of California, to be a director of the Securities Investor Protection Corporation; Mr. John M. Reich, of Virginia, to be Vice Chairperson of the Board of directors of the Federal Deposit Insurance Corporation; Mr. Rafael Cueller, of New Jersey, to be a member of the board of directors of the National Consumer Cooperative Bank; Mr. Michael Scott, of North Carolina, to be a member of the board of directors of the National Consumer Cooperative Bank; and Mr. Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 8, 2002, at 9:30 a.m. to conduct an oversight hearing entitled, ''The Clean Water Act—Then and Now'' to commemorate the 30th anniversary of the Clean Water Act.

The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 8, 2002 at 2:15 p.m. to hold a Business Meeting.

AGENDA

Treaties

1. Treaty Doc. 107–13; Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters.

2. Treaty Doc. 107–9; Treaty between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters.

3. Treaty Doc. 107–3; Treaty Between the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters.

4. Treaty Doc. 107–16; Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters.

5. Treaty Doc. 107–6; Extradition Treaty Between the United States of America and the Republic of Peru.

6. Treaty Doc. 107–4; Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania.

7. Treaty Doc. 107–11; Second Protocol Amending Treaty on Extradition Between the Government of the United States of America and the Government of Canada, as amended.

8. Treaty Doc. 107–15; Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes.

Legislation

9. S. 3032; A bill 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.

10. S. 2667; A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes, with an amendment in the nature of a substitute.

11. H.R. 3656; An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

Nominations

12. Mr. Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2002.

13. The Honorable Wendy Chamberlin, of Virginia, to be Assistant Administrator of the Agency for International Development for Asia and the Near East.

14. Mr. Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam.

15. Mr. Seth Cropsey, of the District of Columbia, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

16. Mr. John R. Dawson, of the District of Columbia, to be Ambassador to the Republic of Peru.

17. Mr. Samuel Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

18. Mr. Antonio O. Garza, Jr., of Texas, to be Ambassador to Mexico.

19. Mr. D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors.

20. Ms. Nancy Jacklin, of New York, to be United States Executive Director of the International Monetary Fund.

21. Mr. David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu.

22. Mrs. Diane Ruebling, of Utah, to be a Member of the Board of Directors of the overseas Private Investment Corporation.

23. Mr. Ned Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

24. Mr. Steven J. Simmons, of Connecticut, to be Member of the Broadcasting Board of Governors.

25. Mr. C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

26. Mrs. Linda E. Watt, of Florida, to be Ambassador to the Republic of Panama.

ESO Promotion list

27. Mr. Dean B. Wooden, *et al.*, dated June 21, 2002.

The PRESIDING OFFICER Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Tuesday, October 8, 2002 at 9 a.m. to consider the nominations of Ruth Goldway and Tony Hammond to be Commissioners at the Postal Rate Commission.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Feres Doctrine; an Examination of this Military Exception to the Federal Tort Claims Act'' on Tuesday, October 8, 2002 in Dirksen Room 226 at 2 p.m.

Witness List

Panel I: Paul Harris, Deputy Associate Attorney General, United States Department of Justice, Washington, DC, and Christopher Weaver, Rear Admiral and Commandant, United States Navy, Washington, DC.

Panel II: John Altenberg, Major General, Retired and Assistant Judge Advocate General, United States Army, Washington, DC; Eugene Fidell, Counsel, Feldesman, Tucker, Leifer, & Bank, LLP, Washington, DC; Daniel Joseph, Counsel, Akin, Gump, Strauss, Hauer & Feld, LLP, Washington, DC; Bonnie O'Neill, Kingston, PA; Nolan Sklute, Major General, Retired and Judge Advocate General, United States Air Force, North Bethesda, MD; and Richard A. Sprague, Counsel, Sprague & Sprague, Philadelphia, PA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 8, 2002 at 10 a.m. to hold an open hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia be authorized to meet on Tuesday, October 8, 2002 at 10 a.m. for a hearing entitled ''Dietary Supplements: Who is Protecting American Consumers?''

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

PRIVILEGE OF THE FLOOR

Mrs. LINCOLN. Mr. President, I ask unanimous consent that Elizabeth Pika from my staff be granted floor privileges.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, we have some more business tonight, and we will get to that very shortly. In the meantime, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, OCTOBER 9, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, October 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 11 a.m., the Senate resume consideration of S.J. Res. 45; and that the live quorum with respect to the cloture motion filed earlier today be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, there is no further business to come before the Senate I am aware of. Therefore, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Wednesday, October 9, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 8, 2002:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WILLIAM JOSEPH BURNS, OF PENNSYLVANIA
PRUDENCE BUSHNELL, OF VIRGINIA

JOHN RANDLE HAMILTON, OF VIRGINIA
ARLENE RENDER, OF OHIO
EARL A. WAYNE, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

W. LEWIS AMSELEM, OF CALIFORNIA
DIANNE MCINTYRE ANDRUCH, OF ARIZONA
WILLIAM D. ARMOR, OF VIRGINIA
MICHAEL DONALD BELLOWS, OF IOWA
DONALD M. BISHOP, OF VIRGINIA
JACK A. BLAIR JR., OF VIRGINIA
PETER WILLIAM BODDE, OF MARYLAND
JANET L. BOGUE, OF WASHINGTON
PAMELA E. BRIDGEWATER, OF MARYLAND
JAMES L. BULLOCK, OF TEXAS
WAYNE JEFFREY BUSH, OF OREGON
LAWRENCE E. BUTLER, OF MAINE
JAMES J. CARRAGHER, OF CALIFORNIA
ROBERT F. CEKUTA, OF NEW YORK
FRANK JOHN COULTER JR., OF MARYLAND
PHILO L. DIBBLE, OF THE DISTRICT OF COLUMBIA
RENEE M. EARLE, OF KENTUCKY
ROBERT PATRICK JOHN FINN, OF NEW YORK
ROBERT W. FITTS, OF NEW HAMPSHIRE
JAMES MICHAEL GAGNON, OF VIRGINIA
WILLIAM G. HARRISON, OF CALIFORNIA
KARL WILLIAM HOFMANN, OF MARYLAND
KEVIN E. HONAN, OF NEW JERSEY
RAVIC ROLF HUSO, OF VIRGINIA
STEPHEN R. KELLY, OF NEW HAMPSHIRE
CORNELIS MATHIAS KEUR, OF MICHIGAN
RICHARD E. KRAMER, OF TENNESSEE
RICHARD BURDETTE LEBARON, OF VIRGINIA
JEFFREY JOHN LUNSTEAD, OF PENNSYLVANIA
R. NIELS MARQUARDT, OF CALIFORNIA
THOMAS E. MCKEEVER, OF TEXAS
ROBERT JOHN MCANNENY, OF CONNECTICUT
GRETCHEN A. MCCOY, OF NEBRASKA
P. MICHAEL MCKINLEY, OF CONNECTICUT
ROGER ALLEN MEECE, OF WASHINGTON
MICHAEL W. MICHALAK, OF THE DISTRICT OF COLUMBIA
WILLIAM T. MONROE, OF CONNECTICUT
JOHN R. NAY, OF TENNESSEE
STEPHEN JAMES NOLAN, OF PENNSYLVANIA
WILLIAM VAN RENSALIER PARKER, OF MARYLAND
MAUREEN QUINN, OF NEW JERSEY
RICHARD J. SCHMIERER, OF CONNECTICUT
MARGARET SCOBEY, OF TENNESSEE
JOHN F. SCOTT, OF IOWA
JOAN VERONICA SMITH, OF THE DISTRICT OF COLUMBIA
WILLIAM A. STANTON, OF CALIFORNIA
W. DAVID STRAUB, OF KENTUCKY
LAURIE TRACY, OF VIRGINIA
CAROL J. URBAN, OF THE DISTRICT OF COLUMBIA
MARC M. WALL, OF VIRGINIA
ROBERT WEISBERG, OF NEW HAMPSHIRE
THOMAS J. WHITE, OF NEW YORK
JAMES HAMMOND WILLIAMS, OF PUERTO RICO
ALEJANDRO DANIEL WOLFF, OF CALIFORNIA
DONALD YUKIO YAMAMOTO, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD AKER, OF ARKANSAS
BERNADETTE MARY ALLEN, OF MARYLAND
JONATHAN MARK ALOISI, OF VERMONT
LUIS EDMUNDO ARREAGA-RODAS, OF CALIFORNIA
ALEXANDER ARMANDO ARVIZU, OF COLORADO
MARK L. ASQUINO, OF RHODE ISLAND
JESS LIPPINCOTT BAILY, OF OHIO
JUDITH RAINE BARODDY, OF VIRGINIA
JOYCE ANNE BARR, OF WASHINGTON
JOHN KENNETH BAUMAN, OF VIRGINIA
ROBERT WALTER BOEHME, OF NEW JERSEY
DAVID R. BURNETT, OF IDAHO
MARTHA LARZELERE CAMPBELL, OF NEW HAMPSHIRE
GUYLE E. CAVIN, OF TEXAS
JUDITH ANN CHAMMAS, OF MINNESOTA
RAUL E. CHAVERA, OF TEXAS
MARY DEANE CONNERS, OF PENNSYLVANIA
KATHLEEN DAVIS, OF CALIFORNIA
DAVID F. DAVISON, OF VIRGINIA
LARRY MILES DINGER, OF VIRGINIA
DAVID TANNRATH DONAHUE, OF INDIANA
JOSEPH R. DONOVAN JR., OF NEW YORK
TREVOR J. EVANS, OF WASHINGTON
JOHN P. FELT, OF VIRGINIA
GREGORY G. FERGIN, OF WASHINGTON
ALBERTO M. FERNANDEZ, OF FLORIDA
ALCY RUTH FRELICK, OF CALIFORNIA
RUSSELL LOUIS FRISBIE, OF VERMONT
CHARLES H. GROVER, OF NEW HAMPSHIRE
ROBERT S. HAGEN, OF ILLINOIS
BRADFORD E. HANSON, OF CALIFORNIA
PATRICIA M. HASLACH, OF OREGON
JAMES THOMAS HEG, OF WASHINGTON
MICHAEL STEPHEN HOZA, OF SOUTH CAROLINA
JOHN MELVIN JONES, OF VIRGINIA
SANDRA LYNN KAISER, OF WASHINGTON
IAN CRAWFORD KELLY, OF NEW JERSEY
JAMES J. KENNEY JR., OF FLORIDA
JOHN MONROE KOENIG, OF WASHINGTON
THOMAS CHARLES KRAJESKI, OF MASSACHUSETTS
LISA JEAN KUBISKE, OF VIRGINIA
HUGO LLORENS, OF NEW YORK
HAYNES RICHARDSON MAHONEY III, OF MASSACHUSETTS
SCOT ALAN MARCIEL, OF VIRGINIA
RONALD K. MCMULLEN, OF IOWA
DAN MOZENA, OF IOWA
GERALDINE H. O'BRIEN, OF VIRGINIA
JAMES A. PAIGE, OF OHIO
CAROL ZELIS PEREZ, OF TEXAS
JAMES D. PETTIT, OF IOWA
KEITH POWELL II, OF OREGON
PHYLLIS MARIE POWERS, OF TEXAS
MARGUERITA DIANNE RAGSDALE, OF VIRGINIA
RICKY LYNN ROBERTS, OF MISSISSIPPI
THOMAS BOLLING ROBERTSON, OF VIRGINIA
DANIEL A. RUSSELL, OF MAINE
LARRY SCHWARTZ, OF WASHINGTON
DAVID BRUCE SHEAR, OF NEW YORK
JOHN T. SHEELY, OF VIRGINIA
DANIEL BENNETT SMITH, OF CALIFORNIA
DANIEL ALAN SPIKES, OF FLORIDA
DERWOOD KEITH STAEBEN, OF WISCONSIN
GRACE CAROLYN STETTENBAUER, OF VIRGINIA
TEDDY B. TAYLOR, OF FLORIDA
ROSA E. TRAINHAM, OF ALABAMA
JAMES B. WARLICK JR., OF CALIFORNIA
MARY BURCE WARLICK, OF CALIFORNIA
RUFUS A. WATKINS, OF FLORIDA
EDWARD J. WEHRLI, OF TEXAS
MARY JO WILLS, OF VIRGINIA
JOHN L. WITHERS II, OF MARYLAND
MARCIA KIM WONG, OF VIRGINIA
MARK F. WONG, OF MARYLAND
ROBERT T. YAMATE, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARY L. BOONE, OF NORTH CAROLINA
TERRY LEE BRANSTNER, OF WYOMING
TIMOTHY W. BURCHFIELD SR., OF VIRGINIA
EMILE CORNEILLE CORNEILLE JR., OF VIRGINIA
CRAIG P. DECAMPLI, OF VIRGINIA
RAYMOND M. DECASTRO, OF FLORIDA
PATRICK D. DONOVAN, OF VIRGINIA
PAUL W. EICKMAN, OF NEBRASKA
JANICE J. FEDAK, OF PENNSYLVANIA
JOHN PATRICK GADDIS, OF TEXAS
GARY M. GIBSON, OF MARYLAND
BARRY K. GOULD, OF WASHINGTON
STEPHEN J. MERGENS, OF VIRGINIA
ERICK G. MORIN, OF NEW HAMPSHIRE
SUSAN W. MUSSER, OF CONNECTICUT
ANTHONY JOSEPH RICHARDS, OF VIRGINIA
DOUGLAS J. ROSENSTEIN, OF CALIFORNIA
MICHAEL L. YOUNG, OF COLORADO

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JON CHRISTOPHER KARBER, OF ARIZONA
SALVATORE PIAZZA, OF ARIZONA

DEPARTMENT OF COMMERCE

GREGORY M. WONG, OF HAWAII

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANGELA PRICE AGGELER, OF THE DISTRICT OF COLUMBIA
LORI ELLEN BALBI, OF OREGON
KATIA JANE BENNETT, OF IOWA
CAITLIN DOROTHY BERGIN, OF NEW HAMPSHIRE
JOHN DANIEL BOYLL, OF TEXAS
CARLETON MYLES BULKIN, OF CALIFORNIA
DEANGELA BURNS-WALLACE, OF NEW JERSEY
MARK JOSEPH CASSAYRE, OF CALIFORNIA
MARC DOUGLAS DILLARD, OF CALIFORNIA
PAUL MICHAEL FERMOILE, OF NEW YORK
SUMONA GUHA, OF MARYLAND
JOSEPH ALEXANDER HAMILTON, OF NEW JERSEY
JAMES ROBERT HELLER, OF VIRGINIA
MATTHEW G. JOHNSON, OF CALIFORNIA
DEANNA GENTRY KIM, OF FLORIDA
ROBERT DAVID LEE, OF MARYLAND
WILLIAM GLOVER LEHMBERG, OF CALIFORNIA
RYAN COURTNEY LEONG, OF CALIFORNIA
CHRISTOPHER S. MACHIN, OF MARYLAND
MARIA KATRINA MEYLER, OF NEW JERSEY
LISA DANIELLE MILLER, OF CALIFORNIA
RAMON A. NEGRON, OF PUERTO RICO
CLARISA PEREZ-ARMENDARIZ, OF COLORADO
AMY SUE RADETSKY, OF KANSAS
DEMETRIA CANDACE SCOTT, OF VIRGINIA
THOMAS B. SELINGER, OF FLORIDA
JEFFREY CRAWFORD VICK, OF TEXAS
MARK ALAN WELLS, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

TERRY A. ALSTON, OF SOUTH CAROLINA
BRIDGET ALWAY, OF IDAHO
DANNIELLE R. ANDREWS, OF CALIFORNIA
DARIAN LAWRENCE ARKY, OF NEVADA
ELIZABETH MCGEE BAILEY, OF TEXAS
NOLAN E. BARKHOUSE, OF TEXAS
HEIDI-HAKONE L. BARRACHINA, OF VIRGINIA
JOHN FREDERICK BENDER, OF VIRGINIA
GREGORY K. BERTIN, OF VIRGINIA
JOHN E. BRIGHAM, OF VIRGINIA
RACHEL L. COOKE, OF VERMONT
C. AMANDA CRANMER, OF PENNSYLVANIA
DAVID JUDE CUMMINGS, OF COLORADO
RICHARD CHRISTOPHER WHITING DAVY, OF TEXAS
PATRICIA DE LA SOTA, OF TEXAS
MELISA MARIE DOHERTY, OF THE DISTRICT OF COLUMBIA
WILLIAM REB DOWERS, OF FLORIDA
ABIGAIL L. DRESSEL, OF CONNECTICUT
STEVEN M. DYOKAS, OF ILLINOIS
KENNETH J. EGAN, OF VIRGINIA
PATRICIA ELLIS, OF PENNSYLVANIA
BARBARA I. ENSSLIN, OF FLORIDA
LISA L. FICEK, OF SOUTH DAKOTA
DAVID B. FOLEY, OF CALIFORNIA
ANNE MARIE GATES, OF VIRGINIA
SHARON ELIZABETH GORDON, OF CALIFORNIA
MICHAEL ANDREW GRAHAM, OF MISSOURI
KATHLEEN K. GRANDY, OF IDAHO
KRISTEN KAROL GRAUER, OF MICHIGAN
MICHAEL THOMAS GREER, OF NEW YORK
NICHOLAS CASSELL GRIFFITH III, OF ARKANSAS
GEORGIA J. GRUBE, OF VIRGINIA
MARY K. GUNN, OF CALIFORNIA
MAUREEN HAGGARD, OF WASHINGTON
JULIANA HAMILTON-HODGES, OF TEXAS
SARAH ELIZABETH HANKINS, OF NORTH CAROLINA
STACIE RENEE HANKINS, OF NORTH CAROLINA
MARLIN JOHN HARDINGER, OF WISCONSIN
KIMBERLY DANA HARRINGTON, OF NEW JERSEY
ROYNDA E. HARTSFIELD-NACK, OF VIRGINIA
LINDSAY N. HENDERSON, OF OREGON
NATASHA M. HENDERSON, OF PENNSYLVANIA
DAVID ANTHONY HENRY, OF RHODE ISLAND
THOMAS RICHARD HINES, OF MINNESOTA
DOVIE HOLLAND, OF GEORGIA
NEIL W. HOP, OF OREGON
LAURA PHIPPS HRUBY, OF THE DISTRICT OF COLUMBIA
AMANDA L. JOHNSON, OF MONTANA
DENISE LYNNETTE KNAPP, OF TEXAS
THADDEUS L. KONTEK, OF VIRGINIA
LALE KUYUMCU, OF THE DISTRICT OF COLUMBIA
GEORGE EDWARD LEARNED, OF COLORADO
CHERIE J. LENZEN, OF ILLINOIS
JOHN A. LEWANDOWSKI, OF MISSOURI
ANNE LINNEE, OF MINNESOTA
TIMOTHY EDWARD LISTON, OF VIRGINIA
CHRIS J. LONG, OF VIRGINIA
R. BRYAN MARCUS, OF ALABAMA
FRANCISCO MARTINEZ JR., OF VIRGINIA
KIRK E. MCCLAIN, OF VIRGINIA
MARK G. MCGOVERN, OF NEW JERSEY
BRIAN GERALD MCINERNEY, OF INDIANA
LEE MCMANIS, OF CALIFORNIA
SUZANNE MCPARTLAND, OF NEW YORK
GENEVE ELIZA MENSCHER, OF NEW JERSEY
KENNETH LEE MEYER, OF OHIO
DEBORAH A. MILLER, OF MINNESOTA
ALLISON MARGARET MONZ, OF CALIFORNIA
JUDY S. MOORE, OF TEXAS
MARY CLARE MOORE, OF VIRGINIA
JOHN PAUL MOPPERT, OF FLORIDA
CHARLES H. MORRILL, OF NEW HAMPSHIRE
LANGDON G. MORRISON, OF FLORIDA
CHRISTOPHER M. NEWTON, OF CALIFORNIA
VALERIE C. O'BRIEN, OF VIRGINIA
JOSEPH JAMES O'CONNOR-FITZGERALD, OF WASHINGTON
MYRNA M. ORTIZ KERR, OF NEW YORK
NICOLE IRELAND OTALLAH, OF VIRGINIA
AMY MUDD PATEL, OF MISSOURI
KIMBERLY JOY PENLAND, OF FLORIDA
CHAD SAYLOR PETERSON, OF WASHINGTON
SUZANNE K. PHILION, OF NEW HAMPSHIRE
QUINN N. PLANT, OF WASHINGTON
JOHN ANTHONY REGAN, OF PENNSYLVANIA
STEVEN M. RIDER, OF SOUTH DAKOTA
ISABEL E. RIOJA-SCOTT, OF ARIZONA
MICHAEL ROMAN ROUSEK, OF OHIO
ADAM WILLARD SCARLATELLI, OF NEW JERSEY
AARON MICHAEL SCHWOEBEL, OF TEXAS
NICOLE E. SPECIANS, OF ILLINOIS
TANYA K. SPENCER, OF TEXAS
MARK ANDREW STEPHENS, OF MARYLAND
KRISTIN M. STEWART, OF COLORADO
GUY T. STRANDEMO, OF MINNESOTA
CODY CORINNE TAYLOR, OF CALIFORNIA
TIMOTHY SHAWN TIMMONS, OF WASHINGTON
AARON D. TRIMBLE, OF VIRGINIA
EDWARD L. WATERS, OF NEVADA
GREGG D. WENZEL, OF VIRGINIA
CATHERINE J. WESTLEY, OF ILLINOIS
ANTJE WEYGANDT, OF VIRGINIA
SHERON D. WILLIAMS, OF MARYLAND
LAGRANGE WORTHINGTON, OF VIRGINIA
CHRISTOPHER THOMAS ZIMMER, OF ILLINOIS
EARL JAY ZIMMERMAN, OF FLORIDA

DEPARTMENT OF COMMERCE

CHRISTOPHER T. CLOUTIER, OF THE DISTRICT OF COLUMBIA
MARY AILEEN CROWE, OF NEW HAMPSHIRE
CHERYL DUKELOW, OF WASHINGTON
HELEN L. PETERSON, OF CALIFORNIA
MARK RUSSELL, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEPARTMENT OF STATE

EARL A. FERGUSON, OF INDIANA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR:

DEPARTMENT OF STATE

JOHN E. LANGE, OF NEW YORK

DEPARTMENT OF AGRICULTURE

PETER FERNANDEZ, OF NEW YORK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D.W. CORLEY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BURWELL B. BELL III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JERRY L. SINN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD A. HACK, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL H. SUMRALL, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES T. CONWAY, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. LOWELL E. JACOBY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID L. BREWER III, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A).

To be colonel

DANA H. BORN, 0000
JAMES L. COOK, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES R. KIMMELMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN E. JOHNSTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JANET L. BARGEWELL, 0000
EDMUND K. DALEY III, 0000
STEVEN H. DAVID, 0000
MICHAEL R. SMITH, 0000
MITCHELL E. TOLMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LELAND W. DOCHTERMAN, 0000
MOHAMED S. IBRAHEIM, 0000
BEVERLY R. SMATHERS, 0000
ROBERT M. SMITH, 0000
DOUGLAS R. WINTERS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GLENN E. BALLARD, 0000
NANCY L. ELLWOOD, 0000
JAN C. JONSON, 0000
CAROLYN L. MAYNARD, 0000
JANE M. MORRICAL, 0000
MARION J. YESTER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT D. BOIDOCK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

DERMOT M. COTTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CONNIE R. KALK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MICHAEL J. HOILIEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROMEO NG, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THOMAS E. PARSHA, 0000

EXTENSIONS OF REMARKS

SUBMISSION OF APPEAL FOR CONGRESSIONAL VOTING REPRESENTATION FROM D.C. CADET AT UNITED STATES MILITARY ACADEMY TO THE PRESIDENT OF THE UNITED STATES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Ms. NORTON. Mr. Speaker, as the American people and government officials consider entry of our country into a war, I rise today to bring to the attention of the House a letter to the President of the United States from one of my constituents, James N. Rimensnyder, a cadet at the United States Military Academy. I nominated Cadet Rimensnyder, a graduate of Woodrow Wilson High School in the District of Columbia in 2000, and he is now in his 2nd year there.

Recently, Cadet Rimensnyder's letter to the President was brought to my attention by his father, Nelson Rimensnyder. Entirely on his own, Cadet Rimensnyder, who identified himself in his letter as a Republican, had written President Bush, as his Commander-in-Chief, to express his desire for full representation in the Congress. The simple eloquence of Mr. Rimensnyder's plea for the benefits of full citizenship as he serves his country speaks for itself. Cadet Rimensnyder speaks as well for all District residents. I ask the House to recognize Cadet Rimensnyder, who is serving in the U.S. Army in time of war and asks only that his service be honored with full citizenship rights.

West Point, NY, April 2, 2002.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As a native-born resident of the District of Columbia, you know, of course, that I have no voting representative in Congress. This situation has persisted for 200 years. District residents first brought this to the attention of Congress in 1801. Today, we are the only citizens of the United States, excluding felons, who pay federal taxes and serve in the Armed Forces, but are denied representation in Congress.

Two years ago, when I reached my 18th birthday, I registered as a Republican and voted in the 2000 presidential election as provided in the 23rd Amendment to the Constitution. Now I am a Cadet at the United States Military Academy, and appeal to you to uphold the longstanding tradition of our party to advocate voting representation in Congress for the residents of the District of Columbia.

Sir, I wish that one day soon I might have the opportunity to meet you, salute you as my Commander-in-Chief, and thank you personally for addressing this grievance.

Sincerely,

JAMES N. RIMENSNYDER,
Cadet PFC USCC.

THE AMERICAN COMMUNITY RENEWAL ACT OF 2002

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, America's strength rests in its communities. It is for this reason that today I introduce the American Community Renewal Act of 2002. This legislation will continue the advances begun with the provisions contained in the original American Community Renewal Act of 2000, and provide opportunity for even more cities, towns, and neighborhoods across the country to better their circumstances.

This legislation authorizes the designation of 20 additional Renewal Communities, 15 urban and 5 rural, using newly available 2000 census data. By creating an environment where private investment can flourish, Renewal Communities are uniquely able to harness market forces for job creation and growth. Providing access to employment is a catalyst for people to escape the vicious downward spiral of poverty, and to improve the lots of their families and communities.

An additional incentive provided for in this legislation is a new tax code feature designed to encourage private sector investment in Renewal Communities, Empowerment Zones, Enterprise Communities and HUBZones. This addition to the Internal Revenue Code of 1986, relating to common nontaxable exchanges, would allow investors, subject to certain restrictions, take proceeds from the sale of real property and re-invest these proceeds in businesses in the community without recognizing capital gains. This should encourage investment in businesses within these communities that create jobs for the residents of said communities.

Finally, in order to marshal the resolve of State governments to engage in the revitalization process within Renewal Communities, this legislation requires that States adopt a qualified allocation plan for their available commercial revitalization deduction within 120 days. If States fail to adopt such a plan, the commercial revitalization deduction allocations will pass directly to the approved commercial revitalization agency at the local governmental level. This provision will encourage States to provide the statewide coordination function for community revitalization originally intended in the American Community Renewal Act of 2000.

One of the primary responsibilities of Congress is to create an environment that rewards efforts to strengthen our nation's communities, and fosters the development of responsible and engaged citizens. The American Community Renewal Act of 2002 continues the efforts of previous Congresses in this regard. This strategy is particularly relevant in today's volatile world.

WYANDOTTE NATION LAND CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. YOUNG. Mr. Speaker, throughout my years as a Member of this body, I've tried hard to be a defender and promoter of the rights of Native Americans, our First Americans. In that spirit and as Vice Chairman of the Resources Committee, I am proud to add my name as an original co-sponsor of the Wyandotte Nation Land Claims Settlement Act.

The Wyandotte Nation, like so many other Native American Tribes, has endured a sad history of broken promises at the hands of the federal government and they have filed suit to reestablish their rightful and just claim to the lands that those broken promises took away from them. The land claim suit, which the courts have said has sufficient merit to proceed, involves billions of dollars worth of land and thousands of current landholders whose ownership status is now in question.

The Wyandotte Nation, like other groups of Native Americans who have successfully settled their aboriginal land claims, including Natives in my State under the Alaska Native Claims Settlement Act, do not seek to dispossess anyone of their homes and businesses. Rather, they seek a fair and just settlement of those claims so that the broken promises can be mended sufficiently for Native and non-Native Americans to move on productively and cooperatively with their lives and interests.

The Wyandotte Nation Land Claims Settlement Act provides the opportunity for compromise and resolution of longstanding issues in a manner that is beneficial for the Wyandotte Nation and for the entire community currently occupying and surrounding the lands in question and I am therefore proud to add my name to the bill and urge my colleagues to support its passage.

HONORING THE HOMELAND CENTER OF HARRISBURG ON THE OCCASION OF ITS 135TH ANNIVERSARY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. GEKAS. Mr. Speaker, it is my great honor today to recognize the Homeland Center of Harrisburg, Pennsylvania on the occasion of its 135th Anniversary. For well over a century, Homeland Center has met the medical and social needs of the community through the compassionate vision of its founders.

Christian men and women from various denominations established the ''Home for the

Friendless'' in 1866 for the purpose of caring for the widows and children of the Civil War. The first residents consisted of just three women and one little girl.

In June of 1871, the cornerstone was laid for a new building at the location where the building now stands today. Almost one year later, the building was finished and residents moved in, including 148 little girls.

By 1907, only five children were left, but a waiting list existed for adult women who were in need of Homeland's services.

As time passed, renovations were badly needed, but because of the Depression, funds did not become available until 1941 when two sunrooms and two sets of fire towers were installed on the building.

The 1950's were a time of important changes for Homeland. In 1953, the name was changed from the ''Home of the Friendless'' to ''Homeland.'' Four years later in 1957, plans began to build two new wings. The old building was renovated, too, and became the chapel for Homeland.

By the end of the 1980's, Homeland was almost an entirely new building. New and nearby property was required to meet the growing needs of residents. The third floor was remodeled while the fourth floor was completely removed. New beds, a courtyard, and a new dining room were added.

Perhaps the biggest expansion took place between 1996 and 1999 when six million dollars was spent to add an Alzheimer's care unit, a new chapel, more office space, and a new skilled care building.

Mr. Speaker, although Homeland Center has undergone a phenomenal number of changes, it has never veered from the vision of its original founders to provide medical services and a welcoming community to those in need. Today, Homeland provides state-of-the-art living and personal care for one hundred and fifty residents of varying degrees of medical needs. A faithful team of nurses and aides staff Homeland, providing care and well being.

I am very pleased to recognize Homeland Center today. Reaching its 135th Anniversary is certainly a milestone; reaching it with a record of continuously successful growth is a truly remarkable accomplishment. Congratulations Homeland Center.

CHILD MALTREATMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, we have all read the on-going stories about the chaos engulfing the Florida foster care system. The story below describes the horrifying findings of a study commissioned, then subsequently suppressed, by the Florida Department of Children and Families (DCF).

The Florida report, released September 19th, uncovered a 13-year-old boy living in a foster home—his 19th placement in under a year. In another case, auditors found a 10-year-old boy had been moved 12 times in two years and although a therapist thought he could not read, DCF had done nothing to ensure supportive educational services. Florida auditors blame the failed child welfare system on poor communication, ill-trained workers and insufficient resources.

The situation described in the Florida audit is not unique to Florida. In August, an audit of Maryland's child welfare system revealed that the state had lost track of some foster care children for months, failed to ensure proper health care and, in at least one case, entrusted a foster child to a sexual offender.

In July, Los Angeles County's foster care system was sued by child advocates, charging that foster children were routinely denied medically necessary mental health, behavioral support, and case management services, as required by federal law. District of Columbia officials acknowledged that several boys were sexually abused at various group home facilities, including a group home for mentally retarded foster children.

The circumstances described in the following report, comparable to reports in Maryland, California, and the District of Columbia, clearly indicates that the child welfare system today is a national disgrace. States fail to meet federal child welfare law requirements of safety, permanency, and child and family well-being. In fact, child protection agencies make victims of the very children and families they are supposed to benefit.

The history of Federal child welfare review efforts goes back to the law I authored in 1980 (P.L. 96–272). That law requires States to comply with a number of core requirements intended to protect children placed in foster care as a condition of receiving Federal foster care funds. Over the past 20 years, Congress has thrice charged the Department of Health and Human Services with developing new systems to review States compliance with federal child welfare protections. Yet the extent to which the Federal Government actually holds States accountable continues to be an issue of ongoing concern.

The States have repeatedly failed to comply with federal foster care core procedural requirements. If those requirements cannot be enforced in a manner that adequately protects children, then Congress cannot delay longer in developing new standards to protect the well being of foster children.

The article follows:

[From South Florida Sun Sentinel, Sept. 20, 2002]

GRIM TALES ARISE FROM FOSTER CARE

(By Megan O'Matz and Sally Kestin)

Three Broward County boys were taken from their mother in 1996 and put into foster care. Five years later, the state decided it had no grounds to keep the children and reunited the family.

By then, one boy had been whipped in foster care, and another had gone so long without seeing his siblings ''he forgot they were his brothers and thought they were just friends,'' according to a state review of the children's case files.

''The boys have been harmed by the system that set out to help them,'' the reviewers wrote.

The case study was part of an exhaustive review by an Alabama consultant of more than 80 children under the care of the Department of Children & Families statewide.

The summaries, released by the department this week, include disturbing descriptions of children wrongly kept from parents, lingering in the system for years and lagging behind in school, unprepared to live on their own.

Evaluators blame the problems on poor communication, ill-trained workers and insufficient resources.

Carolyn Salisbury, associate director of the University of Miami's Children and Youth Law Clinic, said the grim experiences described in the reports are not surprising. ''I have worse cases than that,'' she said. ''We all should be shocked, but those of us who work in child welfare are not.''

The analysis, conducted by the Child Welfare Policy and Practice Group from February to April, looked at cases in seven DCF districts, including Broward and Palm Beach counties.

The lead consultant, Paul Vincent, delivered data to DCF in May, but agency officials who were under attack for losing track of children withheld it from the public and two panels charged with investigating DCF until this week. The agency released nearly nine pounds of documents in response to public records requests from DCF critics and the media.

''Now that the document is public, we can see why DCF spent so much time and effort to hide it,'' Salisbury said.

BELOW STANDARDS

DCF officials were not available to comment on the case summaries; however, newly appointed DCF Secretary Jerry Regier expressed concern in a public appearance Thursday that recommendations in a 2001 study of Broward County by Vincent's team were never acted upon.

''That bothers me very much,'' he said.

The subsequent review discovered problems statewide. Evaluators said three out of four cases failed to meet acceptable standards.

Some common themes emerged.

DCF caseworkers and supervisors often did not work collaboratively with therapists, teachers, foster families and parents. The system made few efforts to help parents overcome problems related to poverty and cut off contact with children, making reunification harder. And the agency regularly had difficulty finding suitable foster homes.

The reviewers found a 13-year-old Palm Beach County boy living in a foster home—his 19th placement in under a year.

The boy, who had a history of attacking teachers and students, shared a room with a 5-year-old whom he threatened to strangle.

When the teen reported headaches and ''auditory hallucinations,'' DCF waited a year to complete the doctor-recommended brain scans.

In another case, an Orlando teenager, abandoned at 15 by her adoptive parents, bounced among foster homes. ''These constant moves have placed her at least two years behind educationally,'' the report states.

A frequent runaway known to climb into cars with strangers, the girl claimed to have been raped more than once.

Reviewers found she ''is not safe, stable or moving toward permanence and independence. Her emotional status may be at a historical low point ... The child's progress is unacceptable and worsening.'' In Marion County, the consultants concluded that DCF should not have taken a 3-year-old girl from her mother. The agency received a report that the girl and her siblings were flea-bitten and dirty and that the house had no food.

Shortly after arriving in foster care, the girl began pulling her hair out and banging her head. She smeared feces on walls and had trouble sleeping, awakening from dreams of ''monsters.'' Foster care ''should be a last resort, not a first step,'' Vincent's team wrote.

SLEEPING IN OFFICE

Lacking funds, DCF, meanwhile, could not find a bed for a disturbed 13-year-old in the Tallahassee area.

Suspended from school and kicked out of a foster home for killing a litter of newborn puppies, the boy spent his days ''in and

around'' a DCF office. At night he slept on the floor, next to his caseworker.

The child flunked sixth grade twice and had been hospitalized numerous times for threatening to hurt himself and others.

''This is a case of the system failing the child for a multitude of reasons,'' the report states.

The team faulted DCF in the case of another 13-year-old, whose adoptive parents abandoned her. The state could have prevented the failed adoption, the consultants found, but investigators did not act quickly after receiving reports of problems in the home, including harsh discipline and sexual activity between children.

Later, the girl kicked a teacher and hit a Department of Juvenile Justice worker, sending her to a St. Petersburg delinquency program two hours from her hometown of Ocala.

No relatives visit her, ''nor do any of the people in the system,'' the reviewers wrote. ''She seems to be a child who is 'out of sight, out of mind.'''

LAWYER SEES PROBLEMS

Richard Komando, a Fort Lauderdale lawyer who represents about 90 children in DCF care, said he routinely encounters problems the consultants identified, including poor communication, too few foster homes and decisions driven by money.

''It's rare when I see a kid where everything's going right,'' he said.

Indeed, the experts found little going right for a 10-year-old Brevard County boy. In his first two years in care, DCF moved him 12 times.

His father, a convicted sex offender, committed suicide. The department, despite warnings, planned to return the boy to his mentally ill mother. ''The mother is presently living with a friend or in her car. No one is certain,'' the report states.

The boy should have been in fifth grade but was functioning on a first-grade level. A therapist thought he could not read, yet DCF ''had no contact with the school regarding his progress,'' the report states.

''The child's remaining in one home since May 2000 after a history of instability is the only mark of progress,'' the consultants wrote. ''There is inadequate knowledge of this case, its history and its future by DCF.''

WISCONSIN STATE JOURNAL

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the Wisconsin State Journal, which was founded in Madison, Wisconsin 150 years ago in 1852.

The daily Wisconsin State Journal, which we celebrate today, evolved from an afternoon weekly called The Madison Express. The Madison Express covered stories directly related to a young and isolated frontier town, Madison, at a time when area wolves decimating local pig populations dominated the early paper's headlines. It was a dedication to providing exemplary local coverage that ensured the survival of the weekly edition and eventually led to a broader daily newspaper that connected a developing, city with the world. Through the years, both The Madison Express and then the Wisconsin State Journal were able to survive the competition of over 80 competing local newspapers.

Today, the Wisconsin State Journal is a thriving metropolitan newspaper that maintains a balanced focus on both the wider world and the local developments of the Madison area and Wisconsin. The newspaper currently has a circulation of over 110,000 households in a territory spanning 17 counties. In recognition of its quality, the Wisconsin State Journal has received an impressive seven Lee Awards for excellence in journalism and five Inland Press Awards for community service and public affairs reporting.

The newspaper has shown its commitment to the area through its community involvement. The Wisconsin State Journal originally conceived and now leads the Schools of Hope project, a broad, community-driven program that has helped improve the reading scores of area students.

Congratulations on 150 great years.

RECOGNIZING CONTRIBUTIONS OF HISPANIC-SERVING INSTITUTIONS

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. DIAZ-BALART. Mr. Speaker, investing in a sound education is one of the most important things that we can do to give a child the tools to get ahead in life. I am proud to have been an original cosponsor of H. Res. 561 Recognizing the Contributions of Hispanic-Serving Institutions. These institutions of higher learning are an integral part of America's commitment to quality education for all Americans.

South Florida students, in particular, have benefitted from the academic excellence ''Hispanic-serving institutions'' (HSI) strive to provide to their students. We are talking about schools, in which student enrollment must is at least 25 percent Hispanic, with at least 50 percent of these Hispanic students from low-income families. While comprising only 5 percent of all institutions of postsecondary education, Hispanic-serving institutions enroll 49 percent of Hispanic-American students. These institutions have devoted themselves to ensure that these underrepresented students receive the same opportunities and quality of learning as their peers who come from higher socio-economic backgrounds, and for that these schools deserve every praise.

Most recently, on September 3, 2002, the U.S. Department of Education awarded two grants totaling more than $3 million to Florida International University (FIU) for programs to expand the University's capacity to serve Hispanic and low-income students and provide pre-collegiate opportunities for students from disadvantaged backgrounds. I am proud that FIU is a part of the South Florida community. It has proven through its long and distinguished history as an HSI, that administering programs effectively addressing the educational needs of underrepresented and underserved students, leads to these students becoming positive contributors to our society.

There is an ever-growing number of postsecondary institutions that are striving to serve our nation's Latino population. Throughout the nation more and more institutions of higher education are reaching out to and enrolling an increasing proportion of Spanish-speaking students. According to the U.S. Department of Education, the enrollment of Hispanic American students in college is growing twice as quickly as college enrollments in general. Many of these students are learning English as a second language, and come from families where Spanish is primarily spoken. These institutions provide a comfortable and nurturing setting in which to acclimate primarily Spanish-speaking students with their English-speaking peers. Therein, all students from various backgrounds can further develop their academic skills.

I commend HSIs for the opportunities they provide to Hispanic students and also to low-income students. I also commend their graduate and professional programs which are designed to improve and expand graduate and professional opportunities for Hispanic students and other students.

Today's students are our country's future and, therefore, our investment in a sound educational system is crucial.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable scheduling conflict, I was not present for rollcall vote No. 438, on Thursday October 3. Had I been present, I would have voted ''no''.

TRIBUTE TO BEN GILMAN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute and honor to my good friend and colleague, Chairman BEN GILMAN.

Mr. GILMAN has served 30 distinguished years to the people of the 20th Congressional District of New York. I have only had the opportunity to work with Chairman GILMAN for four years, but they have been insightful and meaningful ones.

Chairman GILMAN has always been known for his influential backing of key social reforms. His instrumental role in securing fair human rights practices in the former Soviet Union has been felt and has contributed to the proliferation of American values of democracy and equality worldwide.

As Chairman of the Committee on International Relations, Mr. GILMAN handled challenging and difficult situations with sensitivity and in a most diplomatic manner. Chairman GILMAN has also been an example of what it means to be truly committed to supporting the State of Israel and the Jewish people. His instrumental involvement in peace and reconciliation in Israel as well as in Ireland has secured him a special place in the history of American foreign affairs.

Chairman GILMAN never hesitated to share with me the outstanding wisdom and knowledge he possesses. His years in the House have been filled with dignity and grace, friendship, loyalty, honesty and integrity. Mr. GILMAN's decision to retire from the House will

surely deprive us of a strong and effective leader.

He will sorely be missed in Congress, by the voters in the 20th district of New York, and by his colleagues and his friends.

I wish Chairman GILMAN all the best in this new stage of life, and continued health and success for many years to come.

TECHNICAL CORRECTIONS TO COMMUNITY RENEWAL ACT

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, America's strength rests in its communities. It is for this reason that the American Community Renewal Act of 2000 was such important legislation. With the President's signature this bill became law, and our nation embarked on a course to help poverty-stricken communities change their circumstances. By creating an environment where private investment can flourish, this Act promotes job creation and a revitalization of community through the efforts of people who are given a chance and seize it.

The legislation I introduce today moves us further down the path of strengthening our communities. This year the Administration awarded Renewal Community and Empowerment Zone designations to 49 new communities across the nation, including an Empowerment Zone in Oklahoma City, Oklahoma.

A challenge facing 3 of these new Empowerment Zones, Oklahoma City, OK; Pulaski County, AR; Yonkers, NY, is a legacy provision from previous Empowerment Zone rounds requiring that any census tracts included in an Empowerment Zone that are also contained within a defined Central Business District have a minimum poverty threshold of 35 percent. This bill lowers that requirement to 25 percent. The rationale for the change is that Round 3 Empowerment Zones, unlike Rounds I and 2, rely completely on a host of incentives, such as tax credits, to encourage local businesses to create jobs, and that this job growth should not be hindered.

The bill also modifies the boundaries of the Oklahoma City Empowerment Zone to include an abutting, small neighborhood in need of revitalization.

TRIBUTE TO LAZARO MARTINEZ

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to memorialize Mr. Lazaro Martinez, who lived in Trinidad, Colorado. After serving as a volunteer with the Fisher's Peak Fire Protection District for 10 years, Mr. Lazaro passed away after suffering from a heart attack while participating in live burn training. Last night, Mr. Martinez was honored at the National Fallen Firefighters Memorial Ceremony in Washington, D.C.

At the age of 70, Mr. Martinez took advantage of every opportunity to serve others. In addition to his work with the fire department, he was committed to public service. Lazaro taught English as a second language to immigrants, worked with troubled youth, and served on the board of the local American Red Cross.

Lazaro Martinez was a man who cared about his community and was willing to risk his life to help those in need. On July 28, 2001, Trinidad lost an exemplary citizen who, like all fallen firefighters, should be remembered with dignity for his courage and selflessness.

A resident of Colorado's Fourth District, Lazaro Martinez was a great American. I ask the House of Representatives to join me in paying tribute to his memory.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2001

Mr. ENGEL. Mr. Speaker, I rise to honor the memory of our colleague, PATSY MINK. I was extremely saddened by the news of her death this weekend. Yet I am comforted by the fact that her story will serve to inspire young men and women all over the nation to serve their country.

PATSY's life was one of constantly overcoming barriers. As a student at the University of Nebraska, PATSY worked to end the policy of housing desegregation. PATSY wanted to be a medical doctor but was prevented from doing so because medical schools did not, at that time, accept women. She then applied to law school, graduated from the University of Chicago, only to be blocked from getting a job as a lawyer because of her gender. Never allowing barriers to stand in her way, PATSY started her own law practice in Hawaii.

As a member of Congress, PATSY worked tirelessly to fight for civil rights, our nation's children, the environment, and equal opportunity. Furthermore, as a member of the House Education and Workforce Committee she led the fight for Title IX which mandated gender equality in any education program or activity receiving federal financial assistance. Today's great female athletes, such as Mia Hamm, owe their success in part to PATSY. I am thankful that I had the opportunity to serve with someone who fought so indefatigably for economic and social justice for all Americans.

I am proud to have called PATSY MINK a friend and a colleague. She will be sorely missed.

TRIBUTE TO JEAN AND KEITH KELLOGG II UPON THE CALIFORNIA STATE UNIVERSITY BOARD OF TRUSTEES' APPROVAL TO NAME THE CALIFORNIA STATE UNIVERSITY AT SAN MARCOS LIBRARY ''THE KELLOGG LIBRARY''

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. CUNNINGHAM. Mr. Speaker, I rise today to honor Jean and Keith Kellogg II upon the California State University Board of Trustees' approval to name the California State University at San Marcos Library ''The Kellogg Library'' in September, 2002.

For more than 50 years, the Kellogg family has been associated with the California State University, first at Pomona and more recently, at San Marcos. They beautifully express their belief in the value of education on a tile at Cal State San Marcos celebrating its first ten years. Keith Kellogg wrote for his tile: ''Education is a window of life, through which you find opportunity, success, and happiness.''

The Kelloggs have taken their love of beauty, learning, and industry, and transferred it to the faces of the students who will go on to find opportunity, success, and happiness, thanks to the generosity of this fine couple.

Jean and Keith Kellogg II became interested in Cal State San Marcos early in its development with a $24,000 gift for discretionary uses in 1992. A year later, they initiated the Keith and Jean Kellogg Scholarship Fund, which now serves as a window of opportunity, success and happiness for many fine students entering Cal State San Marcos. Mrs. Kellogg takes an active interest in the selection of these scholars, and has held dinners with past recipients to see how they are progressing in their goals and successes.

Mr. Kellogg, an avid golfer since playing as part of his college team, underwrote the establishment of the Cal State San Marcos golf team, and continues to enjoy learning how ''his'' teams are doing, competitively.

Perhaps the most central window the Kelloggs have opened for the future of North San Diego County has been in their steady and critical support for its university's library. In 1997, Jean and Keith Kellogg made a gift of $1 million to begin architectural plans for the University Library. This early gift made it possible for the campus to qualify for state bond funding. The 1998 election in California included a bond issue for construction of the $48 million, 200,000 square foot building. This will be the signature building for the campus, standing five stories and anchoring the University's central pedestrian mall. The library will house up to 840,000 volumes and provide study areas for more than 1,500 students. Since then, the Kelloggs have made an additional gift of $500,000 to complete planning documents and ensure the construction of the library would proceed on schedule. In 2001, the Kelloggs donated another one million dollars to the university, of which $550,000 was used to fund the Reading Room and adjacent terraces. Construction for the Library broke ground in the spring of 2002 with both of the Kelloggs in attendance at the groundbreaking ceremony.

Beyond the campus boundaries, the couple is part of the philanthropic and civic life of North San Diego County, where they make their home in Rancho Santa Fe. Although heir to the famous cereal maker, Mr. Kellogg made his own fortune in the paper products business.

Mrs. Kellogg is a long time civic volunteer and friend of higher education. She is active in the Rancho Santa Fe Library Guild, and serves as a member of the Scripps Research Institute of Medicine and Science Foundation Board.

The couple received the first President's Distinguished Service Awards at commencement in 1998—when they also received a standing ovation from the assembled students for their dedication in helping establish a permanent library at Cal State San Marcos.

Universities are built by people. Given the centrality of the Library to the academic enterprise, and the centrality of the Kellogg's role in developing the campus, the approval by the Trustees to name it the Kellogg Library is a broad beam of inspiration through the windows these two people have opened to so many in the 51st congressional district.

HUMAN RIGHTS AND SECURITY ISSUES IN THE REPUBLIC OF GEORGIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SMITH of New Jersey. Mr. Speaker, on September 24, the Helsinki Commission held a hearing on democracy, human rights and security in the Republic of Georgia. Despite the progress that country has made in the development of civil society, in the last few years much of the optimism about Georgia's future has dissipated. Last year, a Georgian official devoted a large part of his public address in Washington to refuting the notion—which was being discussed at the time—that Georgia is a ''failed state.'' I reject that characterization, but the hearing offered a good opportunity to discuss the serious problems Georgia does face.

Preeminent among them is systemic, rampant corruption, which has impeded economic reforms and sickened the body politic. Despite lectures from the International Monetary Fund, the World Bank and the U.S. Government, the Georgian Government has proved incapable or unwilling to do what is necessary to stamp out this multidimensional problem—even though President Shevardnadze himself has called corruption a threat to Georgia's security.

There are also grounds for concern about democratization. The last few elections have clearly not met OSCE standards, which raises questions about the important parliamentary election scheduled for 2003, and the 2005 presidential election that will usher in the post-Shevardnadze era in Georgia, with all the attendant uncertainties. Meanwhile, the media and NGOs have been under severe pressure. Last fall, a foolish ploy by the Ministry of Internal Affairs to intimidate Rustavi–2 Television backfired, resulting instead in the fall of the government. While society's response was heartening—thousands of people came out into the streets to defend the station—the attempt to silence one of the country's most popular media outlets indicated that some Georgian officials are still mired in Soviet patterns of thinking.

Especially appalling is the ongoing religious violence in Georgia. Since 1999, there has been a campaign of assaults against members of minority faiths, especially Jehovah's Witnesses, which Georgian authorities have tolerated. Occasionally, policemen have even participated in attacks on defenseless men, women and children who have congregated for the purpose of worship. Attempts to bring the perpetrators to justice have foundered, as throngs of fanatics hijack the trial proceedings. If such travesties are allowed to continue, the country's entire judicial system is at risk of falling victim to mob rule.

Though Jehovah's Witnesses have borne the brunt of this savagery, other religious minorities have suffered as well, including Baptists, Pentecostals and Catholics. Earlier this year, for example, a mob invaded a Baptist warehouse, threw the religious literature outside and burned it. How awful to think that events in Georgia today remind us of Germany in the 1930s!

Georgians have a long tradition of religious tolerance, of which they are rightly proud. It is all the more puzzling, therefore, why religiously-based violence has erupted and continued only in Georgia, of all the post-Soviet states. The leadership of the Helsinki Commission and other Members of the House and Senate have been in correspondence with President Shevardnadze about this disturbing trend. He has assured us that the problem will be corrected and the perpetrators arrested.

Georgia's Ambassador, Levan Mikeladze, testified at the September 24 hearing and suggested that Georgia has so little experience with religious persecution that it has been difficult to cope with its sudden emergence. He too offered assurances that Georgia fully recognizes the gravity of the problem and that legal and practical actions are being taken to ensure there will be no more violent attacks.

Alas, extremists in Georgia must not have been listening. Since the September 24 hearing, more assaults have taken place. The next day, some 15 extremists of the ultra-Orthodox ''Jvari'' organization in Rustavi forcibly entered a private home where Jehovah's Witnesses and their non Witness guests had gathered for Bible study. Two Witnesses and one non-Witness visitor were physically assaulted. On September 26, in the village of Napareuli, masked men with firearms burst into a private home where meetings were underway, beating those in attendance and ransacking the house. Most striking, eyewitnesses claim the attack was led by the village administrator, Mr. Nodar Paradashvili, who beat one of the victims into unconsciousness. In a third incident, on September 29, a mob gathered outside the residence of a Jehovah's Witnesses in Tbilisi. They refused to let others enter the premises where a meeting was to be held, seized Bibles and literature from the group, verbally abusing those arriving for the meeting and assaulting at least one person. In all three cases, police reportedly refused to intervene after learning that the incidents involved attacks on Jehovah's Witnesses—as has often been the case in Georgia.

Mr. Speaker, there may be many explanations for this peculiar phenomenon but there can be no excuse for state toleration of such barbarity. It must end, and it must end now.

Though such attacks have been one reason for Georgia's prominence in the news lately, more attention has been focused on Moscow's campaign of intimidation against Georgia. Russia has been leaning on pro-Western, strategically-located Georgia for years, but the temperature has in the last few weeks approached the boiling point. President Putin's request for United Nations backing for Russian military action against Georgia was not any less objectionable for having been anticipated.

I have been watching with growing alarm as Russia ratchets up the pressure on its small neighbor. Georgian parliamentarians on September 12 unanimously approved an appeal to the United Nations, the OSCE, the European Union, the Council of Europe, and NATO for protection from anticipated Russian military aggression. Georgian lawmakers should know that their American colleagues have heard their appeal and stand with them. While we are cooperating with Russia in the war against terrorism, we have in no way given Moscow leave to attack Georgia, nor will we do so.

The United States is now more than ever directly engaged in the Caucasus and is stepping up military cooperation with the region's governments, especially Georgia. While we have many issues of concern to raise with Georgia's Government, when it comes to Georgia's sovereignty and territorial integrity, there is no more ardent supporter than the United States. That has been the case for the last ten years, and it will be the case in the future as well.

INTRODUCTION OF WYANDOTTE NATION LAND CLAIMS SETTLEMENT LEGISLATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MOORE. Mr. Speaker, I rise today to introduce legislation that will settle certain land claims of the Wyandotte Nation, an Indian tribe with longstanding roots in the Third Congressional District of Kansas.

I have been joined as an original cosponsor of this measure by Representative DON YOUNG of Alaska, the chairman of the House Transportation and Infrastructure Committee. As the former chairman of the House Resources Committee, Mr. YOUNG has a longstanding record of actively addressing the concerns of Indian Nations across the United States and I am proud to have his name on this legislation.

This measure will resolve all land claims the Wyandotte Nation has in Wyandotte County, Kansas, established pursuant to an agreement between the Wyandotte Nation and the Delaware Nation dated December 14, 1843, which was ratified by the United States Senate on July 25, 1848.

The Wyandotte Nation's land claims in the Third Congressional District, which are now the subject of litigation in Kansas federal district court, cloud the title on 4,080 parcels of land valued at a total of $1.9 billion for tax purposes. Approximately 40 percent of the property tax base in Kansas City, Kansas, is affected by the claim, as are 1,300 landowners.

This bill will permanently settle the claims of the Wyandotte Nation and remove all clouds

on title affecting Kansas City landowners. Under the legislation, the Secretary of the Interior would take into trust for the benefit of the Wyandotte Nation a parcel of real property located in Edwardsville, Wyandotte County, Kansas. Concurrently, the Wyandotte Nation would relinquish all claims to lands in Kansas and would acquiesce to dismissal with prejudice of their lawsuit.

Currently, the Unified Government of Wyandotte County and Kansas City, Kansas, along with the municipal leadership of Edwardsville, is negotiating a legally binding Memorandum of Understanding with the Wyandotte Nation regarding the operation of any gaming facility that the Wyandotte Nation may establish on its settlement lands under this measure. The Mayor and Commissioners of the Unified Government support my introduction of this legislation at this time. I anticipate that these negotiations will reach a satisfactory conclusion within a few weeks; if that does not come to pass, however, I reserve the right to withdraw my support for this proposal if a Memorandum of Understanding is not endorsed by all parties within a reasonable time.

Mr. Speaker, enactment of this legislation will provide significant support to ongoing economic development efforts in my congressional district. In 1996, a nonbinding, countywide referendum registered an endorsement of nearly 80 percent for legalized gaming in Wyandotte County. For this reason, past measures I have introduced to assist the Wyandotte Nation's efforts to bring gaming to Wyandotte County have had broad support among my constituents, including local elected officials, consumers, labor organizations and the business community.

I hope that all members of the Kansas congressional delegation and Governor Bill Graves will join me in supporting this important proposal, so that we can see it signed into law prior to the adjournment of the 107th Congress.

PROVIDING A PRELIMINARY AUTHORIZATION FOR THE USE OF FORCE AGAINST IRAQ

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. UDALL of Colorado. Mr. Speaker, in the last few weeks since the president's speech to the United Nations, I have taken time to listen to Coloradans and to discuss with military leaders and other experienced voices the threat posed by Iraq. This has been a difficult, even soul-searching time for all Americans, and I have taken my responsibility very seriously because I deeply believe that this vote will be among the most important I cast in Congress.

The U.S. Constitution assigns the power to declare war to the Congress, and if we are on the path to war, I believe this Congress has the grave responsibility to join with the president in determining whether this path will be short or long, who will be on that path with us, and ultimately what kind of war we intend to wage.

After deep reflection and after listening to those whose experience and judgment in matters of war and peace I respect most, particularly those in the military, I have come to these conclusions about the path to war:

We should only go to war as a last resort and after all diplomatic efforts have been exhausted, and I take some comfort that President Bush apparently agrees with this view.

Unless there is new evidence that Saddam Hussein poses an imminent threat to our national security, I believe we should only go to war against Iraq as part of a broad international coalition authorized by the United Nations.

America can go it alone, and should go it alone where we believe an attack is imminent, but that is not the case with Iraq. In this case, I believe we need the United Nations with us—not so much to win the war and topple Saddam Hussein, but to secure the peace and take responsibility for the costly and difficult nation-building that must follow.

Some say that after 9–11 we cannot afford not to attack Iraq on our own. I say that after 9–11 we should only attack in concert with the international community. Why? Because a preemptive, go-it-alone attack could seriously compromise our efforts to combat global terrorism, particularly in the Islamic world.

Saddam Hussein is a dangerous tyrant and I fully support the goal of disarming him. I have no illusions about the duplicity of this man nor the depth of his cruelty. The world would be safer and breathe easier if he were removed.

Getting the job done and doing it in a way that protects American interests, American values, and American lives is what concerns me most. Moreover, I believe that ridding the world of Saddam Hussein is only part of the job we face. We have to remove Saddam Hussein's threat in the context of other security goals, including winning our war against terrorism and Islamic fundamentalist terrorism in particular.

I have indicated that I cannot support the Congressional Resolution on Iraq that has been reported by the International Relations Committee. This resolution would not meet what I believe to be the solemn responsibility of Congress to declare, authorize, and define war, particularly on a full-scale, preemptive basis.

The current resolution concerns me most because it shortens the path to war. Worse, it vests total discretion with the president to determine how fast we run this path. This path to war is far too complicated and the consequences far too dangerous for Congress to delegate this responsibility to one man.

I believe this path to war should be slower-paced and involve more check-points—check points that include the participation by Congress.

These are the check-points I think should mark any path to war with Iraq:

1. We must secure a tough new resolution from the United Nations Security Council that establishes a timetable for the destruction of Saddam Hussein's arsenal of weapons of mass destruction. This will strengthen the president's hand.

2. If we secure the full support of the United Nations, I believe the UN must join us in deploying a robust and even coercive inspection and disarmament program against Iraq, backed up by a multinational force that America would lead.

3. If we fail to secure the support of the United Nations and unfettered inspections are not begun, I believe we must cripple Saddam Hussein's ability to acquire and deploy weapons of mass destruction. At that juncture, military force may indeed be necessary as a last resort. But before America launches a massive operation of the kind we saw in the 1991 Gulf War, however, I believe the president should come to Congress to ask for a separate authorization of war.

Congress needs to know whether the United Nations is with us or on the sidelines before we launch a military invasion of Iraq on our own. Not having this information beforehand, with all of the implications it poses for our global war on terror and the consequences for our security in the region, is simply irresponsible in my view.

More important, Congress needs to share responsibility for the decision to go to war on this scale. We cannot simply wish the president the best and wash our hands of the awesome responsibility to send thousands of American men and women to war.

The last time we did so, in 1964, when Congress passed the Gulf of Tonkin Resolution, my father was serving in Congress. The Gulf of Tonkin Resolution, like the one we are now debating, was designed to strengthen the president's hand in dealing with an international crisis. It led to the eventual deployment of 500,000 American soldiers in Vietnam, and the deaths of 55,000 American servicemen and women. My father came to regret his support for that resolution when it became clear that it was being used as a substitute for the Constitutional responsibility of Congress to declare war.

My father was an early and outspoken critic of that war, and I know he came to believe that Congress made a terrible mistake when it passed the Gulf of Tonkin Resolution. Let not this Congress, a generation later make a similar and tragic mistake.

The resolution I am offering specifies key questions that should be answered before we send thousands of American soldiers into harm's way. It would also establish the legitimacy of American military action as a last resort because we would have clearly exhausted all other means to eliminate Iraq's weapons of mass destruction. Finally, it would preserve the Constitutional responsibility of the Congress to declare war.

The resolution I offer today is intended to avoid the mistakes of the past, while still allowing us to accomplish the important task of ridding the world of the dangers posed by Iraq under Saddam Hussein.

RECOGNITION OF JAMEEL HOURANI

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. ISSA. Mr. Speaker, I rise today to recognize Dr. Jameel Hourani of Los Angeles, California. On October 16, St. Nicholas Antiochian Orthodox Christian Cathedral will honor Jameel Hourani as its ''Man of the Year.'' I would like to join the Orthodox Union Club in publicly recognizing this outstanding person.

In 1988, Dr. Jameel Hourani was elected the President of the Parish Council at Saint

Nicholas Cathedral in Los Angeles. During his five years of service he had oversight responsibilities on many committees and activities. Jameel was instrumental in the refurbishment of the exterior of the cathedral, the celebration of the visit of Patriarch Ignacious IV in 1999, the organization of the 50th Anniversary of the cathedral in 2000 and host to the Antiochian Convention held in Los Angeles in 2001.

Dr. Hourani is a Board Certified Physician in Internal Medicine, Pulmonary Medicine and Critical Care Medicine. He is also a member of the American College of Physicians, the American College of Chest Physicians, the American Medical Association, the American Osteopathic Association and the American Thoracic Society.

He has established his credentials through many years of Service. Jameel is credited with numerous articles, lectures and participated in over 24 clinical research studies in the last five years. Dr. Hourani's expertise has extended internationally as he participated in the first kidney transplant in Morocco. In the United States Dr. Hourani has been inducted into the Honorable Order of Kentucky Colonels by the Governor of Kentucky for his relief work in the flood-ravaged area in the late 1980's.

Mr. Speaker, I would like to personally thank Dr. Hourani for his service to both the community and the cathedral. Jameel Hourani is a dedicated man of his community and I wish him the best of luck in the future.

CONGRATULATING 3M FOR 100 YEARS OF INNOVATION

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SMITH of Texas. Mr. Speaker, for the past century 3M has been a leader of innovative products. The company's achievements in technology, medicine and safety, have improved lives around the world.

In 1925, a young researcher by the name of Dick Drew, acting on his own initiative, developed the Scotch Tape Product line.

In 1937, the first traffic sign of 3M Scotchlite Reflective Sheeting went up in Minneapolis. In addition, the first electrical tape with vinyl plastic backing was introduced and Scotch Magnetic Tape (which was later designed to use in the first recording of television pictures) was introduced.

Other innovative ideas include Scotch Magic Transparent Tape, Tartan Track (the first synthetic running track), and the introduction of Dry Silver technology.

As the decades went by, the success of 3M only increased with the discovery of medical x-ray film, fire barrier sealant, and the introduction of the 3M Pollution Prevention Pays.

In 1985, the first successful optical disk for information storage, video, and audio reproduction was implemented.

A few years later, 3M Fibrlok Fiber Optics Splices reduced splicing time drastically. And the first commercial automatic book check-out systems for libraries, known as the 3M Self-Check Automated Library System, was introduced.

In closing, I commend the employees at 3M's Austin, Texas, facility, which is in the new 21st Congressional District. Their work has contributed much to America's technological innovations and to Austin's economy.

TRIBUTE TO BENJAMIN GILMAN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to congratulate a dear friend, colleague, and fellow New Yorker, Congressman BENJAMIN GILMAN, on a successful 30 years of leadership. Let me begin by personally thanking him. For his vision, for his forceful leadership, for his compassion under the most challenging circumstances, and for his tireless dedication to the state of New York.

Together Congressman GILMAN and I teamed up to introduce our bipartisan bill, H.R. 253, the ''Tax Relief for Families with Children Act.'' It was a pleasure to be able to work with him and to put partisanship aside to create a bill that would benefit families in New York and nationwide.

In his tenure in Congress he has fought endlessly to support legislation that will improve the quality of education received by all children in our country. He has also introduced legislation to help fight the increase in juvenile violence and has been a longtime advocate of foreign aid programs to reduce hunger and support family planning.

The House of Representatives is losing a great force by the departure of Congressman GILMAN. I appreciate all that he has done for the state of New York and the nation as a whole and wish him the best of luck with his retirement.

TRIBUTE TO BENJAMIN GILMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. TOWNS. Mr. Speaker, I am saddened by the action that we take here this afternoon, honoring one of the house's greatest gentlemen, BENJAMIN GILMAN, upon his retirement after 15 terms in Congress.

BEN has been a friend and supporter of many of us on the other side of the aisle. His compassion for serving others is legendary. Whether it was fighting for the creation of the select committee on hunger or freeing political prisoners in Cuba, BEN was a stalwart in protecting the rights of others. He brought that same concern for others to his role as the ranking member of the House Post Office and Civil Service Committee from 1989 to 1993 which had oversight over civil service and postal employees. BEN has continued to be a voice of reason on the successor to this committee, the House Government Reform Committee. Having traveled with him on several anti-drug Codels, I know how committed he has been not only in fighting drug trafficking but also in working for the resources necessary to assist those affected by drug abuse.

For his entire congressional career, BEN was known as someone from ''upstate New York''. Within the New York delegation, that simply means that BEN is not from New York city. While he may not hail from ''the big apple'', he is one of ''New York's finest'' and it has been an honor and a pleasure for me to serve with him and to call him my friend. BEN, please know that you will be sorely missed even by those of us who are not from your side of the aisle or from upstate New York. I can only wish you well and to thank for your years of service to the people of New York and this nation.

IN HONOR OF JAMES CHAPIN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. GILMAN. Mr. Speaker, my colleagues, and friends, it is with deep sorrow that I address our distinguished body today to announce the passing of a devout patriot, committed citizen of the world and a good friend, James Chapin.

Jim was exceptionally brilliant. His political mind and his strong character impacted on our local, national and international community. A long time political advisor, James Chapin was involved in many endeavors. In addition to his work in politics, he earned a doctorate in history from Cornell University and went on to teach at Yale and Rutgers. Since 2000 he worked for the United International Press and sat on the board of the Queen's Public Library for over 22 years.

In the 1970's the problems of world hunger and malnutrition was bought to my attention by Harry Chapin, the late brother of James. As a result I became involved in bringing this issue to the international political forum and eventually, I served on the Select Committee for World Hunger. It was during that time that my longstanding, relationships with both Harry and Jim Chapin took root.

It was in his capacity as Chairman of the World Hunger Foundation, that I personally remember Jim best. As a true citizen of the world, he took his role as Chairman seriously throughout his tenure in that position. He was instrumental in the fight for social justice and human rights. His contributions in that arena were truly inspiring and we shall long remember him as a true patriot and a generous man.

My wife, Georgia, and I are deeply saddened by his passing. Along with his many friends in the House of Representatives, in New York and around the World, we extend our deepest condolences to his mother Elspeth, his wife, Diana, his two brothers, Tom and Steve and his two sons, James and David.

God Bless you, Jim and may you rest in peace recognizing your many contributions to our way of life.

We thank you for your companionship.

IN HONOR OF MR. HARRY MAITLAND, JR.

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor a special individual in my community who recently passed away.

Mr. Harry Maitland, Jr., 76, of Middletown, Pennsylvania, was a celebrated police reporter and editor for my hometown newspaper, the Delaware County Daily Times. Mr. Maitland's 52 years on staff at the Daily Times was the longest in the newspaper's 126-year history.

Mr. Maitland was born in Chester and was a resident of Aston, Pennsylvania until moving to Middletown 48 years ago. A 1944 graduate of Chester High School, he attended the Pennsylvania Military College, now known as Widner University.

Mr. Maitland was only a sophomore when his long run at the Daily Times began. Starting his career as a sports correspondent, he was hired full-time in 1950 where he worked in a variety of positions. During World War II, Harry served in the communications section of the Air Force during the occupation of Germany. Drawing on his experiences in the military, Harry was put in charge of interviewing and writing stories of local Vietnam War survivors. A veteran and active member of the American Legion Post 926, he always maintained a special place in his heart for veterans. Harry was the author of a column called ''In the Military'' for many years.

Although writing about the hardships of war was not always a pleasant aspect of his life, war did provide him the opportunity to meet his wife, Ilse. During his military service in Germany, Mr. Maitland was stationed near Wiesbaden in January 1946 when he rescued a young German woman from under a tree during a heavy rainstorm. Out of touch for seven years after the incident, Harry found her again by writing to several newspapers in Wiesbaden. He flew back to Germany and married her. A devoted husband, 40 years later he could be heard ending phone conversations with her with a kiss into the phone.

Mr. Maitland was a decorated reporter and writer. He received a first place award for local government news writing in the 1972 statewide Keystone Press contest for his story on former Special County Prosecutor Richard A. Sprague's raid on county Republican headquarters. He was also honored by the Fraternal Order of Police and the Philadelphia Citizens Crime Commission, which recognized him for outstanding police reporting. Finally, in 1985, the Delaware County Police Chiefs Association named him Citizen of the Year.

Mr. Maitland also served his community as a fireman. He was one of the first junior members of the Green Ridge Fire Co. in Aston. In 1990, I presented Mr. Maitland with a special award from the Delaware County Firemen's Association.

Mr. Speaker, I call on my colleagues to recognize the life of a good and honorable man. Harry Maitland, respected and admired by his colleagues and his readers was described by one of his co-workers as a ''reporter's reporter''. Mr. Speaker, Delaware County is a better place thanks to the life and contributions of men like Harry Maitland.

IN RECOGNITION OF THE CLEAN AIR COMMUNITIES PROJECT PARTNERS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to The Clean Air Communities Project Partners for their commitment to implementing technologies that will ensure that the air that we breathe is cleaner.

In 1999, Clean Air Communities was created by Natural Resources Defense Council, Northeast States Clean Air Foundation, Northeast States for Coordinated Air Use Management, Con Edison, and New York State Department of Environmental Conservation to promote clean energy strategies and to reduce pollution.

On October 7, 2002, this coalition of private and public partners announced the launch of New York City's largest commercial solar electric system in Brooklyn, New York. Clean Air Communities, New York State Energy Research & Development Authority, Greenpoint Manufacturing and Design Center, and PowerLight joined together to fund this exciting new project which will generate and store electricity while reducing the demand on New York's power grid.

In bringing together public and private partners around projects like this, Clean Air Communities continues to demonstrate that these collaborative partnerships work: to achieve better air quality; to increase our energy security and independence; and to provide real alternatives to the communities most in need in our city.

The solar panel array will convert sunlight directly into electricity, thereby generating clean electrical power. By relying on solar energy, some of the harmful emissions that pollute the air and cause health problems will be eliminated.

I believe that it is critical that we invest our resources in developing new technologies to expand the possible uses of renewable energy. We know far too well the dangers that climate changes can pose to the global environment. By utilizing renewable energies, we can help to reverse the negative effects that decades of reliance on fossil fuels have caused. Moreover, renewable energies will help to accommodate the growing demand that the increasing world population places upon the environment.

I commend Clean Air Communities for advancing air quality, renewable energy alternatives, and environmental justice in New York and applaud their efforts in creating model initiatives such as this.

TRIBUTE TO JACQUELINE ESMEIJER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today during National Disability Employment Awareness Month to honor Jacqueline Esmeijer of Santa Rosa, California. Born 27 years ago with cerebral palsy, Jackie has demonstrated throughout her life that the condition does not define who she is or what she can do.

Jackie recently completed a video, ''Positively Enabled,'' that conveys just this message. A student at Santa Rosa Junior College, Jackie made the film as a psychology project. It shows the normal life that she leads and her many accomplishments at school including founding Tech Savvy, a club that takes students behind the scenes of Telecom Valley companies. She also served as vice-president of the Petaluma Campus Council. She plans to produce a series focusing on how someone with a different physical or mental challenge can change preconceptions.

In Jackie's words, her life and her video make a statement that ''people with disabilities accomplish much more than is often seen and deserve credit for doing so.''

Mr. Speaker, President Bush has designated October National Employment Disability Awareness Month. It is with great pride that I salute Jacqueline Esmeijer during this time for showing us all that disabilities are only challenges and not the essence of a human being.

RECOGNIZING THREE GEORGIA SCHOOLS AS STATE CHAMPIONS OF THE PRESIDENT'S CHALLENGE PHYSICAL ACTIVITY AND FITNESS AWARDS PROGRAM

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to congratulate Allatoona Elementary School of Acworth, GA, Athens Academy, of Athens, GA, and New Testament Christian Academy of Stockbridge, GA, on being named a ''State Champion'' by the President's Council on Physical Fitness and Sports. These schools were selected based on their high achievements in the President's Challenge Physical Activity and Fitness Awards Program.

Available to all schools around the country since 1958, the President's Challenge Physical Fitness offers recognition and awards for fitness to all participating students. The State Champion award is presented each year to schools with the greatest number of students scoring at or above the 85th percentile on the President's Challenge. In each state, three State Champions are chosen based on total enrollment.

It is my pleasure to honor these schools today in their attempt to battle a national health crisis among our Nation's youth. Mr. Speaker, please join me in promoting health to the young people of the United States by further stressing the importance of greater physical fitness. Again, I would like to commend these schools for accepting the President's challenge and helping create a healthier nation.

CHILDREN'S NETWORK OF SOLANO COUNTY CELEBRATES 20TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, we rise today to invite our colleagues to join us in recognizing the Children's Network of Solano County as it celebrates its 20th anniversary.

Since its inception in 1982, the Children's Network has worked to improve the lives of children in Solano County. Once an organization that focused primarily on low-income and

foster children, the Children's Network has evolved into the leading voice for all young people in Solano County. It is the convener of California's first and among its most effective inter-agency coordinating councils dedicated to improving the lives of children.

The Children's Network works to educate people in Solano County about the needs of children and to bring together those who can help achieve the best outcomes for kids. In promoting the health, education, and well-being of all children in the county, the Children's Network conducts and disseminates research, offers training, administers grants, coordinates county agencies, advocates for policy changes at all levels of government, and works to improve the efficiency and effectiveness of county services for children and families.

The Children's Network partners with a variety of private and public organizations to improve the lives of local children. Through contracts with Solano County, the Children's Network also provides staff support—such as budget development, research, training and administrative support—for three councils appointed by the Board of Supervisors (Children's Network Council, Child Abuse Prevention Council, and the Child Care Planning Council), as well as for a network of the county's Family Resource Centers.

Accomplishments of the Children's Network include:

Developed and helped foster successful passage of a California state law permitting funding for ''family preservation,'' which provides support and allows appropriate families to stay together in cases where children might otherwise be placed in foster care.

Provided the leadership to establish the Solano County Children's Trust Fund, which raises more than $100,000 annually for child abuse prevention services in Solano County.

Worked to create a system of Family Resource Centers, which provide family support services in every city in the county for more than 4,000 at-risk families each year.

Advocated successfully for the county to maintain and increase the amount of money available for child care for families in the state's welfare-to-work program, who today receive more than $8 million annually in child care subsidies.

Persuaded the County Board of Supervisors and all seven local city councils to adopt a set of Policy Principles that provide a framework for successful delivery of children's services.

Convinced the Board of Supervisors to adopt the goal of improving the lives of children as its top priority for 2001-2003.

Provided child development training and/or stipends to more than 400 early education professionals to support high quality child care in the first year of the Compensation and Retention Encourage Stability (CARES) program.

Helped develop and coordinate the Integrated Family Support Initiative, a home-visiting program that allowed for nearly 1,000 visits to isolated, at-risk families in its first year, 2001.

Raised awareness of children's needs through publication of The Children's Budget and The Children's Report Card, which drew attention to state and federal funding shortfalls that affect local families and provided data for grant proposals, thereby increasing funds for local children's services.

Organized an annual Child Abuse Prevention Conference that has provided high-caliber training to approximately 900 government officials, parents, service providers and community members for each of the last four years.

Current activities of the Children's Network include:

Researching and publishing The Children's Budget, a series examining how government funding for children is allocated and spent in Solano County, and The Children's Report Card, a compilation of data about the county's successes, challenges, and progress in serving children.

Involving parents and community members in forums to discuss what can be done to improve the lives of children.

Established a strong child advocacy and fund-raising presence in Solano County as the action arm of the first children's inter-agency coordinating councils in the state.

Seeking creative budget strategies in partnership with county agencies to achieve better, more efficient, and more effective investments in services for children and families.

Encouraging officials at the local and state levels to consider the needs of children in policy decisions.

Administering the county's program to provide stipends and child development training for child care professionals.

Coordinating a home-visiting program present in all Family Resource Centers to provide family support countywide.

Mr. Speaker, we know we speak for all the members of the House of Representatives when we congratulate the Children's Network for twenty years of effective advocacy on behalf of children in Solano County.

TRIBUTE TO THE TIBBITS OPERA HOUSE OF JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. SMITH of Michigan. Mr. Speaker, it is with great pride that I rise to recognize the Tibbits Opera House, in Coldwater, MI, which celebrated its 120th anniversary on September 21, 2002. Having opened in 1882, the Tibbits is one of Michigan's oldest theaters. Built for a cost of $25,000, the Tibbits was one of the finest opera houses of its day.

Through the years, the Tibbits has provided the residents of Michigan's seventh district with a wide range of entertainment offerings: hosting operas, plays, wrestling matches, silent pictures and movies. Famous acts like John Phillip Sousa and his band, Guy Lombardo, the Glen Miller Orchestra and Buffalo Bill and his Cowboys all performed on its stage.

Fellow Representatives, I am happy to report that after all this time, the Tibbits is still going strong, thanks to the Tibbits Opera House Foundation and Arts Council, which purchased the theater in 1963. Every year, thousands of people flock to the Tibbits to see plays like Camelot, The Last Night of Ballyhoo, A Connecticut Yankee, and A Grand Night for Singing. In addition, the Tibbits offers programs for children, professional touring musicians, and art exhibitions, and also plays host to a variety of community activities.

The Tibbits is a community landmark and an important piece of our country's rich theatrical heritage. It is a testament to the residents of Coldwater that it has been preserved for 120 years, and continues to thrive.

THE RETIREMENT OF CONGRESSMAN BENJAMIN GILMAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mrs. MALONEY of New York. Mr. Speaker, it is with profound respect and admiration that I bid my good friend, esteemed colleague, and fellow New Yorker, Congressman BENJAMIN GILMAN, farewell as he retires after 30 years of service to the House of Representatives.

Congressman GILMAN has been devoted to public service and helping others his entire life.

From the time he lost family members in the Holocaust, and witnessed persecution by Nazi Germany as a young soldier in World War II, Congressman GILMAN has been unwavering in his commitment to human rights.

He fought for human rights before the fight became popular.

Congressman GILMAN was first recognized for his human rights work in 1978, thanks to his successful efforts to free several prisoners in East Germany, Mozambique, Cuba, and several other nations.

But he didn't stop there.

Two years later he fought for the release of 30 U.S. citizens from the political imprisonment by the Cuban Government.

It is these courageous feats, among countless others, that contributed to the tremendous leadership he provided to the International Relations Committee.

As a ranking minority member on the House Post Office and Civil Service Committee, Congressman GILMAN earned a reputation as a leader and a fighter for safe and equitable workplaces for civil service and postal service employees.

Now the senior Republican on the Government Reform Committee, on which we serve together, I have had the honor of working with him on issues that are not only important to our state, but to the country.

Last year, I proudly worked with the Congressman to fund an environmental study on the potential causes of high breast cancer rates in our state.

Whether it was in Hudson Valley or one of many countries around the world, Congressman GILMAN has never hesitated to help those in need.

Although he may be unsure where his path will now take him, I have no doubt that his determined spirit and renowned kindness will continue to be appreciated by many.

Even though the Congressman and I have always stood on opposite sides of the aisle—we have rarely stood on opposites sides of an issue, most importantly matters that affecting New York—and I am proud to have served with him.

Beloved by both Republicans and Democrats, ''Gentle Ben''—you will be sorely missed by your constituents, by fellow New Yorkers, and by fellow Americans.

IN RECOGNITION OF LAWSUIT ABUSE AWARENESS WEEK: SEPTEMBER 30—OCTOBER 4, 2002

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. EHRLICH. Mr. Speaker, I rise today to recognize Maryland Citizens Against Lawsuit Abuse, MDCALA, and to congratulate them on their efforts to raise public awareness about frivolous litigation and the need for personal responsibility during the recent Lawsuit Abuse Awareness Week.

MDCALA is a nonprofit, nonpartisan, legal watchdog organization dedicated to improving the civil justice system. Over the last 7 years, MDCALA has worked to educate Marylanders about the cost of frivolous litigation. With more than 10,000 supporters statewide, MDCALA emphasizes the negative consequences that lawsuit abuse has on the public.

Maryland is home to many large corporations and family businesses. Yet, the constant fear of lawsuits threatens the economic vitality of our State. Small businesses simply cannot afford one frivolous lawsuit. In order to compensate for potential legal bills, businesses are forced to raise prices to protect their bottom line. Lawsuit abuse, therefore, results in higher prices, increased medical expenses and loss of business growth.

As a former member of the Maryland General Assembly, I worked hard to reform our legal system at the State level. During my tenure in Congress, I have supported efforts with respect to product liability reform, securities litigation reform, and reform of the federal Superfund program. More importantly, I sponsored legislation that has helped reduce, in my view, frivolous class action lawsuits brought against mortgage brokers.

Legal reform is a very complex issue. The legal system must function to provide justice to every American. This does not mean, however, that the status quo is necessarily perfect. When lawsuits and the courts are used in excess or to the detriment of innocent parties, the system should be reviewed and reformed if possible.

For their efforts, let me acknowledge MDCALA Chairman, the Honorable Phillip D. Bissett; Board of Directors—Joseph Brown, Jack Doll, Janna Naylor, Vikki Nelson, Gary Prince, the Honorable Joseph Sachs, Dr. Michael Saylor, and the Honorable Michael Wagner; and Executive Director Nancy H. Hill.

In closing, Mr. Speaker, I remind our citizens that frivolous lawsuits—nationwide—clog our courts and prevent access to legitimate litigation. We must work together to implement common sense reform in order to restore fairness and justice to our legal system. I commend these citizens, and all involved in this worthwhile effort, for their dedication and commitment to public awareness on the serious issues associated with lawsuit abuse.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes No. 442, No. 443 and No. 444. If present I would have voted ''yea.''

I SALUTE TAIWAN ON ITS NATIONAL DAY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. HILLIARD. Mr. Speaker, I wish to congratulate the leaders of Taiwan on their forthcoming National Day. In the last 2 years, President Chen Shui-bian has accomplished a great deal for Taiwan.

In these 2 years, Taiwan has continued to reduce its trade surplus with us and maintained its healthy economic growth. Internally, Taiwan's process of democratization is continuing and has drawn wide praise from Western press.

On Taiwan's National Day, we should recognize Taiwan for what it is—a prosperous democracy, worthy of respect and admiration. I have enjoyed working with Ambassador C.J. Chen and his staff. They have kept me informed of the developments in Taiwan. They are exemplary diplomats.

Happy Birthday to Taiwan.

TRIBUTE TO SAN FRANCISCO NETWORK MINISTRIES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor San Francisco Network Ministries on the occasion of its 30th anniversary. Since its founding in 1972, this group has had a significant impact on the Tenderloin neighborhood of San Francisco, a neighborhood that 25,000 call home and a neighborhood that has been No. 1 in homicides, assaults, drug use, and incidence of HIV.

The mission of SFNM is a true reflection of who they are and of their significance in the Tenderloin: ''San Francisco Network ministries is devoted to the people of the Tenderloin neighborhood with whom they work cooperatively for the empowerment of all, proclaiming good news for the poor and seeking liberty for those who are oppressed. SFNM believes that everyone has been given gifts for the common good, and they seek to draw out and affirm those gifts through personal, face-to-face ministry.''

The work of Network Ministries' focuses on serving the multicultural population of the Tenderloin neighborhood as well as 6,000 frail elderly persons and 4,000 children. Programs include a computer training center, construction of and services to low income apartments, SafeHouse for women leaving prostitution, memorial services for the poor and homeless, a residential hotel ministry, an AIDS Resource Center, and a support program for volunteers in pastoral care among the frail elderly.

Network Ministries has always drawn together partners and entered into coalitions to work on specific issues of importance to the people of the Tenderloin and other poor people. This approach enables the organization to be a leader in bringing compassionate, effective service to those who need it. It has fostered and/or created other agencies, serving as a role model for those who believe that you can get a lot more done when you don't focus on who gets the credit.

Mr. Speaker, San Francisco Network Ministries is an inspiration to its partners, to the community it serves, and to all of us who care about our fellow human beings. I am proud to honor the work they have been doing for 30 years, important work that will continue to have an impact on the lives they touch. And, I am particularly honored to be the long-time friend of the Rev. Glenda Hope who, with her late husband Scott Hope, founded this exemplary organization.

TRIBUTE TO RONALD McDONALD HOUSE CHARITIES OF CENTRAL NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. WALSH. Mr. Speaker, I rise today in celebration of the 20th anniversary of the Ronald McDonald House Charities of Central New York. I am proud to say this ''home-away-from home'' located in the heart of my district, has opened its doors to thousands of families who have found themselves in need of medical care.

When a child is ill, parents and family members should have the ability to focus on the task-at-hand, returning the child to full health. The Ronald McDonald House provides a strong support system, affording families a safe haven and a meal on the table while they are working through difficult times.

I commend the Central New York chapter of the Ronald McDonald House as they celebrate 20 years of unconditional love and assistance. The work that you do will have a lasting effect on the children from our country and throughout the world. The lives that you touch will hopefully inspire others to follow your lead in assisting those who are working through difficult situations. The cycle of support that you have developed, will definitely live on forever.

Thank you, and congratulations.

HONORING PAUL HEIDEN, FINANCE DIRECTOR OF ROLLS-ROYCE

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. CARSON of Indiana. Mr. Speaker, as the House meets tonight in Washington, the Board of Directors of Rolls-Royce North America, whose largest manufacturing facility is located in my district in Indianapolis, is meeting at its corporate headquarters in northern Virginia.

Rolls-Royce is one of our most distinguished corporate citizens, and one of the largest private-sector employers in Indiana; it employs more than 8,000 workers and produces more than $2.4 billion in North American sales annually. A global company with a British heritage and a major American presence, Rolls-Royce can attribute much of its

success in the United States to Paul Heiden, the Finance Director of Rolls-Royce, plc.

As the Chief Financial Officer for Rolls-Royce, Mr. Heiden was personally involved with, and strongly supportive of, major capital investment in the United States industrial base. Most significant among those investments are the facilities in Mount Vernon, OH; Park City, UT; Oakland, CA; and Indianapolis. He has fostered trans-Atlantic trade and cooperation on defense and commercial aerospace programs, including engine development for the Joint Strike Fighter, and engines for regional jet aircraft. He was directly involved in the Rolls-Royce North American ventures as a member of the Board of Directors of Rolls-Royce North America Holdings, Inc, and in that role contributed immensely to the economic health of many American communities, including my own.

At year's end, Mr. Heiden will leave his post with Rolls-Royce. He will be sorely missed. At a time when our nation is most acutely aware of our good fortune in the trans-Atlantic partnership between the United States and the United Kingdom, I am reminded that it is the talent and determination of people like Paul Heiden that make this partnership so vibrant.

On behalf of the people of central Indiana, I wish him every good fortune in his future endeavors.

JOE SKEEN FEDERAL BUILDING

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H.R. 5427, a bill to designate the Federal Building in Roswell, New Mexico, the ''Joe Skeen Federal Building.'' As we regretfully acknowledge, the gentleman from New Mexico will be retiring at the conclusion of the 107th Congress. JOE SKEEN, a Roswell native, has served his New Mexico constituents and his country admirably over the past 20 years. This legislation is a fitting tribute to commemorate JOE's achievements and service.

As a Members of Congress, we often work with colleagues from different parts of the country and from across the aisle. It has been a great privilege to have worked with JOE SKEEN. Since his first election in 1980, he has served on the Appropriations Committee, chairing the Subcommittee on Agriculture and currently, the Subcommittee on the Interior. JOE has always been a true gentlemen and a straight shooter. When dealing with JOE, I always know JOE will give me a fair hearing on an issue and try to accommodate me when he could and politely said ''no'' when he couldn't. I could also always depend on JOE telling me a good story to underscore the point he was making.

On a personal note, I have had the pleasure of working with the gentlemen from New Mexico to further the progress of Parkinson's Disease research in America. In 1999, along with my colleagues—Mr. EVANS, Mr. MARK UDALL, TOM UDALL, and Mr. WAXMAN, Mr. SKEEN and I—formed the Congressional Working Group on Parkinson's Disease.

Mr. SKEEN has been a true leader in the fight against Parkinson's Disease. The Working Group has sought to increase awareness among Members of Congress on Parkinson's related issues. Most importantly, the Working Group has advocated for accelerated and increased funding for Parkinson's research in the hopes that we soon find the cure for what leading scientists call the most curable neurological disorder.

We have had some significant success—since the start of the caucus, the National Institutes of Health's spending on Parkinson's has increased by 28 percent—a 43 million dollar increase over FY 2000. And we have Mr. SKEEN, in great part, to thank for this.

JOE also was critical in helping to secure a funding increase for the Department of Defense's Neurotoxin Exposure Treatment Research Program. The FY 2002 bill contained $17 million in funding for the program, a $2 million increase over FY 2001. This environmental research not only strives to improve the treatment of neurological diseases, but also aims to identify the causes of the disease and prevent them.

We will carry on the fight to cure Parkinson's, in part, inspired by the legacy of the great JOE SKEEN.

In closing, I have so appreciated JOE's wit and his great sense of commitment to important issues such as Parkinson's Disease, and his overall commitment to public service.

I fully support this bill to honor my esteemed friend and colleague JOE SKEEN for all of his legislative accomplishments as his service in Congress. I hope JOE enjoys his retirement, it is well deserved!

JOE SKEEN is a true national treasure.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. PORTMAN. Mr. Speaker, last night, October 7, 2002, President Bush made a major policy speech on Iraq in my hometown of Cincinnati, Ohio. At the President's request, I attended the speech with him. Consequently, I was not able to be present for the following rollcall votes:

H.R. 3340—To allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over.

H.R. 5531—To facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

H. Res. 468—Transatlantic Security and NATO Enhancement Resolution of 2002.

Had I been present, I would have voted ''yea'' on each of these bills.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BLUMENAUER. Mr. Speaker, I support the underlying objective of the bill, to expand the Amber Alert system nationwide and to improve the National Coordination of Amber Alert Communications to help save the lives of kidnapped children. Unfortunately, a wide range of troubling provisions were added by the House Judiciary Committee. For example, this bill would include a provision to expand the type of homicide that can be punished by the death penalty. It would also increase mandatory sentencing, thus further eliminating judicial discretion and potentially leading to unfair punishments.

By bringing this bill to the floor in the form of a suspension bill, the opportunity for amendment and discussion of these controversial provisions has been hindered. I therefore withhold my support for H.R. 5422.

HONORING CITY COUNCILMAN PHILIP CAMPBELL, SR.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CHAMBLISS. Mr. Speaker, I would like to pay tribute to City Councilman Philip Campbell, Sr. one of my fellow public servants in Warner Robins, Georgia who died recently in a tragic accident.

Philip's service to the city began on August 2, 1965 as City Gas Inspector. After twenty-five years in that capacity, he retired and ran for public office where he proudly served for nine years. Phillip was known for his compassion and his dedication to the citizens of Warner Robins. During his tenure as city councilman, he fought to re-instate the senior citizen's homestead exemption tax and was always an advocate for the needs of city employees.

If he wasn't at City Hall or volunteering at Southside Baptist Church, you could always find Philip Campbell down at the local baseball diamond. Anyone who grow up in Warner Robins and played ball probably had Philip as a coach at some point. He loved teaching the kids how to play, and if one child didn't have a ride to practice, Philip would give him a ride. His generosity to the community was second only to his love for his family. A dedicated husband, father, grandfather, and great-grandfather Philip's legacy will continue impacting the citizens of Warner Robins for years to come.

There isn't a finer man I could have the honor of recognizing on the House floor, and want to extend my deepest sympathy and respect to the family of Philip Campbell. My wife Julianne and I join with his family in mourning the loss of this honorable individual.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall Nos. 438, 439, 440, 441, 442, 443 and 444, had I been present, I would have voted ''yea.''

THE FARC

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. BARR of Georgia. Mr. Speaker, as we are aware, one of the Colombian terrorist organizations, the FARC, recently stated that U.S. citizens and friends of U.S. citizens would be killed. The FARC has already kidnapped 77 American citizens and murdered 12 in the past decade. This has taken place virtually without notice in the United States. In the first action to make good on that threat against American citizens and their friends, a young, dynamic Colombian woman, Eugenia Delgado Sanchez, was brutally assassinated as she was opening the door to her home in the town of Salento, Colombia at 1:30 a.m. on August 24. This defenseless woman went down in a hail of gunfire, receiving six shots to the back from two vile and cowardly terrorists wearing ski masks. I want to ensure that what she did and the purpose for which she made the ultimate sacrifice, is never forgotten. Her name now joins the names of over 40,000 innocent Colombians who have been killed in the growing narco-violence we witness today.

Ms. Delgado Sanchez was fully engaged in the effort against narcotics. She had reasons, one very personal—the narcos had killed her parents when she was 6 years old—but her greatest concern was for the young children who are offered drugs and addicted before they can even understand the danger that drugs present. She had worked with the Colombian anti-narcotics police and had become a trusted asset to that organization.

She undertook very dangerous assignments based on her deep convictions and concerns for people. She spent some time penetrating narcotics operations in the Jackson Heights area of New York City, where she saw dealers giving drugs for free to elementary school kids, just to get them addicted. She was passionate about protecting those children. Her efforts and information have resulted in numerous convictions.

Many in this House, and congressional staff members, remember meeting with Eugenia during delegation trips to Colombia or in the United States in the company of General Rosso Jose Serrano, the heroic former Director of the Colombian National Police. In April of this year she attended the USCINCPAC Change of Command for Admiral Dennis Blair, and she was going to marry a classmate of Admiral Blair's in October at the U.S. Naval Academy chapel in Annapolis, MD.

Eugenia had been a model and actress, who was at ease with the rich and famous, but never lost sight of the common touch and the less fortunate. Protecting children, poor people and animals were her passion.

After the devastating earthquake in January 1999, centered near the city of Armenia near where she grew up, she organized relief efforts for the children and the poor to bring them clothing and food. She managed to get the first relief in and on the ground, even before the Colombian government or private organizations could get in motion. After providing earthquake assistance, she returned to live in the town of Salento, Quindio where she had grown up as a child.

During her childhood, Salento was a tranquil town at the foot of the mountains devoted primarily to cattle farming with the slow, peaceful pace of life that accompanied agricultural pursuits. As she spent more time in her hometown, she was alarmed by the changes in life because of the drug trade. The mountains were no longer safe. The FARC, to ensure that they had safe lines of communication to bring drugs out and weapons and ammunition in, focused on attacking these rural towns. One night she called her U.S. fiancé and gave him a minute-by-minute account of an ongoing FARC attack on her town. The FARC were going house-by-house looking for people who were ''cooperating'' with either the Colombian or U.S. governments. That night the FARC got to within two houses of where she lived before the Colombian National Police beat them back in a counterattack.

Eugenia cheered when President Bush made his announcement of the ''War on Terrorism,'' and asked her U.S. fiancé if he thought the United States would assist Colombia with its terrorism problems, particularly since the FARC had kidnapped and executed U.S. citizens with no U.S. military response. She felt the new United States Administration under President Bush would be very serious about protecting U.S. citizens, and citizens of other countries, against terrorists. Obviously there were laws that needed to be enacted or changed to permit the United States to provide more direct assistance against terrorists. She said she hoped these changes would happen fast, since information she possessed concerning the FARC, indicated they were massing strength in the mountains near Salento.

Eugenia, by virtue of her training, always kept her eyes and mind open and her mouth shut while living in Salento. In this manner, she was able to see, hear and observe what was going on, and then pass it along to U.S. sources in Bogotá, without fear of telephone interception. Eugenia started accumulating a tremendous amount of information concerning how the FARC guerrillas were operating, along with identifying key FARC supporters in the village. She was able to unravel how they were able to obtain provisions, and transportation, how they moved kidnap victims, and how they organized weapons and ammunition stashes.

This information was always passed on in general terms to visiting U.S. delegations and others in the U.S. government. Eugenia always made herself available to provide briefings to U.S. personnel and for many she became ''the face of Colombia.''

Increasingly a race against time developed. Eugenia accumulated information on FARC and narcotics activities, while waiting for U.S. laws and regulations to change so this information would be useful and actionable. The FARC then sent word it wanted to meet with Eugenia. When her fiancé tried to pressure her to leave Salento, Eugenia said that she would but she wanted to get all the details on the location of safe houses the FARC used to transport kidnap victims. She told him, ''Imagine what it is like to be kept blindfolded and placed in cages under the ground. God would not forgive us if we had the opportunity to help these people and we turned our backs because we were cowards. Remember, they kidnap both U.S. and Colombians; the next kidnapped person might be you.''

In an e-mail sent to her fiancé on February 6, 2002, she laid things out in chilling detail:

On the other hand I want to tell you that have thought a lot about you due to the things that are going on in my country. I don't know what will happen. I am very worried because I think that about 90% of the population of this town is guerrilla and our president (Andres Pastrana) is not doing anything.

Say hello to President Bush and ask him to help us . . . the reality is that we will die at the hands of the guerrillas and no one will say anything.

OK, I love you and if I have to die for you or your country, I will—I love you.

When she was gunned down by terrorists on August 24, she had less than 48 hours remaining before she would have permanently departed Salento, to be safe and alive in Bogota. Obviously, the terrorists feared the information they thought she would provide, not realizing it was already too late.

The terrorists who killed Eugenia should remember the words of President Bush to the recovery crews after the terrorist attack on the World Trade Center. . . . ''soon the people who did this will hear from all of us.''

Today, from the U.S. Congress I am proud to pay tribute to the tremendous strength, valor, and nobility of Eugenia and her efforts on behalf of the United States and Colombia. She served as a tremendous inspiration, and demonstrated what an amazing difference one single, dedicated person can make in the lives of so many people. I am sorry more of my colleagues did not have the opportunity to know her; you would be as proud of her life and legacy as I am.

HONORING NIVEDITA BHAT—FINALIST IN DISCOVERY CHANNEL YOUNG SCIENTIST CHALLENGE NATIONAL COMPETITION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. DIAZ-BALART. Mr. Speaker, today I commend a young woman from my District, Nivedita Bhat. At only 14 years old, Nivedita has risen to the highest level of scientific academic achievement for middle-school students.

Nivedita Bhat is one of only 40 students selected from 400 semifinalists from grades 5–8 throughout the United States to compete in the nation's premier science contest: The Discovery Channel Young Scientist Challenge national competition. She has shown excellence as one of America's top middle-school students in demonstrating leadership, team work and problem solving skills. As one of the finalists, Nivedita Bhat will join her fellow academic achievers on a trip to the nation's capital to compete for a scholarship and the title of ''America's Top Young Scientist of the year.''

Nivedita's winning project, entitled Toxins and Environmental Justice. Are We at Risk?, is a testimony to this young woman's impressive ability. Most compelling, is the attention she has brought to environmental injustice occurring in Miami-Dade County. Using a high-level technological tool that assembles and displays information relative to spatial locations, Nivedita showed several public schools were within a one-mile radius of a Toxic Release Inventory facility and face potential health risks. Nivedita also concluded that low-income populations were more likely to live near these facilities.

Nivedita credits her father as her science hero; ''He is always interested in science and is the one who nurtured my love for science.'' She wants to become a scientist, ''because furthering and researching science makes the most impact not only on the current generation, but on future ones as well.''

Mr. Speaker, given the renewed commitment President Bush and Congress have made to the education of our youth, it is clear that positive role models are more important now than ever. Through her commitment to her education and community Nivedita embodies the socially conscious values we as a nation applaud in our young people, and she serves as an excellent example to her fellow students in Miami-Dade. I know that Miami-Dade is very lucky to have Nivedita Bhat as part of our community and I join with the students, faculty, and community in congratulating her on this achievement.

TRIBUTE TO MR. RAUL RIES

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Mr. Raul Ries, Senior Pastor at Calvary Chapel Golden Springs in Diamond Bar, CA. During the past 30 years of ministry, Pastor Ries has touched the lives of many. His story is extraordinary; Pastor Ries beat astounding odds and has since shared his incredible story and love of God to tens of thousands of people throughout the United States.

Pastor Ries grew up watching the brutal abuses of his alcoholic father. As he became a young man, the behaviors he vehemently despised as a child became his own. After periods of violence and many altercations, he was given the ''option'' to go to Jail, or to join the United States Marine Corps. Pastor Ries, an eighth degree black belt in the martial art of Kung Fu San Soo, headed towards Vietnam for a special combat role with the Bounty Hunters, a very aggressive Marine battalion. He received two Purple Hearts for his acts of valor in combat, but after witnessing the deaths of his close friends and fellow Marines, his anger towards the world turned into fury.

A few years after his discharge from the Marine Corps, Pastor Ries hit rock bottom. Although he owned a successful Martial Arts studio and was married with several children, his anger reigned supreme. He came home one evening to find his wife's bags packed; after enduring four years of abuse, she was leaving. Pastor Ries loaded a gun and waited for his family to arrive, intending to put an end to their lives. It was then that he turned on the television to see Pastor Chuck Smith talking about the love of Christ. He fell to his knees and prayed, knowing this was the only way his life could change. At this point, the multitude of anger and hate he felt disappeared, and Pastor Ries found peace.

Now, thirty years later, Pastor Ries oversees a congregation of over 12,000 people. He is heard daily on the thirty minute syndicated radio program, Somebody Loves You. His Somebody Loves You Ministries reach out to people of all ages, but special emphasis are placed on reaching inner-city youth, gang members, and troubled teens. He also serves as an evangelist for the Somebody Loves You Crusades, events that combine non-traditional Christian music with a straightforward gospel message telling all about the love of Jesus Christ.

Mr. Speaker, I ask that the House please join me in honoring and commending Pastor Raul Ries for his 30 years of ministry, as he has exhibited selflessness, service, and devotion to the community, so others may experience the great things God has done.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 442, Thrift Savings Plan Catch-Up Contributions; Merit Systems Protection Board Reauthorization; Office of Special Counsel Reauthorization. Had I been present I would have voted ''yea.''

I was also unavoidably detained for rollcall No. 443, Sudan Peace Act. Had I been present I would have voted ''yea.''

I was also unavoidably detained for rollcall No. 444, Transatlantic Security and NATO Enhancement Resolution. Had I been present I would have voted ''yea.''

AMENDING INTERNAL REVENUE CODE OF 1986 BASED ON 2000 CENSUS DATA

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of expanding the areas of Renewal Communities, RC, based on the most recent census information. This is an issue of great importance to Western New York, since Rochester, Buffalo, and Niagara Falls are each designated as Renewal Communities. The RC Initiative combines tax credits and other provisions designed to revive some of the nation's more impoverished, distressed areas. These cities can take advantage of federal wage credits, tax deductions, capital gains exclusions, and bond financing to stimulate economic development and job growth. Each incentive is tailored to meet the particular needs of a business and offers a significant inducement for companies to locate and hire additional workers.

Rochester needs these incentives to expand jobs and promote business investment in our downtown area. The statistics from my district paint the bleak picture. In the past year, we lost 12,400 jobs, including 300 from Global Crossing; the jobless rate is at an 18-year high; and in the last decade, 41 percent of Rochester citizens between the ages of 20 to 34 have left town.

I am a cosponsor of H.R. 3100, which would allow the areas designated as renewal communities to be updated based on 2000 census data, instead of 1990 census data. Due to a loss of population in the 1990s, my area would greatly benefit from this change. According to Fannie Mae, this technical change would allow 14 more census tracts to qualify in Rochester, 16 more tracts in Buffalo-Lackawanna, and seven additional census tracts in Niagara Falls.

Now that the House of Representatives has passed this legislation, I urge the Senate to quickly add its voice of approval before we adjourn for the year.

THE 25TH ANNIVERSARY OF THE UKRANIAN NATIONAL INFORMATION SERVICE (UNIS)

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. McNULTY. Mr. Speaker, I rise to congratulate the Ukrainian National Information Service (UNIS) on its 25th anniversary. In 1977, the Ukrainian National Information Service, the Washington bureau of the Ukrainian Congress Committee of America, was established so that the Ukrainian American community's voice could be heard within the Washington establishment.

For a quarter of a century, UNIS has been representing the concerns of the Ukrainian community and has achieved many successes. During the time of UNIS' operation, the world has changed dramatically—the cold war came to an end, the Soviet Union disintegrated, and Ukraine regained its independence. UNIS made a significant contribution to those causes, as evident by constantly informing the American society about the plight of Ukrainians.

Representing the concerns of the Ukrainian American community, UNIS focuses its attention on the historical truth about Ukraine. One particularly sensitive issue is the 1932–1933 Famine-Genocide in Ukraine. While actively working to raise awareness of the evil that transpired in Ukraine nearly 70 years ago, UNIS is diligently pursuing efforts to allocate a plot of land in Washington, DC, on which the Ukrainian American community may erect a monument to the victims of this crime against humanity. I am proud to be an original cosponsor of this bill.

In addition to promoting issues of concern, UNIS has created structures that help it work more effectively. An example of this occurred in 1997 when UNIS was instrumental in the creation of the Congressional Ukrainian Caucus—of which I am proud to be a member. The Congressional Ukrainian Caucus is a group of Members of Congress who take an interest in Ukraine and cooperate to promote better relations between Ukraine and the United States.

I am confident our cooperation with UNIS will continue in the future, and I congratulate UNIS on its silver anniversary.

MT. DIABLO AUDUBON SOCIETY'S 50TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues

to join me in congratulating Mt. Diablo Audubon Society as it celebrates its 50th anniversary.

Founded in 1953, Mt. Diablo Audubon Society (MDAS) has an impressive record of environmental achievements in Contra Costa County, including the following:

Involved extensively in the protection and recovery of McNabney Marsh in Martinez. Formerly Shell Marsh, this area was saved as part of a settlement over an oil spill years ago. It is named after Mt. Diablo Audubon Society's well-known and respected former vice-president of conservation, the late Al McNabney.

Worked with the East Bay Regional Park District on the establishment and development of Waterbird Park in Martinez.

Led fifty-four yearly field trips for MDAS members and the public.

Supported the Muir Heritage Land Trust which has initiated a bold plan to link together many of our open space areas.

Partnered with a local flood control district to restore and protect a 22-acre saline marsh in Antioch, the Julia Cox Freeman Marsh.

Provided Audubon Adventures to over 90 classrooms (3,000 students) throughout Contra Costa County. Since 1984 Audubon Adventures has provided basic, scientifically-accurate facts about birds and wildlife and their habitats.

Partnered with Native Bird Connections and Wild Birds Unlimited to develop a life science course of study for freshman and sophomore high school students. Currently two high schools are participating in this program.

Supported the expansion of the California Bluebird Recovery Program and the placement of hundreds of bluebird houses in California.

Participated in many events and festivals in Contra Costa County and northern California to help educate the public about birds and the habitat they require.

Initiated the Contra Costa County Breeding Bird Atlas. This Atlas (a major five-year project underwritten by MDAS) will be an important tool in the battle to preserve open space and breeding habitats for birds.

Conducted slides shows and nature presentations to many schools and other groups throughout Contra Costa County.

Closely involved in the development of the Delta Science Center.

Participated in fifty Christmas Bird Counts.

I know I speak for all Members of Congress when I congratulate Mt. Diablo Audubon Society on its 50th anniversary and wish its members many more years of environmental stewardship.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2001

Ms. MCCOLLUM. Mr. Speaker, during my days in grade school, the full participation of women in school athletics was not only discouraged, but also frowned upon. That all changed in 1972 when one woman challenged the system, changed the rules and inspired and empowered a new generation of young women. That woman is PATSY MINK.

I offer my deepest condolences to PATSY MINK's family. I know that they will miss her, as will all of us in Congress who were fortunate enough to know her, not only as a colleague, but also as a leader, mentor and friend.

PATSY MINK was a pioneer—she opened so many doors for a generation of women and for our daughters. She was the driving force behind Title IX, which mandated gender equality in education.

Without this landmark piece of legislation, our daughters, granddaughters, nieces and young women everywhere would not have the opportunity to excel and display their talents in the classrooms and the playing fields across this nation.

Without PATSY's unwavering efforts to implement this law, Title IX would have been the great idea that never came to be.

I am honored to have served with Congresswoman MINK on the House Education and the Workforce Committee and feel privileged to have worked closely with her on the Subcommittee on 21st Century Competitiveness. I know firsthand her intense drive, dedication and devotion to her home State and her constituency.

As the first Asian woman elected to Congress, she displayed unparalleled determination in fighting for human rights, civil rights and the rights of minority groups everywhere. We must now be vigilant and continue the crucial work that Congresswoman MINK undertook on behalf of people everywhere who felt they had no voice.

Women, people of color and individuals throughout this nation owe a debt of gratitude to PATSY MINK and her trailblazing efforts. Her legacy of equality and integrity will live on not only in the halls of Congress, but on the playing fields and in the classrooms across this nation.

HONORING MARILYN A. NGUYEN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor Marilyn A. Nguyen of Bourbonnais, Illinois. Marilyn was one of over 85,000 secondary school students who participated in a contest through the Veterans of Foreign Wars of the United States and its Ladies Auxiliary (VFW). Each year the VFW conducts a Voice of Democracy audio/essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our county. The contest theme was ''Reaching Out to America's Future''. Marilyn A. Nguyen was chosen as the 2002 Voice of Democracy broadcast scriptwriting winner this year. Following is Marilyn's winning script.

The harmony of an industrious city is disrupted by a deafeningly explosive crash. There is confusion. There are wailing sirens. In another city, the same confusion spreads like wildfire. Lives are forever changed as events unfold and buildings collapse. The horror is almost too much to bear. On September 11th, 2001, the gruesome hand of terrorism attempted to reach out and grasp America's future. Fortunately, its grip was too slippery to conquer the heart and soul that is the United States of America.

Over two centuries ago the founding fathers of this country left England envisioning better lives for themselves and their posterity. They reached out mentally and physically to find America's future full of promise and patriotism. As this country continues to blossom and mature we must accept the task of reaching out to America's future no matter the cost or hardship.

America is a union for all nationalities. It reaches out to immigrants of all lands. My parents were among these immigrants. As their daughter I especially feel a unique bond to America. I feel that it is my duty to reach out to America's future with my own actions.

But, what does it mean to reach out to America's future? Already, it may seem to some that our future is uncertain because of the terrorist attacks. But, these tragedies only remind us that the time to reach out to America's future is now. We need to rise to the challenge as we have never done before to stand firm as a nation and as human beings to reach forward into the future.

The task at hand is not an easy one. Reaching out to America's future must begin with the individual who believes that America's future is not an abstract idea: it is comprised of neighbors, friends, mothers and fathers, brothers and sisters and especially individuals. America's future depends on what happens today in the lives of ordinary Americans living ordinary lives. It calls for the erasure of color, race and religion. It begins when one person extends respect and acceptance to another person regardless of their background.

Reaching out to America's future as a teenager is not much different from extending a hand as an adult. As a teen, perhaps it may be a difficult step but one which lays the foundations for adulthood. At a time when personal opinions are being formed, it can be easy to declare ''it's not my job'' to reach out but that is where we are wrong. I am the future of America. It starts with me. I am the voice of influence over my friends and the younger members of my community. Using that influence to promote understanding and cooperation among my peers, family, and community are what I, as a teen individual, can do to reach out to America's future.

It is important to begin with our everyday routines because this is where the impact will be most felt. I must encourage others to talk with friends and family about what it means to be a contribution to America's future. Teach younger children in middle school, neighbors, or even peers in high school that it is wrong to hate and discriminate. I have a responsibility to open my mind to the differences that make us unique and vital components of the future instead of searching for ways to divide. The example I put forth into the world should be one of love and acceptance.

The teenager's job in reaching out to America's future lies in the education of himself and his surroundings. His call to help build America's future is still strong. This nation has no future without the work of those who believe in its potential for goodness.

Reaching out to America's future can seem like a far away goal. But, in reality, the future is at our fingertips. We as people of this majestic empire must adopt the task set before us over two hundred years ago. Reaching out to the future begins with the person who hears these words. It is he who must first take action. The perfect example of reaching out to America's future is the Statue of Liberty in New York Harbor. She is the

example for one and all. Her extended arm holding the torch as a guiding light beckons us to follow her into the future. With her unfailing devotion to the preservation of this land, she reminds us that the future's brightness depends solely on those willing to bear the torch.

Mr. Speaker, I urge this body to identify and recognize others in their own districts whose actions have so greatly benefitted and strengthened America's communities.

IN SUPPORT OF QUEEN NOOR'S ADVOCACY OF ELIMINATION OF DISCRIMINATION AGAINST WOMEN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GILMAN. Mr. Speaker, I want to commend the organizers of today's event for bringing congressional Members together to emphasize the role that United States adherence, and for that matter universal adherence, to the Convention for the Elimination of All Forms of Discrimination Against Women could play in ameliorating the situation of women around the world.

Her Majesty, Queen Noor, has graced us with her presence and we so much appreciate her continuing leadership on this issue and on so many other humanitarian efforts.

It is high time that the United States took its rightful place among the nations adhering to this convention. It is not just the example we would set for those not adhering to it, but also the opportunity to play a role, as a state party to the convention, in the process of upholding the convention itself around the world in places where it is on the books but not really being enforced.

We have all heard the expression ''women's rights are human rights.'' Because women have received short shrift around the world, we have long recognized the need for a special measure to address the empowerment of women. The United States should play its proper leadership role. I appreciate all the efforts of those present here today and urge support for their goals.

COMMEMORATING THE 150TH ANNIVERSARY OF SOMERVILLE HIGH SCHOOL

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CAPUANO. Mr. Speaker, I rise to congratulate Somerville High School in Somerville, Massachusetts on the occasion of its 150th anniversary. The phrase, ''dedicated to the preparation of youth for the responsibilities of life'' is etched on the building's facade and this is truly an accurate description of its mission.

The Somerville Free High School was dedicated on April 28, 1852. When the doors opened on May 3rd, two teachers taught sixty-six students. In 1862, the first graduating class had six members.

The facility we now know as Somerville High School was once two institutions: Somerville's Twin High Schools. Students from English High School were prepared for scientific, normal and business schools while students from Latin High School were prepared for college. Both the 1900 and 1904 World's Fairs in Paris and St. Louis featured the Twin High Schools in their educational exhibits. In 1902, Somerville spent three days celebrating their high school's 50th anniversary.

In 1911, the Twin High Schools were merged and became Somerville High School. The school was rebuilt and expanded from 1928–1929 to include a gymnasium and a space for 3,000 students.

In 1983, Somerville High School was renovated. A new vocational wing and field house were added to the facility. The Somerville Technical Trade School, established in 1910, merged with Somerville High School at this time. When the New England Association of Schools and Colleges issued its accreditation report in 1990 it praised Somerville High School, calling it: ''the best kept secret in Massachusetts.''

Somerville High School has a strong sports tradition that continues today. The school has won seven New England Technical Tournament basketball championships since 1944 and a New England basketball title in 1949. Several of its athletes were selected for All-Scholastic Teams, and several became individual State and New England champions in Indoor and Outdoor track. The girls basketball program has also enjoyed tremendous success and last year included the alltime scoring leader.

Somerville High School lives up to its bold crest, which proclaims Honor and Progress. It has been a tremendous asset to its students over the last 150 years. I am a proud graduate of Somerville High School and know that this fine institution will continue to serve Somerville's young people with distinction.

MATTIEBELLE WOODS: THE FIRST LADY OF MILWAUKEE'S BLACK PRESS CELEBRATES HER 100TH BIRTHDAY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, I wish to congratulate Mattiebelle Woods, a local treasure from Milwaukee, who will turn 100 years old on October 31.

For nearly 40 years, Mattiebelle has reported on the major social events and gatherings in Milwaukee's African-American community, building an impressive career and reputation that have earned her the title of ''First Lady of Milwaukee's Black Press.''

Writing for the Milwaukee Defender, the Milwaukee Star, the Milwaukee Globe and now with the Milwaukee Courier, Mattiebelle's articles continue to take the social pulse of the African-American community in our city. Her work has received dozens of awards and accolades, including recognition of her journalistic contributions from the Milwaukee Press Club.

In addition to a brilliant career in journalism, Mattiebelle has stood as a pillar of strength in our community through her many years of service and dedication to making a difference in the lives of the people of Milwaukee. She was an original founder of the Wisconsin Black Teen Pageant, an event that has unlocked new opportunities for scores of young black women in Wisconsin. She remains a dedicated political activist, working on campaigns for nearly six decades and helping with voter registration efforts. While doing all of this, Mattiebelle continues to work in her church.

Her many accomplishments and contributions have made Mattiebelle a source of great inspiration for countless leaders in our community. It is a service she is happy to provide. Elected officials, neighborhood activists and civic leaders alike all credit Mattiebelle for empowering them with the confidence to pursue a life of service to the community, and thank her for her words of wisdom that have clarified their own personal and professional paths.

In a recent newspaper article, Mattiebelle described her vitality as she begins her second century: ''I get up every day and eat and drink what I want. I can't believe I don't have the aches and pains that everyone else has. I don't take any medication. I don't have a wheelchair or a rocking chair, and I wear heels when I go out. It's ironic.''

With such energy and vigor, Milwaukeeans can look forward to many more years of articles and service from our dear Mattiebelle. Mr. Speaker, I urge the U.S. House of Representatives to join me in saluting Mattiebelle Woods, and sending her best wishes as she begins her 101st year.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. POMEROY. Mr. Speaker, I rise today to honor a friend and colleague, the Honorable PATSY MINK. I have known PATSY since being elected to Congress nearly a decade ago, and it was with heartfelt sadness that I learned of her passing on September 28, 2002.

PATSY MINK, the first congresswoman of Asian descent, was first elected to the House of Representatives in 1964. Throughout her career, she earned a reputation as a fearless and outspoken advocate for minorities, women, and children. Even at the age of 74, PATSY continued to be a stalwart for social and economic justice in the House of Representatives.

In one of her proudest moments in 1972, PATSY coauthored and passed a landmark law prohibiting sex discrimination in federally-funded education programs, popularly known as Title IX. As a result, the number of girls participating in high school sports has exploded in recent decades, leading to increased opportunities for women.

PATSY MINK's tenacity and dedication to the Civil Rights movement during the 1960s and 1970s shaped the Democratic national agenda, making the interests of women and minorities a centerpiece of the party's platform. During the 1990s, her ability to build coalitions in

a divided Congress has made it possible to move much progressive legislation to the floor.

All of us here in Congress—Republicans and Democrats alike—owe PATSY so much. She was known on both sides of the aisle for her determination, courage and tenacity, and was an inspiration for all of us in public service. We are better legislators and better human beings for having known and worked with this distinguished woman.

IN RECOGNITION OF THE TURTLE BAY ASSOCIATION'S 45TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Turtle Bay Association (TBA) which is celebrating its 45th anniversary year of service to the community. The Turtle Bay Association is a group of dedicated volunteers actively working to preserve the history and enhance the quality of life of Turtle Bay.

New York City is comprised of an amalgam of neighborhoods, each of which has its own distinct flavor. Turtle Bay, once the site of Turtle Bay Farm, extends from 43rd to 53rd from Lexington Avenue to the East River. The Turtle Bay Association came into existence to respond to an unprecedented building boom that brought towering office buildings and high rise apartments to the community. In 1957, a group of Turtle Bay neighbors got together to protest the widening of East 49th Street to become a high speed thruway. The proposal was defeated. From these modest beginnings, TBA has grown to a highly-respected, tenacious group of almost 2000 New Yorkers dedicated to preserving the beauty of this distinctive neighborhood.

The TBA has compiled a substantial list of accomplishments through years of tireless organized community activism. The TBA has successfully spearheaded major park renovations including the reconstruction of Peter Detmold Park in 1987 and Dag Hammarskjold Plaza in 1999, and responded to the complaints of concerned parents by launching a clean up of MacArthur Playground. TBA has planted a profusion of trees and flowers and reduced visual clutter to beautify Second Avenue. In addition, TBA members periodically repaint mailboxes, traffic signs, and signal boxes vandalized with graffiti.

The TBA keeps the community and its members informed about local events through various media. By publishing the Turtle Bay newsletter, TBA offers members of the community access to interesting local news and to the area's upcoming social, civic, and cultural events. The TBA's prominently displayed bulletin board on Second Avenue is used to post important notices of interest to the community and its extensive website includes information about the neighborhood and TBA activities.

The TBA also maintains an active agenda of annual events, creating a fun and exciting environment for community service. They host the ''Love Thy Neighborhood'' Valentine Party, a Turtle Bay Street Fair, Night Out Against Crime, Town Hall Meetings, and a holiday toy collection for needy children. Through these events, TBA promotes a sense of small town community in the heart of New York City.

Among its many other hard-earned achievements, TBA joined forces with the East Side Rezoning Alliance as charter members and successfully accomplished a drive for low-rise rezoning to protect the community's access to air and sunlight. Throughout its history, TBA has acted as a watchdog to report zoning violations that threaten the character and quality of life in the neighborhood.

The Turtle Bay Association's 45 years of positive results have provided an excellent example of the ways in which the commitment of concerned citizens can truly make a difference for an entire community.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring the Turtle Bay Association on the occasion of its 45th Anniversary.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. MASCARA. Mr. Speaker, on October 7, 2002, I was absent for personal reasons and missed rollcall vote Nos. 442 through 444. For the record, had I been present I would have voted ''yea'' on all these votes.

TRIBUTE TO GEORGE GODDARD

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my constituent George Goddard who died on August 15, 2002, from injuries sustained in an automobile accident.

Mr. Goddard was born in Chicago in 1923. After graduating from Yale with a commission as Lt. (jg) in the U.S. Navy, he served on board the communications ship USS *Panamint*, which, during World War II, took the Japanese surrender of the island of Hokkaido.

After moving to Massachusetts in 1948, Mr. Goddard studied architecture at the Harvard School of Design where he was influenced by Walter Groplius and Mies van der Rohe. He moved to Belvedere in Marin County, CA, with his growing family and started his architectural career with Skidmore, Owens and Merrill. He later practiced independently and as a planning consultant designing teaching hospitals and medical and dental schools.

As a lifelong activist in social, political, and conservation causes, George stayed involved. He served on the Belvedere Planning Committee and played an integral role in acquiring Richardson Bay tidelands to save them from development. He also served as supervising architect during the move by barge of Lyford House, an 1870s dairy residence about to fall under the wrecker's ball, to its current home at the Richardson Bay Audubon Sanctuary.

George Goddard loved hiking, backpacking, sailing, and politics. In the 1990s, he organized a group of fellow navy officers into what became known as the Liars Club. Calling themselves Admirals, they met periodically to embellish their war experiences. As no one paid any attention to anyone else, they could go on for years retelling the same enhanced stories. He is survived by his wife Sheret, six children, two grandsons, and six stepchildren.

Mr. Speaker, Mr. Goddard was a valued member of the Marin community who will be missed by all who had the opportunity to know him.

HONORING THE DISTINGUISHED PRESIDENCY OF DR. HAL RAMER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. GORDON. Mr. Speaker, I rise today to congratulate Dr. Hal Ramer for an outstanding career in higher education administration and for his accomplishments during his more than three decades serving as the president of Volunteer State Community College in Gallatin, Tennessee.

Dr. Ramer has been at the helm of Vol State since the beginning. But that will soon change when Dr. Ramer retires on January 31, 2003. He has watched a small community college grow from a student population of 560 in 1971 to about 7,000 today.

Dr. Ramer was instrumental in helping form the state's community college system. He arrived at the Tennessee Department of Education in 1963 and began a remarkable career reshaping the state's delivery of higher education. He was given the task of starting Volunteer State Community College on July 1, 1970, and had the college up and running in a year. Three decades later, Vol State has expanded its campus to include 31 teaching sites in 12 counties, providing a vital cog in the state's institutions of higher learning.

All Tennesseans have benefitted from Dr. Ramer's commitment and dedication to higher education. Dr. Ramer has poured his very soul into nearly five decades serving as a higher education administrator. Dr. Ramer's leadership will be sorely missed at Vol State. I congratulate him for his efforts and accomplishments in providing Tennesseans with an education second to none and wish him the best in his well-deserved retirement.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. TIAHRT. Mr. Speaker, on Monday, October 7th I was unavoidably detained and missed rollcall vote Nos. 442, 443 and 444. These votes were on H.R. 3340 to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants 50 or over, H.R. 5531 the Sudan Peace Act and H. Res. 468, the Transatlantic Security and NATO Enhancement Resolution. Had I been present I would have voted ''aye'' on all three rollcalls.

H.R. 5507—TRUTH IN LENDING INFLATION ADJUSTMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. LAFALCE. Mr. Speaker, I rise today in support of H.R. 5507, a bill to update and enhance an important consumer credit protection. In 1968, Congress enacted the Truth in Lending Act to ensure that consumers receive accurate and meaningful disclosure of the costs of consumer credit. Such disclosures enable American consumers to compare credit terms and make informed credit decisions. Prior to 1968, consumers had no easy way to determine the true cost of their credit transactions—nor did they have a basis for comparing the various creditors in the marketplace.

TILA addressed this problem by providing a standardized finance cost calculation—the annual percentage rate, or APR—and by requiring creditors to provide clear and accurate disclosures of all credit terms and costs. Over the past 30 years, however, key statutory protections and remedies, stated in 1968 dollars, have not been updated to reflect inflation and to provide comparable protections in today's dollars.

The bill we are considering today, H.R. 5507, though modest in scope, provides the first update of an important section of TILA in 34 years. This is clearly an overdue change in the law. TILA protections apply to all credit transactions secured by home equity and other non-business consumer loans or leases under $25,000. In 1968, this $25,000 limit on unsecured credit and lease transactions was considered more than adequate to ensure that most automobile, credit card, and personal loan transactions would be covered. This is clearly not the case today. It is now quite common for many non-mortgage credit transactions to exceed $25,000. H.R. 5507 ensures that TILA protections will continue to apply to most consumer credit and lease transactions by raising the statutory exemption from $25,000 to $75,000. By doing so, we are providing updated protections to consumers that will ensure that a broader range of transactions are covered by TILA.

Though I welcome the overdue change provided for in H.R. 5507, 1 would have preferred that the agreement we reached with my Republican colleagues on the Financial Services Committee to schedule this bill, would have also included other provisions from my broader TILA modernization bill, H.R. 1054. This comprehensive bill, which I introduced at the outset of the 107th Congress and is known as the Truth in Lending Modernization Act of 2001, amends TILA to restore important consumer protections that have been weakened by inflation. It also ensures that consumers benefit from advances in accounting technology, and strengthens TILA's civil liability and recission remedies. But I am nonetheless very pleased that we were able to agree on bringing up H.R. 5507 to the House today along with H.R. 163, a bill to amend the Fair Debt Collection Practices Act, and H.R. 4005, a bill to make the District of Columbia and the U.S. territories part of the ongoing commemorative quarters program.

Mr. Speaker, I urge support for this long-overdue legislation and reserve the balance of my time.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. OBERSTAR. Mr. Speaker, I rise today to express my opposition to H.R. 5422, the ''Child Abduction Prevention Act.''

I opposed a similar version of this bill, the ''Two Strikes and You're Out Child Protection Act'' (H.R. 2146), which was considered by the House earlier this year. Because H.R. 5422 contains some of the same provisions that I found objectionable in H.R. 2146, 1 must also oppose H.R. 5422 today. Although these bills have laudable goals of protecting innocent children from child molesters, the mechanism by which those offenders would be punished is unacceptable to me.

First, H.R. 5422 seeks to expand the type of homicide that can be punished by the death penalty. I believe that we must have stiff penalties for those who commit violent crimes, but I do not feel the death penalty should be one of the options. It has always been my strong belief that the government has no right to selectively take life away from one of its citizens. Because I adamantly oppose the use of the death penalty in all situations, I cannot support this bill.

Further, I oppose H.R. 5422 because it would have an unintended and disproportionate impact on the Native American population. The legislation would mandate life imprisonment for a second sex crime involving a child. However, the bill is limited to cases falling under federal jurisdiction, such as Native American reservations, national parks and forests, and U.S. territorial waters. Statistics indicate that approximately 75 percent of the cases that would be covered by this bill involve Native Americans. Therefore, H.R. 5422 would apply primarily—and disproportionately—to Native Americans on reservations.

Unlike the federal ''three strikes, you're out'' law, H.R. 5422 does not allow tribal governments to opt out of the provisions of the law and apply their laws for handling such matters. Yet, there is no evidence that tribal governments have failed to address the problem this bill seeks to remedy.

While I believe we must harshly punish sexual predators, I do not believe this bill succeeds in applying such punishment in an equitable, proportionate manner.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. MASCARA. Mr. Speaker, on October 3, 2002, I was absent for personal reasons and missed rollcall votes Nos. 437 through 441. For the record, had I been present I would have voted ''yea'' on 437, ''nay'' on 438, ''yea'' on 439, ''nay'' on 440, and ''nay'' on 441.

TRIBUTE TO BAY DE NOC COMMUNITY COLLEGE ON THE CELEBRATION OF ITS 40TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to an important partner in the education, economy and culture of the central Upper Peninsula of Michigan. Mr. Speaker, I rise to honor Bay de Noc Community College on its 40th anniversary.

Bay de Noc Community College became a reality when the citizens of Delta County Michigan authorized and taxed themselves to create their community college. The citizens of Delta County had the foresight to understand how important higher education is to students and communities.

Bay College, as it is known, has become an integral part of the area economy. Students gain valuable knowledge and employers gain better educated employees. The community as a whole also benefits economically, culturally, and intellectually from Bay College.

Many cultural offerings are presented to the public through the college. Bay College also provides technology and many other services to the community. The gateway to self improvement is education and Bay de Noc Community College is an invaluable asset to the central Upper Peninsula.

When Bay College first opened its doors in the fall of 1963, approximately two hundred students attended classes at the old Escanaba Area High School building. Since then Bay College has grown to an enrollment of over 2,300 students attending classes in eight buildings on a 150-acre campus at the northeast comer of the city of Escanaba.

Bay College provides an excellent opportunity for students who wish to obtain an advanced education certification, a 2-year associate degree or a solid start towards a 4-year degree. Other students prefer to begin their pursuit of a bachelors degree at Bay College because of its financial value and the less intimidating atmosphere. Other students learn valuable skills and trades that allow them to enter the workforce with their associate degree from Bay College. Both 4-year and 2-year students receive a solid education at a reasonable tuition rate that prepares them for a career and a life time.

Other students simply take classes at Bay College for personal enrichment. The common benefit to all these types of students is that they do not have to drive far to learn and grow.

In fact Mr. Speaker, even though I already held a 2-year degree, I still enrolled in Bay de Noc Community College to enhance my job skills as an Escanaba police officer. Those college classes I completed at Bay de Noc Community College still serve me as a member of the United States Congress. My wife, Laurie, holds two associate degrees from Bay de Noc that assist her everyday as an elected official.

Mr. Speaker, on October 10, 2002, Bay de Noc Community College will celebrate its 40th anniversary. I ask you and my House colleagues to join me in saluting, a great community asset, Bay de Noc Community College as

it celebrates its past and focuses on our future. Together, we all prosper.

FORTY-SECOND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CROWLEY. Mr. Speaker, October 1, 2002, marked the 42nd anniversary of the Independence of the Republic of Cyprus. The anniversary of Cyprus' independence is a day of mixed emotions. While Cypriots celebrate the lifting of 80 years of British colonial rule, 37 percent of the island's territory remains under occupation. Since Turkish troops invaded in 1974, seizing 37 percent of the island, Turkey has expelled 200,000 Greek Cypriots, moved 80,000 settlers from the Turkish mainland into their homes in an attempt to change the demographics of the area and restricted the rights of the few Greek Cypriots who remained in the north. Turkey's actions have been condemned by the United Nations Security Council and the European Commission of Human Rights as flagrant violations of international law.

Delays in negotiating a settlement only prolongs the suffering of the thousands of Cypriots on both sides who have lost their homes and are separated from their communities. The conflict has wasted political, economic, and military resources that could have gone toward economic and commercial development and increased the standard of living of inhabitants of both peoples.

Yet despite the division of the territory, the internationally-recognized government in Cyprus has made extraordinary strides toward political and economic development. And while the Turkish Cypriot leadership stalls and avoids serious negotiations, the Government of Cyprus stands to benefit greatly from membership in the European Union. Cyprus is one of only two countries that have applied for European Union membership that met all of the EU's membership criteria—all 80 thousand pages of rules and regulations. Cyprus's admission to the EU would be a boon to the island's economy, and it would add greatly to stability in the region. Neither Turkey nor the Turkish Cypriot leadership should be permitted to derail this process through political or economic blackmail.

The European Union has asserted that Cyprus's accession to the EU, expected in 2004, will proceed whether or not a settlement is reached on the island's division. Turkish Cypriot leader Rauf Denktash should recognize that Turkish Cypriots would benefit greatly from a combination of national unification and EU accession, which would bring foreign investment, access to markets and jobs throughout Europe, and additional development assistance to northern Cyprus. The unification of Cyprus into a bi-zonal, bi-communal federation—as called for by United Nations Security Council resolutions—is the only solution that can guarantee economic development and equal political representation for all inhabitants of the island.

The Government of Cyprus has long been a close partner of the United States, and it has proven the strength of these ties by providing its support in our fight against global terrorism.

Immediately after the September 11 terrorist attacks, Cyprus was among the first nations to express its solidarity with the United States. Cyprus has granted blanket clearance for U.S. military aircraft to fly over Cyprus and to use its airports, and is sharing intelligence with and providing legal assistance to various U.S. agencies.

Cyprus has also introduced tough new criminal laws and regulations to deter and punish terrorists and their supporters, taken measures to freeze the assets of terrorists and increased security measures at seaports and airports and at the U.S. Embassy in the capital of Nicosia.

Cyprus has also endorsed and implemented U.N. Security Council Resolution 1373 (2001) to freeze the assets of terrorists and their supporters; implemented all other relevant resolutions and decisions of the U.N. Security Council, the EU and other international organizations; and ratified the International Convention for the Suppression of the Financing of Terrorism.

And most recently, on September 18, the United States and Cyprus signed a Mutual Legal Assistance Treaty that will promote closer coordination between the two countries in the fight against global terrorism, organized crime, drug-trafficking and related violent crimes.

As an active member of both the Congressional Hellenic Issues Caucus and the Europe Subcommittee of the House International Relations Committee, I have supported a number of legislative initiatives to resolve the Cyprus dispute and promote the accession of the government of Cyprus to the European Union.

I joined my congressional colleagues in writing to President Bush to urge that the United States help move the U.N.-led proximity talks toward resolution of the conflict.

I strongly support the accession of Cyprus to the European Union, whether or not a solution to the island's division has been reached beforehand. I have cosponsored legislation calling on the U.S. Government to support EU accession, and I have written to President Bush too on this matter as well.

I have co-sponsored legislation introduced in the House to end restrictions on the freedoms and human rights of the Greek Cypriot enclaves in northern Cyprus. I personally tried to visit the enclaves during a recent trip to Cyprus so I could see for myself the condition of the Greek Cypriots living there, but I was prevented from doing so by the Turkish Cypriot leadership.

I support the Administration's allocation of $15 million each year to promote measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities in Cyprus.

I believe it is critical that the Turkish Cypriot side provide information on the five American citizens of Greek Cypriot descent who have been missing since 1974. As a purely humanitarian matter, the Turkish side must make progress on this issue.

As our global village becomes increasingly interdependent, societies around the world are adopting democracy, free trade, and respect for human rights. The Government of Cyprus has embraced these concepts, becoming a responsible actor on the international stage, and its people have benefited greatly from its leadership. I sincerely hope that the Turkish Cypriot leadership decides to make the compromises necessary to end the division of Cyprus so that the entire island can enjoy the fruits of globalization.

Until that time comes, I congratulate the people of Cyprus on the 42nd anniversary of their independence.

TRIBUTE TO THE REVEREND NORMAN POTT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Reverend Norman Pott, a retired pastor of the First Presbyterian Church of San Rafael. Rev. Pott died on September 1, 2002, after a two-year battle with bone marrow cancer.

Rev. Pott was a leader in fighting for the inclusion of gay, lesbian, bisexual and transgender people in the leadership of the Presbyterian Church. During his eleven years at the First Presbyterian Church in San Rafael, from 1986–1997, he promoted inclusion and acceptance of diversity within the church. While at the Church in San Rafael, Rev. Pott ran for moderator, the top job in the Presbyterian Church USA. Although he lost the election, he ran on a platform calling for ordination of lesbians and gays that brought the issue national attention.

Before coming to San Rafael, Rev. Pott was a minister at the First Presbyterian Church in Berkeley where he worked for the rights of migrant farm workers, supported the work of Martin Luther King Jr. and counseled students at the University of California Berkeley during the Free Speech Movement on campus. After leaving Berkeley, Rev. Pott worked in Davis with Cesar Chavez for the rights of farm workers and was also a vocal leader for women's rights.

Norman Pott was born in Summit, New Jersey. He attended Wheaton College in Illinois where he married his wife, Enid, on graduation day in 1954. He was drafted to the National Basketball Association from Wheaton, but rejected the offer in order to fulfill his dream of becoming a minister. He received a master's degree in divinity in 1957 from Princeton Theological Seminary and a doctorate in philosophy in 1960 at the University of Edinburgh in Scotland.

Mr. Speaker, I am proud to recognize Norman Pott for his many contributions to the community and the Church. His vision for the Presbyterian Church will continue to inspire both the Church and the communities in which he served.

RECOGNIZING NATIONAL FIRE PREVENTION WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize National Fire Prevention Week, and I

urge all Americans to take steps to protect their families and loved-ones by installing and checking smoke detectors, practicing home escape plans, and identifying home hazards.

In 1920, President Woodrow Wilson issued the first National Fire Prevention Day proclamation, and since 1922, National Fire Prevention Week has been observed during the beginning of October. No doubt, this act has roots that draw from the tragic fire that raged through Chicago in early October 1871, killing more than 250 people and leaving more than 100,000 others homeless.

The message of National Fire Prevention Week—to install and check smoke detectors, practice home escape plans, and identify home hazards—hits particularly close to home. During a warm July night earlier this year, a faulty electric wire breathed life into a fire that quickly engulfed a bedroom in my home. My young granddaughter was sleeping in this room at the time, when a smoke detector roused her from her sleep. Fortunately, the smoke detector also aroused my wife, who was able to evacuate my home and call the fire department before anyone was hurt.

That smoke detector saved the lives of my family. And yet, thousands of Americans die from fires each year. In fact, every 18 seconds a fire department responds to a fire somewhere in this country.

It only takes a few moments to install a smoke detector or ensure that one is working properly. Moreover, practicing an escape plan and checking around your home for hidden fire hazards can not only prevent considerable heartache for you and your family, it can reduce the number of fires our brave firefighters have to respond to each year.

Therefore, Mr. Speaker, again, I rise to recognize National Fire Prevention Week. And I also ask my colleagues to join me in recognizing their local police, fire, and rescue squads for their unceasing commitment to keeping our families and loved-ones safe.

WORLD SPACE WEEK 2002—SPACE AND DAILY LIFE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. HOYER. Mr. Speaker, the United Nations commemorates the beginning of the Space Age by celebrating World Space Week this October 4th through the 10th. Celebrated in nearly fifty nations, this week is designated to recognize the progress of technology, anticipate new economic opportunities and find new means for transforming life in space and on Earth to improve the lives of people around the world. The theme for Space Week 2002 is ''Space and Daily Life''.

The benefits of community participation in World Space Week are far reaching. It is a proactive way to demonstrate public support for space programs, encourage youth to learn about space and the possibilities of the future, promote institutions around the world that are involved in space and to foster international cooperation in space outreach and education.

I am proud to say that the 5th District of Maryland has a variety of dynamic activities that will allow community members to participate in Space Week.

The initiatives taken by NASA's Goddard Space Flight Center, the Office of Space Science Sun-Earth Connection Education Forum, the Living with Star Initiative, Prince George's County Economic Development Corporation and Maryland Space Business Roundtable have made it possible for every public high school and middle school in Maryland to receive information on World Space Week.

In today's increasingly technological world, it is vital to the future advancement of our country to encourage our youth to take an active learning interest in academic fields and career paths such as space, science and math.

Eleanor Roosevelt High School in Greenbelt, which is a school in Maryland's Fifth Congressional District that I represent, has responded to this need by organizing a panel discussion about space in conjunction with Goddard Space Center. This event is a testament to their dedication to academic excellence. Roosevelt High School has even been honored as a 2002 National School of Character, which recognizes their outstanding efforts to encourage the social, ethical and academic development of students through character education.

I would also like to commend the NASA Goddard Space Flight Center in Greenbelt, Maryland for its contributions to the exploration and peaceful use of outer space. The cutting-edge technologies they have developed have played a large role in attracting scientists, engineers and technicians who create next-generation spacecraft, sensor and instrument technologies which are used to benefit Maryland, our society and the international community.

Goddard is the lead center for the Living with a Star Initiative, a multi-year program that will eventually produce new systems, spacecraft and technology to study the effects of the sun on the Earth. In fiscal year 2002 I worked to help secure $25 million for the program and I will continue to work to obtain such resources to help ensure the success of such projects in the future.

World Space Week 2002 serves as a positive voice in recognizing past and future accomplishments and innovations in exploration, development and use of space and space education for the benefit of all humankind and I am proud of the role that Maryland's Fifth Congressional District plays in promoting this week each year.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. MASCARA. Mr. Speaker, on October 2, 2002, I was absent for personal reasons and missed rollcall votes Nos. 427 through 436. For the record, had I been present I would have voted ''yea'' on 427, ''yea'' on 428, ''nay'' on 429, ''yea'' on 430, ''yea'' on 431, ''yea'' on 432, ''nay'' on 433, ''nay'' on 434, ''nay'' on 435, and ''nay'' on 436.

REMEMBERING SEPTEMBER 11

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. ISRAEL. Mr. Speaker, on September 11 I joined with the students, teachers, administrators and parents of the Idle Hour Elementary School in Oakdale for a profound commemoration of those lost in the attacks on America. I know that our colleagues will be as moved as I was to hear the essays of three sixth graders: Emily Pertz, Justin Rigas and April LaValle. I am honored to share them with the entire Congress today:

SEPTEMBER 11

(By Emily Pertz)

September 11 was a painful and tragic event. It changed the lives of millions forever.

I don't know anybody who died in my family because of the attack, but knowing that a lot of kids became parentless that day is enough to make my family and I upset. Whenever we go over the bridge I see many buildings and then a big gap where the towers once stood. To me it is very upsetting to see. My family is more cautious than ever.

I think the attacks have changed both our country and our world. The United States became more united. The world together is fighting terrorism. But on the other hand, many people lost loved ones, and the world's tallest towers were destroyed. Many people are still mourning and are still heartbroken.

Our school has done many great things to remember the victims. We raised a lot of money to plant a memorial garden to honor the lives lost from our neighborhood. We made red, white and blue chains that connected every classroom to show we are united. Each student colored in two flags, one to take home and one to hang up in school. The day after the attack our school had a moment of silence. It really made me think and made me a little depressed.

The United States went through a lot, but no matter what we will always be united.

AMERICA CHANGES

(By Justin Rigas)

The terrorist attack made by Osama Bin Ladin and the Taliban on the Twin Towers, landmarks of our New York City Skyline, was a great tragedy. Thousands of innocent people died terribly as the buildings melted and crumbled to the ground. Children are left without their mothers and fathers, families without sisters, brothers, dear friends. Families are left without jobs, without their income, possibly unable to pay their bills and keep their house.

But America has stood together strong. In this moment of sadness and tragedy millions have come together with help and support. People all over our country, not just New York have sent donations of food, money and clothing to help those families that have lost those dear to them.

The events of September 11, 2001 have changed the attitudes of my family as well as millions of Americans. We all miss those we know and loved that are gone. The Americans innocence may never again be the same, not able to totally trust the safety we've somehow always felt. Many people hesitate to travel on airplanes which means less people are visiting places where the people there count on them to spend their money. It could hurt business in hotels, restaurants and stores.

We always need to be on guard that something terrible could happen again. Our government cannot sleep, it must always be searching for the next thing to happen.

During the months following September 11, my school painted pictures of the Twin Towers and memories of that day. We made a tree of buttons representing the people that died that day on the wall in our hallway. Collections of food and money were presented to the Red Cross and a garden in the form of our flag was planted at school.

At Dowling College, a memorial Garden was planted to be kept forever funded by a dinner our school held.

People everywhere still fly their American flags at their homes and, in their cars.

In the meantime we will rebuild our city and the towers that will again stand, this time as a huge memoriam of 9–11 and those lost. The day that changed America.

SEPTEMBER 11, 2001

(By April Lavalle)

9–11 was a day of mixed emotions, sadness, anger and determination. Even though many innocent people were killed, never will the people of America stop the deeds, kind donations and prayers for all who have passed away. Some people were lucky not to know anyone who was in the Twin Towers. But I knew my personal life would never be the same. I took so many things for granted.

I now think about the desperate families of the innocent people who have died. Even though people try to do all they can to make families who lost loved ones feel better, nothing can serve as compensation for those who left us on September 11th. America now has to prove to the world that we are a strong nation and will fight for what we need. The world is no longer a peaceful place for us and no longer united. A gray sky will stay in our minds until we find peace and our sun will again shine through.

Our community hung flags, made donations and I bet you that everyone prayed. We are a proud and patriotic nation. Don't think 9–11 made us a weaker country; it made us a stronger America.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, A MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. LYNCH. Mr. Speaker, I thank my colleague for this opportunity to remember and pay tribute to our dear departed colleague, PATSY MINK of Hawaii. I am deeply saddened by her passing, PATSY MINK was a wonderful woman and a great leader for her constituents of Hawaii and for our Nation.

I had the honor and privilege of serving on the Government Reform Committee with Congresswoman MINK. During my short tenure on the committee, PATSY MINK's passion and her belief in her work was evident and could be felt by all that knew her.

Mr. Speaker, PATSY MINK will always be remembered for her legislative achievements. Her ability to build coalitions for progressive legislation led to the first comprehensive Early Childhood Education Act and authored the Women's Educational Equity Act.

Her constituents benefited from her dedication to equality for women and she played a key role in the enactment of Title IX of the Higher Education Act Amendments, which prohibited gender discrimination by federally funded institutions. This legislation has become the major tool for women's fuller participation not only in sports, but also in all aspects of education.

Most significantly, I have admired PATSY MINK for her tireless commitment to the people of the second district of Hawaii. While this tribute cannot begin to communicate her greatness as a leader and friend, I can say that this body has been made better by her presence and is truly diminished in her absence. She was a role model, and always led by example.

Mr. Speaker, when you come to Congress, you look to certain people that set the framework on how you should act and how you should conduct yourself. You cannot find a better example of that than PATSY MINK. I consider myself fortunate to have had the opportunity to know and work with her. Congresswoman MINK's mark on this institution has been left, and she will never be forgotten.

Mr. Speaker, I ask all my colleagues to join me in honoring the memory and celebrating the accomplishments of Congresswoman PATSY MINK.

TRIBUTE TO ANN S. MILLER AND TED MALIARIS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Ann S. Miller and Ted Maliaris of South Florida for their patriotism and consistent dedication to our nation through the ''A Tribute to America Tour.''

Ann Miller and Ted Maliaris, a mother and son team, wrote and produced ''A Tribute to America—A 21st Century Anthem'' following the devastating events of September 11th. Their anthem is pertinent to all Americans, recognizing the dedication of our Armed Forces and the men and women in uniform who risk their lives every day to ensure our safety and the safety of freedom.

Their sense of pride and devotion to America is clearly evident through their lyrics:

We have freedom in our land, we will fight for our rights, we will stand up for the brotherhood of man

No one can destroy us through thick or thin we're a nation that was built to survive.

No terrorist plight can destroy our sight or the strength of this motherland

We're America, America

Strong, Proud, Brave and Bold

I urge all our colleagues, Mr. Speaker, to join me today in paying tribute to two loyal and proud Americans, Ann S. Miller and Ted Maliaris.

STOP RACIAL PROFILING OF SIKHS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. TOWNS. Mr. Speaker, racial profiling of Sikhs continues in our country a year after terrorists attacked New York and Washington. According to the September 20 issue of the New York Times, two Sikh men were arrested while trying to fly from New York to Las Vegas for an Exxon convention. Mr. Wander could be facing up to 20 years in prison, according to the article.

Gurdeep Wander and Harinder Pal Singh were headed to that convention on a Northwest Airlines flight after missing a previous connecting flight in Minneapolis. They were flying on the night of September 10 to avoid flying on the anniversary of the September 11 attacks, but had to fly on the morning of the 11th after being delayed. Apparently, it is now a crime to fly if your hair is long and your skin is dark.

Mr. Wander and Mr. Singh were late for their flight and ran on board. Right after them, a Hispanic man named Carlos Nieves rushed onto the plane. All that the two Sikh men carried was the shaving kits they had been given by the airline, because their luggage had already been forwarded to Las Vegas. The flight attendants said that they found three swarthy men rushing onto the plane suspicious. I can't help but wonder if they would have been suspicious of three white men rushing onto a plane.

Right before departure, Mr. Wander got out of his seat and got the shaving kit the airline had given him. He asked to use the restroom. After a few minutes, the flight attendant asked him to sit down and he asked for a minute to finish up. After Mr. Wander came out, Mr. Nieves went to the restroom, followed by Mr. Singh. The flight attendant tried to prevent Mr. Singh from using the restroom, claiming that explosive devices could be assembled if separate individuals carried the components. Because of Mr. Wander's, Mr. Nieves's, and Mr. Singh's skin color, she clearly assumed that they were doing so.

After the plane made an emergency landing in Arkansas, Mr. Singh, Mr. Wander, and an Egyptian man named Alaaeldin Abdelsalam were detained. All the luggage was taken out of the plane. Soon, the plane was surrounded by bomb-sniffing dogs.

It is clear that Northwest Airlines detained these individuals because of their darker skin color. This is racial profiling, and it is wrong. It must be ended. The Transportation Department must put out an order banning racial profiling. Otherwise, it will be dangerous for any minority to fly.

We must treat all passengers equally. No one should be detained for his or her skin color. It must be stopped now. I call on Northwest and all the airlines to end this racist practice and I hope that those who are victimized by this practice will get full recompense.

Mr. Speaker, I would like to place the New York Times article I referred to into the RECORD at this time.

[lsqb]From the New York Times, Sept. 20, 2002[rsqb]

BOUND FOR LAS VEGAS, 2 MEN TAKE A 9/11 DETOUR TO JAIL

(By Edward Wong)

FORT SMITH, Ark., Sept. 19.—The distance between a convention in Las Vegas and a brick jail here in the lush plains of western Arkansas proved far shorter than Gurdeep Wander and Harinder Singh ever could have imagined.

Mr. Wander and Mr. Singh, two gas station workers of Indian descent from New Jersey and Pennsylvania, boarded a Northwest Airlines flight on Sept. 10 from La Guardia Airport, bound for an Exxon convention. In one of the more Kafkaesque instances of air travel jitters, they landed in the county jail here

on Sept. 11, and spent more than a week sleeping in orange jump suits between razor-wire fences. Today, Mr. Wander appeared in a federal courtroom and quietly listened as Judge Beverley Stites Jones said that she had found probable cause that he had intimidated a flight attendant.

A grand jury will probably decide next week whether to indict him in the crime, which carries up to 20 years in prison.

The story of how Mr. Wander and Mr. Singh, who was released on Wednesday, ended up here involves a missed plane connection, terrorism concerns, a surplus of facial hair and arguably poor judgment on the part of many people. Mr. Wander's lawyer, Matthew J. Ketcham, says his client is the victim of racial profiling and paranoia. Federal prosecutors argue that Mr. Wander scared a flight attendant when he refused to sit down, which resulted in the pilot's landing the Las Vegas-bound plane here.

Mr. Wander, who is a 48-year-old American citizen, and Mr. Singh, a 41-year-old citizen of India, made it a point to travel on Sept. 10 because they wanted to avoid flying on the anniversary of the Sept. 11 attacks, Mr. Ketcham said. Their plane arrived late in Minneapolis, and the two missed their connecting flight. The airline gave each a shaving kit, and they slept in a nearby hotel, Mr. Ketcham said.

They caught a flight the next morning, barely making a connection to Las Vegas through Memphis. They rushed on board, followed by a Hispanic man named Carlos Nieves. Mr. Wander and Mr. Singh carried only their shaving kits, because their luggage had been forwarded. The three men sat in different parts of the plane.

The sudden appearance of the men seemed suspicious to the three flight attendants, who asked burly passengers to keep an eye on them, said Deborah Summers, a flight attendant who testified here today. Right before takeoff, with the ''fasten seatbelt'' sign on, Mr. Wander left his seat at the rear to get his shaving kit from an overhead compartment. Ms. Summers said she noticed from his boarding pass that he had not taken his assigned seat next to Mr. Singh.

Mr. Ketcham said Mr. Wander just wanted to stretch out because he had had little sleep.

After the plane began ascending, and while the ''fasten seatbelt'' sign was still on, Mr. Wander asked Ms. Summers if he could use the restroom. She let him go. He stayed inside for 10 minutes, Ms. Summers said, prompting her to knock on the door. Mr. Wander opened the door, told her he needed to clean up and shut the door. She knocked again soon afterward. When he opened the door, he was shirtless and in the middle of shaving. The pilot urged her to check his razor, then told her to tell him to get out. After five exchanges, Mr. Wander sat down.

''He didn't refuse to leave,'' Mr. Ketcham said. ''She only asked him explicitly twice to sit down and he asked for a minute to finish up.''

Almost immediately, Mr. Nieves, who did not know the other two men, got up to use the same restroom. This was reported to the pilot, Capt. David McGuirk, who had ordered all passengers to stay in their seats. After Mr. Nieves left the restroom, Mr. Singh went to use it.

By now, Ms. Summers said, she was trying to lock the restroom. She had learned that ''an explosive device can be assembled if separate individuals carry the components,'' an affidavit by an F.B.I. agent who questioned her said.

Ms. Summers tried to dissuade Mr. Singh from using the same restroom, saying it was broken. Mr. Singh insisted, because another one in the rear was occupied, said George Lucas, a lawyer for Mr. Singh. He used the other restroom, then sat down next to Mr. Wander.

While Mr. Singh was in the restroom, Captain McGuirk decided to make an emergency landing here. Soon, the plane was surrounded by police officers, fire trucks and bomb-sniffing dogs. The three men, along with a native of Egypt living in Louisiana named Alaaeldin M. Abdelsalam, were told to remain in their seats, Mr. Ketcham said. ''It's no coincidence that these dark-skinned men were singled out,'' he said.

The plane's luggage was pulled out, and a dog raised an alert at Mr. Abdelsalam's bag, which was blown open with a water cannon. He was arrested, along with Mr. Wander and Mr. Singh. Mr. Nieves was released after questioning. Mr. Abdelsalam was released after he explained that he worked in an oil field and that his chemical-stained boots and hard hat were in his bag.

The authorities let Mr. Singh go on Wednesday after he agreed to pay a $500 civil penalty. As for Mr. Wander, Mr. Cromwell said the intimidation charge ''is warranted.'' Mr. Wander was released today on a $25,000 bond.

Ms. Summers, prosecutors and Northwest Airlines said the flight crew's actions were based on the behavior of the men, not on their skin color.

Mr. Singh could not be reached for comment, and Mr. Wander did not make a public statement today. After his release, he piled into a car with family members to return to his home in Washington, N.J. Apparently, no one wanted to fly.

SHRIMP IMPORTATION FINANCING FAIRNESS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Shrimp Importation Financing Fairness Act. This bill aids America's struggling domestic shrimping industry by placing a moratorium on restrictive regulations affecting the shrimping industry. This bill also prevents tax dollars from going to the domestic shrimping industry's major foreign competitors.

The United States domestic shrimping industry is a vital social and economic force in many coastal communities across the United States, including several in my congressional district. A thriving shrimping industry benefits not only those who own and operate shrimp boats, but also food processors, hotels and restaurants, grocery stores, and all those who work in and service these industries. Shrimping also serves as a key source of safe domestic foods at a time when the nation is engaged in hostilities abroad.

Given the importance of a strong shrimping industry to so many Americans, it seems strange that the federal government continues to burden shrimpers with excessive regulations. For example, the federal government has imposed costly regulations on this industry dealing with usage of items such as by catch reduction devices and turtle excluder devices (TEDS). The mandatory use of these devices results in a significant reduction in the amount of shrimp caught by domestic shrimpers, thus damaging their competitive position and market share.

Many members of Congress have let the National Marine Fisheries Service, which is the lead federal agency with responsibility to regulate the domestic shrimp industry, know of their displeasure with the unreasonable regulatory burden imposed upon the industry. In response, the agency recently held briefings with House and Senate staffers as well as industry representatives to discuss how the agency's actions are harming shrimpers.

However, even after hearing first-hand testimony from industry representatives and representatives of communities whose economies rely on a thriving shrimping industry, the agency refuses to refrain from placing regulatory encumbrances upon the domestic shrimping industry. Therefore it is up to Congress to protect this industry from overzealous regulators. The Shrimp Importation Financing Fairness Act provides this protection by placing an indefinite moratorium on all future restrictive regulations on the shrimping industry.

Seven foreign countries (Thailand, Vietnam, India, China, Ecuador, Indonesia, and Brazil) have taken advantage of the domestic shrimping industry's government-created vulnerabilities. These countries have each exported in excess of 20,000,000 pounds of shrimp to the United States in the first 6 months of this year. These seven countries account for nearly 70 percent of all shrimp consumed in the United States in the first six months of this year and nearly 80 percent of all shrimp imported to this country in the same period!

Adding insult to injury the federal government is forcing American shrimpers to subsidize their competitors! In the last three years, the United States Government has provided more than $1,800,000,000 in financing and insurance for these foreign countries through the Overseas Private Investment Corporation (OPIC). Furthermore, the U.S. current exposure relative to these countries through the Export-Import Bank totals some $14,800,000,000. Thus, the United States taxpayer is providing a total subsidy of $16,500,000,000 to the home countries of the leading foreign competitors of American shrimpers! Of course, the American taxpayer could be forced to shovel more money to these countries through the International Monetary Fund (IMF).

Many of the countries in question do not have free-market economics. Thus, the participation of these countries in United States-supported international financial regimes amounts to a direct subsidy by American shrimpers to their international competitors. In any case, providing aid to any of these countries indirectly grants benefits to foreign shrimpers because of the fungibility of money.

In order to ensure that American shrimpers are not forced to subsidize their competitors, the Shrimp Importation Financing Fairness Act ends all Export-Import and OPIC subsidizes to the seven countries who imported more than 20 million pounds of shrimp in the first six months of 2002. The bill also reduces America's contribution to the IMF by America's pro rata share of any IMF aid provided to one of those seven countries.

Mr. Speaker, it is time for Congress to reign in regulation-happy bureaucrats and stop subsidizing the domestic shrimping industries' leading competitors. Otherwise, the government-manufactured depression in the price of shrimp will decimate the domestic shrimping industry and the communities whose economies depend on this industry. I, therefore,

hope all my colleagues will stand up for shrimpers by cosponsoring the Shrimp Importation Financing Fairness Act.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. EDWARD L. SCHROCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. SCHROCK. Mr. Speaker, I would like to express my support for H.R. 2357, The Houses of Worship Political Speech Protection Act, which was defeated in the House last week. It is my belief that political speech is a form of speech that is protected by the first amendment. Churches must be given the same rights and protections as individuals.

I was in my home district participating in the Change of Command for the U.S. Joint Forces Command when the House voted on this legislation. The Joint Forces Command is responsible for joint service training of all U.S. military forces as well as helping transform the services for challenges they face in the 21st century. Navy Admiral Edmund P. Giambastiani, Jr. relieved retiring Army General William F. Kernan yesterday and takes over the command. Kernan retires after a 35 year Army career and two years as commander of Joint Forces Command and as NATO's Supreme Allied Commander Atlantic, responsible for NATO operations in the North Atlantic. Giambastiani spent the past 18 months as Defense Secretary Rumsfeld's military adviser. I wish General Kernan the best in retirement and I look forward to working with Admiral Giambastiani.

Had I been able to vote for H.R. 2357, I would have cast my vote in favor of this legislation.

I was also away from Washington on Thursday, October 3, 2002, accompanying the Secretary of the Navy to the Naval Institute Warfare Exposition in Norfolk. On this day the House voted on H.J. Res. 112, Making Continuing Appropriations for FY 2003. I had hoped to be here to vote for this important resolution to keep the government funded and operational, and had I been here I would have voted in favor of this resolution.

TRIBUTE TO THE HONORABLE BENJAMIN GILMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. TOWNS. Mr. Speaker, I am saddened by the action that we take here this week, honoring one of the House's greatest Members, BENJAMIN GILMAN, upon his retirement after 15 terms in Congress.

BEN has been a friend and supporter of many of us on the other side of the aisle. His compassion for serving others is legendary. Whether it was fighting for the creation of the Select Committee on hunger or freeing political prisoners in Cuba, BEN was a stalwart in protecting the rights of others. He brought that same concern for others to his role as the Ranking Member of the House Post Office and Civil Service Commitee from 1989 to 1993 which had oversight over civil service and postal employees. BEN has continued to be a voice of reason on the successor to this committee, the House Government Reform Committee. Having traveled with him on several anti-drug codels, I know how committed he has been not only in fighting drug trafficking but also in working for the resources necessary to assist those affected by drug abuse.

For his entire congressional career, BEN was known as someone from ''upstate New York''. Within the New York delegation, that simply means that BEN is not from New York city. While he may not hail from ''the Big Apple'', he is one of ''New York's finest'' and it has been an honor and a pleasure for me to serve with him and to call him my friend. BEN, please know that you will be sorely missed even by those of us who are not from your side of the aisle or from upstate New York. I can only wish you well and to thank for your years of service to the people of New York and this Nation.

MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to express my support for H.R. 3580, the Medical Device Amendendments.

This bill represents the kind of good public policy that can be developed when the parties work together in a bipartisan fashion.

H.R. 3580 makes a number of important changes to the processes at the Food and Drug Administration (FDA) to ensure that lifesaving medical devices are sped to the market, while at the same time ensuring that patient safety is protected. By instituting a system of user fees, this legislation will direct an additional $25 to $30 million to the FDA so that they can streamline their device approval process.

The legislation also makes sure that Congress upholds its end of the bargain by requiring an additional $15 million to be added to FDA's baseline through the appropriations process. As a result, FDA will have $40-50 million more over the next five years.

Additionally, by providing the FDA some flexibility in allowing third parties to perform biennial FDA quality systems regulations inspections, the agency will be able to clear the backlog, in inspections, and ensure that the facilities where these devices are made meet the same FDA standard that has been the benchmark.

This legislation contains important provisions which help clarify whether a product designed for single-use has been reprocessed, and improves labeling so that individuals and health care providers know when a product has been reprocessed.

However, I am most pleased that this legislation contains provisions that would improve our understanding of the long term health implications of breast implants. Current data regarding the health implications of breast implants fails to answer many questions, especially about the longterm health effects of breast implants, their effect on the auto-immune system, on neurological function, and on the children of women who have them. There is also a gaping void in our understanding of how implants affect breast cancer survivors.

We have also heard from many women that they were not adequately informed of the risks associated with implants before their surgeries. We have worked very closely with the committee to get some of these concerns addressed, and I am pleased that they agreed to include our proposal to have the NIH do a study on the long-term health consequences of breast implants,

This study would require NIH to delve into areas that have not been previously studied, so that we can have a full understanding of how breast implants affect women.

We were also able to agree on a GAO report, which will study the FDA's current informed consent procedures, to evaluate whether women are receiving the information they need to make an informed decision, whether that information is up-to-date, comprehensive, fair and balanced, and understandable. This GAO study will give us the hard data we need to determine whether changes to the FDA's process are necessary and appropriate.

I would like to thank Congressman ROY BLUNT for his hard work on this issue. ROY and I have been working together on this issue for several years because we both have constituents who have experienced problems with breast implants. We have both heard first hand of the deficiencies in our current knowledge base on the effects of implants, as well as concerns about the ability of women to receive comprehensive, fair and balanced information about the risks of implants.

I would like to thank Chairman TAUZIN and his staff for working so closely with us on this issue. A lot of effort went into this entire bill—including these provisions—and it would not have occurred without his leadership.

I would also like to thank Dr. GANSKE. I know that, as a plastic surgeon, he had some concerns about what we were trying to do, but I think we were able to work out a reasonable compromise on these issues, and that the women he treats will be better served as a result. I think that is something we can all be proud of.

Once again, Mr. Speaker, I voice my support for this legislation and urge its passage.

TRUTH IN FINANCING ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. PAUL. Mr. Speaker, I rise to give taxpayers the power to prevent their tax dollars from subsidizing illegal activity by introducing the Truth in Financing Act. Hard as my colleagues may find it to believe, groups which violate federal and state laws, or make misrepresentations when filing for federal grants, continue to receive federal tax dollars.

For example, according to information obtained by my office, federal bureaucrats are giving taxpayer funds to groups which routinely flaunt laws requiring that cases of statutory rape and child molestation be reported to the relevant authorities.

In order to insure that taxpayers are not subsidizing this type of unconscionable and illegal behavior, the Truth in Financing Act forbids federal funds from going to anyone who violates a federal law, regulation, or state or local law punishable by 6 months imprisonment or a fine of at least $5,000. The prohibition would also apply to those who aid or abet serious criminal activity, or who lie on an application for federal funds.

Most importantly, the Truth in Financing Act allows any U.S. citizen to use the courts to force federal officials to cut off funds from those who violate the law. No longer will taxpayers have to sit silently by while federal bureaucrats shovel money to those who flaunt the laws of this country.

Providing federal funds to those who engage in illegal behavior undermines the rule of law and forces taxpayers to fund illegal behavior. If federal bureaucrats will not act to prevent taxpayer funds from going to organizations that violate the laws, then Congress has no choice but to give taxpayers the power to stop this outrage. I hope my colleagues will stand up for the rule of law and the American taxpayer by cosponsoring the Truth in Financing Act.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 5422, the Child Abduction Prevention Act. I am greatly troubled by this vote.

I support the Amber Alert program as a vital means to prevent child abductions. I support improving the National Coordination of Amber Alert Communications to better track down perpetrators of these horrific crimes.

If this bill had simply been about this important effort to protect the safety of our children, I would have supported it. But, House Republicans added provisions I cannot in good conscience support and will ultimately doom this bill when it comes before the Senate.

I object to giving law enforcement unrestricted access to abuse fundamental privacy rights as this bill does. The Republicans added provisions giving the FBI unprecedented wiretap authority to engage in secret surveillance of our homes, even sexual acts between consenting adults.

The Republicans added provisions imposing new mandatory minimum sentencing requirements despite these having been shown to be ineffective in deterring crime.

Finally, Republicans added provisions expanding the number of crimes punishable under the death penalty. This is done despite evidence that many Americans have been wrongly sentenced to death.

By including these controversial provisions, House Republicans blew the chance to help protect our children from predators. It is inexcusable that they knew that these provisions would make passage of this bill impossible in the Senate. Yet, they added them anyway in hopes of making this a political issue.

Ultimately, the Republicans' aim was not to protect children. Their aim was to turn voters against Democrats in the Senate who support the Amber Alert program, but won't vote for a bill that compromises our constitutional rights.

I urge my colleagues to join me in voting against this legislation. Lets send a message to the House Republicans that the safety of our children and the protection of our Constitutional rights are more important than partisan politics.

DR. CLEON A. FLOWERS, SR., NOTED AFRICAN-AMERICAN PHYSICIAN AND COMMUNITY LEADER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 8, 2002

Mr. ROSS. Mr. Speaker, today I pay tribute to a highly regarded Arkansan, Dr. Cleon A. Flowers, Sr. Dr. Flowers passed away in Pine Bluff, Arkansas on his 89th birthday after spending more than six decades caring for the health needs of Pine Bluff and Southeastern Arkansas. With Dr. Flowers' passing, Arkansas and the state's medical community lost an icon in medicine.

Dr. Flowers, described as the Godfather of Arkansas Medicine, was born in Stamps, Arkansas, a small rural town in the Southwest region of the state. After earning his undergraduate degree from Arkansas AM&N College, now the University of Arkansas Pine Bluff, Dr. Flowers received his medical degree from Meharry Medical College, a historically black academic health center and preeminent medical school. Upon returning to Pine Bluff with a medical degree and after service in the U.S. Army Air Corps as a major, Dr. Flowers began practicing medicine with an emphasis on putting the patient's needs first. He would often accept chickens, pigs, or homegrown vegetables as payment and open his office after hours to accommodate the odd hours his patients worked. Living in the segregated South Dr. Flowers realized the challenges that African Americans faced and wanted to ensure African Americans received quality health care, regardless of income and ''normal'' business hours. During his private practice, Dr. Flowers owned and operated the United Links Hospital, a medical facility for Blacks. The hospital has since been renamed the Flowers Professional Building.

In addition to his professional milestones, Dr. Flowers was a community leader, becoming one of the first Black doctors on staff at what is now Jefferson Regional Medical Center in Pine Bluff, serving on the board of trustees of the University of Arkansas at Pine Bluff, and being a member of the National Medical Association and the National Association for Advancement of Colored People. Dr. Cleon A. Flowers, Sr. was an excellent physician and community leader. His presence in Pine Bluff and Arkansas will be missed.

In addition to my CONGRESSIONAL RECORD statement, I have also submitted an article from Jet magazine's September 16, 2002 issue, which discusses Dr. Flowers' life.

DR. CLEON A. FLOWERS SR., 89, NOTED PINE BLUFF, AR, PHYSICIAN, SUCCUMBS

Praised as an old-fashioned physician more interested in serving his patients than filling his pockets, Dr. Cleon A. Flowers Sr. recently was remembered by family and friends during services at New St. Hurricane Baptist Church in Pine Bluff, AR.

Flowers, born in Stamps, AR died at his home in Pine Bluff on his 89th birthday, ending a nearly 60-year career that began in 1943 after he graduated from Meharry Medical College.

''It did not matter to him if a person had money to pay for his service or not. He only wanted to be sure the needs of his patients were met,'' his son, Clifford Flowers, told the Pine Bluff Commercial newspaper, which interviewed Dr. Flowers in 1999.

During that interview the popular physician fondly recalled his early days as a doctor, citing his fees: Two dollars for an office visit, $3 for a house call and $35 for a home baby delivery. ''I even got paid with pigs, chickens, homegrown vegetables and wild game. Those were the good old days,'' he said.

Dr. Flowers made national news in 1954 when he delivered the first Siamese twins born at home. But he did not rest on his laurels.

Retired Jefferson County Coroner Havis Hester told the newspaper: ''I remember him opening his office until 3 a.m. in the morning just to accommodate his patients who had to work and could not get there during normal office hours. I never knew any other doctor to do that...''

The second son of three born to Alonzo and Beulah Flowers, Flowers, borne in 1913, graduated from Arkansas AM&N College (now University of Arkansas Pine Bluff) in 1939. He completed studies at Meharry Medical School in 1943. During his internship at Meharry he was drafted by the U.S. Army Air Corps and later was commissioned as a major.

Dr. Flowers opened his private practice in Pine Bluff in 1945 and in 1946 he bought the building occupied by the United Links Hospital, a medical facility for Blacks, which he continued to operate until 1950. Today it is the site of the Flowers Professional Building.

In 1950, Dr. Flowers became one of the first Black doctors on the staff of what is now the Jefferson Regional Medical Center in Pine Bluff.

His numerous medical and civic affiliations included service on the Arkansas Agricultural, Mechanical and Normal College/University of Arkansas at Pine Bluff Board of Trustees, the Arkansas Medical, Dental and Pharmaceutical Assn., where he served as president, and memberships in the National Medical Assn., Prince Hall Masons and NAACP.

''Most doctors retire after 20 or 30 years, after they think they've gotten rich. I've seen fellows quit and then they go home and shut down. They just wasted away. I'm going to keep chugging along,'' he told the Commercial. Dr. Flowers did just that. He worked well into the his 80s.

In addition to his wife, Martha, he is survived by six children: sons Dr. Cleon A. Flowers Jr., Dr. John A. Flowers, Clifford Flowers Sr., Clyde Flowers, and Randall Flowers, and daughter Dr. Martha Flowers.

REAFFIRMING REFERENCE TO ONE NATION UNDER GOD IN PLEDGE OF ALLEGIANCE

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. STARK. Mr. Speaker, I rise today in opposition to this legislation prohibiting the words

''under God'' from being removed from the official Pledge of Allegiance as it is written in Federal law.

Earlier this year, I voted against the Congressional resolution condemning the Ninth Circuit Court of Appeals for ruling the use of the words ''under God'' in the Pledge of Allegiance unconstitutional. I believe the Court was right.

The Court ruled on a case in which children were required to recite the pledge. Just as we should not bar anyone from reciting the Pledge of Allegiance, we should not force anyone to recite words they do not believe. The Court was clear in affirming that the term ''under God'' was more than a casual colloquialism. The meaning of these words is only proven by Congress' religiously inspired crusade to chastise and even undo the Ninth Circuit's opinion.

Congress ought to heed the Ninth Circuit Court and our Constitutional responsibility to respect the diversity of religious and personal belief in America. We should not legislate use of the term ''under God'' in the Pledge of Allegiance when many proud Americans do not share this belief.

We ought to instead reaffirm the notion of a ''nation indivisible,'' and a pledge that fully recognizes the shared beliefs and common aspirations of all Americans. I urge my colleagues to embrace this ideal, honor a basic principle of our Constitution, and vote no on this bill.

Daily Digest

HIGHLIGHTS

House committees ordered reported eight sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S10055–S10135

Measures Introduced: Fourteen bills and three resolutions were introduced, as follows: S. 3069–3082, S.J. Res. 48–49, and S. Res. 336. **Pages S10117–18**

Measures Reported:

Report to accompany S. 2394, to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients. (S. Rept. No. 107–300)

S. 2743, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, with an amendment in the nature of a substitute. (S. Rept. No. 107–301)

S. 2847, to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes, with an amendment in the nature of a substitute. (S. Rept. No. 107–302)

S. 2897, to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries, with an amendment. (S. Rept. No. 107–303)

H.R. 3908, to reauthorize the North American Wetlands Conservation Act, with amendments. (S. Rept. No. 107–304)

H.R. 4807, 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, with an amendment. (S. Rept. No. 107–305)

S. 2466, to modify the contract consolidation requirements in the Small Business Act, with amendments. (S. Rept. No. 107–306)

H.R. 451, to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area.

H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System, with an amendment in the nature of a substitute.

H.R. 2628, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama.

H.R. 2818, to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971.

H.R. 2990, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act.

H.R. 3401, to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center.

H.R. 3421, to provide adequate school facilities within Yosemite National Park, with an amendment in the nature of a substitute.

H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, with amendments.

H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia.

H.R. 3909, to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve.

H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

H.R. 3954, to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System.

H.R. 4073, 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, with an amendment in the nature of a substitute.

H.R. 4682, to revise the boundary of the Allegheny Portage Railroad National Historic Site.

H.R. 5099, to extend the periods of authorization for the Secretary of the Interior to implement capital construction projects associated with the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 5125, to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 1451, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range, with an amendment in the nature of a substitute.

S. 1816, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska.

S. 1959, to direct the Secretary of the Interior to conduct a study of the former Eagledale Ferry Dock in the State of Washington for potential inclusion in the National Park System, with an amendment.

S. 1988, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, with an amendment in the nature of a substitute.

S. 2016, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, with an amendment in the nature of a substitute.

S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment, with an amendment in the nature of a substitute.

S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho, with an amendment in the nature of a substitute.

S. 2565, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness and for other purposes.

S. 2585, to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

S. 2587, to establish the Joint Federal and State Navigable Waters Commission for Alaska, with amendments.

S. 2612, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, with an amendment in the nature of a substitute.

S. 2623, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, with an amendment in the nature of a substitute.

S. 2652, to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, with amendments.

S. 2670, to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems, with an amendment.

S. 2672, to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, with an amendment in the nature of a substitute.

S. 2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, with an amendment in the nature of a substitute.

S. 2727, to provide for the protection of paleontological resources on Federal lands, with amendments.

S. 2731, to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, with amendments.

S. 2744, to establish the National Aviation Heritage Area, with amendments.

S. 2756, to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, with an amendment in the nature of a substitute.

S. 2773, to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer and for other purposes, with an amendment in the nature of a substitute.

S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, with an amendment.

S. 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota.

S. 2823, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

S. 2872, to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark.

S. 2893, 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. 2899, to establish the Atchafalaya National Heritage Area, Louisiana, with an amendment.

S. 2927, to extend the deadline for commencement of construction of a hydroelectric project in the State of Oregon.

S. 2937, to establish the Blue Ridge National Heritage Area in the State of North Carolina, with an amendment.

S. 2952, to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail.

S. 3003, to authorize a land conveyance between the United States and the City of Craig, Alaska.

S. 3005, to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, with amendments.

S.J. Res. 44, to consent to amendments to the Hawaii Homes Commission Act, 1920, with amendments. **Pages S10114–15**

Further Resolution on Iraq: Senate continued consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq, taking action on the following amendments proposed thereto: **Pages S10063–S10108**

Pending:

Lieberman/Warner Modified Amendment No. 4856, in the nature of a substitute. **Pages S10066–67**

Graham Amendment No. 4857 (to Amendment No. 4856), in the nature of a substitute. **Page S10088**

A motion was entered to close further debate on Lieberman Modified Amendment No. 4856 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, October 10, 2002. **Pages S10106–08**

A motion was entered to close further debate on the resolution (S.J. Res. 45) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, October 10, 2002. **Pages S10107–08**

A unanimous-consent agreement was reached providing for further consideration of the resolution at 11 a.m., on Wednesday, October 9, 2002. **Page S10133**

Nominations Received: Senate received the following nominations:

1 Air Force nomination in the rank of general.

4 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Navy. **Pages S10133–35**

Messages From the House: **Pages S10113–14**

Measures Referred: **Page S10114**

Executive Reports of Committees: **Pages S10115–17**

Additional Cosponsors: **Pages S10118–19**

Statements on Introduced Bills/Resolutions: **Pages S10119–20**

Additional Statements: **Pages S10111–13**

Amendments Submitted: **Page S10131**

Notices of Hearings/Meetings: **Page S10132**

Authority for Committees to Meet: **Pages S10132–33**

Privilege of the Floor: **Page S10133**

Adjournment: Senate met at 9 a.m., and adjourned at 7:25 p.m., until 9:30 a.m., on Wednesday, October 9, 2002.

Committee Meetings

(Committees not listed did not meet)

AMERICAN TRANSIT NEEDS

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine the conditions and performance of America's transit infrastructure, focusing on the importance of a national, seamless transportation network that meets the mobility needs of moving people in urban and rural areas, after receiving testimony from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; David Winstead, Maryland Chamber of Commerce, Annapolis, on behalf of the U.S. Chamber of Commerce; Roy Kienitz, Maryland Department of Planning, Baltimore; Mayor Patrick L. McCrory, Charlotte, North Carolina; Eric Rodriguez, National Council of La Raza, Washington, D.C.; and Wendell Cox, Wendell Cox Consultancy, Belleville, Illinois.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development, Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation, Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development, Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation, John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, Rafael Cuellar, of New Jersey, to be a Member of the Board of Directors of the National Consumer Cooperative Bank, Michael Scott, of North Carolina, to be a Member of the Board of Directors of the National Consumer Cooperative Bank, and Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States.

CLEAN WATER ACT 30TH ANNIVERSARY

Committee on Environment and Public Works: Committee concluded hearings to examine the implementation of the Clean Water Act in commemoration of its 30th anniversary, after receiving testimony from former Senators Robert Stafford and George Mitchell; G. Tracy Mehan III, Assistant Administrator for Water, Environmental Protection Agency; Thomas A. Weber, Associate Chief, Natural Resources Conservation Service, Department of Agriculture; Paul Pinault, Narragansett Bay Commission, Providence, Rhode Island, on behalf of the Association of Metropolitan Sewerage Agencies; Robert F. Kennedy, Jr., Natural Resources Defense Council, Washington, D.C., on behalf of the Waterkeeper Alliance and the Clean Water Network; and Roberta Haley Savage, Washington, D.C.; Grace Chris, White River Junction, Vermont, Kristen Hoeft, Eagan, Minnesota, and Jordan Chin, Portland, Oregon, all on behalf of America's Clean Water Foundation.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters, signed at Belize on September 19, 2000, and a related exchange of notes signed at Belize on September 18 and 22, 2000 (Treaty Doc. 107–13), Treaty Between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 18, 2001 (Treaty Doc. 107–9), Treaty Between the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters, signed at New Delhi on October 17, 2001 (Treaty Doc. 107–3), Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters, signed at Vaduz on July 8, 2002 (Treaty Doc. 107–16), Extradition Treaty Between the United States of America and of the Republic of Peru, signed at Lima on July 26, 2001 (Treaty Doc. 107–6), Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania, signed at Vilnius on October 23, 2001 (Treaty Doc. 107–4), Second Protocol Amending the Treaty on Extradition Between the Government of the United States of America and the Government of Canada, as amended, signed at Ottawa on January 12, 2001 (Treaty Doc. 107–11), and the Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001 (Treaty Doc. 107–15);

H.R. 4073, 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, with amendment in the nature of a substitute;

S. 2667, to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, with an amendment in the nature of a substitute;

H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; and

The nominations of Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors, Wendy Jean Chamberlin, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam, Seth Cropsey, of the District of Columbia, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors, John R. Dawson, of the District of Columbia, to be Ambassador to the Republic of Peru, Samuel E. Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Antonio O. Garza, Jr., of Texas, to be Ambassador to Mexico, Maura Ann Harty, of Florida, to be an Assistant Secretary of State (Consular Affairs),

D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors, Kim R. Holmes, of Maryland, to be an Assistant Secretary of State (International Organizations), Joseph Huggins, of the District of Columbia, to be Ambassador to the Republic of Botswana, Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund, David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu, Charles Aaron Ray, of Texas, to be Ambassador to the Kingdom of Cambodia, Grover Joseph Rees, of Louisiana, to be Ambassador to the Democratic Republic of East Timor, Richard Allan Roth, of Michigan, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations, Robin Renee Sanders, of New York, to be Ambassador to the Republic of Congo, Ned L. Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Steven J. Simmons, of Connecticut, to be Member of the Broadcasting Board of Governors, C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Francis X. Taylor, of Maryland, to be an Assistant Secretary of State (Diplomatic Security) and Director, Office of Foreign Missions, with the rank of Ambassador, Linda Ellen Watt, of Florida, to be Ambassador to the Republic of Panama, and certain foreign service officer promotion lists.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings to examine the nominations of Ruth Y. Goldway, of California, and Tony Hammond, of Virginia, each to be a Commissioner of the Postal Rate Commission, after the nominees testified and answered questions in their own behalf. Ms. Goldway was introduced by Senator Clinton, and Mr. Hammond was introduced by Mr. Bond.

EPHEDRA USAGE

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine the regulatory framework for dietary supplements set forth in the Dietary Supplement Health and Education Act of 1994, and the Federal Trade Commission's efforts to ensure truthfulness and accuracy of marketing for dietary supplements, focusing on the quality, safety, and efficacy of the herb/dietary supplement Ephedra, after receiving testimony from Lester M. Crawford, Deputy Commissioner, Food and Drug Administration, Department of Health and Human Services; J. Howard Beales III, Director, Bureau of Consumer Protection, Federal Trade Commission; Charles Fricke, Logan County Coroner's Office, and Kevin and Debbie Riggins, all of Lincoln, Illinois; Lanny J. Davis, Patton Boggs, on behalf of the Metabolife International, Inc., and Sidney M. Wolfe, Public Citizen Health Research Group, both of Washington, D.C.; Bill Jeffery, Centre for Science in the Public Interest, Ontario, Canada; Ronald M. Davis, Henry Ford Health System, Detroit, Michigan, on behalf of the American Medical Association; and Frank D. Uryasz, National Center for Drug Free Sport, Inc., Kansas City, Missouri, on behalf of the National Collegiate Athletic Association.

NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of Stanley R. Chesler, to be United States District Judge for the District of New Jersey, Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia, Mark E. Fuller, to be United States District Judge for the Middle District of Alabama, Daniel L. Hovland, to be United States District Judge for the District of North Dakota, Kent A. Jordan, to be United States District Judge for the District of Delaware, James E. Kinkeade, to be United States District Judge for the Northern District of Texas, Robert G. Klausner, to be United States District Judge for the Central District of California, Robert B. Kugler, to be United States District Judge for the District of New Jersey, Ronald B. Leighton, to be United States District Judge for the Western District of Washington, Jose L. Linares, to be United States District Judge for the District of New Jersey, Alia M. Ludlum, to be United States District Judge for the Western District of Texas, William J. Martini, to be United States District Judge for the District of New Jersey, Thomas W. Phillips, to be United States District Judge for the Eastern District of Tennessee, Linda R. Reade, to be United States Judge for the Northern District of Iowa, William E. Smith, to be United States District Judge for the District of Rhode Island, Jeffrey S. White, to be United States District Judge for the Northern District of California, Freda L. Wolfson, to be United States District Judge for the District of

New Jersey, Carol Chien-Hua Lam, to be United States Attorney for the Southern District of California, Glenn T. Suddaby, to be United States Attorney for the Northern District of New York, Johnny Mack Brown, to be United States Marshal for the District of South Carolina, John Francis Clark, to be United States Marshal for the Eastern District of Virginia, Robert Maynard Grubbs, to be United States Marshal for the Eastern District of Michigan, and Joseph R. Guccione, to be United States Marshal for the Southern District of New York.

THE FERES DOCTRINE

Committee on the Judiciary: Committee concluded hearings to examine the Feres Doctrine, the Supreme Court decision which provides that active-duty military personnel or their estates cannot recover damages under the Federal Tort Claims Act where their injuries arise out of, or, are in the course of activity incident to service, after receiving testimony from Paul C. Harris, Sr., Deputy Associate Attorney General, Department of Justice; Rear Adm. Christopher E. Weaver, USN, Commandant, Naval District Washington; Maj. Gen. Nolan Sklute, USAF (Ret.), former Air Force Judge Advocate General; Maj. Gen. John D. Altenburg, USA (Ret.), former Army Assistant Judge Advocate General; Eugene R. Fidell, Feldesman, Tucker, Liefer, Fidell, and Bank, and Daniel Joseph, Akin, Gump, Strauss, Hauer, and Feld, both of Washington, D.C.; Richard A. Sprague, Sprague and Sprague, Philadelphia, Pennsylvania; and Bonnie A. O'Neill, Kingston, Pennsylvania.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 5569–5581; 1 private bill, H.R. 5582; and 6 resolutions, H.J. Res. 119, H. Con. Res. 503–506, and H. Res. 575, were introduced. **Page H7303**

Reports Filed: Reports were filed today as follows:

H.R. 2037, to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce, amended (H. Rept. 107–727, Pt. 2); and

H.R. 3758, for the relief of So Hyun Jun (Private Bill, H. Rept. 107–729).

Conference report on H.R. 3295, to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes (H. Rept. 107–730). **Pages H7247–68, H7302**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. **Page H7173**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. John Putka, SM, Department of Political Science, University of Dayton, Dayton, Ohio. **Page H7176**

Recess: The House recessed at 9:30 a.m. and reconvened at 10 a.m. **Page H7176**

Use of Force Against Iraq: The House began consideration of H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq. **Pages H7189–H7247, H7268–H7301**

Pursuant to the rule, the amendment to the preamble and the amendment to the text recommended by the Committee on International Relations and printed in the bill (H. Rept. 107–721) were considered as adopted.

H. Res. 574, the rule that is providing for the consideration of the joint resolution was agreed to by voice vote. **Pages H7178–86**

Suspensions: The House agreed to suspend the rules and pass the following measures that were debated on Monday, October 7.

Affirming One Nation Under God in the Pledge of Allegiance: S. 2690, amended, to reaffirm the reference to one Nation under God in the Pledge of Allegiance (agreed to by a yea-and-nay vote of 401 yeas to 5 nays with 4 voting "present", Roll No. 445); **Pages H7186–87**

Child Abduction Prevention: H.R. 5422, amended, to prevent child abduction (agreed to by a yea-and-nay vote of 390 yeas to 24 nays, Roll No. 446); and **Page H7187**

Appreciation for the Loyalty and Leadership of Prime Minister Blair: H. Res. 549, expressing appreciation for the Prime Minister of Great Britain for his loyal support and leadership in the war on terrorism and reaffirming the strong relationship between the people of the United States and Great Britain (agreed to by a yea-and-nay vote of 408 yeas to 1 nay with 1 voting "present", Roll No. 447).

Pages H7187–88

Enrollment Correction: The House agreed to H. Con. Res. 503, directing the clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act. **Pages H7188–89**

Senate Messages: Message received from the Senate appears on page H7174.

Referrals: S. Con. Res. 150 was referred to the Committee on International Relations. **Page H7301**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H7186, H7187, and H7188.

Adjournment: The House met at 9 a.m. and adjourned at 12:36 a.m. on Tuesday, October 9, 2002.

Committee Meetings

MARITIME SECURITY PROGRAM

Committee on Armed Services: Special Oversight Panel on the Merchant Marine held a hearing on the Department of Defense's current and projected requirements for vessels operating under the Maritime Security Program. Testimony was heard from Gen. John W. Handy, USAF, Commander-in-Chief, U.S. Transportation Command, Department of Defense.

LITERACY PARTNERSHIPS THAT WORK

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on Literacy Partnerships That Work. Testimony was heard from public witnesses.

EMPLOYMENT AND LABOR LAW—EMERGING TRENDS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Emerging Trends in Employment and Labor Law: Labor-Management Relations in a Global Economy. Testimony was heard from public witnesses.

CATASTROPHIC BONDS: SPREADING RISK

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "Catastrophic Bonds: Spreading Risk." Testimony was heard from Davi D'Agostino, Director, Financial Markets and Community Investment, GAO; and public witnesses.

OVERSIGHT—USE AND ABUSE OF GOVERNMENT CREDIT CARDS—NAVY DEPARTMENT

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held an oversight hearing on "The Use and Abuse of Government Credit Cards at the Department of the Navy." Testimony was heard from Senator Grassley; the following officials of the GAO: Greg Kutz, Director, Financial Management and Assurance; and Special Agent John Ryan, Assistant Director, Office of Special Investigations; and the following officials of the Department of the Navy: Rear Adm Robert Cowley, Deputy for Acquisition and Business Management, Research Development and Acquisition, Office of the Assistant Secretary; and Dionel Aviles, Assistant Secretary, Financial Management, Comptroller.

ARE WE LISTENING TO THE ARAB STREET?

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs and International Relations held a hearing on Are We Listening to the Arab Street? Testimony was heard from Ambassador Chris Ross, Department of State; Harold C. Pachios, Chairman, U.S. Advisory Commission on Public Diplomacy; and public witnesses.

BAIL BOND FAIRNESS ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on H.R. 2929, Bail Bond Fairness Act of 2001. Testimony was heard from Edward Carnes, Judge, U.S. Court of Appeals, 11th Circuit and Chairman Advisory Committee on Criminal Rules, U.S. Judicial Conference; and Richard Verrochi, President, Professional Bail Agents of the United States.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 2202, amended, Lower Yellowstone Reclamation Projects Conveyance Act; H.R. 4601, 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; H.R. 4912, amended, to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used; H.R. 5200, amended, Clark County Conservation of Public Land and Natural Resources Act of 2002; H.R. 5319, amended, Healthy Forests Reform Act of 2002; and H.R. 5399, Carpinteria and

Montecito Water Distribution Systems Conveyance Act of 2002.

The Committee also discussed the proposed Comprehensive Natural Resources Protection Act.

EXPEDITING PROJECT DELIVERY TO IMPROVE TRANSPORTATION AND THE ENVIRONMENT ACT

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on H.R. 5455, Expediting Project Delivery to Improve Transportation and the Environment Act. Testimony was heard from public witnesses.

RETIREMENT SAVINGS AND SECURITY ACT; INCREASE LIMITATION ON CAPITAL LOSSES APPLICABLE TO INDIVIDUALS

Committee on Ways and Means: Ordered reported, as amended, the following bills: H.R. 5558, Retirement Savings and Security Act of 2002; and H.R. 1619, to amend the Internal Revenue Codes of 1986 to increase the limitation on capital losses applicable to individuals.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION

Joint Hearings: Senate Select Committee on Intelligence resumed joint hearings with the House Permanent Select Committee on Intelligence to examine activities of the United States Intelligence Community in connection with the September 11, 2001 terrorist attacks on the United States, receiving testimony from former Senator Warren Rudman; Eleanor Hill, Staff Director, Joint Inquiry Staff; Paul R. Pillar, National Intelligence Officer for the Near East and South Asia, Central Intelligence Agency; Louis J. Freeh, former Director, Federal Bureau of Investigation, Department of Justice; and Mary Jo White, former United States Attorney for the Southern District of New York.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 9, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold oversight hearings to examine affordable housing preservation, 2:30 p.m., SD–538.

Committee on Finance: to hold hearings to examine the financial war on terrorism focusing on new money trails, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia, 9 a.m., S–116, Capitol.

Full Committee, to hold hearings to examine the G8 global partnership against the spread of weapons and materials of mass destruction (10 + 10 Over 10), 10:15 a.m., SD–419.

Committee on Governmental Affairs: business meeting to consider the nominations of Ruth Y. Goldway, of California, and Tony Hammond, of Virginia, each to be a Commissioner of the Postal Rate Commission, and other pending calendar business, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nomination of Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services, Time to be announced, SC–216, Capitol.

Committee on Indian Affairs: to hold hearings to examine S. 2694, to extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe, 10 a.m., SR–485.

Select Committee on Intelligence: to hold hearings to examine the nomination of Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency, 9:30 a.m., SH–216.

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine new laws implemented by the Administration in the fight against terrorism, 10 a.m., SD–226.

Subcommittee on Technology, Terrorism, and Government Information, to hold oversight hearings to examine the implementation of the USA Patriot Act (Public Law 107–56), and the Enhanced Border Security and Visa Entry Reform Act (Public Law 107–173), 10 a.m., SD–226.

House

Committee on Appropriations, to mark up the VA, HUD and Independent Agencies appropriations for fiscal year 2003, 2 p.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services and Education, oversight hearing on the National Institutes of Health, 10:15 a.m., 2358 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on Training Tomorrow's Teachers: Ensuring a Quality Postsecondary Education, 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Telecommunications and Trade Promotion Authority: Meaningful Market Access Goals for Telecommunications Services in International Trade Agreements,'' 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing titled ''Examining Issues Related to Competition in the Pharmaceutical Marketplace: A Review of the FTC Report, 'Generic Drug

Entry Prior to Patent Expiration','' 10 a.m., 2123 Rayburn.

Committee on Government Reform, to consider the following bills: H.R. 5205, to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia; H.R. 5215, Confidential Information Protection and Statistical Efficiency Act of 2002; H.R. 4187, Presidential Records Act Amendments of 2002; and H.R. 2458, E-Government Act of 2002; and to consider the following Committee Reports entitled: ''Making Federal Computers Secure: Overseeing Effective Information Security Management;'' ''How Can The Federal Government Better Assist State and Local Governments Prepare for a Biological, Chemical, or Nuclear Attack?;'' ''The Federal Government's Continuing Efforts to Improve Financial Management;'' ''Defense Security Service: The Personnel Security Investigations (PSI) Backlog Poses a Threat to National Security;'' ''Federal Law Enforcement at the Borders and Ports of Entry: Challenges and Solutions;'' and ''Problems With the Presidential Gifts System,'' 11 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on An Evaluation of the International Religious Freedom Report, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 2155, to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry; S. 1339, Persian Gulf War POW/MIA Accountability Act of 2002; H.R. 4967, Border Commuter Student Act of 2002; and H.R. 5334, 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, 11 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, to consider a private relief bill, time to be announced; and to hold an oversight hearing on ''The Immigration and Naturalization Services's (INS's) Interactions with Hesham Mohamed Al Hedayet,'' 3 p.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, oversight hearing on Federal Lands Highway Program, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on Project SHAD (Shipboard Hazard and Defense), Regarding Secret Chemical and Biological Tests Conducted on American Servicemembers, 10:45 a.m., 334 Cannon.

Joint Meetings

Conference: closed meeting of conferees on H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, 10:30 a.m., HC–5, Capitol.

Conference: meeting of conferees on H.R. 5011, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, 12:30 p.m., S–128, Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, October 9

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 9

House Chamber

Program for Wednesday: Continue consideration of H.J. Res. 114, Authorization for the Use of Military Force Against Iraq (structured rule, 17 hours of debate).

Extensions of Remarks, as inserted in this issue

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