House of Representatives

The House was not in session today. Its next meeting will be held on Monday, October 7, 2002, at 9:30 a.m.

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Senate

FRIDAY, OCTOBER 4, 2002

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK DAYTON, a Senator from the State of Minnesota.

PRAYER

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

Gracious God, You have endowed us with a thinking brain so we could think Your thoughts after You. That is awesome, Father. You are omniscient; You know everything. You also know what is best for our future as a Nation and our continuing battle with terrorism. This is Your Nation; we are Your people; we are a Nation under Your sovereignty. In response, we make Proverbs 16:3 the motto for this day, “Commit Your works to the Lord and Your thoughts will be established.” Throughout this day, we intentionally will submit the work of this Senate to You and seek Your guidance for the resolution on war with Iraq. We claim Your promise for clarified direction in keeping with Your will. We say with the psalmist:

I commit my way to the Lord and trust also in Him, and He shall bring it to pass . . . I rest in the Lord and wait patiently for Him—(Psalm 37:5,7).

Speak to our minds; we are listening. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON 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 4, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—MOTION TO PROCEED

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

The legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. shall be equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

Who yields time?

The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise in support of S.J. Res. 46 to authorize the use of U.S. Armed Forces against Saddam Hussein’s Regime in Iraq.

This bipartisan resolution would enable the President to take necessary action in order to defend our Nation and our people against Iraq and any other threatening terrorist nation or organization.

I believe it will pass Congress by broad bipartisan support and send a signal to the world that America stands united behind our President.

This vote will be one of the most important—if not the most important—that I or any of my colleagues will ever take in Congress.

Nothing is more sobering or serious than voting to send troops into battle and committing our Nation to war.

As the President said the other day, war is not our first choice. In fact, it is our last choice.

Having this debate and making this vote is something that none of us wants but in the end, I am afraid that we have no other choice.

The case against Saddam Hussein is clear. We can no longer tolerate him and the threat that he poses not only to us, but to his neighbors, the Middle East and the entire world.

To do anything else would be to repeat the mistakes of the past and to bury our heads in the sand.
After September 11, we cannot afford to simply sit on our hands. Now is the time to take bold and decisive action in our own self-defense.

The arguments against Saddam Hussein are compelling, and I believe the President made a convincing case when he spoke to the United Nations about Saddam’s contempt for the rest of the world.

Eleven years ago after he was defeated in the Gulf War, Saddam suspended hostilities and agreed to a series of commitments to help bring peace and stability to the Middle East. He has broken each of these commitments.


Also in 1991, the Security Council passed resolutions demanding that Iraq return all prisoners from Kuwait and other lands. Saddam Hussein broke that promise also.

The U.N. Security Council, through Resolution 687, demanded that Iraq renounce all involvement with terrorism and permit no terrorist organizations to operate in Iraq. Saddam not only broke that promise, but he continues to harbor terrorists, including al-Qaida leaders who fled from Afghanistan.

Most importantly, after the Gulf War, Iraq promised to destroy and to stop the development of weapons of mass murder and agreed to inspections by the world community. Once again, Saddam Hussein broke that promise. In fact, U.N. officials believe Iraq has produced tons of biological and chemical agents and failed to account for more than 3 metric tons of material that could be used to produce biological weapons.

In 1995, Iraq finally admitted it had a nuclear weapons program prior to the Gulf War.

And up to now, Iraq continues to withhold important information about its nuclear program. We know Iraq is working on rebuilding its nuclear capability.

After the Gulf War, Saddam promised to allow for a vigorous series of inspections of his military programs.

But for 7 years, we watched, on almost a daily basis, as the Iraqi Government bombed and weaved and did everything in its power to delay, stop and confuse the inspectors.

Finally, in 1998, Saddam kicked the United Nations Inspectors out of Iraq altogether. Once again, he broke his promise.

All in all, Iraq has failed to abide by 16 U.N. Security Council resolutions. Saddam has broken his word at every opportunity.

There is an old saying: “fool me once, shame on you. Fool me twice, shame on me.”

I don’t see how we can let Saddam fool us again. There is absolutely no doubt in my mind that Saddam Hussein cannot be trusted.

The time for inspections, diplomacy, and delay has passed. It is time for us to act.

Many in Congress believe we should not use force against terrorist nations such as Iraq without approval from the United Nations or our allies.

I believe this resolution takes the right approach and addresses their concerns.

It says that we should do all we can to work with our friends and the United Nations to address the menace of Saddam Hussein.

But it does not tie our hands and preserves our right to act in self-defense.

I have heard the arguments from the opponents of this resolution that we need more—proof that we can’t act first without a smoking gun.

I think the devil you know is better than the devil you don’t” is wrong—dead wrong.

After all, under Saddam’s rule, Iraq has used nerve gas and other weapons of mass murder with slaughter of tens of thousands of its own people.

It used chemical weapons over and over during its war with Iran in the 1980s.

Saddam has launched ballistic missiles at four of his neighbors—Israel, Iraq, Saudi Arabia and Bahrain.

He has had his followers assassinate opponents in Iraq and abroad.

During the Gulf War, his regime beat and tortured Americans and used them as “Human Shields.”

And on almost a daily basis Iraq continues to fire missiles and artillery at U.S. and coalition aircraft patrolling the no-fly zones in Northern and Southern Iraq—no-fly zones that Saddam agreed to after the Gulf War.

Looking at the evidence, I cannot imagine anything more destabilizing and threatening than the status quo.

Some say wait and let the U.N. pass another resolution. They argue that more inspections and towing a tougher line against Saddam will work this time.

But surely Saddam is not going to adhere to the 17th resolution after ignoring the first 16.

Finally, those who make the argument that we need more—proof say we need more—proof that we can’t act first without a smoking gun.

Even if they ignore all of the evidence, I would still argue that the last thing we want is a smoking gun.

A gun only smokes after it is fired and our goal and fight must be to prevent Saddam from firing that weapon.

I have heard the arguments from the opponents of this resolution that we should wait and deal with Saddam and wait until the upcoming November election.

They say this issue smacks of politics and that President Bush is using the war as a political tool in this next election.

Some have even had harsh words for President Bush on this issue and at times wonder who they think the real enemy is—President Bush or Saddam.

I believe that politics should not be a part of this debate from either party.

This debate is about war and peace, not petty political squabbles.

The Congress should vote now and the President should act when it would be most effective to end Saddam’s evil regime.

I don’t know if that’s today, tomorrow, the day after the election, or some other time in the near future.

But I will give the Commander-in-Chief and our military leaders the benefit of the doubt.

What is most important is that we do this right and launch our assault when it will be most effective.

The longer we wait, the more time this mad man has to hatch his evil plots.
There are risks in acting. But there are more risks in not acting.

In conclusion, I urge support for the resolution.

The evidence is clear. And the arguments against acting do not stand up to hard-headed reality.

Saddam Hussein is a deadly threat, a threat we have ignored, put off and used every excuse for not finally dealing with for too long.

We cannot afford to wait anymore. After September 11, the world has changed. It is time for us to act. It is time for us to be bold.

God bless this republic and our Great People.

I yield the floor.

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

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent I be allowed to speak for up to 30 minutes, please.

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

RESOLUTION ON IRAQ

Mr. LEVIN. Mr. President, I come to the floor today to speak in support of an alternative resolution which I will be introducing, and to explain why I believe it is the right way to go, and is a better alternative than the White House approach.

At the outset, it must be noted that whatever differences there may be among us, the one thing which we can all agree upon is Saddam Hussein is a tyrant and a threat to the peace and stability of the Middle East. He has used weapons of mass destruction against his own people and against Iraq. He has launched invasions of Iran and Kuwait. For the last 11 years, he has defied the will of the entire world, as expressed in United Nations security resolutions, by refusing to destroy his weapons of mass destruction and prohibited ballistic missiles.

Another point which I believe there is a consensus on among Members of the Senate is the fact that confronting the threat posed by Saddam Hussein could lead to committing U.S. military forces, including ground forces, into combat, and that the vote we take on a resolution relating to Iraq may be the most important vote we make this year.

Whether we commit our forces to attack Iraq as part of a United Nations authorized coalition, or whether we go it alone, could have immense consequences for our security and for future peace and stability in the Persian Gulf and the Middle East and beyond. That is why I will be introducing an alternative resolution.

The resolution agreed to between the White House and House leadership fails to address the two main problems with the original White House discussion draft. Those problems are the following: The White House approach still specifically authorizes at this time the use of force on a unilateral go-it-alone basis. Within 90 days of U.N. Council authorization. Second, the White House approach authorizes the use of force beyond dealing with Iraq's weapons of mass destruction and their means of delivery.

The resolution I will be introducing is consistent with how I think most Americans want us to proceed. It emphasizes the importance of dealing with Iraq on a multilateral basis and it withholds judgment at this time on the question of whether the United States should go it alone, should go unilaterally against Iraq, should the United Nations fail to act.

My alternative resolution does the following: First, it urges the United Nations Security Council to adopt prompt and unconditional access for U.N. inspectors so Iraq's weapons of mass destruction and prohibited ballistic missiles may be destroyed; and within that same U.N. resolution authorizes the use of appropriate force by U.N. member States to enforce such resolution in the event Iraq refuses to comply.

My alternative resolution will also specifically authorize the use of the United States Armed Forces, pursuant to that U.N. Security Council resolution if Iraq fails to comply with its terms and the President informs the Congress of his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with such U.N. resolution.

My resolution affirms under international law and the U.N. Charter, the United States has at all times the inherent right to use military force in self-defense, affirming the fact there is no U.N. veto over U.S. military action. The alternative resolution which I will be introducing affirms that Congress will not adjourn sine die so that Congress can return to session to consider promptly proposals relative to Iraq if, in the judgment of the President, the U.N. Security Council does not adopt the resolution I described above.

It provides further that the President report to Congress days on the status of efforts to have the U.N. Security Council adopt such a resolution, and if such a resolution is adopted, to obtain compliance by Iraq with the resolution.

Many were relieved when the President of the United States went to the United Nations and rightfully declared the Iraqi threat is "exactly the kind of aggressive threat that the United Nations was born to confront." The President reminded the world that Iraq's aggression was stopped after the invasion of Kuwait "by the might of coalition forces and the will of the United Nations." In calling upon the United Nations to act again, the President committed the United States to "work with the U.N. Security Council to meet our common challenge. We will work," the President said, "with the U.N. Security Council for the necessary resolution." Acting in this manner, the President was setting in motion the same process that was used when Iraq invaded Kuwait in August of 1990. At that time, then-President Bush on November 29, 1990, obtained U.N. Security Council authorization for the use of force if Iraqi forces did not withdraw from Kuwait by January 15, 1991. President Bush assembled a coalition of 39 nations that included Arab nations, Bahrain, Egypt, Oman, Qatar, Saudi Arabia, Syria, The United Arab Emirates, and Muslim nations Afghanistan, Bangladesh, Morocco, Niger, Pakistan, Senegal, Sierra Leone, and our NATO ally, Turkey.

The Senate and the House of Representatives passed a joint resolution authorizing the use of force to achieve implementation of the U.N. resolution on January 12, 1991, almost 7 weeks after the U.N. acted, and 3 days prior to the U.N.'s deadline.

At the time the United States went to and obtained U.N. authorization for the use of force meant that, with very few exceptions, the world was united in support of the United States and against Saddam Hussein. It did not mean the United States was going to go alone, as the world was united because the world community, with the participation of Arab nations, was taking action against Iraq. It did not mean the United States was going to war against a Muslim nation. It meant the world community, with the participation of Muslim nations, was going to war against Iraq. It resulted in the sharing of risks and the sharing of costs of war.

Also important, the United Nations, by approving the invasion, provided international legitimacy to the United States-led military action. And the United States, by seeking U.N. approval, cemented the credibility and the relevancy of the United Nations.

President Bush has now gone to the U.N., as his father did before him, and laid out the issues with the following words:

All the world now faces a test and the United Nations, a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequences? Will the United Nations serve the purpose of its founding, or will it be irrelevant? The United States helped found the United Nations. We want the United Nations to be effective, and respectful, and successful. We want the resolutions of the world's most important multinational body to be enforced. And right now those resolutions are being unilaterally subverted by the Iraqi regime. Our partnership of nations can meet that test before us, and help us see what we now expect of the Iraqi regime.

That test for the United Nations was laid out clearly by President Bush. Negotiations are going on now among the
permanent members of the U.N. Security Council. We all pray they will meet the test, and that is why my resolution specifically urges the Security Council to adopt, promptly, a resolution that:

-demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq’s weapons of mass destruction, nuclear-weapons usable material, ballistic missiles with a range of 150 kilometers and related facilities are destroyed, removed, or rendered harmless; and authorizes the use of necessary and appropriate military force by members of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply.

Congress has a test that we have to face as well, and that test, in my view, is to support the President’s request to the United Nations and not to do anything that will undermine the effort to get the United Nations to do what the President has requested that they do, and that, in my judgment and I think in the judgment of most of us, they should do.

In other words, if Congress endorses the use of force, even in the absence of a U.N. authorization at this time, what it does is enable the members of the Security Council to take a pass on the use of force. They can avoid taking a tough position on the basis that the United States will act no matter what the U.N. does.

I think we all want the U.N. to be relevant, and we want the U.N. to succeed. We do not want the U.N. to be relegated to humanitarian and disaster relief and other tasks that are useful to international peace and security but are not essential. I believe if it is done wisely, we can unite not only the Congress, but ultimately the world community, on a course of action that we all seek: The elimination of Saddam Hussein’s ability to threaten the world with weapons of mass destruction. In other words, our focus should be on uniting the world and not dividing it.

Let me say that again. I strongly believe that the test for Congress is to help the President lead and unite the world, and not divide it.

The resolution the White House supports authorizes the use of military force with or without world community support. In addition to letting the members of the U.N. Security Council off the hook, the adoption of that type of resolution tells the world that the United States is ready to act unilaterally, to go it alone, and the Congress is not even willing to wait to see if the United Nations will act to follow the President’s request and unite the world to enforce its resolutions before deciding we will go it alone.

Moreover, by not limiting the authorization for the use of force at this time to the destruction of Iraq’s weapons of mass destruction and their means of delivery, the White House resolution endorses the use of force for regime change and for a host of other purposes as minor as getting the return of Kuwaiti archives, which is a requirement of one of the U.N. resolutions which the White House resolution says we will go to war to enforce.

That language saying we will use force for purposes other than the elimination of weapons of mass destruction and related facilities is from the one nation that has been our most faithful and trusted ally, Great Britain. British Prime Minister Tony Blair and British Foreign Secretary Jack Straw made clear on numerous occasions that Great Britain’s willingness with Iraq is to destroy Iraq’s weapons of mass destruction. Why on Earth would we want to divorce ourselves from Great Britain? Even if we abandoned the effort to unite the world, why would we emphasize the only apparent difference that we have with Great Britain?

But the most important question, in my opinion, is whether we decide to go it alone at this time, to go to war with or without the support of the world community. Does going it alone make a difference? It makes a difference, when deciding to use force, whether or not the use of force has the support of the world community.

If we go it alone, will we be able to secure these airbases, ports and supply bases, and overflight rights in that region? Those rights and those capabilities are so important to the success of a military operation against Saddam.

If we go it alone, will there be a reduction in the broad international support for the war on terrorism, including the law enforcement, financial, and intelligence cooperation that is so essential?

If we go it alone, will that destabilize an already volatile region, undermine governments such as Jordan and Pakistan, and possibly end up with a radical regime in Pakistan, a country that has nuclear weapons?

If we go it alone, if we go it without the support of the world community, will Saddam Hussein or his military commanders be more likely to use weapons of mass destruction against other nations in the region and against our military forces in response to our attack? Would it be the case if he faced a U.N.-authorized coalition, particularly if that coalition included Muslim nations as the coalition did during the Gulf war?

If we go it alone, what other nations view our action as a precedent for threatening unilateral military action against their neighbors in the future?

If we go it alone, will we be undercutting efforts to get other countries to help us with the expensive, lengthy task of stabilizing Iraq after Saddam is removed?

By seeking a U.N. resolution that will authorize U.N. member states to use force if Iraq does not comply with its terms, we are not giving the United Nations a veto. Rather, we are getting from the United Nations strength and international credibility and legitimacy, should military force be needed. That alternative approach will offer in clear about the fact that we are not giving the U.N. a veto. We are just seeking support from the world community before we decide whether to go it alone.

There is a similar approach to what Prime Minister Tony Blair said recently in an interview with David Frost. Prime Minister Blair is quoted as saying, “I do not think that the United Nations will avoid the issue; but if they do, then we’ll see at that time.”

In his testimony before the Armed Services Committee on September 23, former Chairman of the Joint Chiefs of Staff Gen. John Shalikashvili addressed the issue of acting pursuant to a U.N. Security Council resolution that authorizes the use of force in the following manner:

“I am convinced that such a resolution would in fact be a powerful tool, and I say that for a number of reasons. First of all, we now impress upon the world that he is not just facing the United States, but that he is facing the will of the majority of the world.

We must also ensure that we have made it possible for as many of our friends and allies to join us. Some of them privately told us they would do so, but that it’s difficult for political, internal reasons, whatever, very difficult to do so without the United Nations having spoken on the issue. Some of them believe deeply that you would go to war only—unless you’re directly attacked—that you should go to war only with the sanction of the United Nations. Others just have that in their culture.

Finally, I think it’s important from a security point of view, because every time we undermine the credibility of the United Nations, we are probably hurting ourselves more than anyone else. We are a global Nation with global interests. And undermining the credibility of the United Nations does very little to help promote security and safety to the rest of the world.

General Shalikashvilli ended by stating, “So I see nothing but value added for the United States to try our very best to get that kind of a resolution.”

General Clark, the former NATO Supreme Allied Commander, who testified at the same hearing, echoed the views of General Shalikashvilli and added “we need to be certain we really are working through the United Nations in an effort to strengthen the institution in this process and not simply checking a block.”

Those two former senior commanders were concerned, of course, not only with the diplomatic and political aspects of working through the United Nations, but also with the practical impact that not going through the United Nations would have on the actual conduct of a war.

General Joseph H. Hoar, former Commanding Chief of U.S. Central Command, the command with responsibility for the Middle East region, including Iraq, testified that:
And the Arab countries, while they are supporting us in private, have a serious problem in convincing their populations that this is the right thing to do. And so I believe that we have to get the Arab nations top cover, as well, and we will do that with the United Nations.

On an operational level, I would just point out this, that, for example, if you can’t bring Saudi Arabia into the coalition to be able to use, at a minimum, air space, but, ideally air bases as well, the complications associated with carrying out a military campaign will grow exponentially.

We need them. We need a broad base. We need it for the political reasons as well as the military reasons that we all understand. It will make the whole job a great deal easier. And, in the long run, as Wes (General Clark) said, in our relationship with these countries in the future, it will expedite and ease our ability to do business after the military campaign is over.

General Hoar’s testimony points out the practical problems that result if we are using military force against Iraq without the support of the world community. The Saudi Foreign Minister has stated that if there was a Security Council Resolution backing military action, all United Nations members would fight on that front with honor. It would make clear that Saudi Arabia remained opposed in principle to a unilateral attack by the United States. The inability to use Saudi airspace—no less Saudi air bases—would be a major impediment to the use of military force against Iraq.

The position of European allies need to be considered as well. As the Washington Post reported last Monday, a senior European official responding to the United States going it alone, said “A lot of Europeans would feel they’d been put in an intolerable position.” For those who would agree to participate militarily, “it would be less a coalition of the willing than of the dragged on.”

That says a lot.

It is very important that we carefully consider the short-term and the long-term effects of unilateral action by the United States. It reduces the risk to our forces and to our interests throughout the world; that avoids to the maximum extent possible the negative consequences, if force is required, including the loss of cooperation on the war on terrorism; and that has the best chance of isolating Saddam Hussein rather than isolating the United States.

So our focus should be securing a United Nations resolution that can unite the world: that has the best chance of isolating Saddam Hussein and the negative consequences, if force is required, including the loss of cooperation on the war on terrorism; and that has the best chance of isolating Saddam Hussein rather than isolating the United States.

This resolution, again, does not determine that we will not go it alone if the United Nations does not authorize the use of force. It withholds judgment on that very difficult and very different issue. But it says in that case, if the United Nations does not act, that the President can convene us quickly in order to seek authorization for going it alone should the United Nations not act in a prompt way.

The vote that we take may have significant consequences for our children and our grandchildren. I believe our security is enhanced when we seek the world’s cooperation and we secure the support of the United Nations, and if military force is required, that it is used with the full support of the world community.
In 1991, the Congress increased the gratuity death benefit to $5,000, and, regrettably, we failed to exclude all of that from taxable income. So $3,000 of that death gratuity was treated as taxable income.

So the proposal we passed last night is one that restores the full tax exclusion of the death benefit gratuity. So now when the $6,000 is paid to the family of the deceased military personnel, all $6,000 is paid tax free.

Another provision relates to the exclusion-of-gain on the sale of a principal residence. The general rule, prior to 1997, for most taxpayers, is that they would have the gain on their home excluded, so long as they replaced their home within 2 years after its sale, so long as the principal place of their residence was established 2 years after the sale.

We provided a break for the military at that time, prior to 1997, and that is, the military personnel could replace their home up to 8 years. They were given an additional 6-year period within which to replace their home and still get the full exclusion from the gain on their home.

In 1997, Congress changed the law with respect to the exclusion-of-gain on the sale of a principal residence. The new law provided that the taxpayer must live in a home for at least 2 years of the 5 years preceding the sale of that home. That has been the standard rule since 1997.

The Congress, however, neglected to make this special change for our military personnel, neglecting to recognize that military personnel travel a lot more, which is not of their choice, because of their military orders as to where they are stationed.

So the general rule has been the same for them, and it has made it very difficult for them, because sometimes they cannot live in their principal residence, their home, for 2 years of the 5 years preceding 5 years to get the full exclusion.

So what we have done is this, essentially. We have suspended the 2 years out of 5 rule for military personnel when they are on active duty or when they are in the line of duty, stationed someplace else around the world, someplace different from their principal residence. It is suspended during that period. So when they come back to their principal residence, then the 2 out of 5 years begins to apply.

So it is much more fair to military personnel now, so they will also, in effect, as with other taxpayers, be able to get the full exclusion from the sale of their principal home so long as they live there 2 of the 5 years.

Another change is the Military Homeowners Assistance Program. Under current law, the homeowners in the military, who stay at a base that has changed because of BRAC—the Base Realignment and Closure Commission—sometimes experience a loss in the value of their home. The results of BRAC recommendations—they either close a military installation or substantially change a military installation—have the effect of changing the value of the home of someone in the military.

Here is an example of what happens today. Let’s say you live in a home prior to the BRAC decision was $140,000. Then the sale price, after the announcement of the BRAC decision, fell to $100,000; the loss, obviously, being $40,000 on that home.

Current law, under current law, that $30,000 law is fully taxable income to someone in the military. So what we have done is: No, none of that military reimbursement is taxable. It is not taxable.

Another change is this: We have extended the filing delay rules to contingency operations. So now it will not only be for combat zones but also for contingency operations. What does that mean? That means, when someone in the military is overseas, currently, if he or she is in a combat zone, that person gets to file a delayed filing date of 180 days after departure to file his or her tax return. We are extending this to apply to not only combat zones but also to contingency operations when military personnel are sent overseas.

Next we are changing the tax treatment with respect to our Reserve officers—Army Guard, Air Guard,—when they are on reserve, when they are off in training, so that they are not penalized for the expenses they have incurred when they were in training.

This is above-the-line deductions for overnight travel expenses of National Guard and Reserve members. For example, let’s say Reserve Sergeant Jones—basically the rank would be E–5—is on a weekend drill. His take-home pay would be $200. His weekend drill expenses might be $65 for travel, roughly $110 for lodging, and meals for $25, also totaling $200. That is not reimbursed. That is an expense that the reservist or the person in the National Guard has to incur him or herself. That is not reimbursed.

So we are saying, OK, we will take that full cost of overnight travel expenses, that will be an above-the-line deduction from that person’s taxable income. That is an above-the-line deduction. The expenses are deducted above the line.

We have two more items.

Another change is in legislation that passed last night, essentially, is to extend the definition of Qualified Veterans’ Organizations. Today, the membership test is 75 percent of the members—let’s say, the American Legion or the Veterans of Foreign Wars.—75 percent of the membership has to be present or past military personnel. That is current law.

In addition, substantially all of the members must be military or spouses or widowers of the members. The trouble is, a lot of military organizations, a lot of these organizations, veterans organizations, would like to expand the definition. The law now includes ancestors and lineal descendants, and we have done that with the law that was passed last night.

Finally, we are clarifying the treatment of childcare subsidies. Currently, the military reimburses half of the childcare expense. That is basically a subsidy. Let’s say on average a subsidized benefit for two children is $7,700. The current exclusion for childcare subsidies today is $5,000. That is the limit. No more than $5,000 can be excluded from a person’s income to date generally. We are now clarifying the law so that for military personnel, the childcare subsidy portion of 50 percent is fully excluded from taxable income.

I believe these changes will go a long way. I thank my colleagues for making tax law more fair to military personnel. We have neglected them over the years. This makes the laws a little more fair to them. After all, they are serving us, helping make this country continue to be the greatest country on earth. We are deeply indebted to all of them.

I thank Senators who helped with this legislation, provided ideas, who worked with us to make sure these are in a form that should be enacted into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EDUCATION

Mr. HARKIN. Mr. President, as I have every day and will every day we are in session, I will make a few remarks, and then ask unanimous consent to go to the education appropriations bill, to bring it up so we can debate it and get the funding out there for our schools. I have warned the Republicans on my side, I said every day I am here, I am going to ask unanimous consent to bring it up.

Our schools need this money. If we go to a continuing resolution, we could lose up to $1 billion in funding for special education. We could lose up to $700 million in title I so we can really help our schools truly leave no child behind.

Pell grants for our kids going to college, there is an increase in the education funding bill for middle-class kids to go to college under the Pell grant system. That will not be there for them, either, if we go into a continuing resolution.

Again, the Republicans are holding up funding of education. I don’t know why. I have heard all these speeches about the President going around the country, banging on the podium, saying he wants the Congress to act. Well, we are here to act. We are here to move. The education funding bill passed the subcommittee unanimously. It passed the full committee unanimously.
I have tried for 2 or 3 days in a row to bring it up. Yet every time I try to bring it up, there is an objection from the Republican side to moving to the education appropriations funding bill. I will ask unanimous consent again to bring it up today. I feel I don’t have any Republicans on the floor right now. I see my colleague from Oregon waiting to speak also on another topic. I know Senate comity requires we have at least someone from the opposite floor before groaning a unanimous consent request. I have said repeatedly, every day I am here I will be offering this, so it should come as no surprise to the Republicans. I am trying to bring up a unanimous consent request to move to the education appropriations bill. I will hold off a couple of minutes.

I ask unanimous consent that I yield the floor to my colleague from Oregon, and then when one of the Republicans shows up on the floor, we could interrupt his speaking to move to my unanimous consent request at that point in time.

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

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that Senator Baucus, who I know has a unanimous consent request to make at this time, and then I could follow him for my remarks—I would like to let Senator Baucus make his unanimous consent request at this time, and then per my unanimous consent request, when Senator Baucus has completed, I would then make my remarks.

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

UNANIMOUS CONSENT REQUEST—S. 3018

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3018, a bill to amend title 18 of the Social Security Act; that the bill be read a third time, passed, the motion to reconsider be laid on the table, and that the appropriate place in the RECORD.

Before putting that request to the Chair, again, I add, this has been cleared on this side. Nobody on the Democratic side objects to this unanimous consent request. So I put the request to the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, I might ask my friend and colleague from Montana, chairman of the Finance Committee, I am just wondering—I happen to be a Member of the committee. I can’t remember a markup—did we mark up this bill in committee?

Mr. BAUCUS. Mr. President, there are so few days remaining in this session that in order to help American hospitals, American doctors, beneficiaries who desperately need this bill, and with so little time remaining, as chairman of the committee I feel I have an obligation to the people of Montana to get the legislation up and to the House. There are so few days remaining. We are on the Iraq resolution, which is going to take a lot of time. We are on homeland security, which is not passed. We have all the appropriations bills not passed. As a service to the people of Montana, I do not want to move to an index factor. Most importantly, this is a bill Senator Grassley, the ranking member of the Finance Committee, and I have worked out together, working with all Members of the committee to try to find an agreement, which Senator Grassley and I do have, an agreement to the provisions of this bill, this is by far the most efficient and best way to get the help to the people in our States who need this legislation passed.

Mr. NICKLES. If the Senator will yield further, I am a little disgruntled. I am a Member of that committee. I had some issues. Senator Sessions wanted me to work with him to do something for the index factor for rural areas. I understand that is not in the bill. I had a provision I wanted to do dealing with the outpatient prospective payment system. I understand that is most all Senators, including Senator from Oklahoma—

Mr. BAUCUS. If the Senator will yield further, what is the cost over 2 or 3 years?

Mr. NICKLES. It is $43 billion over 10 years. If the Senator will yield further, what is the cost over 2 or 3 years?

Mr. BAUCUS. I don’t have that estimate because we have been dealing with 10-year figures here. So it is calculated over 10 years. They are very good provisions. When this comes up for a vote, whatever form, it is going to get a large vote.

Mr. NICKLES. Madam President, the bill was introduced, I believe, on Monday. It was printed on the calendar. I believe, on Tuesday or Wednesday. Many of us—most all Senators, including most on the Finance Committee—have not had a chance to look at the bill. I don’t believe it dealt with the wage index for rural areas, at least satisfactorily to Senator from Oklahoma and myself. I don’t believe it dealt with outpatients. I know it didn’t deal with prescription drugs, which Senator Sessions and others want to deal with this year.

We may be willing to do something, but before we pass bills by unanimous consent—introduce bills on Wednesday and say we want to pass them Friday—

That is not allowing the Senate to work its will as it should. I happen to have waited many years to be on the Finance Committee. I waited for a purpose. I thought it was such a prestigious committee because I was interested in dealing with—Medicare, Medicaid, welfare, Social Security, and taxes. Not to be able to do a markup on bills such as this, on which almost always we would have a markup—we would have a bipartisan consensus and maybe then it could pass by unanimous consent through the Senate.

But I don’t think we did anything on the wage index for rural areas or on the outpatient payment system. I know we didn’t do anything on prescription drugs. So, regretfully, at this point, unless there is—I ask my colleague, how much does this bill cost?

(Mrs. LINCOLN assumed the Chair.)

Mr. BAUCUS. In answer to the question, my good friend from October 1 has come and gone. That means 15 percent of home health care provisions that we have to address—large nursing home cuts—the so-called “cliff” that we have to address—and teaching hospital provisions, and after October 1, it is going to move. We have a good service to the American people, and because this is a bill Senator Grassley, the ranking member of the Finance Committee, and I have worked out together, working with all Members of the committee to try to find an agreement, which Senator Grassley and I do have, an agreement to the provisions of this bill, this is by far the most efficient and best way to get the help to the people in our States who need this legislation passed.

Mr. NICKLES. If the Senator will yield further, I am a little disgruntled. I am a Member of that committee. I had some issues. Senator Sessions wanted me to work with him to do something for the index factor for rural areas. I understand that is not in the bill. I had a provision I wanted to do dealing with the outpatient prospective payment system. I understand that is not in the bill. There was nothing done on prescription drugs. Senator Stwove and many of us wanted to do something this year. We never had a markup on that issue in the Finance Committee.

So waiting until the last minute, we have known, frankly, of the necessity to do some type of adjustment. The House passed some of these provisions months ago. The Senate, to never have a markup, never to schedule one even in the Finance Committee, to debate and let all Members—not one and maybe two Members—to offer amendments, to come up with a Medicare adjustment bill, I think, is not letting the Senate work. To come up and say we introduced a bill—except me if I am wrong. I believe it was placed on the calendar Wednesday, and on Friday they want to pass it without letting somebody offer other amendments.

That is not allowing the Senate to work its will as it should.
it is going to take a little more bipartisan work. There has not been enough of that. Maybe two Senators are in agreement on this bill in the committee. But other committee members are entitled to look at it and to have some input and have a little more information about what is in it. To introduce a bill or have it put on the calendar Wednesday and say we want to pass it on Friday by unanimous consent. I don't think is a proper way to legislate. Also, all of us have known October 1 is getting close. As I mentioned before, the House passed this months ago. There is no reason, in my opinion, to not have a markup in the full committee. There is no reason in my mind. We didn't have a markup on prescription drugs in the full committee. I don't think you should disenfranchise members of the committee, some of whom have waited a long time to be a member. For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. While we are waiting, Madam President—

Mr. BAUCUS. Madam President, I know the Senator is concerned about a couple of the provisions that were mentioned before. I would like to clarify what the costs are. There are provisions here with respect to wage index for rural hospitals. We clearly want to do the best we can, and all these provisions cost a little bit of money. The provisions suggested by Senator SESSIONS would cost about $10 billion over 10 years. That will be in addition to the $43 billion that is already there.

For the Senator's information, we did rough calculations for 2 years, and it would be about $10 billion for the cost of the bill.

Mr. NICKLES. If the Senator will yield further, you estimate the cost over 2 years to be $10 billion?

Mr. BAUCUS. Yes.

Mr. NICKLES. Let me work with my colleague. I may be willing to come back with a counteroffer in the not too distant future, pulling in a few other members of the Finance Committee and maybe the administration. I would like to see us do something this year in this area. It is not too late. I haven't had a chance to review the proposal that the chairman is trying to pass this morning. I am happy to look at it. I am happy that others are trying to do. We may make a counteroffer in the not too distant future.

UNANIMOUS CONSENT REQUEST—S. 2766

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, turn to the consideration of S. 2766, the Labor, Health and Human Services and Education appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Madam President, reserving the right to object—and I will object—the majority leader has the right to move to any bill he wants to move to. It is one of the prerogatives of the majority leader. If he wishes to move to the Labor-HHS bill, he has to set aside a few other bills. I happen to think we will finish the appropriations bill we started a month ago, the Department of Interior bill. If he really wants to move off the Interior bill and go to Labor-HHS, the majority leader can do that.

I don't know what kind of games are being played. People are running to the floor saying, “I want to pass this bill,” and it never was marked up in committee or “I want to pass this,” and we want to do unemployment compensation. And some people said on the floor, oh, it is a straight extension, but it costs about three times as much as a straight extension. I have not figured out all the differences, but we find out it is much more expensive. It is not a good way to legislate. They say we are going to do unemployment compensation legislation, and it was estimated by the proponents that it might cost $10 billion or $12 billion. Now I get estimates it is going to cost $18 billion.

The proposal was made a moment ago which would cost $43 billion. We have not even had a chance to look at it. So one proposal was $17 billion, dealing with unemployment.

I guess this proposal by the chairman of the Finance Committee is $43 billion, and that is $60 billion. Most of the expenses are over the first couple of years, certainly on unemployment compensation, and I would think on the Medicare adjustment bill as well. And then on successive actions we have people running to the floor saying: I want to pass a unanimous consent, and I hope a Republican will object, and then we can say we didn't pass that bill because a Republican objected—not telling people, wait a minute, did these things go through committee? Do we have an idea how much they cost?

That is a pretty crummy way to legislate. The fiscal year just began October 1, but we didn't know it was going to come, so we will go to the floor. I have made umpteen speeches this month as to why are we not marking up bills and passing the Interior bill. We should have passed the Interior bill in 2 weeks. This provision dealing with fire management. Several Senators said they wanted to have flexibility on how to deal with fire in their own States. The Senator from South Dakota got a fix in for his State. They are able to do it in South Dakota. I compliment him, but shouldn't the rest of the West be able to have fire management tools to get out some of the dead timber so they don't have such enormous fires? That is what several Senators have asked. Yet we have not even been able to get a vote on that proposal.

If you were managing a bill in days past, you would have an amendment, and you would vote on it. If you didn't like it, you moved to table it. We didn't do either of those. We just let the bill amble along and take up the entire month of September.

Then we have the Department of Homeland Security. We have it if we were a lot closer today than we were when we started the day after Labor Day. We are on that bill now for the fifth week. People are running to the Chamber saying: We need to pass an appropriations bill so you can do it by unanimous consent. That is a pretty crummy way to legislate. We did not know we were running out of time; we did not know October 1 was coming; we did not know it was the beginning of the fiscal year. There is gross ineptitude as far as management of the appropriations process and the budget process.

I used to be a member of the Appropriations Committee. I still am a member of the Budget Committee. It is the first time since 1974 that we have not passed a budget. Because we did not pass a budget, unfortunately, it has really clogged up the appropriations process. Now the Interior bill is back on the calendar. We have homeland security; we did not get that done. The Senator promised the President we would pass it. We thought we would pass it before the August break. We have not done it, and we are well into October.

Now we are on the Iraq resolution and hopefully, we will be able to conclude that shortly. I happen to be one who wants to do the appropriations bills, but the majority leader is the one who sets the agenda, and he is the one who calls up the appropriations bills, not individual Senators calling them up and saying: I have my bill; let's pass it today. No one gets to look at it; no one gets to know how much is in it. No one gets to know whether it is signable or not.

The bill the chairman of the Finance Committee is promoting today has a lot of provisions that I am sure a lot of Senators want. I would like to get a bill the President will sign. I would like to get a bill that does not bust the budget. I would like to get a bill that is signable or not, but the bill the chairman of the Finance Committee is promoting today has a lot of provisions that I am sure a lot of Senators want. I would like to get a bill the President will sign. I would like to get a bill that does not bust the budget. I would like to get a bill that is signable or not. If you are going to come to the floor and pass a bill dealing with an unemployment adjustment for $5 billion or $6 billion, then I am willing to work with colleagues. But if you are going to come to the floor and pass a bill dealing with an unemployment adjustment extension, it is going to take unanimous consent.

We are not going to pass a bill that costs $17 billion or $18 billion when we might be able to do a straight adjustment for $5 billion or $6 billion. It is the same for the Medicare adjustment bill. It is going to have to be a unanimous consent package that all people sign off on, not just two, and all members of the Finance Committee should have a chance to review it and say: Yes, this is a good package.

I will work with my colleagues. We pass a lot of legislation by unanimous consent, but it takes bipartisan cooperation to do it. I do not think we have seen evidence of that enough. I
hope we will see it in the next few days as we conclude this very unproductive year in this session.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I ask unanimous consent that the Senator from Montana speak next to respond and then, per my unanimous consent request, I will make my comments following those of the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered. Objection was heard to the prior request.

Mr. BAUCUS. Madam President, I thank my friend. We are down to the last several days. It is important we all work together. As we all know, under Senate rules, that number 60 means a lot, particularly with so few days remaining, not knowing exactly how many laws we are going to make, but all know there are not many of them. It is important we all work together.

I thought it unfortunate the Senator used the words “gross ineptitude” in managing the budget process and the appropriations process. I am sure he did not really mean that because, in the spirit of comity, in working these issues out, the Senator well knows both sides are trying to work out solutions, and sometimes there are Senators on both sides who have their particular interest in mind to inaugurate or slow down the work of the majority. That happens on both sides of the aisle.

I urge we work together and find ways. Honey attracts more than vinegar, we all know that. I am trying to figure out a way to get more honey around here and a little less vinegar so we can do what we all want to do. I know the Senator agrees with that.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. NICKLES. Madam President, I appreciate my colleagues’ remarks. He mentioned 60 as a magic number. At this point, 100 is the magic number. So it takes a lot of bipartisan work and cooperation to get things done because right now we have to do a lot of legislation by unanimous consent.

I think my statement of gross ineptitude in dealing with the budget process is probably pretty accurate. I was not defining any one Senator, but we have not gotten there yet. That is a pretty significant failing. We have passed one every year I have been in the Senate for the last 22 years. It is never easy but is always done. Because we did not get a budget done this year, we do not have the appropriations bills done. It has led to a whole chain of failures.

This is the first year—you have to give Congress an F in the appropriations-budget process. We have not sent to the President one appropriations bill, rather than a continuing resolution. Not one. I hope we can break that train. I hope we can pass several appropriations bills, certainly the Department of Defense, and I hope others, but we are going to have to move much more rapidly.

The majority leader is going to have to call them up. I hope maybe we can change and have a more productive week. I hope it is just a week and not 2 weeks. It is always done. Because we did not have the appropriations bills done. It is never easy.

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

Mr. NICKLES. Yes.

Mr. BAUCUS. I wonder if the Senator can make a telephone call to the other body and have them send over appropriations bills so we can pass them over here—they have not sent over appropriations bills yet—in the spirit of comity.

Mr. NICKLES. I will be happy to urge my friends and colleagues in the House to pass more appropriations bills, but frankly, they are reticent to do so because the Senate is working off much different numbers than the House. Appropriations when we passed a budget, ultimately the House and the Senate worked off similar numbers, the same gross numbers. So there is a reason the House is reluctant to pass bills because they are going to pass them at lower figures than the Senate, and they feel as if that puts them at a disadvantage when they go to conference.

I do not know that I agree with that. I know Senator HARKIN was on the floor wanting to pass Labor-HHS. The House has not passed Labor-HHS. I never believed constitutionally that we had to wait on the House. Some people have made that argument, but that is not constitutional. The Senate does not have to wait on the House of Representatives to pass an appropriations bill—a tax bill, yes, not an appropriations bill.

Mr. BAUCUS. That is the point I was going to make, revenue bills, yes. Appropriations when we passed a budget in the Constitution. However, it has been a matter of tradition for years.

Mr. NICKLES. I understand.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I ask unanimous consent to speak up to 20 minutes.

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

BUSINESS OF THE SENATE

Mr. WYDEN. Madam President, I had intended to talk on energy, but since our good friend, the distinguished Senator from Oklahoma, is here and talking about getting the important business of this country done, in the last few days, I wish to reflect for a minute on how we are in these delays, particularly on issues such as homeland security.

I note that the New York Times this morning points out that on the homeland security bill—and I am going to quote from an editorial in the New York Times:

. . . the Democrats have made key concessions on personnel management for the department in recent weeks that give the administration almost everything it wants.

This is a wholly reasonable limitation. The legislation for any federal workers because of national security concerns, but it would require a good-faith effort to consult with the employee or union representative from whom the employee. But it would also require a good-faith effort to consult with the employee or union and submit any disagreements to a federal panel whose members would all be appointed by him.

In trying to eliminate these narrow limits on presidential prerogative, Mr. Bush has reversed the Democrats’ “special interests”—by which he means unions and workers—above the nation’s security. But one might equally argue that Mr. Bush, in refusing to compromise, is making the nation’s security secondary to the administration’s union-busting conservatism. If the
Our country urgently needs an energy policy that meets our national security needs and our economic needs, especially as the prospect of war with Iraq looms on the horizon. If the energy conference can produce a bill that actually does it, I think one of the most patriotic acts we can take now is to pass that legislation. If Congress cannot come up with an energy bill that actually meets those challenges, maybe there should not be an energy bill at all.

That is not how I want. I want a bill that takes away the weapons of those around the world who are using oil against this country. That is one of the key challenges we face.

As I go home to Oregon—I am sure this is true in Arkansas, Montana, and all of our States—I see such extraordinary patriotism at this time. The people of our country understand we face extraordinary threats around the world, and I want us to come together to show that we feel strongly about the concerns of our citizens and that we identify with the patriotism that we see in our communities every day. One of the most patriotic steps that can be taken now is to change our policy to stop those who are using oil as a weapon against us, and to actually pass energy legislation that reduces our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

NEGOTIATIONS REGARDING A U.S.-CHILE FREE TRADE AGREEMENT

Mr. BAUCUS. Madam President, I want to take a few minutes today to discuss the trade negotiations that are currently taking place with Chile.

Let me get straight to the point.

We worked tirelessly this year to reinvigorate our trade agenda by passing the Trade Act of 2002. This legislation included, as most people know, an extension of fast track negotiating authority—something which was stalled for nearly a decade.

We were able to pass that legislation only after agreeing on a delicate balance for new trade negotiations—particularly on the issues of labor and environment, investment, trade laws, and congressional consultations.

The first test of this new legislation will likely be the U.S.-Chile Free Trade Agreement. Those negotiations are in the final stages—and are down to some of the most controversial issues.

Let me say at the outset—I have been an advocate for trade negotiations with Chile for several years.

And as recently as several weeks ago, I felt confident about this agreement. Most importantly, the President had just signed the Trade Act, which lays out Congress’s goals regarding new agreements. That legislation passed with bipartisan support, particularly in the Senate.

At the same time, an agreement with Chile makes sense—it is, first and foremost, an important trading partner.
Last year we exported over $3 billion worth of goods to Chile. And with an agreement, our opportunities should increase.

Completing an agreement with Chile will also increase pressure on other countries in the region, particularly Brazil, to get off their protectionist tendencies, and instead work toward their own agreements with the United States.

Because a free trade agreement with Chile, which substantively promising, I really viewed it as a major opportunity. Here is a chance, I thought, to make this great trade bill we passed, and use it to regain some momentum on trade—to move beyond the arguments of the past.

I now fear that some in the administration, and frankly some of my colleagues, may be squandering this opportunity.

On issues that were critical to passing this bill—congressional consultations, labor, environment, and investment—some seem bent on clawing back the progress that has been made.

Let me begin with consultations, and by that I mean real congressional participation in trade policy an equal partner.

During negotiations of the trade bill, there was a clear understanding that congressional trade advisors would be able to observe negotiations. Yet just last week, I sought to send one of my staff to observe the opening negotiation between the U.S. and Chile. Ambassador Zoellick declined this request.

The argument the administration makes is separation of powers. But, as Justice Jackson famously remarked, the Constitution "enjoins upon its branches separateness but interdependence, autonomy but reciprocity." We need some reciprocity to make the fast track deal work.

The continuance when criticized about consultations seems fond of recounting a list of times they have met with Congress. But these statistics have little meaning. The test of consultations is not the number of meetings; it is the willingness to hear substantive input and have that input reflected in trade negotiations.

Similarly, we in Congress certainly expect that the administration will allow us to see negotiating documents far enough in advance to have a meaningful opportunity to comment. That means there must be enough time for reasonable congressional suggestions to be incorporated into U.S. negotiating positions.

In the last test, the results were mixed. On the highly charged issue of investment, a proposal was shared, but only one day before the latest round of negotiations with Chile were to begin. That is clearly not enough time to provide Congress with the opportunity to carefully consider and suggest revisions.

These actions undermine confidence. Why would the administration be so concerned about Congress merely observing negotiations? Why are they reluctant to share documents with Congress that they plan to share with foreign governments? It suggests, perhaps unnecessarily, that there is something to hide.

The bottom line is this: There is no substitute for first-hand information. There is no substitute for seeing and evaluating events through your own eyes. And having this greater transparency in this process could have many benefits—better relations between the Hill and the White House, better agreements, and, I believe, a better likelihood that agreements will pass. Given the benefits, I cannot for the life of me understand why the administration would not make more of an effort to engage Members of Congress early in the process.

In the trade act we also hammered out a clear direction to the administration to follow that called standard on labor and environment issues—that is, non-derogation from existing laws and equal access to dispute settlement.

Senator GRASSLEY and I agreed on this—it was key to moving forward—and we spelled this out very clearly in the Finance Committee report.

In fact, just so everyone understands this point, let me read the exact provision in the report that Senator GRASSLEY and I authored:

"The provisions on labor and environment standards are "based upon the trade and labor and trade and environment provisions found in articles 14 and 15 of the United States-Jordan Free Trade Agreement. Those provisions (including their coverage by the Agreement's general dispute settlement procedures) have come to be known as the "Jordan standard." They seek to ensure that a country does not promote exports or attract investment by lowering or relaxing the enforcement of Federal, State and local labor and environmental laws. The agreement with Jordan accomplishes this through several commitments, which the present bill directs negotiators to pursue in ongoing and future trade negotiations."

To me, this is not ambiguous. Yet there are indications that both the administration and some of my colleagues would now like to ignore this clear direction in the Trade Act. They do so at the risk of losing support—including my support—for future agreements.

Finally, let me address the issue of investment. As many will recall, this was one of the controversial issues in the Senate debate on the trade bill. The question is, in setting rules for arbitration between investors and governments, how do we balance the interests of U.S. investors abroad with the interests of Federal, State and local regulation here at home? In the trade act, we laid out a blueprint for achieving that balance. The objectives we set in this area include:

Mechanisms for prompt dismissal of frivolous claims;

Clearer definitions of key terms—such as "expropriation"—based on U.S. legal principles and practice; and

The establishment of an appellate body to review arbitration decisions in investment disputes and bring coherence to the interpretation of investment provisions.

I am cautiously optimistic about the administration's approach to implementing these objectives.

Early consultations suggest that Congress's instructions were understood.

The one issue on which I have particular concern is the appellate body. It is perhaps the most important aspect of the objective on investment. An appellate body will help ensure that erroneous conclusions of law are corrected and that text is interpreted consistently from one case to the next. Given the potential for investor suits to challenge legitimate policies designed to promote the public welfare, it is crucial that the decisions in these cases "get it right."

I am concerned that establishing an appellate body is a big task. It is something new. The closest analogy under current investor-state dispute settlement rules is what is known as "nullification." In certain circumstances, a party may ask to have an arbitration award "nullified" by a court and that court, or an investor-state body. However, the standard for nullification is extraordinarily high. The question is not whether the arbitrator got it right, but rather, whether the arbitration process itself was fundamentally tainted.

We need something more than nullification review. We need an institution that will take a fresh look at arbitrators' conclusions of law and decide whether they got it right.

It may be that we will not be able to build a new appellate body for investor-state dispute settlement in the context of the Chile agreement over the course of the next few months. However, it is my expectation that our negotiators continue this endeavor beyond the formal initialing of that agreement, and that they will secure Chile's commitment to that endeavor. I want to make it clear that any first steps short of true appellate review included in the U.S.-Chile Agreement should be understood as just that—first steps. The trade act's objective requires that we go further.

An agreement with Chile can be one of two things—if supported by a large bipartisan majority. It can put us on the right track for other agreements—agreements with Singapore and Morocco, agreements for hemispheric free trade. It can even help us achieve success in the WTO.

Or this agreement can become a political battleground—where those in Congress who were promised a partnership of equals in trade policy feel duped. Where commitments to agreements that reflect strong labor and environmental standards go unrealized.

I hope that I can strongly support an agreement with Chile—I want to. And I know many of my colleagues who voted for the trade act also want to. But I
would caution the administration that they have responsibilities to Congress under this Act. And so far, they seem willing to play fast and loose with those responsibilities. I say respectfully that they continue that path at their peril.

The PRESIDING OFFICER. The Senator from Virginia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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.

Mr. WARNER. Madam President, I was privileged 2 days ago to join on the floor with my esteemed colleague, Senator LIEBERMAN of Connecticut, and Senator BACHUS and Senator MCCAIN when the four of us introduced the resolution which is the pending resolution when the four of us introduced the resolution which is the pending resolution before the body. We came together as a foursome, sort of, under the following circumstances.

Senator LIEBERMAN and I, in 1991, were the principal cosponsors of the resolution which authorized President George Herbert Walker Bush to institute the use of force with the U.S. men and women in uniform together with numbers of uniformed individuals from the coalition. It was my privilege 2 days ago indicating he would want the statement on the floor. That is the case in 1991 conflict but in the war with Iran—

The conflict in 1990-1991 was fought by Saddam Hussein and repelled by the coalition of nations led by the United States. That conflict, almost without exception, was fought with what we refer to as conventional weapons—the tanks, the artillery people, the rifles, and the hand grenades. We were fortunate in that context that weapons of mass destruction such as biological and chemical were not employed to any great extent.

I say that because Saddam Hussein had those weapons strategically placed with his various elements inside Iraq and some forward-deployed cache, if he were to give the order to use them. So they were there. Indeed, the destruction of some of the cache could well have injured some of our troops. That is still not fully known. But those weapons of mass destruction were poised and ready for use.

Now we know that in the years subsequent to that conflict—once he drove the inspectors who were there in accordance with United Nations resolutions out of Iraq some 4 years ago—he has put the resources of his country behind rebuilding those weapons and even building larger stocks and newer types—types that are now more easily transportable, types that can be containerized in ships.

Here we are faced with the situation of an individual who has extensively utilized in years past—not in the 1990-1991 conflict but in the war with Iran—chemical weapons. He also used those chemical weapons against that elements of his own people who he was trying to repress and subject to his tyrannical regime.

So there is a clear case history of the use of those weapons. Today, now a clear, documented case of open intelligence that he possesses larger stocks, more versatile stocks and the ability to use them.

How can this Nation and how can other nations just sit and wait?

To the everlasting credit of President Bush, our President, he has alerted the world, and he has taken those steps necessary to prepare this Nation and those responsible in every possible diplomatic means to avoid conflict. That is the course of action he is embarking on now here at home and in the United Nations and foreign capitals of the world.

Madam President, I have been advised that one of our colleagues has a very tight schedule to enable him to return to his State. This Senator is going to be available throughout the day. At this point in time, I would like to yield the floor as a courtesy to a colleague.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I thank the Senator from Virginia for extending the courtesy to allow me to speak for about 13 minutes in regard to the resolution that is before us today.

Madam President, after careful consideration, meditation, prayer to the Holy Spirit for enlightenment and wisdom, I rise today in support of the resolution before us.

We all recognize that the world is a very different place than it was before September 11. In the aftermath of the bombing at the World Trade Center, the attack on the U.S.S. Cole, and the attacks on our Embassies in Africa, the threat of terrorism was not taken seriously enough by our country and the rest of the world. The tragic events of that day—our 21st century Pearl Harbor changed the way that we and the rest of the world perceive terrorism and weapons of mass destruction.

For America, the loss of more than 3,000 lives demanded this change and, as I mentioned, 9/11, demonstrated that we "iden-
tify those who committed these cowardly acts, as well as those who encourage them through actions or silence, and make them fully pay for their crimes."

Saddam Hussein poses a clear threat to peace in the world, to America and our interests, to regional stability, and to his own people. After briefings by the Secretary of Defense, the President's National Security Advisor, the Director of the CIA, and members of the Joint Chiefs of Staff, I am convinced that the threat is real. He has an arsenal of sophisticated chemical and biological weapons and continues to refine and manufacture them and develop ways to hide them. He is working as if his life depended on it to acquire nuclear weapons and deliver them. He supports terrorist groups and encourages violence against Israel with cash payments to the families of suicide bombers. Although he has not connected directly with al-Qaida and 9/11 directly with Iraq, we know that al-Qaida is present there as representatives of other terrorist groups.
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After 9/11, do we doubt that terrorist groups would turn down the opportunity to get their hands on Saddam’s weapons and use them against us?

It is well documented that Saddam Hussein has used chemical weapons againstиров и Kurds, resulting in 100 casualties; in October and November of 1983 against Iraqis causing 3,000 casualties; in March of 1988 against Iraqis causing 9,000–10,000 casualties; in December 1986 against Iraqis causing 9,000 casualties; in April 1987 against Iraqis causing 1,000 casualties; in October 1987 against Iraqis causing 5,000 casualties; in March of 1988 against Iraqis causing 5,000 casualties; in February and March of 1983 against Iraqis causing 2,500 casualties; in March 1984 against Iraqis causing between 50 and 100 casualties; in March 1985 against Iraqis causing 2,000 casualties; in February 1986 against Iraqis causing 8,000–10,000 casualties; in December 1986 against Iraqis causing 1,000 casualties; in April 1987 against Iraqis causing 5,000 casualties; in October 1987 against Iraqis causing 1,000 casualties; and in March of 1988 against Iraqis causing hundreds of casualties.

And, no one needs to be reminded that he invaded a peaceful neighbor and cruelly and callously attacked the people of Kuwait until the world community acted in concert to drive him out.

Saddam Hussein has thumbed his nose at the international community for a long time, ignoring U.N. Security Council resolutions—resolutions that required him to disclose his weapons stockpiles, to disarm, and to cut ties to terrorist groups. He has lied repeatedly and has proven beyond any possible doubt that he cannot be trusted.

Moreover, by example, Iraq encourages other rogue nations and groups to follow its lead with a simple message: “Go ahead and do what you want. The world community does not have the backbone bully and only when neighbors stand. Saddam Hussein is the neighbor he needs to be stopped. He needs to be stopped. He needs to be stopped.

It is not only appropriate but essential that members of the United Nations come together to confront Saddam Hussein. I applaud the President for challenging the United Nations to reaffirm its relevance by standing up to Iraq. Already his diplomatic efforts have produced results. If the President had not successfully crystallized international attention with his speech before the United Nations, then Iraq would not even have started talking about letting inspectors return.

It is imperative that the U.N. Security Council pass a strong resolution demanding that Iraq comply with U.N. resolutions allowing for unfettered inspection without conditions, dismantle its weapons of mass destruction, and that the U.N. back up these demands with the threat of force.

It is my hope and prayer that these diplomatic efforts will succeed. However, if the world is to be safe from Saddam Hussein, if we are to preserve stability around the globe, and if the United States is to be safe, then we—in cooperation with our allies—have to be willing to take military action if our diplomatic efforts are rebuffed.

In the event that military action should be required, it should be done under the auspices of the U.N. or, in the alternative, in conjunction with our allies as we did in Operation Desert Storm. That coalition successfully drove Saddam out of Kuwait and paid for $57 billion of the operation. A broad, multinational coalition will send a strong signal of international resolve not only to Saddam Hussein, but to others who seek to acquire weapons of mass destruction. It will show that the international community will not allow the threat of an aggressor to come together to confront grave threats to peace and security in the world.

Finally, should Saddam Hussein be removed from power as a result of the actions of the coalition, we would have established a strong international coalition that will more effectively implement peacekeeping and rebuilding efforts—rebuilding efforts that can largely be paid for with Iraq’s substantial oil resources. If we are to count on the international community’s participation throughout this effort then it is imperative that we work to solidify their support from the very beginning.

Let us be perfectly clear, Congress has already enacted strong legislation concerning Iraq. The Iraq Liberation Act of 1998 passed the Senate unanimously and passed the House by a vote of 360–33. This legislation established that regime change is U.S. policy toward Iraq and authorized $57 million to Iraq opposition groups.

The resolution before us today puts a premium on diplomacy first but backs up words with actions if necessary. It is a significant improvement over previous versions that, frankly, failed to adequately prioritize diplomacy and the need for the U.S. to seek international cooperation.

One of the concerns I have heard repeatedly from Ohioans was the fear that the U.S. would go it alone and pre-emptively attack Iraq without reaching out diplomatically or engaging the international community. I would strongly oppose that course of action. The resolution before us today, in my opinion, does not allow that to happen.

It makes clear the convictions of Congress that the President should exhaust 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 in Iraq.

In section 2, the resolution calls on the President to work with the United Nations. In section 3, the resolution allows the President to back up our diplomacy with action, defend American interests against Iraqi threats and enforce U.N. resolutions concerning Iraq.

In exercising the authority under section 3, the President is required to first determine that reliance on diplomacy alone will not succeed in protecting our national security or lead to enforcement of U.N. Security Council resolutions. Also, he is required to report that determination to Congress and the resolution is on the status of any military action.

This version of the resolution is an improvement over previous versions because it contains new language supporting the President’s efforts in the U.N. to obtain Saddam’s compliance with Security Council resolutions. It also limits and defines the scope of the authorization to use military force specifically to Iraq instead of the entire region. It limits the duration of authorization to the time needed to eliminate threats from Iraq and clarifies that the authorization to use force applies to the U.N. resolutions concerning Iraq.

The resolution today reflects compromise, is balanced, limited in scope, and specific in its goals. Most importantly, it reflects the importance of putting diplomacy first and working with the international community to solve the Iraqi threat.

Madam President, I do not take my vote on this resolution lightly and understand the enormous impact it can have on the men and women who serve in our Armed Forces and their families, and on our country and the world.

As Governor I served as the commander-in-chief of the Ohio National Guard during Operation Desert Storm. I attended the funerals of those that did not come back and, because my wife Janet and I have lost a child, I understand the grief of parents and have put into that. I also grieve for those we lost on 9/11 and for their families and I vowed that I would do all in my power to make sure that we would never have another 9/11. Madam President, I believe that voting for this resolution will help me keep my vow. I also believe that voting for this resolution will reduce the likelihood of using force.

Madam President, I trust our President. He is a man of good character. He has put himself in the forefront of the most experienced, knowledgeable teams fielded by any President in my memory starting with Vice President Cheney to Secretary Powell, Secretary Rumsfeld and National Security Adviser Condoleeza Rice.

I have been briefed by State, Defense, the CIA and the White House. I wish all Americans could have sat in on these briefings.

I believe the resolution before us that was put together in bipartisan negotiations reflects the balance of power that must exist between the executive and legislative branches. It allows the
President the authority to use force but respects Congress' power to restrict that authority. It reflects the concerns of Congress that every diplomatic effort be made first and that any action take place in cooperation with the international community.

May the Holy Spirit enlighten the leaders of the world to understand the true meaning of the Second Great Commandment to love their neighbor as thyself and may God continue to bless America as we go forward.

Thank you, Senator President. And I thank the Senator from Virginia for allowing me to make this statement on my support of the fine resolution he has put together.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank our colleagues for a very strong statement of support. I know he has reflected long and hard on this issue, and will continue to do so. He has searched his conscience, reached his decision and, in a most fitting way, concluded his remarks with prayer, which is so important as we go into these difficult times ahead. I hope at some point he might consider becoming a cosponsor of the way that I think.

With the resolution Senators LIEBERMAN, BAYH, MCCAIN and I put before the Senate, we embark on this historic debate. One of my great recollections is of the debate we had in 1991 at the time the Soviet Union was President, and sought to use force. It was, with a deep sense of humility, one of the highlights of my career to have been on the floor as a commissioner with then-Republican leader Senator Dole and Senator McCAIN, Senator STEVENS, and others who were working the management side of that historic debate. On the other side of the aisle was the distinguished majority leader, Senator Mitchell, a lifelong friend, Senator Sam Nunn, who at that time was chairman of the Armed Services Committee, and I was ranking member. They took quite a different position.

The Nation experienced a very good debate by the Senate. Of course, at the conclusion of that debate, only by a mere five votes did the resolution—I won't say on our side of the aisle, but it was bipartisan—the resolution Senator LIEBERMAN and I submitted to the Senate prevailed.

We are at the threshold of another debate of similar significance and proportions. I welcome it, as do other colleagues, who at the moment do not agree with the contents of the resolution. We will see in the days to come the evolution of one of the greater debates in the contemporary history of the Senate.

One of the most difficult things any of us here in Congress, indeed, any citizen of the United States, ever faces is a decision to authorize the use of the Armed Forces. I have been privileged myself to serve twice in uniform, once as a 17-year-old sailor at the concluding months of World War II. I did not go overseas at that time. Fortunately, the war was concluded rather unexpectedly. But we were prepared, my age group of 17 and 18, 19-year-olds, not unlike those today in uniform, to follow out the orders of the Commander in Chief, President Harry Truman. I have in my office today a small bronze statue of him given to me by one of the veterans' organizations as a reminder of the courage that President showed at that time in our history.

When I enlisted in January 1945, the Battle of the Bulge was just completing. It was an extraordinary battle, where Hitler had thrown his last divisions against the forces that created Allied Normandy beaches and had been working its way through Belgium toward Germany. I remind our audience today, in that one battle alone, 41,000 Americans were killed, wounded, or missing in action to face the danger of the battles that our Nation, together with Great Britain, France, and others, were engaged in that conflict. That is in comparison to the valiant efforts of our troops today, where the casualties, fortunately, are in the 100s to 200s so far in their heroic efforts to turn the tide of terrorism.

It is important to remind America of the sacrifices of previous generations, as we make this difficult decision. The Battle of the Bulge was followed by United States forces in the Pacific, when the Marines and elements of the United States Army stormed Iwo Jima. That was a battle of some 6 to 7 weeks. There were 21,000 killed, wounded, or missing. Again, we always have to reflect on the enormity of the sacrifices previous generations have made to enable us to be standing here today with the same courage and conviction to face the danger of the world in this hour, on this day, and in the weeks and months to come.

I remember so well the Korean war. Again, I had the privilege of serving in the Marines. My two periods of military service, I am always extremely humble when I am in the presence of others who served far more valiantly and displayed far more courage than I ever had the opportunity to display. I was able to serve alongside brave men and some women in both of those conflicts.

Again, in the Korean war, for a brief period, I served in Korea with the First Marine Air Wing. I remember the aviators in that fighter group flew every day. Occasionally I was in the capacity of an observer with them. Again, I don't put myself in the combat arms category because I was a staff officer. I remember they didn't come home from those engagements in the tent in which I slept. You are mindful of the sacrifices when you have to take the personal effects of your bunkmate, wrap them in a blanket, and send them back home.

So there are the things that cross my mind as I stand here today and as I will stand on this floor in the days to come as we pursue this resolution.

Even though I had those modest experiences of active duty, and then, I must say, during the next major engagement, the war in Vietnam, I was privileged to serve in the Pentagon, again, alongside the brave men and women of the Armed Forces of the United States who fought in that battle, several of whom are serving in this Chamber today: Senators MCCAIN and HAGEL. Those are truly warriors. But in visiting the battlefields in Vietnam in the concluding months and years of that conflict, I saw the incredible sacrifices in that conflict. Again, it was the courage and the resolve of that generation and previous generations that undergirded the same courage and resolve that is in the Armed Forces today, if the Commander in Chief has to give the order to engage them in conflict.

It is with a sense of deep emotion I deliver these remarks today in support of this resolution which I was privileged with others to draft. It is a resolution that reflects the differing views. But I think those debates and differing views will add to the strength of the ultimate resolution, which I respectfully say to my colleagues will be passed upon with strong, bipartisan support behind the ultimate resolution and the form it takes. I believe it will remain as it is today, but I will not make a prediction as to what might occur.

We must pay due respect to our colleagues who have different views. But it is important that the Congress speaks with one voice with our President as he proceeds to address these issues in the United Nations and as he proceeds to engage other nations' leaders to encourage them to accept the same responsibility the United States is prepared to accept in addressing the potential dangers of these weapons of mass destruction which are clearly possessed by Saddam Hussein and his regime.

This is quite literally, a decision to put our Nation's sons and daughters in harm's way. It is a decision that must never be taken lightly. It is also a decision we must be willing to make when
the security of our Nation or our vital national security interests are threatened. Today, our President and others have made it eminently clear that those interests are threatened.

Another interesting bit of history is that there have been more than 200-plus years of military conflict—since the Revolutionary War in 1776—has sent forth the men and women of our Nation in uniform—depending on the calculation you use—close to 100 times. Some calculations use 80, some 90, but it is roughly 100 times.

The story of every Congressman is told to me as to the Constitution, which created the two coequal branches of our Government—the executive branch headed by the President of the United States, and the legislative branch composed of the two Houses of Congress, coequal in their responsibilities as it relates to the crisis we face today and the crises we have had over 200 years when about 85 times—I will use that figure—men and women have gone forth into harm's way. The most interesting thing is that in Article I, section 8, of the Constitution, it lays out the responsibilities of the Congress. I would like to read this:

The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Then it goes on to enumerate with specificity the duties and the powers of Congress. One is to declare war. What does that mean? Well, that is the immediate responsibility as written in the Constitution of the Congress of the United States. But as I look over those 200-plus times that the men and women of the Armed Forces have gone forward, only 4 times in the 200-plus-year history has this Congress ever declared war. My recollection is the War of 1812, and then in 1840, and 5 times—the Spanish-American War, World War I, and World War II—5 out of the 80-plus times that the men and women have gone forward. So, are we not declaring war? Well, it would take too long to engage my colleagues, in my own view, as to why we do not declare war. What we are about to do, let me say unequivocally, has the same depth of seriousness and the same depth of consequences to the men and women in the Armed Forces as does the constitutional recitation of the power to declare war. So it is an awesome one.

I recall each of every person in this Chamber with whom I say with a sense of humility, I have enjoyed friendships, working relationships—with some for the 24 years I have been privileged to serve here, almost a quarter century, and with others who are completing their first term such as my colleague from Virginia, George Allen, with whom I have discussed this in great depth. He has a searching mind, is intensely interested in the points of this issue, is clearly aware of the threats to our Nation, and is strongly in favor of this resolution.

But each will have their own conscience to serve. I doubt if there is a Member of this Chamber who has not spent a great deal of time already in studying the implications of this perplexing conflict that looms with Saddam Hussein, the individual, and his immediate regime—not the people of Iraq, but this dictator and those around him. Each of our colleagues has spent time studying this matter.

We have received, in varying degrees, briefings on the facts. My long-time friend, Senator Stevens, the ranking member of the Appropriations Committee and the ranking member of the Defense Subcommittee on Appropriations, and I conferred with our leadership yesterday. I think there will be a similar initiative taken by the Democratic leadership to bring others in nearly next week to provide further briefings, particularly in the area of intelligence.

I have undertaken—I will speak for myself—to encourage the administration to send its findings on declassification. We can make of certain facts that could be important to each Senator as he and she reach their decisions on this resolution—facts that will enable them to go back home with coequal responsibility to their constituents. I am in the Chambers. It is the back home—as I will do this weekend, with two scheduled meetings with people and to talk with my constituents about this resolution, but more importantly, the overall problems that face our Nation today, as posessed by this arsenal of weapons of mass destruction possessed by Saddam Hussein.

I cannot tell you the satisfaction I receive—and I think others do—when we go back home to our communities, whether large or small—and it is not necessarily whether they are Republicans, or Democrats, or Independents; they are citizens, and they are focused very intently on this problem. It has been my experience, in the past weeks particularly, that they are intensely on this problem. Many have their sons and daughters serving in uniform today. Many now recognize, in the wake of the tragedy of September 11th of last year, that we no longer as a nation enjoy the protections of being here in the country and so much of the threat being beyond the oceans.

If I may, I will enter into a little personal story. My father served in World War I. He was a young doctor who, occasionally, I proudly hung his picture on the wall of my Senate office—in uniform, in France, where he was decorated for valor and gallantry for going to the front trenches to care for the wounded—wounded himself. I remember when I was growing up and the looming clouds of war began to make an awareness in this country in the late thirties when I was a very young man and the forties that the United States could become embroiled. He, of course, having deep roots in the Virginia beaches, we would go on trips. We took a trip down the coastline in the area of Norfolk, VA. He wanted to show me the coastal artillery weapons. Not one of those weapons exist today, except maybe in a museum. They were enormous cannons. The whole cannon itself was probably half the width of the Senate Chamber from the barrel back to the carriage where the shell was being put in the breech.

My father would say: You know, son, these oceans protect us, but if an enemy were to come, this weapon fired 20 miles out to sea with enormous accuracy. This was a brilliant man, my father, He had seen war. He said: We are protected by the ocean. We are protected by our coastal defenses.

He was proven wrong. In the first place, those weapons hardly ever fired. They were eventually, during World War II, melted down and the metal incorporated in more modern artillery pieces. We did, however, as a nation, experience warfare right off the coast of Virginia and other coastal States on the Atlantic coast when the German submarine force began to sink merchant ships. We happily those nations abroad in Europe that were suffering the ravages of World War I, and those ships were sunk right off the coast of Virginia.

I went back with my father one time. The Allied invasion of Europe there on the beaches was scattered the debris from those sinkings. Those are memories that I cherish and I keep.

I always remember those oceans have protected us—they have protected us in the breaches.

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one location, the manufacturing capability to build—manufacture perhaps is a better word—manufacture the biological and chemicals weapons. We know it is transportable because it can move about in those trucks. He does that to prevent detection and cover for his manufacturing capability. I will point out one other tragic fact. This very institution, the Congress of the United States, together with our postal system, suffered through an anthrax—that is a biological weapon—attack. And in that matter, our investigative infrastructure has worked—and they have worked hard—we do not have the full story of how that was done.

The leadership of our Senate and the House of Representatives, together with our infrastructure—the Secretary of the Senate, the Sergeant at Arms, the medical department, Admiral Elsord—worked to enable us to as quickly as possible resume the use of the Capitol, which was closed down and took precautions in the Congress of the United States, most particularly the Senate, to carry on our business.

Think of the disruption we experienced that is the type of threat we are addressing in this resolution. That is the type of threat.

In the days to come, I will have more specifics to share with my colleagues and with those who are following this debate.

None of us wants to see our men and women in uniform committed to foreign battlefields. None of us seeks a war with Saddam Hussein. Our President has reiterated that almost every year, a week after President Bush addressed the United Nations, Saddam Hussein and his regime have defied international mandates. Saddam Hussein has defied the international community for far too long. Diplomatic efforts have not worked. Economic sanctions have not worked. He has skillfully figured out how to evade those sanctions, to sell on the world oil market.

As recently as September 19 of this year, a week after President Bush addressed the United Nations, Saddam Hussein denied he has such weapons. It was clear in 1984, when Saddam Hussein used chemical weapons against Iran, that he had such weapons. It was clear in 1987, when Saddam Hussein used chemical weapons against his own citizens in the Kurdish areas, that he had such weapons. It was clear in 1994, after UNSCOM—those are the first inspectors—had uncovered enormous stockpiles, that he had such weapons. It was clear in 1998, when Saddam Hussein expelled UNSCOM inspectors from Iraq that he had such weapons. It is clear in 2002, after 4 years without the international United Nations inspectors being able to perform their duties, that Saddam Hussein has such weapons and is urgently attempting to manufacture and acquire more, most particularly the nuclear capability of weapons.

This resolution authorizes the President to use military force if—if he deems it necessary to remove the threat to our Nation and the world possessed by Saddam Hussein and his regime of mass destruction—chemical and biological weapons this evil man already possesses and the nuclear weapons he is racing to acquire—I repeat, working to acquire.

My colleagues will recall in the early 1990s, Iraq was struck a bold move to bomb the plant that Saddam Hussein was utilizing at that time to build his arsenal of nuclear weapons. That set him back. I often wonder: Could we have, as a member of a coalition of nations, prevailed in the Gulf war of 1990 and 1991 had that plant finally, with other elements of infrastructure, produced a nuclear weapon?

Stop and think about it. That war, in terms of the coalition forces, was 100 hours of vigorous fighting to repel Saddam Hussein’s forces out of Kuwait and drive them across the border of Iraq. Could we have done that war as successfully in the face of a nuclear weapon had he possessed it at that time?

I remember going with other Members several days after the conclusion of the final hours of that war, visiting the battlefield on the border of Iraq strewn for miles with abandoned and burning equipment, where the Iraqi armed forces dropped their arms, fled to their homes, and the safety they felt their borders provided. Had he had a nuclear weapon at that time, they might not have turned, dropped their arms and fled.

We know he is working on it. There is unquestioned evidence to show he is working to obtain that category of weapons. But the primary concern we have at the moment is he actually possesses weapons of mass destruction in the category of biological and chemical. That is irrefutable in fact.

The principal purpose resolution is to authorize our President to use that force if, and I repeat, if he deems it necessary to remove the threat of those weapons for the security of our Nation and other nations.

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This resolution authorizes the President to use all necessary means to ensure that Saddam Hussein complies with the U.N. Security Council resolutions which prohibit Iraqi support for terrorism and terrorist organizations, prohibits Saddam Hussein’s repression of minorities within his country, require repatriation and accounting for American citizens killed in the Gulf war—of which he was required to do but has defied the resolution; and return of such other property as owing to Kuwait, that small little country he so devastated in 1990-1991.

Why now, is the question we hear in this debate? And I pay respect to those who raise questions because I think it is important that the toughest of questions are raised.

The answer is simple. Enough is enough. In this post-9/11 world, we as a nation cannot afford to wait while this evil dictator, who terrorizes his own people and shelters those who terrorize others—just think, al-Ghada elements are now known to be within Iraq—acquire even more destructive capabilities to attack and terrorize our Nation, possibly his neighbors in the region and the entire world.

Saddam Hussein brutally invaded Kuwait in August of 1990. In the ensuing Persian Gulf war, he was decisively defeated on the battlefield by the coalition of forces in that heroic battle of roughly 100 hours.

In the aftermath, Saddam Hussein agreed—and the pictures are there of his representatives meeting in the desert to sign these agreements—to comply with a number of U.N. Security Council resolutions. He was defeated. The coalition forces made a decision not to pursue the remnants of his be-draggled fleeing army into Iraq, but they decided to impose upon Saddam Hussein and his regime a very strict set of resolutions in order to prevent any comparable use of aggression by his forces beyond his borders.

Almost 12 years later, we are still waiting for Iraq to comply with those international mandates. Saddam Hussein has defied the international community for far too long. Diplomatic efforts have not worked. Economic sanctions have not worked. He has skillfully figured out how to evade those sanctions, to sell on the world oil market.

His nation has the second largest known reserves of petroleum, second only to Saudi Arabia, from which he can generate considerable oil revenue and that he has used, consuming years, skillfully evading the United Nations clear restrictions on the use of oil revenues; diverted it away from his people, let them starve; diverted it away from food and medicine to care for his people; diverted those funds into building weapons of mass destruction.

The time is running late. That is why now. The time is now for Saddam Hussein to live up to the 16 U.N. resolutions he has defied.

In my public life, I have had the privilege of working with two very well-respected Secretaries of State, and I want to take a moment to quote these two Secretaries, George Schultz and Henry Kissinger. These are men who have dominated the international scene and worked with world leaders for many years. I know them both very well. I am privileged to say. This has nothing to do with politics, nothing to do with Republican versus Democrat. These are their views as the elder statesmen. They are still both very active in international discourse, still
very active in trying to achieve peace in the world. Extraordinary. They have not rested on their laurels and slipped back into blissful retirement. They still remain on the cutting edge of diplomacy in the world over.

Secretary of State George Schultz recently stated: The danger is immediate. The making of weapons of mass destruction grows increasingly complex, on a day-to-day basis. The moment is racing toward us when Hussein’s possession of nuclear weapons could form a regional and international situation into what in the Cold War we called a balance of terror. Hussein’s use of the worst weapons. We argue that to act now might trigger the balance of terror. Some called the balance of terror. Some said it occasionally, as do other Members of the Senate. He is always available, no matter how busy or where he is in the world, to take the calls from the Senate Members from both sides of the aisle.

He is referring to that period when our Nation and other nations were faced with an awesome inventory of nuclear weapons possessed then by the Soviet Union.

Strong determination in the Western World—and led in the final days by a very courageous President, Ronald Reagan, who said, tear down that wall, Mr. Gorbachev, referring to the Berlin wall. Because of the determination of the free nations and because of the voice of expression of so many people who were oppressed in the Soviet Union, that wall did come down. Today we see a revived and strengthening nation of Russia. There is a clear example of when forces of freedom gathered against the forces of oppression and were successful.

I remember going to that wall with Senator Moynihan, a wonderful, marvellous friend of mine from New York, as it was being torn down. We were part of a delegation. We actually went out with people who were gathered there who picked up their own hammers and chopped off pieces of the wall. The chip is on my mantle in the Senate. That little chip reminds me of the symbolism and the importance of nations resolving to have the strength to overcome oppression.

Strong, determined leadership is racing toward us when Saddam Hussein’s possession of nuclear weapon could transform the regional and international situation into what in the cold war we called a balance of terror. Some argue that to act now might trigger Hussein’s use of the worst weapons. We must have that in mind. Such self-imposed blackmail promises easier judgments when he is even better equipped than now. “Time is his ally,” concluded Secretary Shultz, “not ours.” Ours, being the United States, Great Britain, whose Prime Minister has stood steadfast with President Bush in the resolve to alert the people of both of our Nations to the potential dangers.

(Mr. DAYTON assumed the Chair.)

Mr. WARNER. Prime Minister Tony Blair said: I have been privileged to be with on several occasions, has shown enormous courage, in the face of dissenion among his own political party, dissenion of the people in Great Britain, who were gathered in the streets, 100,000, but that is the burden put on leadership, be it in Great Britain, America, or elsewhere, to go and explain.

As George Shultz said, time is Saddam Hussein’s ally, not ours. We must join our arms in a solid phalanx to repel the threats of the weapons of mass destruction possessed by Saddam Hussein.

Continuing in the testimony before the Senate Foreign Affairs Committee last week, Dr. Kissinger testified. I talked to Dr. Kissinger by phone. I do it occasionally, as do other Members of the Senate. He is always available, no matter how busy or where he is in the world, to take the calls from the Senate Members from both sides of the aisle.

I was engaging with Senator LEVIN in an effort to have him testify before our committee, but travel commitments prevented that. He wanted to do it, but said he would testify, if not before our committee, before the Foreign Affairs Committee. I commend Senator BIDEN and Senator HELMS, Senator LUGAR, and others who persuaded him to come down.

In his testimony before the Foreign Affairs Committee, he said: Unlike 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 terrorism. The threats of the Cold War principle of deterrence are almost impossible to implement when there is a multiplicity of states, some of whom harbor terrorists in positions to wreak havoc. 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.

Both Secretaries join in concluding in these remarks that time is Saddam Hussein’s ally. Time is not ours.

Again, I commend our president, President Bush, for the leadership he has shown on this issue. Saddam Hussein is a threat, not just to the United States but to the world, with its relentless drive to manufacture and acquire weapons of mass destruction. We cannot afford to be complacent. The U.S. Senate had not our president focused the attention of the world on this threat to freedom.

Time and time again, abroad, at home, wherever he is, he stops to point out this threat. We would not have in the United Nations at this very hour the consideration of a new and strong resolution, we would not be having this debate in the United States at this very hour if not this courageous President of ours for months and months brought to the attention of this Nation that time is not on our side.

President Clinton, to his credit, in 1998, brought this to the attention of the Congress, sought and received a resolution from the Congress which in many respects is parallel to this. But then again, and I do not criticize the President; I simply point out the fact of history, Clinton felt the United Nations would step in and pick up their responsibility as required by their charter. President Clinton directed and utilized force in December of that period, had a bombing of Iraq when the inspectors were driven out. But again, the United Nations began to go through its motions and this Nation again, and I do not criticize the President, as we go back if it is a new regime with teeth in it, backed up by the clear expression of the use of force if, in fact, Saddam Hussein does not cooperate. Saddam Hussein does not allow them to perform their duties consistent with such new directives as the United Nations may lay down. That process is now on hold.

Members of the Senate have had available to them extensive briefings from senior administration, national security, and intelligence officials on the situation in Iraq and the immediate challenge to the international community.

That is the basic framework in which our President went to the United Nations and gave his historic speech. I think there is not one on either side of the aisle who does not respect that moment in the United Nations when our President stood up and challenged them to live up to their charter.

I remind my colleagues that the Iraqis agreed in writing on April 6, 1991, just weeks after the 100-hour war had concluded, in a letter to the U.N. Secretary General from the Iraqi Foreign Minister—Iraq as a nation accepted the cease-fire conditions as embodied in U.N. Security Council Resolution 687. It is very clear. It is all a matter of record. Not today, but next week I will put that resolution and its full text in the RECORD.

Prior to that, we all watched as Iraqis generals, at the direction of Saddam Hussein, met in a tent. I remember the picture very well. It was sent in the middle of the battle. It was the Saddah Airfield in Iraq, with Gen. Norman Schwarzkopf. What an American hero he was. I had the privilege, together
with many of my colleagues, to visit him on several occasions. As a matter of fact, I remember one time on our fourth trip over there, he said to us—and he was a man who had a good sense of humor—if I see any of you back here again, I am going to put you in khakis and send you to the bathroom. I remember that. He had a good sense of humor. But he used to brief us thoroughly and carefully. What a magnificent individual: The right man at the right place at the right time.

Anyway, at that airfield, General Schwarzkopf, the commander who had led the forces of the coalition in that 100-hour engagement, discussed the conditions of a cease-fire. He witnessed the signing of the papers. He transmitted those papers to the United Nations. Colleagues, those conditions have never been met by Saddam Hussein and his regime. That is why we are gathered here today for this debate.

Later, President Bush gave an historic speech, as I said, at the United Nations, challenging the U.N. to live up to its responsibilities as stated in article I of the United Nations Charter, and I quote his remarks:

‘‘to take effective collective measures for the prevention and removal of threats to the peace.’’

In my view, President Bush was clearly there not to seek a declaration of war but to challenge this important organization to live up to the terms of the charter. This speech was one of the finest and most important speeches ever given by a head of state of any nation to the United Nations. The speech dramatically elevated the level of debate and the attention of the world’s leaders on Iraq’s conduct and continues to function as the arch of history. It further challenged the nations of the world to think long and hard about what they could expect from the United Nations: Is it to be effective and relevant—their actions today, tomorrow, and in the weeks to come—and live up to its charter, over 50 years old? Or is it to be irrelevant and fall into the dustbin of history, as did the League of Nations, as the world descended into the darkness in the years following World War I and on the eve of World War II?

There are among us Senators, and I hope one who will soon speak who has spent much of his life studying diplomatic history. I will not take further time today to bring to the attention of Senators a little bit of history about the League of Nations. It was put together in the aftermath of World War I to prevent further conflict. I remembered, as I spoke about my father who served in World War I, our library that was filled with books about the history of that conflict. I remember one book was entitled ‘‘The Last Great War.’’ There it is. I still have that book, ‘‘The Last Great War.’’ And the world reposed trust and confidence in the League of Nations, to ensure that war wouldn’t happen.

I learned so much of my history from my father because when I was young, he would have me read the newspapers with him. I remember the world was shocked in the 1930s, the late 1930s, when Mussolini, in a bolt out of the blue, invaded Abyssinia—a small nation presided over by a world-renowned statesman and President, Haille Selassie.

I remember when I first came to the Senate, he came to Washington and a group of us went down and had breakfast with him. I will put in the Record at another time the quotes of Haille Selassie leading with the League of Nations to come and rescue his tiny little nation from, in those times, the high-tech Italian Army decimating his country.

What did the League do? It debated, it debated, it debated. It did nothing.

I remember there was one press report. The reporters covered those debates, covered what the League was discussing. One day, finally, the League decided to issue a press release. It said something to the effect that: There is a hope that we can make a little progress.

That reporter said: I don’t know how I can report in truthfulness truth that press release that he privy to being in closed session, behind closed doors, and seeing that the League is doing nothing—nothing to resolve that conflict. And nothing they did. They limped on as an irrelevant international body through much of World War II and finally packed up their remains of files and furniture and office spaces, and I think they are in the archives of the U.N. somewhere. Perhaps my colleague would be interested in probing, as I have, and will in the days to come, that bit of history. We are on that threshold now, when this organization can become irrelevant, as did the League, and go into the dustbin of history. That is the challenge President Bush has placed at the doorstep of the U.N. today.

Of equal importance, the President’s U.N. speech articulated a clear, decisive, and timely United States policy on Iraq; that is, to remove the threat before Iraq is able to use its weapons of mass destruction. The United States is now firmly on a course to accomplish this policy and invites the nations of the world to join.

Prior to his U.N. speech, this body, Members of the Senate, the President, to do exactly what he did, go to the U.N. As our President builds this international coalition, it is vital that he do so with the strong bipartisan support of the Congress. That is the purpose of this resolution. Over the summer, many Members of Congress and many American citizens expressed the hope for meaningful consultations between Congress and the President, as well as consultations with our allies in the United Nations. Our President has done exactly that.

It is now time for Congress, in accordance with his expressed request to the Congress, to express to the people of our Nation and to the world its support of our President, squarely and overwhelmingly—with no daylight whatsoever—between how we stand firmly behind our President. That is the purpose of this resolution.

So let us do this as my colleague says. To the extent that Congress joins and supports our President and sends that message unambiguously to the international community—most particularly to the United Nations and to Saddam Hussein—the resolution is—rather than to the extent to which we will be able to get a strong and decisive action from the United Nations.

We are making success. The reports are this morning that Hans Blix—who has been deputized here in the past years to begin to work out plans for such further inspections in Iraq—when Hans Blix came back he was ordered to the Security Council. The thought this morning was that he believes before he left that he wanted to know exactly what actions the Security Council will take to enable a new regimen of inspection to be effective and not to be thwarted by Saddam Hussein.

I am, at this hour, at a very important juncture. I hope this body, as well as the House of Representatives, will send a resolution that will have no daylight that could be exploited most certainly by some of those nations that do not share the threat now that we know exists and that could be used not only against us but against them, possibly.

It is my firm conviction that diplomatic efforts to achieve Iraqi compliance with all applicable United Nations Security Council resolutions—16 so far—will fail unless the Iraqi dictator, Saddam Hussein, clearly understands that swift and decisive force will be the automatic consequence of any additional thwarting of such inspections as may be agreed upon.

Clearly, there are risks associated with confronting Iraq. I have enumerated those in some detail. But the risks associated with inaction, to me and to our President, are far greater if we fail to confront this danger now—not tomorrow.

Some argue that a war with Iraq would distract our attention from the global war on terrorism. I disagree, and that disagreement is predicated on the testimony of not only administration officials but, most particularly, the leadership of the Armed Forces of the United States. I know of both situations. That remains clear, certainly to the Committee on Armed Services.

Confronting Saddam Hussein now is a logical step, a necessary step, and a necessary step to rid the world of his potential.

As President Bush reminded us a few days ago when I was privileged to join him on the steps of his office:

‘‘We must confront both terrorist cells and terrorist states because they are different faces of the same evil.’’

How will we explain to the American people—in the wake of a possible future...
attack on the United States or U.S. interests, directly by Saddam Hussein, or indirectly through surrogate terrorists equipped and directed by him—that we, the Congress, knew Saddam Hussein had weapons of mass destruction, that we knew from history that he used them against us, and that he intended to manufacture and acquire even more and to use these weapons possibly against us and others, and yet the world failed to act timely?

Now, more than ever, the Congress, as a coequal branch of government, must join our President and support the course that he has set. We have to demonstrate a resolve within our Nation and internationally that communicates to Saddam Hussein a clear message that enough is enough. You are to be held accountable to the world law and order as enunciated in 16 resolutions—and possibly a 17th—of the United Nations. He has to be convinced that America and international resolve is real, unshakable, and enforceable if there is to be a peaceful resolution. But, if diplomacy fails, we must be prepared to act.

I was never more proud of an American President than Wednesday—again, on the steps of his office, joined by many of us here in this Chamber—when he said:

We will not leave the future of peace and the security of America in the hands of this cruel and dangerous man. None of us here today could have foreseen that the military conflict because we know the awful nature of war. Our country values life and never seeks war unless it is essential to security and to justice. America’s leadership and willingness to use force, confirmed by the Congress, is the best way to ensure compliance and avoid conflict.

I support our President’s call to duty. I urge my colleagues to likewise join. I yield the floor.

I suggest the presence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum be suspended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that I may be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ELECTION REFORM

Mr. DODD. Mr. President, I know the debate is about Iraq and the pending resolutions. At an appropriate time, I would like to address that subject matter. But I want to take the floor briefly this afternoon to announce some good news. Early this morning, at around 2 a.m., we were able to reach an agreement on the election reform bill between the leadership of the Senate and the House.

Earlier today, I held a press conference with the leadership on this bill in the House, including Congressman BOB NEY from Ohio, the chairman of the House Administration Committee; Congressman STENY HOYTER from Maryland, and Congresswoman EDDIE BERNICE JOHNSON from Texas, who is the chairperson of the Congressional Black Caucus; as well as my colleague from Kentucky, Senator MCCONNELL, and my colleague from Missouri, Senator BOND; with statements from CORRINE BROWN from Florida and JOHN CONYERS from Michigan, my original cosponsor, who could not be here but wanted to be heard on this issue.

This has been a long and arduous trail over the last two years, as I know the Presiding Officer is aware. I believe the Presiding Officer was in the Chair about a year-and-a-half ago when we announced on the floor that we had an agreement, at least in the Senate anyway, on this issue.

So it is a historic day. If we are able to do what we did in the coming days before adjournment, it will be the first time in over 200 years—since the founding of this Republic—when the Federal Government becomes a partner with the States and localities in the conduct of Federal elections.

None of us have to be reminded of the tragic events that occurred almost 2 years ago in Florida and many other places around the country. They showed that the condition of our democracy was deteriorating because the quality of our elections was falling apart.

Trying to reform the electoral process was critically important for all of us. We needed to provide adequate resources—the change of outdated equipment. In my own State of Connecticut, we have used the same voting machines for 40 or 50 years now. The company that made them has long since gone out of business. In light of the constitutional crisis that plagued our nation two years ago, I believe it would have been a great shortcoming not to pass this legislation before the end of this session.

There has been a lot of talk about whether or not we would get this done. Obviously, when you talk about election reform, unlike other subject matters where people will likely defer to someone who may know more about the subject matter, every one of us in this Chamber is an expert because we got here through the electoral process.

For too many years, there has been a Republican plantation, as my colleague from Kentucky likes to point out, that Democrats were interested in having everyone vote, no matter if they had a right to or not; and Democrats were suspicious of Republicans that they too often wanted to make a right to vote or to make it difficult.

It is very difficult to craft a piece of legislation when people have such reluctance and hesitation. However, we were able to break down all of that, and what we did is come up with a bill that has new responsibilities, new rights, and new resources for the first time in our country.

It is a civil rights act in many ways. The rights here will say: The voter gets to cast a provisional ballot; and the voter has a right to see your ballot and correct your ballot. In addition, the bill gives the voter a right to redress grievances through a remedy process. And, fact, a voter is denied these rights.

I will quickly say, a remedy process that isn’t everything I would like it to be, but the bill that came out of the Senate had very little in it while the House had none. We fashioned a remedy in conference which, as you know, is very difficult when there are strong voices in opposition to doing anything.

We did not roll back in any way the motor voter legislation. The Department of Justice is involved, obviously, to enforce the provisions of this act.

The responsibilities are also here on the part of the States. If the voter has neither, he or she will be given a four-digit number. It is a simpler way and less intrusive for people to become registrants.

You would have statewide voter registration for the first time: if you move around in your State, from one town to the next, you do not have to register again every time you move. But if you move to another State, you will have to register in that new State. We think that this is going to help a great deal toward eliminating some of the fraud issues because people won’t be able to jump around from one local jurisdiction to another local jurisdiction in the same State and vote in different places. And with technology, we will be able to monitor the process much more effectively.

These are the rights and responsibilities in this bill. The resources are $3.8 billion over the next several years. The administration has agreed to work with Speaker HASTERT and others, to commit more than $400 million in fiscal year 2002-2003. Obviously, as part of the supplemental, that money got vetoed by the President, but now because of election reform. We are very confident, based on conversations the House leadership has had and the discussions we have had here, that there
will be something in the neighborhood of $750 million included right away, so antiquated equipment in the States with lever or punch-card systems can be replaced.

Now, do I have an absolute guarantee for all of that? Obviously, no, because we have to vote on the appropriations. Did I condition these requirements on it? No. Are there requirements here? Yes. But this is an authorization bill. Obviously, if you do not have it as a requirement that had to be met, and you left it to the vagaries of whether or not the appropriations would be made, then these requirements would only be voluntary, and all we would be doing is subsidizing the status quo.

For those who are concerned we have no ironclad commitment on this, that is difficult to get in any area of our budget. But I am convinced, given the bipartisan nature of the support for this bill, the bicameral support for it, knowing how strongly the State and local officials feel about it, that we will be able to achieve the necessary funding requirements in the coming years.

There are staggering provisions in the bill where various points become operative. If we passed this bill a year ago, we might have been able to move up these dates. In light of the fact we are passing the bill in the very last days of the 107th Congress, it is going to be more difficult to effectuate some of these changes in the shorter term.

We all witnessed what happened recently in Florida with new equipment and new requirements down as a result of legislation passed at the State level. There was a lot of misinformation, a lot of confusion. We want to be careful not to do that here. We have new requirements. We have new responsibilities in this bill. We want to give people an adequate time to become familiar with them.

We have provisions that will assist communities to educate poll workers. We encourage young people to become involved as poll workers and poll watchers and to encourage their participation. We establish a permanent commission. For the first time, the Federal Government will have a place where people can comment on an ongoing basis on how we can improve the right to vote and to have the vote count. Despite the fact the Constitution speaks clearly about a Federal role and a State role in the conduct of elections, we have never done this before.

For most of the last 200 years, the Federal Government has honored its Constitutional commitment. Except for the Voting Rights Act in 1965, the Federal Government largely has stayed out of the States’ role to conduct elections. We are not becoming overly intrusive. It is still a local matter. But we have to come, with this legislation, a partner where we say to our local communities and States, in the conduct of Federal elections, your government wants to help, wants to be involved through resources. By creating some requirements, by creating some responsibilities, we think we can vastly improve the process.

For 20 million Americans who are disabled, who are either blind or manually disabled, if we pass this legislation, for the first time there must be voting equipment mandated by law that will allow a blind person or a manually disabled person will be able to cast a ballot privately and independently. Presently, there are no ballots written in braille, or an audio system—except for one jurisdiction.

If you go into any building in this city, there are requirements that an elevator be in braille so you know what floor you are going to. The day has arrived when a person, regardless of their ability to see or not, should be able to walk into a polling place and read a ballot in braille. This is not the 18th or 19th century. We are in the 21st century. I am proud to say, on a strong bipartisan basis, with little or no debate or argument, we have included in these provisions a requirement that people who are disabled, particularly those who are blind, for the first time be able to walk into a polling place and not have to rely on a stranger to go in and help them cast a ballot.

I have a sister who has been blind since birth. She is a teacher. I am very proud of her. She is a remarkable woman. I would like to know that my sister, as she reaches retirement age as a teacher, will, as a result of her brother’s work on a bill, be able to cast a ballot without having to rely on someone telling her how to vote. So for millions of disabled Americans, this legislation is a major breakthrough for them as well.

I do not intend to go through all the details. If there are people here demanding details, I will have to disappoint them. If I could have written it myself, it would have been different. But, unfortunately, there are people who gather in a conference who have differing opinions. I wish they didn’t, but they do. When they do, you have to compromise. That is not an ugly word. As long as you are not compromising your principles, that, in a legislative context of working out arrangements, where there are people who hold strong views, is the only way we get anything done.

I ask unanimous consent that a list of the staff people in my office and that of Senators BOND and MCCONNELL, Congressman HOYER, Congressman NEY, and others be printed in the RECORD. We don’t give these people enough credit. They were up all night last night scrubbing through this bill. After we quit about 2:00 or 2:30 in the morning, they stayed at it all night. I wish the American people, when they talk about them politically, would sometimes could peer down and see on how many nights and how many days, long after the Members have argued their points in broad terms, these fine staff people of ours, who work on behalf of taxpayers, stay on countless nights, through weekends, to hammer out details, to see to it we produce the products we can. I am deeply grateful to all of them.

They include:

- Kennie Gill, Ronnie Gillespie, and Shawn Maher.
- Chairman NEY’s staff: Paul Vinovich, Chet Kalis, Roman Buhler, Matt Peterson, and Pat Leahy.
- Senator McConnell’s staff: Brian Lewis and Leon Sequeira.
- Senator Bond’s staff: Julie Damann and Jack Bartling.
- Senator Hoyer’s staff: Bill Kable, Keith Abucchiar, and Len Shanbon.
- Senator Schumer’s staff: Polly Trottenberg.
- Senator Durbin’s staff: Bill Weber.
- Eddie Bernice Johnson’s staff: Paul Braithwaite.

I thank Congressman NEY. I didn’t know how very well he did, a fine person from Ohio, worked in the State legislature of that State, and is chairman of the House Administration Committee. I have developed a strong affinity for him. He is a fine person, a fine man. He fought very hard for what he believed in, defended the other body’s positions. Because of the many nights and weekends, we have gotten to know each other.

I thank Congressman STENY HOYER. Many of us know and served with him over the years, from Maryland, a remarkably fine individual who did a great job with Congressman NEY in producing the House bill. He has been the leader in the House on so many occasions dealing with disability issues. From his staff, Bill Cable, and others did a wonderful job, I thank him.

My colleagues over here, I mentioned Senator Bond and Senator MCCONNELL, Senator SCHUMER’s staff, Bob TORRICELLI who worked very hard. BOB TORRICELLI worked on an early bill with Senator MCCONNELL, did a great job trying to bring this matter to our attention. There are so many people here. I am afraid I will leave people out.

I ask unanimous consent to include statements by Congresswoman Eddie BERNICE JOHNSON, Congressman JOHN CONYERS, and Congresswoman CORRINE BROWN be printed in the RECORD.

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

STATEMENT BY CBC CHAIR EDDIE BERNICE JOHNSON ON THE PROPOSED ELECTION REFORM CONFERENCE COMMITTEE AGREEMENT (AS PREPARED)

Thank you. I am pleased to join Members of the Election Reform Conference Committee today as we announce this historic agreement.

Our democracy begins and ends with the fundamental right to vote. Truly, we have been an imperfect country towards our goal of making sure every vote cast is counted. It has now been six hundred and ninety six (696) days since the 2000 elections revealed a pattern of voter intimidation, inaccurate voter registration, arbitrary ballot counting standards, and antiquated machinery that deprived millions of citizens of their right to vote.
We have certainly waited long enough for election reform legislation. I must thank Representative Steny Hoyer, who has been battling every day since the 2000 election and all these inequitable restrictions to our nation’s voters. His leadership in getting us where we are today on this legislation has been limitless, and I thank him for his tireless work in this important legislation.

In the same spirit, I must also thank Representative Bob Ney for his hard work in helping us bridge the differences between these two bills.

The CBC has had terrific support from our colleagues from the other chamber, and I would like to especially commend the efforts of Senator Dodd, Chris Dodd, who has worked alongside the Caucus and the civil rights community to ensure that the issues we care about most deeply are being addressed in the final bill. I would also like to thank Senate Majority Leader Daschle for his leadership on bringing this bill to the Senate floor earlier this year.

Finally, I must thank the 38 Members of the Congressional Black Caucus, and in particular, the gentleman from Michigan, Representative John Conyers for working tirelessly and quietly, but he is speaking to the NAACP in Florida, and I know that he will be bringing this important message to voters in the state who sparked this drive for election reform.

As many of you know following the 2000 elections, the Congressional Black Caucus pledged to make election reform our number one priority. We said that we would not rest until Congress enacted reform legislation that would help every right to vote for all Americans. And I am proud to say that we are very closer to delivering on our word.

We all know that the conference agreement is likely to be far from perfect, but there is no such thing as perfect legislation. However, it is time that we take a FIRST step toward meaningful reform.

We must improve our elections system so that all Americans can register to vote, remain on the rolls once registered and vote free from harassment. We must act before Congress enacted reform legislation that would help every right to vote for all Americans. And I am proud to say that we are very closer to delivering on our word.

I call upon my colleagues to bring this legislation forward for debate, pass this bill, and we must sent it to the President for his signature before another day passes. We cannot wait another day. Thank you.

CONGRESSWOMAN BROWN ANNOUNCES ELECTION REFORM AGREEMENT

WASHINGTON, D.C.—Congresswoman Corrine Brown is elated to announce a monumental agreement made today in Washington on the election reform bill. This agreement will bring millions of dollars in federal assistance to the state of Florida for election reform.

Since the 2000 presidential election debacle, Congresswoman Brown has been a leading voice for election reform in Congress, and has worked arduously on the issue of election reform since the Supreme Court selected the President of the United States two years ago.

With respect to the agreement, Congresswoman Brown made the following statement:

I am thrilled to see this agreement finally come to fruition after weeks of postponed meetings and hours with Members on both sides of the political aisle, in the House of Representatives, and the Senate. This agreement, which gives the states more flexibility to implement the election reform, and requires them to replace outdated punch-card voting machines, train poll workers, educate voters, upgrade voter lists, and make every effort to ensure that all citizens who want to vote can do so, is the best possible situation.

Although the bill contains little, no per election reform bills. I think this one is a good start. The agreement today gives the individual states millions of dollars over three years to upgrade voter equipment, improve the accuracy of voter registration lists, recruit and train poll workers and enhance accessibility to polling places for people with disabilities. It also contains a one-time payment of perhaps as much as $500 million to states and counties to replace punch card voting systems, which were used by more than 15 million Florida voters.

Though this legislation will not solve all of our problems, I am proud we were able to do so. I know that you are probably not supposed to do it in 24 to 48 hours. About 12 days later, I was still here. Their patience was almost unlimited.

We were able to get it done, and I am proud we were able to do so. I know that you are probably not supposed to do it in 24 to 48 hours. About 12 days later, I was still here. Their patience was almost unlimited.

I thank colleagues who managed to keep this relatively quiet so we could get the job done. We did not do it, and we would not be standing here recommending this product to our colleagues for their consideration, when the other body and the Senate votes on this bill.

I will have more to say about it when the conference vote is taken. This bill sets out on the right foot towards guaranteeing voters their fundamental right: the right to vote and have it counted.

STATEMENT OF REPRESENTATIVE CONVERS

Nearly two years after the wholesale disenfranchisement of the elderly, people of color, individuals with disabilities, we have at last passed legislation which will help to place in the dustbin of history the butterfly ballots, punchcard voting machines and discriminatory practices of Florida. This bill bears name and gives tribute to his vision and dream of a world without barriers to the exercise of the most basic right of citizenship.

Because of this bill, every American will be closer to living in a democracy where every vote that is cast is counted and where the legitimacy of our democracy is no longer placed in doubt. Because of this bill, voting machines will help voters instead of hindering them.

There were naysayers in the Congress and on some of the editorial pages who claimed that Senator Dodd’s proposal was unrealistic and that our vision of minimum federal voting rights standards for machines would never come to pass. The fact that it is a trade-off of some of our visions is not that it should not be let to anyone’s whims, and it is a tribute to Senator Dodd’s tireless efforts to pass this bill and Majority Leader Daschle’s rock solid faith in the legislation.

My colleagues in the House, Steny Hoyer and Bob Ney deserve tremendous praise for their role in this agreement as well.

The Voter I.D. provisions contained in this bill is not a provision I would have wanted. That being said, its inclusion in this agreement will not possibly overshadow the tremendous step forward the bill represents. We live in a democracy where the essence of accomplishment is compromise and yielding in part to different points of view.

At the end of the day and this long struggle, we have a bill that represents a tremendous advance of civil rights and for our democracy.

Mr. DODD. I also thank the leadership, Senator Daschle and Senator Lott, for their support. When they asked me how long it would take to debate the election reform bill on the floor, I said I thought I could do it in 24 to 48 hours. About 12 days later, I was still here. Their patience was almost unlimited.

I am proud we were able to get it done, and I am proud we were able to do so. I know that you are probably not supposed to do it in 24 to 48 hours. About 12 days later, I was still here. Their patience was almost unlimited.

I thank colleagues who managed to keep this relatively quiet so we could get the job done. Had we not done it, we would not be standing here recommending this product to our colleagues for their consideration, when the other body and the Senate votes on this bill.

I will have more to say about it when the conference vote is taken. This bill sets out on the right foot towards guaranteeing voters their fundamental right: the right to vote and have it counted.

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I know my colleague from West Virginia has some strong feelings. I want to say to him and in the presence of my good friend from Virginia, I have known these two individuals for many years. They have great reverence for this institution and have stood in the legislative body. I carry very proudly in my pocket every single day of my life, 7 days a week, a copy of the United States Constitution. It was given to me years ago by the Senator I sit next to, Senator C. Byrd. I walk around with it on weekends, evenings, wherever I am. I carry it.

I hope in this discussion, not just this one but others, people will listen to what he has to say about this document and our obligations to it as a co-equal branch of government. The Founders did not envision this particular debate. Probably the name Iraq didn’t exist at the time the Constitution was ratified or written. They envisioned circumstances like this. They wanted to give the Constitution a sense of weight and counterweight without giving one side an advantage, necessarily, but that we would deliberate very seriously about matters such as this, certainly the matter of going to war.

I have great reverence for this document and great reverence for people who embrace it and cherish it, knowing it is only as good as each generation’s willingness to defend it, and that our obligation to carry on the torch is to give them the tools to appreciate what it means. It is a subtle document. This is not a document an ignorant nation would be willing to fight for and sustain. The right to say what you want and have people stand up even when they vehemently disagree with what you are saying takes an educated, sophisticated population to appreciate.

Certainly the rights of a Congress, a legislative branch to appropriate, the right to declare war, the right of a Commander in Chief to lead during difficult times, these are notions that can be easily understood if you are not well educated and prepared. And it becomes incumbent upon us, in this particular moment, to serve not only as a source to resolve the matter before us, but to educate our constituents and the people of this country about why this document is important, particularly in moments like this, where none of us have ever asked a generation more significant vote. It is not a vote on a Supreme Court justice, or not even amending the Constitution, but the decision is whether or not young men and women will go into battle and lay down their lives for us.

Both of these individuals understand this better than I—John Warner, particularly, because he has donned that uniform. I served in the military briefly, but I never had to face an enemy across a firing zone, and I respect somebody who has. Those who have been engaged in battle seem far more cautious about committing this Nation to conflict. Those who have not, seem, on many occasions, to fail to understand the significance of what we may be asking people to endure.

I will have more to say about this specific matter. I didn’t want this moment to pass. I wanted to express my respect and reverence. But I have closed caucuses every week to discuss the matters before us, political and otherwise. I have watched over the last several weeks, and it is not well known—maybe there is a historic record somewhere, but I wish every person in America could have been at the caucus luncheons to listen to our colleague from West Virginia passionately defend the Constitution of the United States. There is no press release, and there is no television show afterwards. It is just one person standing up defending the very document that gave rise to this institution and the rights all of us enjoy as Americans. I thank him immensely for having the courage of his convictions, the strong legs, the thick spine, and the determination to be heard.

I thank my colleague from Virginia for all he does every day to see the ideals and values of the Constitution are carried out by his Members. He has been with me in the Chamber and in committees. He is a person who deeply cherishes this Constitution.

Mr. Warner, Mr. President, I express the sentiments of my colleague, and I share his sentiments with regard to our magnificent colleague, Senator Byrd. We are privileged to have adjoining States, with a small boundary between them, that was inserted at one point in history during the historic Civil War period. But we cross that boundary together because we love those people—particularly the people of Appalachia.

I thank the Senator for his comments about them with great humility. I served in uniform, but I was always a communications officer in Korea, the First Marines Airwings, and a staff officer. In the field of battle, I shared the bunks and tents with others, but I don’t put myself in the combat arms category. I served with others who did. Yes, perhaps I have some thoughts and views emanating from those periods I was privileged to serve in uniform. But I think every Member of the Chamber has equal conscience and the strength of his or her own convictions to make the tough decisions we have to make in the days coming with regard to Iraq. I look forward to engaging the Senator from Connecticut. Yes, we have been good friends, but let me tell you, no Senator should ever think they have been tested in the field of oratory until they tangle with that Senator from Connecticut or the awesome Senator from West Virginia. There is just not as much of the great oratory that this country has seen in the last 20 years as I’ve been here. There seemed to be more when I came than we have now. My gracious, I was in awe of the senior Members of this Chamber when I first came here and sat and listened intensely. But I say to the Senator from Connecticut, I am ready for this debate and I will have one day. I only wish it were this afternoon in the presence of the Senator who served in the field. But if it is to be another day, I will await it. I hope he will some day debate me on the League of Nations. He is a student of American foreign policy as a senior Member of the committee, following in the footsteps of his proud father, senator for the Nation. Some day let us talk about the fate of the League of Nations. As our President challenges the U.N. today, I challenge the Senator to that debate some day.

Also, serving on the Rules Committee, we are very proud of what you have done, together with Senators Bond, McConnell, and others, to bring about this bill—particularly as this Nation stands somewhat in awe—I am not going to take sides today. I hope this is happening in New Jersey regarding the complexity of the election laws, the problems encountered for a second time, most unfortunately, in Florida. Let us hope this legislation can improve that system and serve as a means to inspire more of our citizens to participate in the electoral process, whether it is for county commissioner, sheriff, or for the Presidency and the Members of Congress. All too often, less than half of the people who are eligible to vote or take the trouble to exercise the right given to them under the Constitution, to which the Senator so reverently referred. I thank my colleague.

(Ms. Stabenow assumed the Chair.) Mr. Byrd, Madam President, if the distinguished Senator will yield.

Mr. Dodd, I am pleased to yield. Mr. Byrd, Madam President, as a member of the Rules Committee on which sit the distinguished Senator from Virginia, Mr. Warner, and our chairman, Mr. Dodd from Connecticut, I have asked the chairman to yield to compliment him. I want to compliment him, and I do compliment the chairman for his patience, for his dogged determination, and for his far-seeing vision in pursuing and pressing on to the end this cause for which he has been studying, speaking, and fighting for so long. It has an importance that goes far beyond the surface. This, we often hear, is a democracy. It is a Republic. We say that clearly each time we pledge allegiance to the Flag of the United States of America and to the Republic for which it stands. We have democratic principles under a republican form of government. Today, you are. It is a republican form of government.

The importance of encouraging and persuading and leading the citizens of the country to vote—what a great duty it is of each citizen to vote or hear his or her sentiments. And what a sad commentary on this Republic, whose people have been so far blessed beyond the
peoples of any other nation, and then to think that so few, relatively speaking, of the American people bother—bother—to go to the polls and exercise their duty at the polls. It is a sad commentary on the American people. We take this duty loosely, and we take advantage of this right in a very cavalier fashion.

The Senator from Connecticut has performed an extremely important service to the people of this country today. He has taken to future generations, by his stick-to-itiveness, by his incessant application of his enormous talents to bring to fruition the completion of this work on which he has been engaged for so long. It is not the kind of work such as the work we do do on other subjects. It is kind of a dry subject when one stops to think about it. It is kind of like the rules of the Senate. They are dry, there are no headlines in them, but how important the rules of the Senate are.

It is that way with this piece of legislation that our dear friend has so long labored in the vineyard to bring to fruition, I compliment him. I salute him. He has performed an immense service to this country: whatever we can do to bring about a greater focus and a greater application of the people's views when it is election time because, after all, that helps to mold the character of this country and to present the image of this country as a nation.

I wish it were possible to say that 80 or 90 percent of the people in this country turn out and vote. What a great victory that would be for this Republic and for the principles of democracy.

I not only salute this man, I say thank you to the distinguished senior Senator from Connecticut. He is my candidate for President. Throw your hat in the ring.

Mr. DODD. Madam President, I am going to leave now.

Mr. BYRD. Hold on a minute. Madam President, there has to be a little levity. Even the wisest will stop for a moment to smile, laugh a little, be a little jovial. But this is a tremendous victory; as a member of the committee on which this great man serves, I am proud to serve on that committee.

On another subject which has been injected here, no Senator should have to stand in a party caucus and defend his party or the Caucus, or refer to this document. This is a time when we must return to the language and the spirit of this Constitution. All too often I hear the leaders of this Nation in both parties refer to or that document or what this person said or that person said, but very seldom do I hear on the television talk shows on Sunday and other days of the week, seldom, relatively speaking, do I hear them base their position on the Constitution of the United States.

As I have witnessed the tides that ebb and flow on the world stage over these 50 years, all the more have I come to believe that the Constitution is the principal mast to which we should rope ourselves in order to put wax in our ears to the siren calls that will lead us astray from what the Constitution says.

The Constitution very clearly says in a nonambiguous sentence, the Congress shall have power to declare war. I am very pained to see a Congress, most of the leaders of which say we should pass this resolution, meaning S.J. Res. 46. Why should, in the last days before the election, get it behind us before the election. Get it behind us.

Madam President, if the Senator will further yield without losing his right to the floor, permit me to say we are not going to get this issue behind us. Say what you will. It is front and center. Why? Because the Bush administration has made this issue front and center in these last few days before the election. Why did they not make homeland security front and center? Because that would not have shifted the national perspective and focus away from the domestic issues which also are important. But to turn the emphasis to Iraq shifts the emphasis away from homeland security, shifts the emphasis of debate away from domestic issues, shifts it to a foreign scene and a foreign stage and a foreign field of action. So our eyes have been averted from what we should be watching, and that is homeland security, the defense of this country. Homeland security, protecting this country right here against attack, subtle attacks—it may be individual attacks, it may come in the form of an attack by one person or two or a group of six, as we saw in New York recently when the FBI arrested a cell of six individuals who were from Yemen. They are American citizens, but they were originally from Yemen. The FBI arrested them. The FBI did not go to the Department of Homeland Security to bring that about.

The people who are on the front line securing this country, securing you and me, securing the people of this country every day, every night, every hour of the day, every hour of every night are on the line now. They are out there on the borders. They are out there in the ports of entry. They are out there working day and night as we saw when the FBI did its work.

Here just before an election, our eyes taken away from the education needs of this country, away from the security needs of this country, away from the questions that involve the health of our citizens, away from the veterans of this country. This issue has been shifted away so that our eyes temporarily are distracted and we are looking in another direction.

Where are we looking? We are looking at Iraq. Yet, Madam President, there is nothing new in the evidence.

I have asked the Director of the CIA on two different occasions: What is different? Do not tell me anything about policy; we will make the policy. But tell me what there is by way of intelligence where you are the expert? What is there that is new today, that you know today that you did not know 3 months ago or 6 months ago? What is it that is new today? All of a sudden, after we heard all this business to the effect there is no plan on the President's desk? I asked that question of the Secretary of State: What is it that is new? I have asked the question of the Secretary of Defense. What does he say? The thing that is new is September 11. That is not so new; that is over 365 days old. So what is there that is new that requires us to make this fateful, far-reaching decision before the election?

There is nothing new. They have known it for 3 months, 6 months. A lot of it they have known for years.

This is a fateful decision, and the decision ought to be made here, and this Constitution ought not to be. This is a fateful determination, this decision, over to any President, any one man, because, as James Madison said, the trust and the temptation are too great for any one man.

That was Madison here today. Oh, that Madison could speak today. We would hear him say: The trust and the temptation are too great for any one man. Hear his voice as it rolls across the decades of history. We are told we have rubber spines, rubber legs, and we do not have backbones. This branch of Government, under the Constitution, is the branch consisting of the immediately-elected representatives of the people, and under the Constitution it is to declare war.

The Framers were very wise when they determined that these two matters—the decision to go to war and the making of war—should be in two different places. The decision to declare war, the determination to declare war, should flow from this branch, the people's branch, and the matter of making war should be in the hands of a unified commander, the Commander in Chief.

What are we doing? In my view, if we accept this resolution as it is written, we are saying both of these vital functions would be placed in the hands of one man. And what did Madison say? He said: The trust and the temptation are too great for any one man.

I objecting, if the Senator will further yield—

Mr. DODD. I am happy to.

Mr. BYRD. I say to those people out there who are watching through the electric lenses, let the leadership of this Congress know, tell the leadership of this Congress, urge the leadership of this Congress, to put aside this fateful decision which may affect the blood and the lives of our sons and daughters, put it aside until after the election so that the representatives of both Houses can make a determination in an atmosphere that is not so supercharged with politics. Let them come back
after the election. They are getting paid for all the days of the year. Bring them back then. Let them make a decision when they are not distracted by politics, by an election. Tell the leadership of this Congress. Let them hear you.

You do not have to worry where I stand. I am telling you now. I am stating my position now. Tell the leadership of this country, both Houses: Hold up, wait, listen, ask questions, debate, and wait until politics can be shoved aside after the election. Tell the leadership this affects your blood, your treasury, your son, your daughter, your grandson. Let them know in no uncertain terms. Tell them. They will hear you. I am proud to say that our leader on this side of the aisle has not yet made a final determination, I do not think. He has not joined with the leadership in the other body that went like lambs to the slaughter following after the President.

I respect the President of the United States. We should work with him, and we should support him when we can. But remember what Madison said: The trust and the temptation are too great for a man who is president.

We elected representatives of the people are not supposed to follow any President, whether he is a Democrat or Republican, meekly and without question. I do not believe there is a Republican in this body who knows me well who would believe for a moment, if we had a Democratic President today, I would not be saying exactly what I am saying right now.

I took the position against our President on the line item veto. I did not go along with President Clinton because he supported the line item veto. Nor would I go with any President in this more fateful matter, this question of peace or war, if they were a Democrat. If I were to support the Constitution says I should stand.

There is no king in the American scheme of things. There is no place for kings in our constitutional system. But there is a place for men. When I say “men,” of course, I am speaking of men and women, but when the Constitution was written it was only men.

There is no place for weakness. There is no place for wishy-washiness. There is only a place for steadfastness and a place for strong dedication to the Constitution of the United States, for every word that is in it, and to stand by the spirit with which it speaks. We cannot stand by that spirit and just go along. The people want a political party that stands for something. They want men and women in office who stand for them. They do not want men and women in office who just go along because their party goes along or because the President goes along. They want men and women who think for themselves, who keep in mind the needs of the people who are sent here by the people who stand for them. They do not want men and women in office who just go along or be-
Mr. BYRD. Madam President, will the Senator yield?

Mr. WARNER. Oh, yes.

Mr. BYRD. We are voting on this new Bush doctrine of preventive strikes—preventive strikes. There is nothing in this Constitution about preemptive strikes. There is nothing in this Constitution about preventive strikes. We are moving to yet another resolution providing for yet another attempt to turn the cart before the horse.

Mr. WARNER. We are voting on this new resolution.

Mr. BYRD. Madam President, if I could turn to the reference to the United Nations and the timing, I wish I were the student of history that my good friend ROBERT BYRD is.

I remember when you took me, hand in hand, to Rome to the very site of the United Nations and the United Nations, and that I remember when you and I were there, this resolution, S.J. Res. 46, we are about to vote to put the imprimatur of the Congress on that doctrine. That is what the Bush administration wants us to do. They want Congress to put its stamp of approval on that Bush doctrine of preventive strikes.

That is a mistake. That is a mistake. Are we going to present the face of America as the face of a bully that is ready to go out at high noon with both fists in紧握 and go home to the people who send us there and let’s wait and see what world opinion says. Let’s wait and see where they stand, and then come back to this body and the body across the Capitol and let the Congress make its decision after the United Nations has taken a position; otherwise, we get the cart before the horse. Let’s wait long enough to see what that world opinion says. Let’s wait and see where they stand, the United Nations, and then we will be in a better position to make our decision.

What are we doing here—if the distinguished Senator will yield further?

Mr. WARNER. Oh, yes.

Mr. BYRD. We are voting on this new Bush doctrine of preventive strikes—preventive strikes. There is nothing in this Constitution about preventive strikes. There is nothing in this Constitution about preventive strikes. We are moving to yet another resolution providing for yet another attempt to turn the cart before the horse.

Mr. WARNER. Yes.

Mr. BYRD. Madam President, it was not more than 6 weeks ago when this President administration expressed concern at the “frenzy” that people were being wrapped into. This administration tried to cool it 6 weeks ago, talking about the frenzy.

We have heard this administration’s Cabinet members on the trail say time and again, there is no plan, no plan on the President’s desk. That is what Secretary of State Powell said to me when I asked, What is new? What about these plans? Oh, there is no plan on the President’s desk. Even the President himself has said there is no plan. Even as late as October 1, just a few days ago, 3 days ago, 4 days ago, the President himself said he has not made a decision.

So what is new? That is what I am saying to my distinguished friend. We know about their packaging. Why didn’t the CIA Director say it to me when I asked him twice, once up in 407 and once down in 400? What is it that there is new from your standpoint of intelligence that we did not know 3 months ago, 6 months ago? He has not been able to come up with anything.

Let’s go to our people, our constituents, those people whom we represent. Let’s go back to them before we make this fateful decision once and for all, which involves so much of the treasure and blood of the people who sent us here. Let’s go back to them; let’s get their feelings; and then we can come back and make a decision.

Mr. WARNER. Madam President, I will walk out of this Chamber after we complete our debate to go to my State, to walk out of this Chamber after we complete our debate to go to my State, as others have gone to theirs, to listen to my citizens. But I say to them, the way that we can avoid the conflict of destiny?

The right direction, is to go there and speak to them and to lead, together with others—the Prime Minister of
Great Britain and others—lead, not wait and see in what direction they go. No, that is the reason for the timing of this resolution. I would like to ask most respectfully.

Mr. BYRD. Madam President, will the Senator yield?

Mr. WARNER. Oh, yes.

Mr. BYRD. I think the President would be in a much better position with the nations to bring this case as he had made it. He made a fine case. He made a case in which there was no room for water or air. He placed it right in front of the United Nations, the fact that that body has been rec

I think the President is in a much better position with the United Nations. I do not think that the United Nations will speak first and not go to the United Nations and say: Now, we would love to hear what you have to say, but regardless of what you have to say, we have made up our minds, and if you don't do it, we are going to do it.

Well, why not let him do it?

I think this responsibility should be left clearly in the lap of the United Nations. We will make our decision later, when the President comes back to this institution which, under this Constitution, has the power—not any President—the power to declare war.

Mr. WARNER. Madam President, I draw to the attention of my colleague that since the decision was made to go, and so far as it has to go, to pass a resolution for regime change, to send the inspectors back. What fragment of knowledge do you have about the U.N. that I do not possess, that they have sat there 16 times and said do this—did not enforce it, allowed for a 4-year lapse in the inspection team to be there—and are now considering at this very moment sending another team back? What is it about this institution—this post in you the confidence that this, the 17th resolution, if they adopt it, will have more force and teeth and resolve and conviction than did the previous 16?

Mr. BYRD. Madam President, will the Senator yield?

Mr. WARNER. Yes, of course.

Mr. BYRD. Madam President, what were we doing in those 4 years? What were we doing? What were we failing to do that now comes to mind that makes us so hell-bent to vote on this rag, S.J. Res. 46, before this election? We knew all this for 4 years. What were we?

Why did we wait until this particular moment? That is one answer.

Mr. WARNER. Madam President, if I interject, we were flying those missions. Our airmen were risking their lives. That is what we did.

Mr. BYRD. We were doing that, but we ought to have been doing more. Why wait until an election and then come up all of a sudden and say, Oh, we have got to have this S.J. Res., we have got to put that man's hands on one man. The trust and the temptation, which Madison so well spoke against because it was too much, too great for any one man?

The gulf war, does the Senator remember the total cost of that war?

Mr. WARNER. No, I do not recall, but I know it was shared.

Mr. BYRD. It was $61.1 billion. Does the Senator recall how much the U.S. had to pay?

Mr. WARNER. Madam President, it seems to me a smaller fraction of it because our allies contributed a considerable number.

Mr. BYRD. That is right. We ended with the United States being left holding the bag for about $7.5 billion.

Mr. WARNER. That is my recollection.

Mr. BYRD. That is a little over $7 billion. That is what we ought to be doing now. We ought to get these other countries to belly up to the bar and help to pay the cost of this war. We are not doing that, though. We are having an administration that says, Give it to me, give me the authorization to go, and if you, the U.N., don't do it, I will.

Who is "I"? "I will." "We will." Who is "we"?

We are committing the American people, we are committing the blood and the treasure of the American people to do what the United Nations won't do. Why, do what the President has done thus far. Put it in the lap of the United Nations and expect them to give us an answer. Then come back to the people's representatives and let them make a determination as to whether or not at that point we should strike. Maybe we shouldn't.

Mr. WARNER. Madam President, let's stop and think. We are not in this alone. Great Britain—I know of no Senator who has a greater respect for England and the values of our historical relationship. I have had the privilege of going with my good friend to Great Britain and sitting in the Houses of Parliament.

Mr. BYRD. That Anglo-Saxon blood flows through the veins of the Senator from Virginia.

Mr. WARNER. My mother's great-great-grandfather built Balmore Castle, which the Queen uses as her home.

But let us get back to this. Great Britain has helped us. I know Spain and Portugal expressed an interest.

I ask my good friend—I have seen him on this floor defending the courage of Turkey and its leaders—am I not correct that Turkey has been a valiant partner in war in the area?

Mr. BYRD. Does the Senator know how many times Turkey has violated the U.N. Security Council resolutions? More than 40 times.

I am a friend of Turkey.

Mr. WARNER. I know the Senator is.

Mr. BYRD. I say to my dear friend, point to Iraq, for which I have no grievance, and talk about Iraq's violations of United Nations Security Council resolutions. Turkey has violated those resolutions; and that ain't all. Israel has violated those resolutions. Israel has violated thosea resolutions. So don't put it all on the basis of violations of Security Council resolutions.

I am simply saying—and the distinguished Senator can stay with me here until the Moon is up and full at midnight and until that Moon changes.

Mr. WARNER. I am prepared to do so.

Mr. BYRD. He can stay with me until the cows come home, and I will always lead him right back to this foundation, my rock on which I stand. And it says: Congress shall have the power to declare war.

The administration can say all it wants. It can bring all of its Cabinet heads up and have them on television on Sunday. It can bring Dr. Rice, it can bring Secretary Powell, it can bring the secretary of war, it can bring the Vice President of the United States, the President of this body, and they can say whatever they want until they are completely out of breath. And I guarantee you they will not once mention the Constitution of the United States. They haven't thus far. But they are going to be brought right back every time to face this Constitution which I hold in my hand, which says Congress shall have the power to declare war.

Mr. WARNER. Madam President, I wish to ask one more question. I see other colleagues seeking the floor. Could I wrap up on one point in my colloquy with the Senator?

Mr. BYRD. Yes. Will the Senator allow me one thing? Then he has the floor and he can wrap up.

Madam President, today—just today—I say this at 15 minutes until 3 p.m. on this day, the 4th day of October in the year of our Lord—my office has received 1,400 telephone calls—just today. And almost every single caller has said: Wait. Slow down. Don't rush this through.

If the Senator will allow me 1 more minute, I plead with those people out there. I plead with the American people, let your voice be heard. You need to be heard. You have a right to be heard. You have questions that should be asked and answered. Let the leadership of this Congress know that you do not want this war without the permission through this Congress before the election. The life of your son may depend upon it. The life of your daughter may
depend upon it. Get out there and let this leadership know that we should stay on our jobs—or that we should come home and talk with the people back home and put off this fateful decision which cannot be retracted except through a change in legislation.

Let the people back there speak to us and then come back after the election and make this decision so we will not be hearing the television ads and reading the newspaper ads with respect to politics while we have to make this decision. I hope the people will speak out. Let the hills and the mountains and the valleys reverberate with the sound of your voices. It is your country. Stand for it now. People out there, speak out, write, use the telephones, use the mail, and let the leadership of this Congress hear you. Tell them to wait.

I thank the distinguished Senator for his kind words.

Mr. WARNER. Madam President, if I could ask one further question of my good colleague, first, I join with the Senator in encouraging the people to speak out, write, and to call. I welcome those who disagree with my views, or those who might wish to associate with my views and those of others who have written this resolution.

But I say to my good friend that it is always a learning experience to join him on this historic floor of this great Chamber of this Senate, which he has referred to with the deepest of affection for so many years as the greatest deliberative body on Earth.

This is the Lieberman-Warner resolution. By coincidence, my itinerary this weekend will take me to Madison County, VA, where there is a little museum that has some of the fragments and memorabilia of that great statement.

I ask this one last question: This document will rest on every Senator's desk. S.J. Res. 46 was introduced by our colleague who sits right here, Joseph Lieberman, for himself and Mr. Warner, and others. And I believe we wrote the resolution with others in 1991. It was then the Warner-Lieberman resolution. Now I think, appropriately with the majority resting on that side, it is the Lieberman-Warner resolution.

But I ask my good friend: Is there a word in this resolution—and I hold myself responsible for the words in this resolution. Is there any word, is there any sentence, is there any paragraph that exceeds the authority given to the President under the Constitution which you love and defend so dearly?

Mr. BYRD. Absolutely. Absolutely. This whole piece, this great expenditure of paper, this is nothing more than a blank check given to the President of the United States to use the forces of this country, the military forces, in whatever way he determines, whenever he determines, and where he determines to authorize the forces to 'defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.'

Now, Madam President, you don’t need all this paper. You have a vast waste of verbiage here. Just make it one sentence. Make it one sentence, may I say to my friend from Virginia, one sentence. If we are going to make it a blank check, let’s make it a blank check right now. All of these flowery figleaves of “whereas” clauses, and simply say that the President has this power. Give it to him and we will put up a sign on the top of this Capitol: “Out of business.” Gone home.

“Gone fishing.” Put up a sign: “We are out of it. We are out of business. We, here in the Congress, are out of business.” may I say to my friend.

Now, I know his intentions are the best. I believe that. I respect him. I have served with him. He is a reasonable man. I consider it an honor to be a Member of the same body. He is always a man with whom one can debate, disagree, and he does not carry it out of this Chamber. He is a good man at heart. He loves his country. He has served his country. He is loyal to his country, sometimes too loyal to his party, may I say, which cannot be said of this Senator from West Virginia. Party is important, but not all that important.

But I say, instead of just passing this resolution, why don’t we say up front: Let’s give this man downtown a blank check. Leave it all to him. Give it to him lock, stock, and barrel. We’ll go home. Put a sign on the Capitol: “Out of business.” We’ll go home. We will go fishing, play golf, study, read, write our memoirs—“out of business.”

Why don’t we just do that, instead of going through this kind of blank check, and covering it over with figleaves and “whereas” that are flowery—flowery—beautiful? Oh, they are pretty figleaves, they are pretty “whereases.” But that is what this all amounts to. It is all covered with sugar. That is all we are doing.

Mr. WARNER. Madam President, I say to my friend, the President of the United States, as I read the Constitution, has the authority, at this very moment, to employ the men and women of our Armed Forces in the defense of our Nation.

Mr. BYRD. No. That Constitution does not say that. No, no, no.

Mr. WARNER. I think it is implied in there.

Mr. BYRD. Oh, no, no.

Mr. WARNER. As Commander in Chief, if he believes an attack has been made on the country, or that an attack is imminent which he believes he has to preempt, he has the authority to use those forces, and we don’t have to pass this.

Mr. BYRD. No. Wait a minute. The Senator is saying two different things now. I say that under this Constitution, this President—any President—as Commander in Chief of our country, and as the chief executive officer of this country, has the inherent power to repel any sudden, unforeseen attack upon this Nation, its territories, its people. He has that because Congress may not even be in session. Congress may be out for the August recess. Mr. WARNER. That is correct.

Mr. BYRD. The Framers foresaw there might be that situation where Congress might not be here and the President would have to take action. But this resolution is saying something for a different. That is not what this resolution says.

Read it. It does not say that the President has the inherent power to repel an instant, an unforeseen attack on this Nation. It does not say that. Now, I go along with that. But I do not go along with this. This says:

The President is authorized—

We are handing it right over, right now, if we pass this. We are not saying come back tomorrow or next week or next month or next year.

The President is authorized—

That means here and now, as soon as he signs his name on this piece of paper.

The President is authorized to use all means that he determines—

He determines—

to be appropriate.

What “he determines to be appropriate.” The Senator from Virginia may not determine that to be appropriate. What “he determines to be appropriate, including force.” That means the Army, the Navy, the airplanes, everything—“including force. . . .”

In order to do what?

in order to enforce the United Nations Security Council Resolutions referenced above—

Well, what is that: “referenced above”? You have to go through all these beautiful figleaves to find out what resolutions are referenced. And even some of those resolutions have long since gone out of existence. They no longer exist. And yet we are going to raise from the dead, like Lazarus, U.N. resolutions that have long ago gone out of existence, that no longer have life in their bodies?

No. We say we are going to revive them. Like the Shulamite woman in the Bible, we are going to revive her son.

. . . referenced above—

“Referenced above”? They do not tell you specifically what resolutions.

Mr. BYRD. They do not tell you specifically what resolutions.

“Referenced above”? They do not tell you specifically what resolutions.

Mr. BYRD. They do not tell you specifically what resolutions.

Mr. WARNER. The President determines what the threat is.

Mr. BYRD. As Commander in Chief of the United States of America, he makes that decision. He determines what the threat is.

Mr. WARNER. And what it is, is unknown. The President determines what the threat is.

Mr. BYRD. As Commander in Chief of the United States he determines what the threat is.

“Referenced above”? They do not tell you specifically what resolutions.

Mr. WARNER. The President determines what the threat is.

Mr. BYRD. He determines what the threat is.

Mr. WARNER. How can anyone determine what the threat is? How can we, as a country, be in a war and not know what the threat is?

A threat determined by whom? Who determines what the threat is?

Mr. BYRD. You cannot determine what the threat is.

Mr. WARNER. How can we, as a country, determine what the threat is?

Mr. BYRD. As Commander in Chief of the United States of America, he determines what the threat is.

Mr. WARNER. How can we, as a country, be in a war and not know what the threat is?

Mr. BYRD. As Commander in Chief of the United States of America, he determines what the threat is.

Mr. WARNER. What about the threat posed by Iraq, and restore international peace and security in the region?

What a broad grant of naked power. To whom? One person, the President of
the United States. This Constitution itself refutes—it refutes—this resolution right on its face.

Mr. WARNER. Madam President, if I could say to my dear friend, on the desk are two resolutions. The one that was originally introduced by Mr. DASCHLE and Mr. LIEBERMAN—

Mr. BYRD. All right.

Mr. WARNER. I say to you, sir, that is the one to which you referred.

Mr. BYRD. Let me look at that one.

Mr. WARNER. Fine.

Mr. BYRD. Let me read from it.

Mr. WARNER. But the one I drew your attention to, I say to my good friend, is the one drawn by Mr. LIEBERMAN and myself, which language is somewhat changed. This is the one that is presently the subject of this debate.

Mr. BYRD. Yes. Let me read it.

I am sorry Mr. LIEBERMAN has joined in this resolution, but he is a Senator, and he has the perfect right to join any resolution he wants to join.

But I think the American people want somebody who stands for something. They are tired of this wishy-washy going along and saying: We have to get it over, and we have to put it behind us. We are not going to put this thing behind us. The President has chosen to make this the battlefield. Iraq: He has chosen to make that the battlefield. His administration has chosen to do that. His chief political adviser, Karl Rove, advised the Republican members of the National Committee in January to do that, make that the battlefield. So they have chosen to do it. And you will find a way to get away from it. You can't do it.

So let's fight that battle on that battlefield, and in so doing, let's draw attention to the shortcomings of this administration when it comes to the domestic issues and the problems facing this Nation: health issues, the issues of homeland security. That is where the homeland security. That is where the President has chosen to make that the battlefield.

Mr. BYRD. The Constitution does not say that. That is exactly what my friend is wanting to read into this Constitution. I don't mean just my friend, I mean the others who support his views.

Will the Senator yield?

Mr. WARNER. Yes.

Mr. BYRD. He has said this Nation has issued a declaration of war but five times. That is right. There have been 12 major wars in which this country has participated. We have had five declarations of war by this Congress out of those 12 wars. But out of six of the remaining seven, the President acted on authorizations by statutes. They were not declarations of war. But they were statutes from which the authorization could be drawn. So that is 11 of the 12. The 12th was in Korea, and Congress did not declare war. Congress did not authorize the forces of this country being injected into that conflict. That was done by Harry Truman, and he is my favorite Democratic President during my career, not my favorite all-time Democratic President.

By the way, Eisenhower is my favorite Republican President during this time.

Back on the subject, there were 12 major wars. The distinguished Senator from Virginia has mentioned the number 200. He has said we have had military forces involved in over 200 conflicts. Yes, in over 200, but they were not major conflicts. They were minor skirmishes having to do with cattle rustlers, having to do with pirates, having to do with minor engagements. No, they were not major conflicts.

Mr. WARNER. Madam President, the war in Vietnam did not have a declaration. That was not minor, and you know that well. There were over 50,000
casualties. The war in Korea, in which I had a very modest role in the Marine Corps, was not modest. There were over 50,000 casualties.

Mr. BYRD. I said for the war in Korea, we did not have a declaration. Mr. Truman put our troops there, and we did not have a declaration.

Let's go back to the war in Vietnam. I was here. I was one of the Senators who voted for the Gulf of Tonkin resolution. Yes, I voted for the Gulf of Tonkin resolution. I am sorry for that. I am going to say that, I should have been one of the two, or at least I should have made it three, Senators who voted against that Gulf of Tonkin resolution.

But I am not wanting to commit that sin twice, and that is exactly what we are doing here. This is another Gulf of Tonkin resolution. I am not going to vote for that this time. No. Don't count me in on that.

I see my friend, the Senator from Massachusetts. I join with the Senator from Virginia in wanting to hear what that Senator has to say. That is my answer to the Senator.

Mr. WARNER. I respect this. We just have strong differences. I think we have stated them.

I wish to read this bit of history. I was going to save this for next week. You have raised properly the classification of this current set of facts as presenting the preemptive issue. But let me read you—I will hand this to you, but it will be in the Record—use of the military forces of the United States in engagements which have the facts that could be judged as preemptive action by our Presidents: In 1901, in the Colombia-Panama engagement; 1904, 1914, and 1965, the Dominican Republic; 1912, Honduras; 1926, Nicaragua; 1958, Lebanon; 1962, naval quarantine of Cuba; 1983, Grenada; 1986, Libya; 1989, Panama, Just Cause; 1992, Somalia; 1998, Sudan; 1998, Iraq, Desert Fox, when President Clinton ordered that; 1999, Kosovo, You and I had that resolution together, brother Senators, on Kosovo. We did the right thing.

Mr. BYRD. We may have been brother Senators on the resolution which brought us out of Somalia.

Mr. WARNER. I remember that well. Mr. BYRD. I thank the distinguished Senator. He has been very liberal.

Mr. WARNER. Not liberal but prepared.

Mr. BYRD. He was gracious in his yielding to me. The Senator from Massachusetts is going to address the Senate at 2:30.

Mr. WARNER. We will have more on this floor when we come. I yield the floor.

The PRESIDING OFFICER (Mr. Rockefeller). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend my two colleagues and friends for framing what has been framed over the period of these last hours, and I appreciate the nature of the discussion. I say to my friend from West Virginia and my friend from Virginia, I hope over the period of these next several days as we contemplate this issue, going into next week, the American people will take the time to follow not only the debate here but to understand what is at stake with the various resolutions that are going to be coming before us.

I was going to inquire of the Senator from West Virginia. As I understand previous resolutions which have been considered by the Security Council, the Security Council's vote for the use of force was the 1990 resolution, and it was pursuant to that resolution that passed the Security Council where the President then came to the Congress and asked for the Congress' authorization to go to war. I believe when we are talking about resolutions, which was one of the many valid points the Senator was making, on that particular occasion the Security Council authorized the use of force, and then it was up to Congress to ask for the authorization, and was able to gain the authorization, and the American forces were committed. But that is an entirely different situation, as the Senator pointed out during his exchange with my friend from Virginia.

Mr. President, I intend to oppose the Lieberman-Warner resolution authorizing the use of force against Iraq. America should not go to war against Iraq unless and until all other reasonable options are fully exhausted.

Just a year ago, the American people and the Congress rallied behind the President and our Armed Forces as we went to war in Afghanistan. Al-Qaida posed a clear, present and continuing danger. The need to destroy al-Qaida was urgent and undeniable.

In the months that followed September 11, the Bush administration marshaled an impressive international coalition. Today, 90 countries are engaged in the war on terrorism, from providing troops to providing law enforcement, intelligence, and other critical support.

I am concerned that going to war against Iraq before other means are tried will jeopardize the war against terrorism. One year into the battle against al-Qaida, the administration is shifting focus, resources, and energy to Iraq. The change in priority is coming before we have eliminated the threat from al-Qaida, before we know whether Osama bin Laden is dead or alive, and before we know whether the fragile post-Taliban government in Afghanistan will succeed.

No one disputes that America has lasting and important interests in the Persian Gulf, or that Iraq poses a significant challenge to our interests. There is no doubt that Saddam Hussein's regime is a serious danger, that he is a tyrant, and that his pursuit of lethal weapons of mass destruction cannot be tolerated. He must be disarmed.

Our goal is to achieve this objective in a way that minimizes the risks to our country. We cannot ignore the danger to our young men and women in uniform, to our ally Israel, to regional stability, the international community, and victory against terrorism.

There is clearly a threat from Iraq, and there is clearly a danger, but the administration has made a continuing case that we face an imminent threat to our national security that a unilateral, pre-emptive American strike and an immediate war are necessary. Nor has the administration laid out the cost in blood and treasure of such an operation.

With all the talk of war, the administration has not explicitly acknowledged, let alone explained to the American people, the immense post-war commitment that will be required to create a stable Iraq.

The President's challenge to the United Nations requires a renewed effort to enforce the will of the international community to disarm Saddam. Resorting to war is not America's only course of action. There are realistic alternatives between doing nothing and declaring unilateral or immediate war. War should be a last resort, not the first response.

The Bush administration says America is fighting a war that is undermining our most pressing national security priority—the war against al-Qaida. But I believe it is inevitable that a war in Iraq without serious international support will weaken our effort to ensure that al-Qaida terrorists can never, never, never threaten American lives again.

Unfortunately, the threat from al-Qaida is still imminent. The Nation's armed forces and law enforcement are on constant high alert. America may have broken up the network in Afghanistan and scattered its operatives across many lands. But we have not broken its will to kill Americans. We know that al-Qaida is still there, and we know that it will strike again. America may have broken up the network in Afghanistan and scattered its operatives, but it will not do all it can to strike at America's heart and homeland again. But we don't know when, where, or how this may happen.

On March 12, CIA Director Tenet testified before the Senate Armed Services Committee that al-Qaida remains "the most immediate and serious threat" to our country, "despite the progress we have made in Afghanistan and in disrupting the network elsewhere."

The threat with the Taliban out of power, Afghanistan remains fragile. Security remains tenuous. Warlords still dominate many regions, and 17 people were recently killed in fighting between rival warlords in the northern mountains.

Our reconstruction efforts, which is vital to long-term stability and security, is in doubt and is cause for continuing concern. Some al-Qaida operatives—no one knows how many—have faded into the general population. Operatives—no one knows how many—have faded into the general population. Operatives—no one knows how many—have faded into the general population. Operatives—no one knows how many—have faded into the general population. Operatives—no one knows how many—have faded into the general population.

A bomb exploded near the U.S. Embassy in Kabul last week. A car bomb took 26 lives in that city earlier in September.
prolificator of weapons of mass de-
struction. In public hearings before the Senate
Armed Services Committee in March, CIA Director George Tenet described Iraq as a threat but not as proliferator, saying that Saddam "had the deter-
mination to thwart U.N. sanctions, press ahead with weapons of mass destruc-
tion, and resurrect the military force he had before the Gulf War." That is unc
acceptable, but it is also possible that it could be stopped short of war.
In recent briefings and in hearings in the Armed Services Com-
mittee, I have seen no persuasive evi-
dence that Saddam could not be de-
terred from attacking U.S. interests by America’s overwhelming military su-
periority.
I have heard no persuasive evidence that Saddam is on the threshold of ac-
quiring the nuclear weapons he has sought for more than 20 years.
The administration also offered no persuasive evidence that Saddam would transfer chemical or biological weap-
ons of mass destruction to al-Qaida or any other terrorist organization. As General Hoar told the members of the
Armed Services Committee, a case has not been made to connect al-Qaida and Iraq.
To the contrary, there is no clear and convincing pattern of Iraqi relations with either al-Qaida or the Taliban.
General Clark testified before the Armed Services Committee on Sep-
tember 23 that Iran has had closer ties to terrorism than Iraq. Iran has a nu-
clear weapons development program, and it already has a missile that can reach Israel.
In August, former National Security Advisor Brent Scowcroft wrote that there is “scant evidence” linking Sad-
dam Hussein to terrorist organizations, and “even less to the September 11 at-
tacks.” He concluded that Saddam would not regard it as in his interest to risk his country or his investment in
weapons of mass destruction by transfer-
fing them to terrorists who would use them and “leave Baghdad as the re-
turn address.”
At the present time, we do face a pressing risk of proliferation—from Russia’s stockpile of weapons of mass destruc-
tion. America spends only $1 billion a year to safeguard those weap-
ons. Yet the administration is pre-
paring to spend between $100 billion and $200 billion on a war with Iraq.
I do not accept the idea that trying other alternatives is either futile or perilous—that the risks of waiting are
greater than the risks of war. Indeed, by launching a war against Iraq now, before other alternatives are tried in
good faith, the United States may well precipitate the very threat that we are intent on preventing—weapons of mass destruc-
tion in the hands of terrorists. If Saddam’s regime and his very sur-
vice members have been kept on ac-
tunity over the past 6 months does not
formation from the intelligence com-
paring weapons of mass destruction. Our
Saddam Hussein is seeking and devel-
oping weapons of mass destruction. Our
aerials, those estimates, the different
atives, but the Armed Services Com-
mittee in March, Saddam is “is in the
centration. Experts have informed us
operation will be complete in 72 hours.
ald, guerrilla warfare.
In our September 23 hearing, General
Clark said that our military would have to be prepared to fight
d by block in Baghdad, and that we
could lose a battalion of soldiers a day
in casualties. Urban fighting would be,
said, look like the last brutal 15 min-
utes of the movie “Saving Private
Ryan.”
Mr. BYRD. Will the Senator yield at
that point?
Mr. KENNEDY. I yield.
Mr. BYRD. I have listened with great interest to what he is saying. Does the Senator know—he is on the Armed Services Committee of the Senate as I am—does he know of any plan the ad-
mistration has or did he know of any plan the administration had before the September 23 hearing, that the Senate ought to be informed of
that plan?
Mr. KENNEDY. The Senator has
asked the right question. The answer is
that the best information we have is
that the President has no plan on his desk. The
President’s most senior military
officers and most senior diplomats said this before the vote on September 23. They have been hearing the same thing from the administration ever since.
I have heard time and again the ad-
mistration’s surrogates say that the
President has no plan on his desk. The
distinguished Senator has made re-
ference to a plan. Does he know of any plan the ad-
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that plan?
of the totality of what might be necessary and what might be expected. That certainly has not been shared with the Armed Services Committee.

I repeat, no one has been asking for the details of a military operation. We would say, yes, let’s have a discussion. But the type of issues—the magnitude, what can be expected within the country, what will be expected from our allies, what will be the reaction from many of those countries that are on the front line of helping the United States in the fight against terrorism, and deal with the challenges of al-Qaeda—we have not seen any of those estimates, nor have we seen what the burden would be on the United States in a postwar situation.

We know of the difficulties and challenges in Afghanistan.

We see the tenuousness of that whole regime, the difficulties that we are facing in terms of Pakistan, in terms of its various challenges economic-wise, but we have not received any kind of information about what would be the burden upon the Americans in terms of a postwar period. That is something that should certainly be explained, other than the general figure that it will be perhaps $100 billion and $200 billion.

Mr. WARNER. Mr. President, could I just add a fact here? In August, I became so concerned about the national dialogue on this issue that I took it upon myself to write the chairman of the Armed Services Committee, Senator LEVIN, urging that promptly upon the Congress returning from its August recess period we initiate hearings.

Senator LEVIN and I worked together on the scheduling of hearings. We talked before the August recess and in due course a hearing schedule was put together. Regrettably, the timing of those hearings has been such that our committee apparently will not have its hearing with the four Chiefs of Services who were to come before the Armed Services Committee.

A second hearing we had tentatively agreed on was having General Franks, the commander in chief of the particular area of operation that is involved, to come before the committee.

So I say to my friend, regretfully, we have not had the opportunity—I tried in August to get these started, but we just did not complete that hearing schedule.

Mr. KENNEDY. I thank the Senator for his comments, which I think make the point that Senator BYRD and I would make, and that is that we ought to have those hearings prior to the time we give the authorization to go to war. I cannot believe that Senator LEVIN would not welcome the opportunity to have those hearings mentioned by the Senator before the time we would have the vote on it. The Senator from Virginia makes an excellent point. It is important. I have not heard from those who are in the authority. It certainly is not because Senator LEVIN, who has had a series of hearings, is not willing to have them. I would welcome the fact that we have those hearings, and I am going to suggest it to the chairman of that committee that we do that prior to the time we vote.

Mr. WARNER. Mr. President, we were aware of the request of General Franks today. Now, the reason it was not held, I leave that to my colleague from Massachusetts to consult with the chairman.

Mr. KENNEDY. We do not need the hearing to have the administration spell out to the American people what we will be involved in this whole undertaking. The President can do this. The Secretary of Defense can do it. The general can do it at any time. We do not need the hearing.

These are the questions that the Senator from West Virginia and others have asked on this. We still have not gotten it. The American people have not gotten it. We do not need the hearings just to satisfy ourselves. The American people are entitled to this information certainly if we are going to be going to war.

Mr. BYRD. Mr. President, will the distinguished Senator yield for another question?

Mr. KENNEDY. Yes.

Mr. BYRD. Mr. President, I understand it is possible the United States could be lucky if the United States made a unilateral decision to invade Iraq. We could be lucky, but we might not be.

Does the Senator have any idea, based on his having information from the administration, what is the likelihood we might find ourselves bogged down in the kind of the Middle East and our men and women may have to fight a house-to-house, apartment-to-apartment battle in any one of the cities of Iraq? What would be the cost in terms of human life, not only of Iraqis but of our own men and women, if we were faced with a war in which we have to go street by street, avenue by house, house by house, floor to floor, to root out the snipers? What would be the cost in American lives?

The distinguished Senator has stated that in this war, Saddam may believe he has nothing to lose by pushing the button and going the final mile, the last way, and making whatever expenditure in human life that flows from that decision. I wonder if the administration, in its planning, has determined at any point that we may be faced with that kind of situation.

I wonder this further, if the Senator will allow me: Have the American people been asked to face up to that possibility? And, if the administration has not made its military officers available for one reason or another to accommodate the Senate Armed Forces hearings, but why then do we have to rush in and make a decision before an election that is only 30 days away? Why shouldn’t the Congress, honest and responsible, not say we are going to go home, we are going to talk to the people, we are going to listen to what they have to say? After all, they are the ones who are going to have to pay the price. We will go home and we will await this fateful, momentous, all-important, vital decision until after the election, and we will come back.

Mr. KENNEDY. If the Senator believes, with me, that we are not going to put this behind us, even though we vote on this resolution? If we are strong enough to support this resolution, with all due respect to the authors thereof, this is a blank check to the President of the United States, dressed up in the glittering figleaves of "whereases," beautifully flowered whereases. They are pretty, but this is nothing but a blank check. There could be a saving in paper if we wrote it in one sentence, just turn it over lock, stock, and barrel, give it to President Bush. It is not only this one but also the next one. It is so broad in scope and there is no end to it. It is just open ended.

May I ask my friend from Massachusetts, why shouldn’t the leadership of this Congress say that the concerns are so great, the potential is so weighty, that we, the people’s representatives, ought to go back and talk to the American people about this? Let’s hear from them before we make this final decision.

Why should we have to have our thoughts cluttered up with an election, with the supercharged politics of this atmosphere in which we vote? Why should we be forced to make this decision now? Does the Senator agree with me?

Mr. KENNEDY. The Senator is quite correct in terms of his whole analysis, I believe, of the underlying resolutions that are before the Senate and the fact that we were effectively yielding the decisionmaking power of making war or peace—effectively unilaterally turning that over just to the decision of the President of the United States, as the Senator pointed out.

The Gephardt-Lieberman-Warner Resolution says to defend against a threat posed by Iraq. It talks about the test to defend against the continuing threat from Iraq.

The Senator, in his earlier exchange, points out that language is certainly not even implied in terms of whatever authority the President has to provide for the security of the United States. It would have to be an imminent threat. The Senator had a very strong exchange and made that case effectively.

The test in the Gephardt-Lieberman-Warner Resolution says to defend
against the continuing threat from Iraq—that is the operative word. And in Biden-Lugar it talks about dealing with the threat of Iraq is “so grave” that force should be used. New words, “so grave.” The President already said it was a grave situation.

In effect, if that was to be accepted—the President already said it was a grave situation. It would, in effect, grant unilaterally, without any involvement in the international community, any effort whatsoever to try and bring this to a successful outcome to give the authority for the President to go ahead with war, as the President has indicated he may very well do.

Back to the Senator’s other question about what the general said September 23. General McInerney believed that 72 hours of bombing would effectively break the spirit and the military capability of Iraq. I will let him speak in his own words, and I ask unanimous consent to have pertinent statements printed in the Record.

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

(See exhibit 1.)

Mr. KENNEDY. The conclusion I drew was it would be basically a cleanup operation.

That was not what GEN Wesley Clark or General Hoar stated. Wesley Clark, the general in Kosovo, and General Hoar, the distinguished marine and central commander in Europe, two very distinguished and extraordinary military officials worth listening to—General Clark on that day told the Armed Services Committee that if we would need a large military force and a plan for urban warfare.

These are not my words, not my conclusions. That is what General Clark said would be his estimate of what would be needed. General Hoar said our military would have to be prepared to fight block by block in Baghdad, and we could lose a battle of soldiers a day in casualties. That is the testimony of General Hoar before the Armed Services Committee. He concluded: The urban fighting would look like the last brutal 15 minutes of the movie “Saving Private Ryan.”

One of my colleagues said you can find generals who will say just about anything you want. That is certainly an insult to two of the finest military leaders we have had in recent times, one in corps, and the other a very distinguished Army officer. I agree with what the Senator said. Maybe we will get lucky. If this goes ahead we hope that is the outcome. But to maintain the credibility he built when he went to the U.N., the President must follow the logic of his own argument.

Before we go to war, we should give the international community a credible opportunity to meet the President’s challenge—to renew its resolve to disarm Saddam Hussein completely and effectively. This makes the resumption of inspections more imperative and perhaps more likely than at any time since they ended in 1998. If we are to meet the requirements of our policy—to get U.N. inspectors back into Iraq without conditions. I hope the Security Council will approve a new resolution requiring the Government of Iraq to accept unlimited and unconditional inspections and the destruction of any weapons of mass destruction.

The Security Council resolution should set a short timetable for the resumption of inspections. It should also give the head of the UN inspection team the authority to report to the Security Council at frequent intervals. No delaying tactics should be tolerated—and if they occur, Saddam should know that he will lose his last chance to avoid war.

Security Council Resolution 1441 should authorize the use of force, if the inspection process is unsatisfactory. And there should be no doubt in Baghdad that the United States Congress will strongly support the determination of the international community and President Bush to disarm Saddam.

The return of inspectors with unchallenged access and the ability to destroy what they find not only could remove any weapons of mass destruction from Saddam’s arsenal. They could also be more effective than an immediate or unilateral war in ensuring that these deadly weapons would not fall into the hands of terrorists.

The 7 years of inspections that took place from 1998 to 1999 succeeded in virtually eliminating Saddam’s ability to develop a nuclear weapon in Iraq during that period. Even with Iraq’s obstructions, those inspections resulted in the destruction of large quantities of chemical and biological weapons. By the time the inspectors were forced out of the country in 1998, they had accomplished far more disarmament than the Gulf War achieved. Before going to war again, we should do all we can, to resume the inspections now—and set a non-negotiable demand of UN inspectors into Iraq without conditions, no delay, no more weapons of mass destruction in Iraq.

What can be gained here is success—and in the event of failure, greater credibility for an armed response, greater international support, and the prospect of victory with less loss of American life.

So what is to be lost by pursuing this policy before Congress authorizes sending young Americans into another and in this case perhaps unnecessary war?

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Hussein with catastrophe if he used weapons of mass destruction. In that war, although Saddam launched 39 Scud missiles at Israel, he did not use the chemical or biological weapons he had.

If Saddam’s regime and survival are threatened today, he will have nothing to lose, and may use everything at his disposal. Israeli Prime Minister Ariel Sharon has announced that instead of its forbearance in the 1991 Gulf War, this time Israel would be attacked. If weapons of mass destruction land on Israeli soil, killing innocent civilians, the experts I have consulted believe Israel will retaliate, and possibly with nuclear weapons.

This escalation, spiraling out of control, could draw the Arab world into a regional war in which our Arab allies side with Iraq, against the United States and against Israel. And that would represent a fundamental threat to Israel, to the region, and to the world community.

Nor can we rule out the possibility that Saddam would assault American forces with chemical or biological weapons. Despite our forces being protected by our troops, we do not yet have the capability to safeguard all of them.

The members of our armed forces are serving our country with great distinction. Nearly 70,000 Reservists and National Guardsmen have been mobilized for the war against terrorism. The Pentagon has also been forced to retain 22,000 service members involuntarily, due to critical shortages of pilots, intelligence specialists, and security personnel. This number is almost as high as in the Gulf War, in which 29,000 service members were involuntarily retained.

In the Gulf War, no service members were recalled for longer than a year. Today, an additional 11,000 Reservists have been mobilized for a second year—that is today.

If we embark upon a premature or unilateral military campaign against Iraq, or a campaign only with Britain, unlikely with nuclear weapons. In that war, although Saddam launched 39 Scud missiles at Israel, he did not use the chemical or biological weapons he had.

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Even the case against Saddam is, in important respects, a case against immediate or unilateral war. If Prime
Minister Blair is correct in saying that Iraq can launch chemical or biological warheads in 45 minutes, what kind of sense does it make to put our soldiers in the path of that danger without exhausting every reasonable means to disarm Iraq through the United Nations?

Clearly, we must halt Saddam Hussein’s quest for weapons of mass destruction. Yes, we may reach the point where our only choice is conflict—with like-minded allies at our side, if not, in a multilateral fashion—authorized by the United Nations Security Council. But we are not there yet.

The stakes are too high if we do the wrong thing. We have the opportunity now, in Congress, to do the right thing, and it is our responsibility to do it.

I yield the floor.

EXHIBIT 1

URBAN WARFARE

“In urban warfare, you could run through battalions a day at a time. All our advantages—control, technology, mobility—are in part given up and you are working with corporals and sergeants and young men fighting street to street. It looks like the last 15 minutes of Saving Private Ryan.”—General Joseph P. Hoar, USMC (Ret.), Former Commander in Chief, United States Central Command, September 23, 2002.

“I think if it gets to urban warfare, and the likelihood is certainly great that it could, just like the likelihood is very good that he could use weapons of mass destruction, it could get very messy. Then collateral damage could be very great. And our own casualties could increase significantly.”—General John M. Shalikashvili, USA (Ret.), Former Chairman, Joint Chiefs of Staff, September 23, 2002.

WEAPONS OF MASS DESTRUCTION USE

“The United States could certainly defeat the Iraqi military and destroy Saddam’s regime. But it would not be a cakewalk. In fact, Saddam would be likely to conclude he had nothing left to lose, leading him to unleash whatever weapons of mass destruction he possesses.”—General Scowcroft, Former National Security Advisor, August 15, 2002.

NO CONVINCING AL QAEDA LINK

“To my knowledge ... there has not been a case made to connect Iraq and al Qaeda.”—General Hoar, USMC (Ret.), Former Commander in Chief, United States Central Command, September 23, 2002.

“There is scant evidence to tie Saddam to terrorist organizations, and even less to the September 11 attacks ... He is unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorists who would use them for their own purposes and leave Baghdad as the return address.”—Brent Scowcroft, Former National Security Advisor, August 15, 2002.

AL QAEDA THREAT

“Last year I told you that the al Qaeda network were the most immediate and serious threat this country faces, that we need to continue as our primary effort, to defeat al Qaeda.”—General Joseph P. Hoar, USMC (Ret.), Former Commander in Chief, United States Central Command, September 23, 2002.

“Cost of Unilateral Use of Force

“We should try our best not to have to go it alone ... The costs in all areas will be much greater than the political risks, both domestic and international, if we end up going it alone or with only one or two other countries.”—James A. Baker, III, Former Secretary of State, August 25, 2002.

“This is not the time to risk the loss of support from so many countries shocked by the attacks of 11 September last year who have often provided significant assistance to the United States on a daily basis.”—General Joseph P. Hoar, USMC (Ret.), Former Commander in Chief, United States Central Command, September 23, 2002.

“If we go in unilaterally or without the full weight of the international organizations behind us—if we go in with a very sparse number of allies, ... we’re liable to super-charge recruiting for al Qaeda.”—General Wesley K. Clark, USA (Ret.), Former Supreme Allied Commander, Europe, September 23, 2002.

Mr. WARNER. Mr. President, may I ask my distinguished colleague and very good friend of many, many years just a question or two? I listened very carefully to his remarks. I just wish to observe on the point about—

The PRESIDING OFFICER. Does the Senator yield?

Mr. KENNEDY. Yes, I yielded the floor.

Mr. WARNER. I think he yielded, and I asked if I could engage in a colloquy. The reason this case has not been made to connect al-Qaida to Iraq, but I think the Senator is aware of the fact that the Secretary of Defense has now revealed what was intelligence prior thereto, the fact that al-Qaida has used camps, and so forth, within the sovereignty boundaries of Iraq. That, to me, is a very important bit of intelligence that has come to the forefront.

Senator BYRD keeps saying, What is new? Tomorrow is very new. It is now out in the open.

While I am not suggesting there has been an absolute, airtight, direct connection between 9/11, 2001, it is clear that Iraq sponsors and shelters terrorists, including al-Qaida.

On the point about the generals who appeared before the Armed Services Committee, the Senator referred to portions of their testimony. But I have the very clear recollection—I sat with Chairman Levin throughout every minute of the hearing. These generals also, when pressed by myself and others, said there are times when the U.S. has to act alone, if necessary, to defend ourselves and protect our national interests.

That is the point, time and time again, that I debated with our distinguished colleague, Senator BYRD, in which we have, I suppose, from his perspective, different opinions.

The Senator in his remarks just now indirectly suggests that we should wait on the U.S. intelligence community to come up with a new inspection regime. I know Secretary of State Powell has brilliantly and courageously worked up there to develop a strong United Nations resolution. We will have to await judgment until that resolution is forthcoming. But I think we cannot leave in the minds of the American people that, in any way, our Nation must relinquish the authority, under the Constitution, to protect our own national interests—relinquish it in any way or predicate it on action of the United Nations. We cannot do that. We cannot let the United Nations think in any way they could veto the super-charge recruiting for al Qaeda. Bluntly, this is not the time to risk the loss of support from so many countries shocked by the attacks of 11 September last year who have often provided significant assistance.

I hope the Senator was not suggesting that in any way by his remarks.

Mr. KENNEDY. Mr. President, General Scowcroft, who is a distinguished retired general and arms control expert, the head of a Presidential intelligence board, was the one who indicated that he did not believe there had been a connection; that you might have had contact, but by definition, it is a connection with al-Qaida did not in any way reflect on September 11. And Secretary Powell indicated that as well. The Director of the FBI said that this super-charge recruiting for al Qaeda, would indicate that this had not been a contact that was meaningful and significant in terms of a threat to the United States.

They also pointed out that, in terms of a country that was providing aid and assistance to terrorists such as Hamas and Hezbollah, it was much higher in terms of Iran than it was in terms of Iraq.

Those references—I included two in my statement. I will include the third.

The other point I mention is, as the Senator remembers, Secretary of Defense Rumsfeld and Chairman of the Joint Chiefs of Staff, Richard Myers, testified before the committee on September 19, 2002 that they would not talk about planning, would not talk about casualties, would not talk about operational issues. Even in the closed session, Secretary Rumsfeld refused to address the issues.

So I think it is important to understand that type of information, as was raised, has been denied both to the members of the committee and, most importantly, to the public.

Again, I say no one is asking for the military operations, but what we are asking for is basic assessments in terms of the numbers of personnel, their best estimates in terms of the length and what would be involved, in terms of the conflict.

Mr. WARNER. Mr. President, I say to my colleague, it had been my hope—

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and there was planning in place—that our committee, the Armed Services Committee, was to have had hearings this week with the Joint Chiefs of Staff, and most specifically with General Franks, who has been entrusted with much of the planning. I left the hearings this past week in order to have the responses to why that did not occur, but that is a fact that we had planned to do it.

Secretary Rumsfeld declassified information recently and said that al-Qaeda has camps existing now within the sovereign boundaries of Iraq, and senior al-Qaeda leaders have had sanctuaries in Iraq. While the link, as I pointed out, between 9/11 has yet to be established, there is information of the linkage I am more concerned with the question I posed to the Senator. In any way does his remark suggest we should abrogate our right to act when it is in our security interest because of action or inaction, as the case may be, of the United States, or the resolution being formed while our Secretary of State and others are working to establish the framework in such a way that it would meet the concerns that this Nation has, and I believe Great Britain?

And if it does not meet them, does that action to put out a new inspection regime which falls below the standards and requirements and goals that we think are necessary, does that mean we do nothing? Does that mean our President's hands and the hands of the Prime Minister of Great Britain are tied?

What are we to do? Allow another ineffective inspection regime to take place, which would possibly obviate the possibility of engaging Iraq more forcibly, if it were necessary to stop the spread of weapons of mass destruction?

Would you clarify the position you have taken?

Mr. KENNEDY. I certainly will. If there is a clear and present danger to the United States and an immediate threat, obviously the President has the right to act and should act. But that is not what we have here. That is not the case that has been made by the Secretary of Defense or the President or the Senator from Virginia, that there is a clear and present danger to the security of the American people, and that it is imminent. That case has not been made. When that case has been made in terms of being in favor of taking immediate action. If the President of the United States makes that determination, fine. But we have been asking: Where is this evidence? In 1992, President Kennedy took it to the United Nations and showed the world what was out there. Every American understood what was at risk. Do you have the information or don't you have the information? Is the information different today than it was a year ago? We never had this possibility. If it is, let's see it. Let's hear about it. We have not seen it in the Armed Services Committee. I haven't attended all the meetings, but I have attended just about all of them, the recent ones that we have had on Iraq. If there is any information there, I would welcome the Senator from Virginia telling me, pointing that out. But we haven't got it.

The Secretary of Defense says he does not have to make the case any more. We ought to know that Saddam is a tyrant. We all agree.

The best question is: How are we going to best defend the security of the United States? I maintain that the security of the United States today is threatened as much by al-Qaeda as by anything that is immediate now in terms of Iraq. We do not hear anything more about al-Qaeda. We don't understand what the threat is. That was all we heard about.

The Senator hasn't said anything about that. Yet we find an unsettled situation in Afghanistan with the blowing up of cars, the warlords coming back, and the fact that they are trying to get a 60,000- or 70,000-man army and they have 1,600 recruits. They want a national army. They have virtually none there.

We have to ask ourselves: If this doesn't go away—as General McNerney says—in 72 hours, what is going to happen in terms of all of those countries that are helping the United States deal with al-Qaeda that was a threat to the United States, and, according to the head of the Central Intelligence Agency, continued to be the principal threat to the security of the United States just 4 months ago? You wouldn't know that. I do not know what has changed. Neither do the American people. That is what they want to hear. They hope they will hear that during this debate.

But we haven't.

Mr. WARNER. Mr. President, in reply to my colleague's observations, in no way has this Nation lessened the intensity or commitment to the war on international terrorism in Afghanistan or elsewhere. It may not be the featured article in the press today, but I assure the Senator that the men and women of our Armed Forces, together with those of many other nations, are pressing unceasingly the spread of terrorism, be it in Afghanistan or elsewhere in this world.

Again, I bring my colleague back to his question of the United Nations. A quote appears in today's newspaper:

I ask unanimous consent to have printed in the Record following our colloquy an article from today's Washington Post.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, it quotes our distinguished colleague, Senator EDWARD KENNEDY, as saying: I am waiting for the recommendation of the Security Council before I am going to say how I am going to vote.

I would like to give the Senator an opportunity to clarify.

Mr. KENNEDY. I called him and asked him for the context. We have not received that yet.

Mr. WARNER. Certainly, Mr. President, I in no way attack authenticity, and I am glad that the Senator has clarified that.

Mr. KENNEDY. It is quite clear what I have said; that is, I think it is a misstatement of his own words by the Senator from West Virginia and the Senator from Virginia. That happens to be the case. But that has not been the case, and the case has not been made.

It seems to me that we are much better off going internationally and not saying that our first choice ought to be war, the first choice ought to be battle, and the first choice ought to be conflict. I think we ought to try to build a coalition of the United Nations and take concerted action with an inspection regime that does authorize force, that does permit unfettered inspections, that includes the reporting back to the Security Council of the progress that has been made.

I also said in my speech. That is our position. That is what I thought the President was saying when he went to the United Nations initially. That is what I thought he was saying. That is the course of action that we ought to follow, and we ought to hear certainly from the United Nations Security Council on that recommendation and on that challenge.

Mr. WARNER. Mr. President, let us be clear. I assure my colleague that I agree that our President stands almost daily when he addresses this issue, as he did on the steps of the White House just a day or two ago when I was right there, that his first priority is to pursue a coalition. His first priority is to get the United Nations, the enforcement of the resolutions passed and perhaps one in the future. He has repeatedly said war is the last—I repeat—the last option. He is fulfilling, in my judgment, his responsibility as President under our Constitution. And I commend him for doing so.

Mr. KENNEDY. Mr. President, I hope he will go to the United Nations and that he will go to the Security Council. Then, if he finds out they will not take the steps, and that we have a clear, present, and immediate danger to the United States, I hope he will come back and that we can debate and pass a resolution so we can take the steps necessary to secure this country.

That is what the resolution says. We have been through that. Basically, it doesn't deal with the Security Council of the United Nations. It doesn't deal with that. It says it permits unilateral action without the Security Council taking any steps at all.

We want to be clear with the Senator from Virginia. The President has gone to the Security Council. Challenge it, get an international coalition,
go for that and challenge with inspections. If that is not successful, come back here to the Senate. And I bet you that Senator BYRD will be the first name that will be on a resolution to take the action and mine will be the second name that will be on the Senate floor now. That isn’t what this resolution is all about. It effectively is granting the President the authority to go to war unilaterally if he concludes there is a continuing threat from Iraq—not an immediate, not a clear and present danger, a continuing threat. Baghdad is not a threat from Iraq. I think he has concluded that today.

If you pass this resolution, you are saying, Why even bother with the Security Council? If I were a member of the Security Council, I would say, Why are you even taking the time to talk to us? You have already made up your mind. You are going to war.

That is effectively what that resolution says. That is the problem some of us have with the construct and why we are here.

I thank the Senator. I appreciate it very much. I am sure we will have more opportunity to talk.

Mr. President, the Senator from Massachusetts made reference to the Cuban missile crisis and the extraordinary courage that his brother, the late President, showed in his leadership. There again, as the Senator mentioned, the Cuban missile crisis was one in which the President had the presence of mind to turn off that nuclear weapon system on the other side of the globe. Saddam Hussein, has used these weapons against his own people and his adversaries, it is clear and convincing proof to this Senator that there is a threat that must be dealt with now—not tomorrow, now.

Hopefully, the United Nations will devise a resolution and live up to its responsibilities. But if it does not, then there be no doubt in the minds of any one of us that our Nation will act in its own interests to protect its own people and, hopefully, will act with a coalition of allies.

[From the Washington Post]

THE MYTH OF U.N. SUPPORT

(By Charles Krauthammer)

“This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum—in the Organization of American States, in the United Nations, and in any other forum that would be useful—without limiting our freedom of action.”—President John F. Kennedy, Cuban missile crisis, address to the nation, Oct. 22, 1962


How far the Democrats have come. Forty years ago to the month, President Kennedy asserts his willingness to present his case to the United Nations, but also his determination not to allow the United Nations to constrain America’s freedom of action. Today his brother, a leader of the same party, awaits the guidance of the United Nations before he will declare himself on how America should respond to another nation threatening the United States with weapons of mass destruction.

Ted Kennedy is not alone. Much of the leadership of the Democratic Party is in the thrall of the United Nations. War and peace hang in the balance. The world awaits to see what the American people, in Congress as assembled, will say. These Democrats say:

wait, we must find out what the United Nations says first.

The chairman of the Senate Armed Services Committee, Carl Levin, would enshrine that power in legislation that would not even authorize the use of force without prior U.N. approval. Why? What exactly does U.N. approval mean in this case?

It cannot mean the U.N. General Assembly, which is an empty debating society. It means the Security Council. Now, the Security Council has five permanent members and 10 rotating members. Among the rotating members is Syria. How can any senator stand up and tell the American people that, just because Syria stands up and tells us to go to war against a rogue state as Iraq, it needs to hear the “final recommendation” of Syria, a regime on the State Department’s official terror list?

Or maybe these senators are awaiting the wisdom of some of the other nonpermanent members, Clarence? Mauritania? Guinea? Certainly Kennedy and Levin cannot be saying that we must not decide whether to go to war until we have heard the considered opinion of one of their colleagues can find on a map.

Okay. So we are not talking about these dots on the map. We must be talking about the five permanent members of the United Nations. One member, China. Another is Britain, which supports us. That leaves three. So when you hear senators grandly demand the support of the permanent council, “This is what they mean: France, Russia and China.”

As I recently asked in this space, what logic does the blessing of three nonpermanent members bestow moral legitimacy on American action? China’s leaders are the butchers of Tiananmen Square. France and Russia will decide the Iraq question based on the coldest calculation of their own national interest, meaning money and oil.

Everyone in the Senate wants a new and tough inspection regime in Iraq: anytime, anywhere, unannounced. Yet these three countries, whose approval the Democrats crave, are responsible for the hopelessly dilated and useless inspection regime that now exists.

They spent the 1990s doing everything they could to hamstring the Gulf War mandate to disarm Saddam Hussein. The Clinton administration helplessly acquiesced, finally approving a new Security Council resolution in which it gave the United States carte blanche to conduct inspections regime. France and Russia, China, mind you, refused to support even that resolution; they all abstained because it did not make yet more concessions to Saddam Hussein.

After a decade of acting as Saddam Hussein’s lawyers on the Security Council, these countries are now to be the arbiters of America’s new and deadly serious effort to ensure Iraqi disarmament. So insist leading Democrats. Why? It has no moral logic. It has no strategic logic. Forty years ago, we had a Democratic president who declared that he would not allow the United Nations or any others to tell the United States how it would defend itself. Would that JFK’s party had an ounce of his courage in the wisdom and judgment of America, deciding its own fate by its own lights, regardless of the wishes of France. Or Cameroon.

Mr. WARNER. I yield the floor.

Mr. President, suggest the existence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeds to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The ACTING PRESIDENT pro tem. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent that following my remarks, Senator MURKOWSKI be recognized to speak and that Senator STABENOW be recognized after Senator MURKOWSKI.

The ACTING PRESIDENT pro tem. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I rise today not in opposition to the resolutions before us but, rather, to ask my colleagues to carefully consider our national priorities as we debate our course of action against Saddam Hussein’s regime in Iraq.

Congress is preparing to consider a series of resolutions authorizing the President to initiate options against Iraq, including the use of force. If there is one matter upon which there would be unanimous agreement, it is that Saddam Hussein is an evil man, an evil man in a region of evil men. He is a tyrant who has used chemical and biological weapons on his own people. He has flouted U.N. resolutions calling for inspections of his arms capabilities. His forces fired on American and British jet pilots who are enforcing the no-fly zones in the north and south of his country, and he has the potential to develop and deploy nuclear weapons, a potential we need to monitor closely.

The resolutions before us mean we as Members of Congress, acting on behalf of the American people, are investing our collective trust in the judgment of the President of the United States, because it will be his decision as to whether, when, and under what ultimate circumstances to utilize whatever authority we might grant.

We are in a very similar position to where we were immediately after September 11, 2001, when the President asked for an authorization, and we gave him the power to launch a war against al-Qaeda and the Taliban regime in Afghanistan.

The latest White House draft of the resolution before us today attempts to link two challenges to our Nation’s security: terrorism and Saddam Hussein. I am not certain it does so in the most coherent and effective way. Frankly, I fear elevating Saddam Hussein to our Nation’s No. 1 enemy poses risks that have not been fully considered.

In the constellation of threats to the American homeland, as well as to our interests abroad, in my judgment, terrorism represents the greatest and most urgent security threat to the American people. Saddam Hussein cannot be viewed in isolation. The region of the Middle East to Central Asia is a very tough neighborhood, and we have many threats and commitments in that neighborhood. We have commenced a war against terror in Afghanistan. We know that, as we leave Afghanistan, there will be other chapters in the war on terror, and it is quite probable that those future chapters will be more difficult than the one we have already experienced in Afghanistan.

In addition to that, we have a tense, continuing standoff between India and Pakistan, two nuclear powers at virtual gunpoint, a continuing conflict between Israel and the Palestinians, and we have other countries in the region that have a substantial—in several instances greater capacity for weapons of mass destruction than does Saddam Hussein. We must decide what our priorities are.

In my opinion, our first priority must be the successful completion of the war on terrorism. When President Bush spoke before a joint session of Congress on September 20, 2001, just 9 days after the attacks, he declared:

“Our war on terror begins with al-Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

That is the challenge the United States of America undertook in the war on terror. In his State of the Union speech on January 29, 2002, President Bush again, standing in the House Chamber after a joint session of Congress, set this agenda:

“Our Nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives: First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, we must prevent the terrorists and regimes who seek chemical, biological, or nuclear weapons from threatening the United States and the world.

Mr. President, I concur with President Bush’s ranking of our priority targets: First, to shut down terrorist camps, disrupt terrorist plans, and to bring terrorists to justice; and, second, to go after regimes that seek chemical, biological, or nuclear weapons.

Clearly, terrorists pose the most immediate threat to America. They have, as their avowed goal, to kill Americans. They have been recruiting and training in the skills of terrorism, in those training camps to which the President referred, waves of terrorists. And they have the capability to strike within our homeland, as was demonstrated again today by the arrest of six alleged terrorist cell members, four of whom were in Oregon and one in Michigan.

There is no question that our national security paradigm changed with the events of September 11. We used to think about national security in terms such as “balance of power”—particularly, the United States and the Soviet Union. Our concerns centered on big-picture questions, such as whether an adversary had the capability to launch or launch with nuclear weapons at our homeland or how a dispute in a far-off region, in Southeast Asia, or the Persian Gulf, might affect our interests. We did not have to worry much about whether an adversary had the ability to execute a direct attack against Americans here at home.

That changed on September 11. Our most dangerous adversaries are no longer nation-states but shadowy organizations with operations scattered around the world. They are not interested in the traditional prizes of power, such as geography or wealth. They are not deterred by the traditional means of state weapons and they are able to operate within their borders and within some set of international standards. Their ambition is to win a trip to paradise by killing infidels—killing Americans.

On September 11, we learned how little these new adversaries need to launch a terrorist strike within our homeland. A terrorist organization requires only the ability to recruit people motivated by hatred, generally religious fervor. They need someone trained in the particular skills of a specific method of attack, such as detonating a truck bomb or hijacking a commercial jetliner. They need a relatively small amount of financial support from internal or external sources. They need the ability to place operatives around the world, including in the United States of America. And they need a command-and-control system capable of developing a plot and then sending the signal for its initiation.

Our efforts against al-Qaeda and the Taliban in Afghanistan have been exemplary. But the United States today faces more deadly battles in the future as we move to the next phase of the war on terror. For the last month, we have been debating—and I hope it will shortly pass—legislation to create a new Department of Homeland Security. That is a good thing. But the creation of that new Department will not guarantee the security of the American people.

The most effective defense against terrorism is not to be found on the defense, as we attempt to protect our vulnerabilities but, rather, an aggressive offense against terrorist organizations abroad, taking the fight to them where they live. We must chop the head off the snake before it has a chance to strike us.

As we move beyond al-Qaeda and the Taliban, the terrorist organizations that we must target are more mature, better organized, and more competent. The most prominent example is Hezbollah, the Party of God. Hezbollah has been described as the A-team of international terrorists—more dangerous than even al-Qaeda. In addition to September 11, Hezbollah, through its terrorist wing, the Islamic Jihad Organization, had killed more Americans, by far, than any other terrorist organization in the world. The bombing of U.S. Marine Corps barracks in Beirut, the bombings of the American Embassy in Beirut, the hijacking of TWA flight 847, numerous other brutal kidnappings and murders of Americans, all were the work of Hezbollah’s Islamic Jihad Organization, as were other acts of terrorism where the link to Hezbollah remains classified.

On July 4 of this year, with Senators DEWINE and BAYH, I stood on the front
President to go after all terrorist

the time to extend the authority of the

FELLER in this determination—now is

say I am joined by Senator ROCKE-

national terrorist groups which, in his

tember 11, but also against other inter-

rectly linked to the events of Sep-

tember 18, which was the authority to

not granted to the President is the full

granted to the President. What we have

nations, organizations, or persons.

tion to prevent any future acts of international

force against those nations, organizations, or

President this authority:

invasion of or possibly to the det-

iment of the war on terrorism. There

are indications that there has been a

shift of focusing.

There have been reports of reduction

in our intensity of efforts in Afghani-

an as intelligence and military re-

ources, particularly the attention of

the lead sponsorship of the intelligence com-

munity and the Defense Department,

have turned to Iraq.

A Washington Post story in late Au-

ust has an anecdote on this and

quoted Chief Warrant Officer Mike

Smith complaining of inactivity in Af-

ghanistan:

It’s so boring. We’re trying to figure out

what we’re still doing here.

A second concern is that as a con-

sequence of the threat to use unilat-

eral action against Iraq, we have seen a

hardening of anti-American sentiment

in the Middle East, which puts U.S.

persons and interests in the region at
greater jeopardy.

Finally, with the significant capacity

that groups such as Hezbollah have

within our borders, the war with Iraq increases the chances

they will strike in our homeland.

Like al-Qaida, Hezbollah has active

cells within our borders, only more so.

I cannot discuss the numbers and loca-
tions, but I can tell you, Mr. President,
they have significant numbers and sub-

stantial capabilities. Therefore, we

need to prepare not just for a war with

Iraq, but for a broader war on inter-
national terrorism.

Let me be clear, the proposal that

Senator ROCKEFELLER and I will offer

next week at the appropriate time is

not a reduction of the President’s au-
thority. To the contrary, it represents
an expansion. It will authorize all nec-
essary action against those inter-
national terrorist organizations which
represent a threat to kill Americans.

This is what the President had re-
quested on September 12, 2001. This,
in my judgment, is what we should give

the President the authority to use,

the judgment of the President to deter-

one which of the authorities he will uti-

— the resolution of September 18

that gave him the authority to move

with necessary force against those re-

sponsible for September 11; the resolu-
tion that I hope we will adopt through
this amendment to extend that to

other international terrorist groups

which threaten the people of the

United States but were not part of the

September 11 plot; as well as whatever

resolution we may adopt—and I am

confident we will adopt one—relative to

Iraq.

Then it will be the responsibility of

the President to exercise his judgment

and the discretion which of the auth-

orities he wishes to use, in what sequence,
in what relative level of commitment,
and he will be accountable for his judg-

ment.

At a minimum, we need the Presi-
dent to initiate actions that prepare us
to respond to those who would use a

war with Iraq as a justification to esca-
late their attacks on Americans here

at home and abroad.

As the President begins to exercise

his judgment with these expanded au-

thorities, I want him to have the capa-

bility to wage war as he sees most ap-

propriate to give to the American peo-

gles the greatest degree of protection

that they can have in these days of

threat.

Of all the terrorist organizations

and their sponsors, as well as the regime

that now controls Iraq, should there be

a single message: America is resolute;

America is united; America is prepared

to act. That is what is required to assure the

safety and security of its people. I

thank the Chair.

The ACTING PRESIDENT pro tem-
pore. The Senator from Alaska.

Mr. MUKROWSKI. I wish the occu-
pant of the Chair a good afternoon.

Mr. President, I wish to call my col-
leagues’ attention to a situation asso-
ciated with our increasing dependence

on Iraq. Let me share with you a pic-
ture of Saddam Hussein, who is no

stranger to this body. The title is: ‘‘Oil

as a Weapon.’’

As we address the disposition of

the resolution which the President has

sent up to this body for action, we

should recognize a few hard realities,

and that is oil is funding terrorism, oil

is funding the economy of Iraq, in spite

of the efforts through the United Na-

tions to try and control that funding,

and the inconsistency of our policy

where we are increasing our depend-

cence on oil, even at a time when we

are contemplating going to war

with Iraq, is indeed an inconsistency of

a magnitude to which I think more

Members should relate.

If one reflects on the number of sor-
tory events that have been but a few

time starting in 2000, even though we

have been enforcing the no-fly zone

since about 1992, Iraqi forces fired at

Allied forces 642 engagements in 2000;

647 in 2001; and 480 times so far this

year.

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shot at allied forces 14 times. Iraqi forces have fired anti-aircraft artillery over 1,100 times, 600-some-odd rockets, fired nearly 60 surface-to-air missiles. This is not a game we are playing. We are basically in a limited war.

To enforce no-fly zone, more than 6,400 personnel and almost 200 aircraft from the United States and Great Britain are involved in Operation Northern and Southern Watch. As Secretary of Defense Rumsfeld said, with each missile launched at our aircrews, Iraq is contemplating war. By defying U.N. resolutions, a fact that must be kept in mind as their latest inspection offer is evaluated.

I cannot begin to reflect on how many times we have heard the promise from the Iraqis and Saddah that he was going to allow inspectors to come in. Prior to the Persian Gulf war, I was over there with a number of Senators. Senator Dole was with us. We had an opportunity to have a short meeting with Saddam Hussein. It was clear then that he was a very ruthless, unpredictable, dangerous individual. At that time, he was attempting to ship in a very large cannon from the docks of London into Iraq with the capability of launching projectiles.

In the meeting, he dismissed that. He said it was parts for his refineries. The triggering mechanism was dismissed.

I recall Senator Metzenbaum was talking to him about some of the human rights issues going on in Iraq. He took us out on the balcony and said: There are five of you and there are five helicopters. Go anywhere you want in Iraq. We happened to be up in Mousala at that time. Obviously, we declined.

We have been dealing with this despot for an extended period of time. In the meantime, he has been developing weapons of mass destruction, as evidenced by another chart. It indicates the manner in which he generates this cashflow of a country or an individual with some knowledge of finance. Cut off the purchase of oil from Saddam Hussein. Some will argue that means somebody else is going to buy Saddam Hussein’s oil and we are going to have to buy somebody else’s, but there is a principle.

I have an amendment that is part of the energy bill which I think should be passed by this body and that is simply to terminate oil imports into the United States from Saddam Hussein.

Where does this oil go? This chart shows, Washington, California, Texas; a fair smattering of the country. It moves around because there is a market for it. No one cares whose oil is in their furnace or whose oil is refined into gasoline and propels their automobile. It is not peculiar to Minnesota, New Jersey, name it, those are particular States that are getting oil from Iraq.

As we address a situation relative to what we know about Saddam Hussein today, we have to develop from this knowledge a certain recognition that if he is not going to use the capabilities he has developed, then why is he developing them? Who is at risk from the standpoint of the 22,500 gallons of anthrax? We have had experience with anthrax around here. Or 100,000 gallons of toxin that causes botulism. Or 200 tons of VX nerve gas. Or 350 tons of sarin gas. Or 800 tons of mustard gas. Those are weapons of mass destruction. They are weapons of terror. They cause agonizing death.

Are these the weapons a country would use to defend itself? Are these the weapons of an aggressor that would go to whatever means is necessary to prevail or fund the developing aspects of world terrorism? The answer is very near. The world must isolate him, cut him off, and hopefully coax his regime to an end.

The occupant of the chair and I have some knowledge of finance. Cut off the cashflow of a country or an individual and you bring them to their knees. When you continue to buy their product, we obviously they continue to prosper.

There is another chart that shows basically how American families are counting on energy from Saddam Hussein. This is a list of the Persian Gulf countries that are producing oil. Iraq’s production is a little over 1 million barrels a day, but it is the fastest growing source, at least it has been up until a short time ago, of U.S. oil imports.

The reason I go into some length on this is to again draw the attention of the inconsistency while we enforce no-fly zones, we buy his oil. We take the oil and use it in our airplanes. We bomb his targets. My colleagues have heard me time and again draw this comparison. He takes our money that we pay him for the oil, develops weapons of mass destruction, chemical weapons, biological weapons, nuclear capabilities, deploy them obviously, and he is spending funds on developing a delivery capability that aims at our ally, Israel. That is an oversimplification, perhaps, but nevertheless one can draw that general conclusion.

Today, we are beginning a very important debate on a resolution that we give our President whatever means are necessary to combat this threat to world peace and bring terrorists to justice. Are these the weapons we are going to be a couple of proposals that we are going to evaluate, but I am personally quite satisfied with the President’s proposal.

As we address this growing threat, we have to recognize we are dealing with an individual who simply cannot afford to step down voluntarily and depart the scene. We are dealing with an individual who has been around for a while. He is tough. He has taken out his family. He has taken out his own people. One can almost conclude that to some extent he is prepared to continue what was started on September 11 in this country.

Now, we can wait. We can react after the fact. Had we known what al-Qaeda was up to, clearly we would have initiated an action prior to the tragic event of the Twin Towers, the Pentagon, and the tragedy in Pennsylvania. We would have initiated an action. We did not know. We did not have the intelligence. Now we are reflecting on what is going to cause us to act. Is it going to be a recognition that he is a threat, that he does train the al-Qaeda, that he does fund the terrorists?

At a certain point in time we have to face the reality: How would we feel leaving this session of the Congress without an action, and then find that he initiated an action and took lives? We would feel we had been derelict in our obligations.

I think we have learned that Saddam has developed more capabilities. He has pilotless drones capable of spreading chemical weapons. We have learned that Saddam sends young men and women, as young as 15, to boot camp to undergo the guise of a program to keep the kids supposedly off the streets.

Now, if we look back, In June of 1981, and this is going to be said many times on this floor, Israel’s Prime Minister Begin, observing Saddam Hussein and a military reactor with the help of the French. It was called the Osiraq reactor, a reactor capable of producing nuclear weapons. Four Israeli aircraft launched a surprise, preemptive attack, destroying the reactor and obviously setting back the Iraqi weapons program for many years.

There was criticism from the world, but a decade later, during the gulf war, Saddam Hussein launched a nuclear weapon capability from Iraq.

The ways of addressing Saddam Hussein, I think, are the firmness of the President in his communication that we demand unlimited access throughout Iraq to our total satisfaction. I do not think Saddam Hussein is going to give it to us. On the other hand, I do not think Saddam Hussein is going to step down.

We can try to develop an area of insecurity surrounding Saddam Hussein, but we have tried that time and again and he has been quite responsive in taking those who he believed are not responsive to his whims or his demands.

I suggest one of the first things we should do is not only initiate this particular action that has been set up by our President, but we should simply cut off the purchase of oil from Saddam Hussein. Some will argue that means somebody else is going to buy Saddam Hussein’s oil and we are going to have to buy somebody else’s, but there is a principle.

I have an amendment that is part of the energy bill which I think should be passed by this body and that is simply to terminate oil imports into the United States from Saddam Hussein.

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The battlefield is one option. Diplomacy is another. We have had experience with both. We should be setting an example. The first thing we should do as the United States—the world leader everyone is looking toward to accommodate is a great inconsistency of foreign policy. I hope as we address the disposition of the energy bill, the first thing we will do will be to terminate our purchases from Saddam Hussein.

ENERGY

Mr. MURKOWSKI. Mr. President, I will make a few remarks on the status of the energy bill. As we know, our President earlier stated one of his priorities was Congress should pass an energy bill. The House of Representatives has one and has passed a bill and that bill has been sent over to the Senate. We have been to conference, and had a number of meetings associated with the items in that bill. Many of those items are contentious. On the other hand, there is a conference report that deals about: Solving, compromising, whether it is electricity or renewable portfolio standards, climate change, producing more oil from my State of Alaska by opening up ANWR, or whether it is stimulating the agricultural industry and the farm industry of this State through the ethanol. We need a substantial mandate to increase the use of ethanol.

It is important to recognize one specific offer that was made. That I will go into some detail. It reflects as much of an inconsistency regarding our dependence on imported oil and an opportunity we have in the United States to develop a significant potential of oil on U.S. soil in ANWR.

This chart shows in some detail a couple of realities. One is the large area called the Arctic National Wildlife Refuge. That is the ANWR area. It is 18 million acres, about the size of the State of South Carolina. There is ANWR in relationship to the State of Alaska. On the left is the TransAlaska pipeline, 800 miles long, from Prudhoe Bay to Valdez, carrying about 17 to 20 to 23 percent of the total crude oil produced. And on the right is the life expectancy, which is 40 years. That pipeline was designed to flow at about 2 million barrels a day. It is flowing a little over 1 million barrels a day. So there is additional capacity.

In the green area, the area that is proposed for any development, which is called the coastal plain, the estimated reserves are there somewhere between 5.6 and 16 billion barrels. If it were half that, if it were 10 billion barrels, it would be equal to what we imported currently from Iraq in a period of 40 years, or equal to what we import from Saudi Arabia in 30 years. We do not know if it is there. But this is Federal land, and we have an opportunity to make a decision because there is an offer that has been made by the House to the Senate. The offer has been specifically to take the whole area colored in the buff and put it into a wilderness. This would be the largest wilderness ever created in the United States. Currently, the area of wilderness colored light buff on the chart is approximately 9 million acres. The area colored darker buff is a refuge. The proposal is to take that refuge of 10 million acres, add it to the wilderness, and make the wilderness area of almost 17 million acres. That would again be the largest wilderness area in the United States.

It is hard to make a comparison. We currently have 57 million acres of wilderness until the end of the decade. Sckahline's 591,000 residents are bracing for a major boom.

"Come next summer, and we are going to hit a logjam of—or—airplanes, hotels, you name it," predicted James J. Sexton, an American business consultant who has worked here for the last decade.

It's exciting times, just like Alaska was decades ago.

As one of the settlers of Alaska, I have a particular sensitivity to that because what the American oil industry is doing is simply moving offshore. If we have the infrastructure but we can't open the area, clearly we will go offshore.

The irony here—and it is very apparent—is just what constitutes this offer and why there is a lack of consideration for the habitat of the offer. This would create the largest wilderness area in the United States. The amendment by the House, sent to the Senate conference, would increase the total wilderness in ANWR to 17.4 million acres, the largest in the United States. The designated area would add a southern portion of the refuge, which actually has more species than the Coastal Plain, and the area is not as barren as the Coastal Plain.

Basically, the proponents argue that for a couple of thousand acres of surface disturbance, the Greenies, so to speak, are getting 10.2 million acres of additional wilderness. This is an offer of 10.2 million acres for 2,000 acres because that is the footprint allowed in the House bill. The House bill says, out of that green area of 1.5 million acres, there can only be 2,000 acres dedicated to the footprint of developing the oil.

So what the tradeoff is, is 10.2 million acres of additional wilderness, this whole thing, for the authority to go in and initiate an exploration in ANWR. It would have a mandate of only 2,000 acres. That is a pretty good trade, if you are trading acres for acres.

On the other hand, it is my understanding the environmental community is not buying. Why are they not buying? Some might say they have an issue. Some might say that once they concede to this offer, it would show that their effort to stop any development in the Arctic would be terminated and development could go ahead. But if you recognize in exchange for 2,000 acres of surface disturbance you are adding 10.2 million acres to the wilderness areas—this happens to be the Mollie Beattie Wilderness Area in the Arctic National Wildlife Reserve—clearly you have to look at just what you are getting for that.

This area is distinctly different from the area along the barren coastal plains, with high mountains, with headwaters, valleys, glaciers. There is an abundance of species—moose, caribou, snow geese, ducks, woodpeckers, all kinds of activities given the various species.

From a strictly regional point of view, in 1980, when they drained up Alaska's lands and it was Federal land areas, Congress established at that time 13 new national parks, 16 wildlife refuges, and 2 national forests in Alaska as part of the 56 million acres of wilderness that was designated. As a matter of fact, the State of Alaska has currently 16 percent of the landmass of our State as a wilderness. This is well over half of the Nation's entire wilderness area, we are talking about. If we accept this offer of that 810 million acres, we already have the largest park, 9.7 million acres.

But here we are today, talking about war with Iraq, war over oil. We are talking about sending our corporations more of an abundance of species—Russia, to Saddam, to Mexico, to develop the oil we need. And right here at home we have an opportunity to stimulate the economy with U.S. jobs, somewhere between 200,000 and 500,000 jobs according the unions, building 19 new supertankers and in U.S. shipyards that employ U.S. trades and U.S. skills, because the carriage of this oil has to move in U.S. flag vessels as it moves down from Alaska to the west coast of the United States.

I am deeply disappointed that the Senate conference, the majority on the other side, are not taking this offer seriously, of 10.2 million acres of additional wilderness for the rights to go in and initiate a drilling program to see if, indeed, there is oil there. If there is, there would have to be there to go over and fill that pipeline that is already there.
I want to walk you briefly through a couple of things that a lot of people do not understand; that is, the implications of what refuges are. Refuges, as evidenced by the charts we have here, indicate activity. These are refuges in Alabama, California, Louisiana, Oklahoma, and many other number of Oscina wetland refuges, in wetland management districts where oil and gas are currently being produced.

In North Dakota, Montana, California, and specifically this map shows the area of any number of Oscina refuges, where oil production takes place: California, Texas—we have one in Alaska, I might add.

The point is, what we have in ANWR is a refuge. Congress has the authority to open it, just like it is opened in other areas. So we are not breaking any commitments her or setting any new precedents. It is simply a matter about which the House has made a proposal.

I might add, there are other limitations in the authorization that would require that the Secretary can close down any exploration if, indeed, there is any disturbance associated with the calving of the caribou. The development activity would occur only in the wintertime. And the safeguards that are taken in the authorization proposed by the House are more stringent than exist in any other part of the world.

I am going to go through a few other charts. I want to give you some idea of what we have done to this country and, in effect, to our national security.

If you look at the west coast—Washington, Oregon, California, that gray area—that is estimated to hold 1 trillion cubic feet of gas offshore. We have taken this and put it off limits. We have taken the east coast, from Maine to Florida, 31 trillion cubic feet as evidenced by the dark blue, and said no oil and gas in the east coast.

In the Gulf of Florida, we have taken that away on the lease sale. In the overthrust belt of Montana, Wyoming, Colorado, we have taken that out because we require roadless areas in the parks.

Where is the energy going to come from? Is it going to come from the Midwest where they have what we cannot have in this country, and that is a carrot? What do you think OPEC is? Most Members recognize it is a carrot. A carrot sets a price; they set a floor and set a ceiling; it is $22 to $28; today it is a little over $28. Our antitrust laws would not allow it.

But what is the largest consumer of oil in the world? The United States. And we import most of it from the OPEC countries, and, as a consequence, we are becoming more and more beholden to them. We are currently importing about 55, 56 percent of our oil from overseas. Yet we have the opportunity to develop that right here at home.

There are some people who assume this area in ANWR is an untouched area. There is the picture of the community that is there. That is a picture of Kaktovik. It is a very small Native community, Eskimo community, on the shores of the Arctic Ocean. You can see the ice out there. There are a couple of radar towers, a school, small housing. This is a real place where people live there. There are some of the kids. This is one of the community halls. They have the same dreams and aspirations. They are on a snow machine. There are a couple of kids going to school.

My point is to suggest that somehow this is a untapped, unspoiled area—it is an extraordinarily hostile area. Joe is going to take a chart and turn it around and show you what it looks like in the wintertime. This is what it looks like in the wintertime. I am not exaggerating, it could be 40 or 50 below and you have what you call a whiteout condition. This is what it looks like.

Here is some of the harsh tundra in the winter, the ice and the snow. Temperatures are 40 or 50 below zero.

Let me show you the technology that has been developed by the industry in this particular area of North America.

There is an oil exploration program going up these small patins which are no gravel pits. There are no ordinary roads going in because what we have is technology that has been developed particularly for the Arctic where we can directionally drill. You don’t just drill down, you might drill 90 degrees. This was in the science portion of the New York Times. We directionally drill. We have 3-d simics that allow us to make visual cuts, if you will, through a technology to see these small pockets. You see these directional drills coming down in the black areas. In ordinary times, you would drill straight down and hope to hit something.

This technology has been compared to drilling a well here on the Capitol grounds, and the_Style, and: 

Drilling a well here on the Capitol grounds, and: •

In the wintertime. This is what it looks like. This is a picture of the community that is there. This is a picture of the wildlife in the area. This is a picture of the comparison.

I want to show you some more pictures of the Arctic and the ice roads. This is an ice road. An ice road is simply a situation where the snow is removed from the surface, and water is put down to make a hard-packed road.

I cite that because this is the kind of activity that we are seeing move from the United States and move over to the Soviet Union. There is no reason why, because of the discoveries being made here in the United States—for the life of me—we shouldn’t consider the merits offered by the conferees of the House of Representatives.

There are a couple of others that I want to show you. This one shows another resource that we have a great abundance of; that is, corn. The reference to corn and energy is ethanol. It takes roughly 2,000 acres of a corn production area to produce the equivalent of 25 barrels of oil a day. If we look at the footprint, we are talking about a significant footprint. Two-thousand acres of ANWR can produce a million barrels of oil in a day. I just offer that comparison.

I am going to conclude with some charts that we have seen from time to time because people are concerned about the wildlife in the area. This happens to be Prudhoe Bay. There is a rig. You see the caribou. They are not stuffed. They are real. They are there because they are not threatened. They are not harmed or run down with snow machines. As long as they have that security from any predators—which are, of course, naturally the wolves—they feel quite comfortable in their native surroundings as they pass through in a migratory manner.

Here are a few pictures we have seen from time to time. These are three bears walking on the pipeline because it is much better than walking in the snow.

It is beyond my comprehension why we are allowing ourselves simply pass over what the House of Representatives has proposed; that is, a 2,000-acre limitation proposed in allowing exploration in ANWR.

In addition, there is a proposal to add 10 million acres to the wilderness. It has never been voted on by America’s environmental community. They evidently aren’t interested in more wilderness. They only seem to be interested in killing an opportunity to develop this reserve which would reduce our dependence on imported energy.

Some say, well, it is going to take several years. I remind my colleagues that in 1995 this body passed out a bill in the Omnibus Act that authorized the opening of ANWR. It was vetoed by our President at that time. We would know today. We would have production today. When we talk about a timeframe, it is all relative to when you start.

The fact that we have the infrastructure in the pipeline, and the pipeline is half full, and we have the prospects here of a major discovery, we could stimulate the American economy with new jobs more than any other single action that could be contemplated because this is a big jobs issues. It is steel, it is valves, and it is the things that are produced all over the United States. It takes the technical skill of U.S. labor and U.S. wherewithal and know how to do it. The industry stands ready. Only Congress can make the decision. The time to make that decision is clearly now while we have the opportunity. There is no logical reason to suggest that this isn’t a good proposal and it shouldn’t be considered. I am just fearful that it will be ignored. That would, indeed, be tragic.

I encourage my colleagues and those listening to this debate to reflect a little bit on this opportunity. If we go out of session and don’t take advantage of this opportunity and get the industry prepared to do what we want to do, we will lose this opportunity. As I go out of session tomorrow, I think future historians will...
regard this as a very irresponsible action by the Senate—because, someday, we all know we will go in there. It is just a question of time. Clearly, this is an appropriate time when we are contemplating action.

I remind my colleagues, in conclusion, that I think captures the realization that we are going to continue to use a great abundance of oil. While we have other means of power generation, whether it be nuclear, hydro, natural gas, or coal, the world moves on oil. We don’t move in and out of here on hot air. Something has to go in there to fuel the trucks and to fuel the trains. It is just not the growth in the United States. It is the growth of the world and the Third World nations. As they become more and more advanced, they are going to use more and more oil.

We are cutting ourselves short from the standpoint of our national security, if, indeed, we pass up this opportunity to do additional Independence Day, we are cutting ourselves short to the wilderness associated with ANWR with the tradeoff. We are only opening 2,000 acres. I think any one of us could take this on a bet. But for some reason or another, there is not enough American’s environmental community to consider this proposal on the merits.

I hope that our friends in the Israeli lobby will reflect a little bit on this because the threat to Israel is directly related to the congestion associated with oil production from the OPEC nations, and particularly Iraq.

I thank the President for his attention. I wish him a very pleasant weekend.

I yield the floor.

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

Ms. STABENOW. Mr. President, first, I would like to say at the end of a long day that I thank the Chair. I know he has been doing double duty today. My good friend is someone who I know has been very diligent in his responsibilities. We appreciate the fact that the Senator from Minnesota has been willing to serve his duty today; and to all of the staff. I appreciate your attention at the end of a long day.

Mr. President, I rise to address the issue of importance of the day—I think it is important to all of us and to our country. We are talking of taking military action against Iraq.

As Members of Congress, the most important vote that we cast is one that will place American troops in harm’s way. The issue of war and peace is a burden of responsibility that lies heavy upon us as Congress as well as each and every one of us.

This is a vote of conscience, and also a vote of historic consequence because what we debate and decide here will not only significantly affect this great Nation, but will immediately influence global events for years to come.

No matter how difficult the decision may be, it is one that each of us must make for the sake of our country. We have an obligation and duty to carefully weigh the demands and the consequences of a preemptive attack. Before we engage in war, we must understand the results of war are irrevocable, and peaceful solutions should always be pursued.

I have carefully listened to the President and key members of his administration. I have asked many questions. I have read extensive information and listened to the people in my own great State of Michigan.

Just as important, I have had many conversations with men and women of our armed services who, as we speak, are gallantly serving to protect and defend our American way of life.

The issue before the Senate is not whether the regime of Saddam Hussein is good or evil. We know, in fact, that he is a despicable dictator. He has gassed and poisoned thousands of his own people. He rules not by choice but by decree, backed by brutal force, and he blatant defies United Nations resolutions by his continual development of weapons of mass destruction. I strongly oppose his regime. He is a growing threat to the United States and our allies, and his policies have devastated the lives of his own Iraqi people.

I am convinced that the United States and the world would be safer if this regime was replaced with a democratic form of government that would work in a constructive manner with the world community and focus on bringing peace and prosperity to millions of Iraqi citizens.

The question—the question—before the Senate is not whether or not we support or trust the regime of the Iraqi President, Saddam Hussein, but how the United States will counter the threat. How will we counter the threat of Saddam Hussein to our citizens and the citizens of our allies? Were precisely the questions that must be asked are: Do the Congress stand ready to alter the historic precedents that have guided our Nation for over 200 years? Is it in our national interest to change our policy of deterrence and arms control to a policy that accepts a preemptive strike on another country as a legitimate way to defend ourselves against regimes suspected of having weapons of mass destruction? And, under what circumstances should such a preemptive strike against another country be authorized?

These are serious, grave questions. In mapping out our course of action against Iraq, it is essential that we draw on lessons and successes of the past.

Our response to the September 11 attacks united our Nation. We achieved the support of our allies and the backing of the United Nations in our retaliatory attacks on al-Qaeda forces and the Taliban. In a short time, our Armed Forces, working with our allies, toppled the Taliban and sent al-Qaeda fleeing from their training camps.

Iraq, in many ways, is different. Nonetheless, it serves as an important model for proceeding with effective military action when it is required.

Before we invaded Afghanistan, we put together a worldwide effort to effectively prosecute the war on terrorism.

Consider all that we were able to do to put together a partnership against terrorism.

Mr. President, 136 countries offered the United States support of military assistance. The U.N. has received 46 multilateral declarations of support from organizations. The U.N. General Assembly and Security Council condemned the attacks on September 12, just the day after. NATO, OAS, and ANZUS—the Australian, New Zealand, and U.S. coalitions—quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory. Also, 142 countries have signed the U.N. resolution unifying the 15 suspected terrorists and organizations. Mr. President, 89 countries have granted or autonomous authority for U.S. military aircraft. In addition, 76 countries have granted landing rights for U.S. military aircraft. These countries have agreed to host U.S. forces involved in offensive operations.

This is an impressive work. I congratulate President Bush and his administration for their efforts in putting together this impressive coalition.

In addition to this most recent success in Afghanistan, any planned action against Iraq has an excellent model in the alliance we formed against Saddam Hussein after his invasion of Kuwait in 1990.

In the Persian Gulf war, former President Bush worked arduously to assemble a large coalition of countries to support our efforts to oust the Iraqi army from Kuwait. Consider all of the countries which supported us:

- 2000: Afghanistan, Argentina, Australia, Bahrain, Bangladesh, Belgium, Canada, Czechoslovakia, Denmark, Egypt, France, Germany, Greece, Hungary, Honduras, Italy, Kuwait, Morocco, the Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Saudi Arabia, Senegal, South Korea, Spain, Syria, Turkey, the United Arab Emirates, and the United Kingdom.
- 1991: Afghanistan, Argentina, Australia, Bahrain, Bangladesh, Belgium, Canada, Czechoslovakia, Denmark, Egypt, France, Germany, Greece, Hungary, Honduras, Italy, Kuwait, Morocco, the Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Saudi Arabia, Senegal, South Korea, Spain, Syria, Turkey, the United Arab Emirates, and the United Kingdom.
- 1990 and 1991: Afghanistan, Argentina, Australia, Bahrain, Bangladesh, Belgium, Canada, Czechoslovakia, Denmark, Egypt, France, Germany, Greece, Hungary, Honduras, Italy, Kuwait, Morocco, the Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Saudi Arabia, Senegal, South Korea, Spain, Syria, Turkey, the United Arab Emirates, and the United Kingdom.

A myriad of nations, each different in their own way, separated by religion, political system, economics and culture, but united in common cause at the same time. This coalition was critical to our success. The ground war was over in 3 days. Our coalition stayed together after the Gulf War to try to keep a check on Saddam Hussein, and the United Nations passed resolutions prohibiting him from developing weapons of mass destruction, oppressing his own people, and beginning another military and terrorist buildup coalition.

Unfortunately, Saddam Hussein did not adhere to these resolutions, and the inspectors left Iraq 4 years ago.
However, we have contained him, which is no small achievement. Now we must confront his failure to live up to these U.N. resolutions. I congratulate President Bush for going to the United Nations and speaking out on September 12. As a result, the U.N. and negotiators are now working on a new resolution, a stronger resolution, to enforce the existing U.N. resolutions against Iraq.

We should adopt the same approach for dealing with the threats of Saddam Hussein’s evil regime as we did during the Persian Gulf war and the war on terrorism, which is still ongoing. It worked, and we need to do it again. It only makes sense to build upon the successes learned during past military campaigns. There are many nations that equally revile Saddam Hussein’s regime and all he represents.

I firmly believe the United States has ample cause to form a similar coalition. Unfortunately, the administration seems to be headed in the exact opposite direction. President Bush has expressed his desire to take unilateral, preemptive action against Iraq. This is in contrast to the manner in which his father led us into the Persian Gulf war.

The President proposes to change a policy that has been in place since the founding of our country, that we do not invade sovereign countries without direct provocation. I have grave concern the administration’s resolution authorizes the use of preemptive, unilateral U.S. force without the participation of partners against terrorism.

If we do authorize preemptive, unilateral force, there could be grave consequences for our actions.

First, we could lose much, if not all, of the support of our partners in the war on terrorism. We could lose access to military facilities in and around Afghanistan. We could lose the support of Pakistan, which recently helped us arrest some leaders of al-Qaeda. In all, Pakistani authorities have told us this case, along with other intelligence, especially on intelligence, has led to the discovery of al-Qaeda’s participation in the September 11th attacks.

We are also receiving military and intelligence support in the war on terrorism from many other Muslim countries. Obviously, a unilateral attack on Iraq could sour, if not ruin, all of these relationships and undermine our efforts in the war on terrorism.

Furthermore, such an attack would likely reenergize al-Qaeda sympathizers across the globe. According to former U.S. ambassador to Lebanon, William Bullitt, a military strike of this nature would “supercharge recruiting for al-Qaeda.”

In more ways than one, a unilateral attack could weaken our chances to continue to dismantle al-Qaeda’s network and bring Osama bin Laden to justice. There are many other critical questions that need to be answered. Given the widely supported belief that Saddam Hussein has biological and chemical weapons, how do we assure he will not use them against us when we attack him first?

There is also more than a great possibility this would have to be a ground war. Would our soldiers be attacked with these weapons? Would Israel be attacked with chemical weapons? Would Saddam give his stockpile to terrorists? Will an attack by the United States against Iraq prevent Saddam from using weapons of mass destruction? Will it immediately become a self-fulfilling prophecy?

In other words, if we attack Saddam, and he is headed for certain death, he will have nothing to lose. What will stop him from launching a chemical or biological attack against Americans or against Israel?

A unilateral, preemptive invasion of Iraq could set a dangerous long-term precedent for us and the rest of the world. If we take such an action against Iraq for trying to develop nuclear weapons, should not other countries also have the same right against any other hostile country that is exploring nuclear weapons or already has them? Would this justify a preemptive strike by Pakistan against India or vice versa? Heaven help us.

Furthermore, if we attack unilaterally, would it help us keep the peace in Iraq while trying to set up a democratic government to replace Saddam Hussein?

Let me be clear, if the United States is in imminent danger of being attacked by Saddam Hussein, we should take immediate, unilateral military action. However, it seems clear he does not have this capability at this time. I don’t believe the administration has made the case. I have listened very closely and seriously. They have not made the case for a preemptive, unilateral strike against Iraq that would justify the risks to our people or such a historic change in American policy. We have time to build the coalitions. We need to be effective and minimize our own risks.

Another serious question: Is the President going to ask Congress to support the same unilateral action against other countries, such as Iran, which has ballistic missiles and close ties to terrorist groups? Why aren’t they proposing action there, where the threat is much more imminent and real?

We should not be reluctant to use military force when there is a serious threat to the American people, but we should only go to war as a last resort. Peace should always be our goal.

I believe we should work with our partners in the war against terrorism and get the U.N. inspectors back into Iraq as soon as possible. We should give Saddam Hussein real deadlines. And if they are not met satisfactorily, then we should use force in partnership along with our allies, appropriate force in partnership along with our allies.

I am not the only one who believes this is the best way to proceed toward Iraq. Brent Scowcroft, President George H.W. Bush’s national security adviser, wrote in the Wall Street Journal:

Don’t attack Saddam. An attack on Iraq at this time would seriously jeopardize, if not destroy, the global counterterrorist campaign we have undertaken. . . . Ignoring that clear [world] sentiment [against an attack] would result in a serious degradation in international cooperation against terrorism. And make no mistake, we simply cannot win that war without enthusiastic international cooperation, especially on intelligence.

We also must remember any war comes with a terrible price. In a war with Iraq, many of our own service men and women will be wounded or killed. Many innocent civilians will die. We should not proceed unless we are sure we can win.

I have urged the administration to present a better approach. I believe the President’s approach is entirely too broad. This resolution says that in the case of Iraq, if the administration determines Saddam Hussein’s regime poses a threat to the American people, the President has the right to go to war. Unfortunately, the administration seems to be headed in the opposite direction.

I believe the President’s approach takes us down the path that poses the most risk for the people of our country and the world. I truly believe that a unified world coalition is not a threat but a promise.

In closing, I want to make sure my voice and my view are not distorted. I believe we, the American people, have the right to defend ourselves from an imminent attack. If we are seriously threatened, we don’t need the permission of the United Nations or even our NATO allies to attack Iraq or any other nation, for that matter.

In this case, I believe the United Nations and our allies can be helpful in our part. Every attempt should be made to work with our partners in the war against terrorism. If we have to use military force, our battle against Saddam Hussein’s weapons of mass destruction will be more effective.

Clearly, the United States must once again take the leadership role. We must insist that renewed inspections take place immediately, without delay or conditions. Saddam Hussein must be made clear to Iraq that enforcement by a unified world coalition is not a threat but a promise.

I believe the President’s approach takes us down the path that poses the most risk for the people of our country and the world. I truly believe that a better approach is the alternative I am supporting. I am supporting authored by my colleague from Michigan, CARL LEVIN.

The President’s approach is entirely too broad. This resolution says that the Congress authorizes force, including unilateral, preemptive strikes, for broad national security reasons and for
the enforcement of a broad range of U.N. resolutions that may have nothing to do with weapons of mass destruction. For the reasons I have mentioned, I will oppose this resolution.

In contrast, the Levin resolution strikes the right balance. This approach focuses on what matters most—destroying Saddam Hussein’s weapons of mass destruction. And it calls on us to work with our allies to effectively accomplish this task. It gets us behind the U.N.’s efforts to get the weapons inspectors back into Iraq to do their job as soon as possible.

It also authorizes the use of force, with our allies, to get rid of Saddam Hussein’s weapons of mass destruction if all diplomatic efforts fail.

Senator LEVIN’s approach will also shake up the U.N. and force our allies to participate in a coalition to rid Saddam Hussein of his weapons of mass destruction. If we do not engage the U.N. and we decide to go it alone, the U.N. and our other key allies will likely sit on the sidelines while we confront Saddam Hussein and try to build a new country on our own. This is not in our best interest.

Finally, the Levin approach specifically affirms our right to self-defense. There is nothing in this approach that takes away our right to self-defense and to attack Iraq unilaterally to do so. Therefore, no one should be confused about the Levin proposal. It does not take away our right to make our own decisions about our own actions or to defend ourselves. I believe this is the proper approach.

If we do this right, Mr. President, we will truly make the world safer for our families. If we choose the wrong approach, I am deeply concerned that we will start down a road that could ultimately create a more unstable and a more dangerous world for our children and our grandchildren.

There is nothing that we can defeat Saddam Hussein in battle. The test of our strength is not in our ability to marshal our Armed Forces but our willingness to adhere to that which has made us great.

We are a strong and powerful nation, made that way by our willingness to go that extra mile in the name of liberty and peace. The time is now for us to work together in the name of the American people and get it right.

Mr. President, I yield the floor and 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.

Mr. REID. Mr. President, are we in a period for morning business now?

The ACTING PRESIDENT pro tempore. We are not.

**MORNING BUSINESS**

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**THE CONFIRMATION OF THE 8TH JUDICIAL NOMINEE OF THIS CONGRESS**

Mr. LEAHY. Mr. President, this week Republican critics, for whom we expeditied hearings and committee votes on a number of judicial nominees in their home States, spoke on the floor about their frustration that not all the President’s judicial nominees have yet been confirmed. They complain about a handful of judicial nominees. The fact is that the hearing I will chair next week will include the 100th judicial nominee to receive a hearing since the Democrats became the majority party in the Senate less than 15 months ago. I understand how difficult the confirmation process can be. During the 6½ years Republicans controlled the Senate only 39 judicial nominees, including seven circuit court nominees, were confirmed per year on average. In contrast, in less than 15 months, the Democratic majority has already confirmed 80 judicial nominees.

The confirmation process can be frustrating at times, but it is also important work by which we implement our constitutionally-mandated advise and consent role for these lifetime appointments. It is a role that I do not take lightly. Accordingly, it is disheartening to hear unintentionally inaccurate portrayals of the progress we have made in the less than 15 months of Democratic control of the Senate. It is true that we have not been able to confirm every single judicial nominee proposed by this President, but we have worked at a historically fast pace to address the vacancy crisis by moving consensus nominees first and working our way through the more controversial and divisive nominees.

Since the summer of 2001, we have had more hearings for circuit court nominees than in any comparable 15-month period of the 6½ years in which Republicans last controlled the Senate. With our hearing last week, the Judiciary Committee has now held 25 hearings for 96 district and circuit court nominees. This is twice the pace at which the Republican majority considered President Clinton’s judicial nominees. The Judiciary Committee has likewise voted on any judicial nominees, 83, and on more circuit court nominees, 17, than in any comparable 15-month period of prior Republican
control. In fact, Democrats have given votes to more judicial nominees than in 1996 and 1997 combined as well as in 1999 and 2000 combined.

During their 6 1/2 years of control, Republicans allowed only 39 judicial nominees, including 14 circuit court nominees. For example, in 1996, Republicans allowed none, zero percent and the absolute number of zero circuit court nominees to be confirmed. In 1997, Republicans allowed only 7 of President Clinton’s 21 circuit court nominees to be confirmed, about one-third. Only 5 of President Clinton’s first 11 circuit court nominees that year were confirmed that same year. In 1998, Republicans allowed 13 of the 23 pending circuit court nominees to be confirmed at 56 percent for the year, their best year for circuit court confirmations in their 6 1/2 years of control of the Senate. In 1999, Republicans were back down to 28 percent, when they allowed only seven of the 25 circuit court nominations made to be confirmed, or about one of every four. Four of President Clinton’s first 11 circuit court nominees that year were not confirmed. In 2000, Republicans allowed only 8 of the 26 circuit court nominees pending confirmed, or 31 percent. All but one of the circuit court candidates initially nominated that year, were returned to President Clinton without confirmation.

Republicans simply have no standing to complain that 100 percent of President George W. Bush’s circuit court nominees have not been confirmed. Recent history makes their complaints on this point ring hollow. Democrats have been better by far to this President’s judicial nominees than Republicans were to President Clinton’s. For example, at the most recent judicial nominations hearing held last week, Democrats had already given hearings to 96 of the 105 eligible judicial nominees with complete files, the remaining two dozen nominees did not have completed files. Thus, 91 percent of judicial nominees who had completed files were given a hearing. This remarkable achievement leaves no evidence that we are not blocking this administration’s judicial nominees.

I am certain that President Clinton would have been overcome with gratitude if the Republicans ever gave 91 percent of his judicial nominees hearings in the years Republicans controlled the confirmation process during his administration. They never did. Instead, almost half the time his judicial nominees never got hearings or votes. Indeed, only 49 percent of President Clinton’s circuit court nominations were confirmed, 46 out of 93 nominations during the period of Republican control. How dare they complain that 100 percent or 90 percent of President Bush’s circuit court or district court nominees have not been confirmed in our first 14 months of control.

The real reason there are so many circuit vacancies is because Republicans blocked so many of President Clinton’s judicial nominees. During the 6 1/2 years of Republican control, the number of circuit vacancies more than doubled from 16 to 33, and the total number of vacancies increased from 65 to 110 by the time of the reorganization of the Judiciary Committee at the beginning of the 2001. If Republicans had not blocked the confirmation of almost two dozen, 22, circuit court nominees and many more district court nominees, Democrats on the Judiciary Committee would have begun with 11 circuit court vacancies, instead of the 33 we inherited. With the 10 new circuit court vacancies that arose over these past 14 months, there would have been a total of 22 circuit court vacancies for this President to fill. At the Democratic pace of one judicial nominee per year, almost of all of them would have had hearings by now, and 14 of them would have already been confirmed, with our pace of confirmation. That would have left only 6 vacancies on the circuit courts today. That is what we might have been, but for the determined, strategic blocking of so many circuit court nominees during the 6 1/2 years of Republican control of the Senate.

Instead, even after 14 circuit confirmations, there are 27 circuit court vacancies. This number is still fewer than at the start of this Congress and fewer than the 33 vacancies we inherited. We have outstripped attrition and are making progress. We cannot undo the damage done between 1995 and 2001 overnight, but we have held hearings for 96 of this President’s judicial nominees, which is more circuit and district court nominees in less than 15 months than they held when they first took control of the process 14 1/2 years ago. It is more in raw numbers and in percentages. We have made real progress to fix the problems that we inherited from the period of Republican control of the process.

The Judiciary Committee has focused on consensus nominees. This prioritization will help end the crisis caused by Republican delay and obstruction of President’s judicial nominees as quickly as possible. Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation. The Senate should not and will not rubber stamp nominees who would undermine the independence and fairness of our federal courts. It is a critical responsibility to preserve a fair, impartial and independent judiciary for all Americans, of all races, all religions, whether rich or poor, whether Democrat or Republican.

The committee continues to try to accommodate Senators from both sides of the aisle. Virtually all of the Court of Appeals nominees included at hearings so far this year have been at the time of Republican nominees, including Senator Grassley, Senator Lott, Senator Specter, Senator Enzi, Senator Smith, and Senator Thompson. Republican Senators who each sought a prompt hearing on a Court of Appeals nominee and who was accommodated.

However, the whipsawing by Republicans has been truly remarkable. When we proceed on nominees that they support and on whom they seek action, we are criticized for not acting on others. When we direct our effort to trying to solve pressing circuit court problems, they complain that we are not acting in another. Since these multiple problems arose on their watch while they were in the majority, it is a bit like the arsonist who complains that the local fire department is not responding fast enough to all of his destructive antics.

This week the Senate confirmed its 79th and 80th judicial nominees since the change in Senate majority and reorganization of the Judiciary Committee less than 15 months ago. In so doing, we have confirmed more judicial nominees than were confirmed in the first 15 months of any of the past three Presidents and more judicial nominees than were confirmed in the last 30 months that a Republican majority controlled the Senate. Simply put, we have done more in half the time. We have achieved what we said we would by treating President Bush’s nominees more fairly and more expeditiously than President Clinton’s nominees were treated. Partly, these accomplishments ignore the facts. The facts are that we are confirming President Bush’s nominees at a faster pace.
Trying to capture the essence of STROM THURMOND in a relatively few words of tribute is impossible. Who can adequately describe his firm handshake, his unmistakable South Carolina cadence, or his almost superhuman capacity for work? How can convey the explosive energy STROM THURMOND has carried anytime he walks into a room? The sheer breadth of experience STROM THURMOND brings to the Senate boggles the mind: Born in 1902, he served South Carolina as State Senator, Attorney General, Judge, as Governor and as U.S. Senator.

He voted for Franklin Delano Roosevelt in 1932, and more than fifty years later, voted for Ronald Reagan in 1984. He ran for President against Harry Truman in 1948 and actively participated in Bill Clinton’s impeachment trial in 1999.

When the Army told him he was too old to fight in World War II, he managed to obtain an age waiver, an age unobtainable to fight in the anyone’s history. Then, in typical STROM THURMOND fashion, he landed with the 82nd Airborne Division in Normandy on D-Day. Small wonder that Fort Bragg recently honored him by christening its newest building the STROM THURMOND Strategic Deployment Facility.

My simple references to STROM THURMOND’s accomplishments fail to convey the historic legacy he will leave in the Senate. In 1997, at the time, he was the longest serving Senator in the history of the institution, but he was the quintessential Senator long before he officially assumed that honor.

STROM THURMOND had great influence on my decision in 1972 to become a candidate for the Senate from North Carolina. He came to Raleigh many times urging me to run, and countless others to support me.

Every time he came, he told me again that if I would just run for the Senate, he would come to North Carolina frequently to campaign for me. I decided to run because thanks to Senator THURMOND, there were many urging me to do it. And, sure enough, there he came, down from Washington to Raleigh, to help me. Again and again he came.

He was a fellow Southerner, and like me, he was a Democrat who had converted to the Republican Party. In those days, he was the only Republican in North and South Carolina, but STROM was determined to change that. And I might add, parenthetically, that no single individual, with the possible exception of Ronald Reagan, has done more to build the Republican Party in the South than STROM THURMOND.

STROM THURMOND knows how much I admire and respect him. He knows how grateful I am for his enormously helpful trips to North Carolina where he stood together, day after day, night after night, urging the people of North Carolina to send Helms to Washington to help STROM THURMOND.

I am proud to say, that STROM THURMOND became one of the best friends I have ever had, and one of the finest men I have ever known. He tutored me in the intricacies of the Senate and its traditions, the personal dedication the job requires, and the genuine commitment Senators owe to their constituents.

Some years ago, STROM paid me the ultimate honor of asking me to serve as godfather to his newborn daughter. Today, Julie Thurmond Whitmer is a beautiful young woman I would take in her is exceeded only by her father.

One final note, I owe Senator THURMOND my eternal gratitude for a favor he did for me.

When I arrived in the Senate, I was searching for young people to help me with my Senate responsibilities. Senator THURMOND referred a wonderfully smart, principled, and competent young lady for my staff.

At 15 months of working with, and for, the irreplaceable Mrs. Pat Devine, I can genuinely say that her presence among the “Helms Senate Family” is the finest helping hand STROM THURMOND could possibly extend to me.

STROM THURMOND was a true friend, a great statesman, and a blessing to all who cherish the strength of statesmen like J. STROM THURMOND. He is a great patriot. He is my friend and I am his. This is a stronger and greater country because of his service and his dedication to the principles that made America great from the beginning.

WHEN MEN MURDER WOMEN: AN ANALYSIS OF 2000 HOMICIDE DATA

Mr. LEVIN. Mr. President, earlier this week the Violence Policy Center released its annual review examining the role of firearms in murders involving one female victim and one male offender. The analysis found that in 2000, the most recent data available, a majority of women who were murdered were killed with firearms. Seventy-six percent of all firearm homicides of women were committed with handguns. The report is sobering in demonstrating how easily a domestic violence dispute can turn into domestic homicide.

According to the VPC’s review, in 2000, there were 1,805 women murdered by males in single victim/single offender incidents reported to the FBI. Of the 1,800 women murdered, 963 of the victims were wives or intimate acquaintances of their killers and 331 were murdered during the course of an argument. In my home State of Michigan, 82 women were murdered. For
homicides in which police could identify the weapon, 41 were shot and killed with guns. Of these, 22 victims were killed with handguns.

In 1996, Congress passed legislation to deny firearms purchases to individuals who have restraining orders estraining order or convicted of a domestic violence misdemeanor. Despite the passage of this law, many people are slipping through the system. I supported legislation because of evidence that people who had committed acts of domestic violence were buying guns and using them. I also support closing the gun show loophole, which requires background checks for people who purchase guns at gun shows. The lack of background checks at gun shows leaves battered women and their children more vulnerable to violence.

October is Domestic Violence Awareness Month. The VPC's report highlights how much we still have to do to protect women from becoming victims of violence, and I urge my colleagues to support sensible gun safety legislation.

TAX RELIEF FOR MEMBERS OF THE ARMED FORCES

Mr. GRAHAM. Mr. President, I would like to thank Senators BAUCUS and GRASSLEY for introducing the Armed Forces Tax Fairness Act, and for including a very important provision within it. As Chairman of the Finance Committee,Ms. LANDRIEU. Mr. President, I want to commend the chairman and ranking member of the Finance Committee for bringing the Armed Forces Tax Fairness Act of 2002 to the floor and winning its passage. This important legislation. This bill contains some valuable tax benefits for the men and women who defend our country away from home.

Ms. LANDRIEU. Mr. President, I want to commend the chairman and ranking member of the Finance Committee for bringing the Armed Forces Tax Fairness Act of 2002 to the floor and winning its passage. This important legislation. This bill contains some valuable tax benefits for the men and women who defend our country away from home. The 1997 home sale provision was bad fiscal policy because it unintentionally discouraged government personnel from owning their own homes. We all know that home ownership has numerous benefits. It provides Americans with a valuable form of community. It adds stability to our nation's neighborhoods, and generates valuable property taxes for our nation's communities. Home ownership should be commended and encouraged, and members of the military should not be penalized with higher taxes simply because they are on extended assignment abroad. Enacting this remedy will grant equal and fair tax relief to those U.S. citizens who serve our country away from home.

Mr. CARNAHAN. Mr. President, last night the Senate acted to demonstrate our support and gratitude for those brave men and women who are fighting to protect our freedom and our nation's interests abroad. I am proud to be an original cosponsor of the Armed Forces Tax Fairness Act. These common sense tax cuts rectify injustices in our tax code that punish those who serve in our military.

Throughout our history, in times of war and in times of peace we have worked to make sure that our armed forces have everything they need and we have spared no expense in this regard. The Armed Forces Tax Fairness Act of 2002 is another symbol of this commitment. I hope the representatives will pass this bill as well and move it on to the President's desk for passage into law before we adjourn this session of Congress. The men and women of our armed forces and their families deserve this.

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this country should not be allowed to avoid paying income tax by renouncing their citizenship. I believe we owe it to those fighting for our country's freedom to close this loophole.

I am pleased to work with my colleagues on both sides of the aisle to make our tax code more fair. The United States is extremely grateful for the hard work and dedication of our armed forces. And the bill we passed last night will ensure that our tax code reflects this gratitude.

**TIMOTHY WHITE**

Mr. LEAHY. Mr. President, Monday in Boston and Tuesday in New York there will be tribute concerts in memory of Timothy White, the editor of Billboard Magazine who recently died at the young age of 50. Tim is survived by his wife Judy Garlan and twin sons Christopher and Alexander. I understand that these concerts include performances by some of my favorite musicians, performers, and recording artists, including Sheryl Crow, Don Henley, John Mellencamp, Sting, Billy Joel, James Taylor, Jimmy Buffett, and Roger Waters. These are people with whom I feel as if I have a personal connection.

Tim White loved his family and he loved music. He wrote:

> 
> "Music entered my world on a summer morning in 1956, in the tough mill town of Paterson, N.J., when a band of Italian street musicians ambled down East 27th Street and paused in front of my family's tiny Cape Cod-style house. . . . What still moves me is the way the sun shined through the Asian moon, on that otherwise torpid August afternoon—
> 
> People who disclose the depths of their better selves—such inner truths.
> 
> I believe that Government's first duty is to defend its citizens, to defend crime in connection to the incident. The driver, Grant Heim, 19, used a shoulder. They then continued to chase the couple's car to swerve onto the up truck. The men pulled up behind the victims' car at a high speed and forced the couple's car to swerve onto the shoulder. They then continued to chase the couple and buzzed close to the vehicle. The driver, Grant Heim, 19, used racial slurs when referring to the victims and was charged with a hate crime in connection to the incident.
> 
> "I believe that by passing this legislation we will show the world that this Congress, and the American people, overwhelmingly supports our President. It is not preordained the resolve we will show the world will lead to war. I believe that the resolve we show will demonstrate the U.S. will unite to confront the dangers that lie ahead."

**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 in November 2000 in Shawano, WI. Two men tried to run an Asian couple off a road with a pick-up truck. The men pulled up behind the victims' car at a high speed and forced the couple's car to swerve onto the shoulder. They then continued to chase the couple and buzzed close to the vehicle. The driver, Grant Heim, 19, used racial slurs when referring to the victims and was charged with a hate crime in connection to the incident.

I believe that Government's first duty is to defend its citizens, to defend their communities. These are just three of the 442 firefighters that lost their lives last year. The Fallen Firefighters Foundation Memorial offers family, friends, and loved ones an opportunity to grieve, honor, and bring closure to the loss of their loved ones. However, I hope that over the coming weekend, people across the country will take a moment to thank and honor their firefighters for their service, and I know my colleagues will join me in honoring the lives of these courageous public servants.

**CONGRATULATION LEE C. BOLLINGER**

Mr. GREGG. Mr. President, I rise today to congratulate Lee C. Bollinger, Judge Wilfred Feinberg on the U.S. Court of Appeals for the 2nd Circuit and the Chief Justice Warren Burger on the U.S. Supreme Court, he joined the
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faculty of the University of Michigan Law School in 1973. In 1987 he was named Dean of the Law School, position he held for 7 years. He became Provost of Dartmouth College and Professor of Government in July 1994 and was named 17th president of the University of Michigan in 1996.

President Bollinger’s primary teacher and scholarly interests are focused on free speech and first amendment issues, and he has published numerous books, articles and essays in academic journals and other media. Bollinger is well known also for his commitment to students and will be teaching a class on first amendment issues to Columbia College students this year.

As an alum, I am proud to welcome this distinguished and committee scholar to the presidency of Columbia University. I wish him all the best.

ADDITIONAL STATEMENTS

REC�ONNECTION OF CERTIFIED FINANCIAL PANNER BOARD OF STANDARDS’ 40,000TH CFP CERTIFICANT

• Mr. ALLARD. Mr. President, at a time when many Americans have witnessed the loss of their life savings and millions of others face difficult decisions about their personal finances, the need for competent, ethical financial planning is greater than ever. It is with great pride that I rise today to recognize Certified Financial Planner Board of Standards Inc. As of today, CFP Board has announced that 40,000 Board of Standards Inc. As of today, CFP Board has announced that 40,000 financial planners now hold the CFP certification.

This outstanding, Colorado-based, nonprofit regulatory organization has been working since 1985 to foster professional standards so that the public values, has access to, and benefits from, competent, ethical financial planning. The organization also works closely with 17 affiliates of the International CFP Council, whose nearly 31,000 additional certificants are helping to elevate standards for the financial planning professionally globally.

The CFP certification is based on the 4 E’s: Education, Examination, Experience and Ethics. CFP Board has registered 234 education programs at 151 accredited U.S. colleges and universities to help CFP certification candidates develop competency in financial planning. CFP Board administers a comprehensive, 2-day, 10-hour examination and requires certificants to meet rigorous ethical and continuing education developed by its subsidiary board of examiners. Every candidate must demonstrate at least three years of relevant experience. Those individuals who then qualify for certification must agree to abide by CFP Board’s Code of Ethics and Professional Responsibility, as well as the Financial Planning Practice Standards. Among the many provisions contained in these documents is the overriding principle of placing the client’s interests first. CFP Board’s subsidiary Board of Professional Review strictly enforces ethical compliance.

To fulfill its mission to the public, CFP Board published extensive printed and online materials to educate consumers regarding topics such as the financial planning process, selecting financial planning professionals and the rights of financial planning clients. Several of these publications have been reviewed by the Securities and Exchange Commission and are available through the Federal Consumer Information Center. Through the Web site www.CFP.net, consumers can quickly and easily determine whether financial planners hold the CFP certification and have been subject to public disciplinary action by CFP Board.

Earlier this year, CFP Board completed implementation of the Financial Planning Practice Standards, establishing for the first time standards to which financial planning professionals are entitled to expect during financial planning engagements and providing a blueprint for recently deregulated and other financial services firms that wish to offer their clients comprehensive financial planning. CFP Board continues to proactively address public concerns such as disclosure of compensation and possible conflicts of interest on the part of financial planners. CFP Board’s continued efforts to protect and educate our nation should no longer go unnoticed. For that, we owe CFP Board our recognition, gratitude, and congratulations. I urge my colleagues to join me in paying special tribute to Certified Financial Planner Board of Standards Inc. for 17 years of protecting the public.

COMMEMORATION OF JAMES MARTIN

• Mr. HOLLINGS. Mr. President, I rise today to express my sorrow at the untimely and tragic death of a talented and dedicated public servant, James Martin. On the evening of Wednesday, October 2, Jim Martin became the first homicide victim in this week’s violent and senseless string of shootings in suburban Maryland.

Jim was an outstanding civilian employee of the National Oceanic and Atmospheric Administration, NOAA, Office of Marine and Aviation Operations, OMAO, the branch of NOAA that operates the agency’s scientific ocean research vessels and the famous P-3 “Hurricane Hunter” aircraft. Jim served as a program analyst in the Resource Management Division of OMAO. For 16 years, Jim worked in the Office of the Comptroller, then with OMAO, Jim used his talents as a program analyst to advance NOAA’s mission and core values. Jim was credited with single-handedly orchestrating and implementing OMAO’s program to improve NOAA employee satisfaction, and with becoming a Diversity Coordinator not because he was asked to, but because he believed in the principles and in improving representation of diversity in the sciences. Jim began his commitment to diversity issues long ago, when he worked here in the U.S. Senate on Native American affairs as a legislative assistant for Senator Lee Metcalf of Montana.

At NOAA, Jim also was instrumental in OMAO’s adoption of a Washington, DC, elementary school and worked to get NOAA pilots and ship captains to talk to youth about our sea and skies. When the school needed computers, Jim quickly came up with 10 surplus ones for students. He was in the process of arranging a “tour” for the kids on a NOAA research vessel. Jim’s demonstrated commitment to inspire minority youth to become future scientists sets a standard for us all to follow.

Jim’s colleagues say that he was always a gentleman, that he listened first, and talked second. With hissubtle sense of humor, and ready willingness to help, Jim is already sorely missed by his colleagues throughout the NOAA community. Our deep condolences go out to Jim’s wife Billie and their 11-year-old son Ben in this very difficult time.

HONORING BILL HOLMBERG FOR HIS CONTRIBUTIONS TO ENERGY AND THE ENVIRONMENT

• Mr. NELSON of Nebraska. Mr. President, today it is my privilege to share with my colleagues the accomplishments of a distinguished citizen and entrepreneur, Mr. William C. Holmberg.

Mr. Holmberg, a former member of my staff, has recently been appointed to the New Uses Council. Founded in 1990, the council is dedicated to expanding the development and commercialization of new industrial, energy, and food commodities and renewable agricultural, forestry, livestock, and marine products. I am certain that Mr. Holmberg will provide exceptional leadership and ingenuity in his new post.

I am also pleased to share that Mr. Holmberg has been awarded the Department of Energy’s 2002 Biomass Energy Program Distinguished Service Award. This annual award is presented to individuals exemplifying superior achievement in expanding, promoting, and implementing projects that exhibit the efficient use of biomass energy resources and technologies.

In pursuit of developing renewable resources, Mr. Holmberg established Global Biorefineries, Inc., a nonprofit organization dedicated to the development of sustainable bioenergy initiatives. Since its inception, Global Biorefineries has promoted the production of renewable domestic fuels to advance nation toward energy independence.

As these examples illustrate, Mr. Holmberg’s dedicated to the creation of
efficent alternative energy sources is essential in developing a plan for our Nation’s environmental and energy future. His tireless effort to ensure the promotion of renewable agricultural products has helped our country’s environment. Mr. Holmberg’s commitment to solving our Nation’s energy challenges will ensure that new and innovative resources and technologies will continue to flourish.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President of the United States submitted sundry nominations and a withdrawal which were referred to the appropriate committees.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying reports and documents, which were referred as indicated:

EC-9221. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Notice of Disagreement Requirement” (RIN2900-A125) received on September 30, 2002, to the Committee on Appropriations.

EC-9222. A communication from the Chief of Staff, Trade and Development Agency, transmitting, pursuant to law, a report relative to Serbia; to the Committee on Appropriations.

EC-9223. A communication from the Deputy General Counsel, Board of Veterans’ Appeals, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Board of Veterans’ Appeals: Rules of Practice - Attorney Fee Matters; Notice of Disagreement Requirement” (RIN2090-A125) received on September 30, 2002, to the Committee on Veterans’ Affairs.

EC-9224. A communication from the Director, Office of the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled “Park System Planning and Management” (RIN2090-A125) received on September 30, 2002, to the Committee on Indian Affairs.

EC-9225. A communication from the Director, Office of the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled “Park System Planning and Management” (RIN2090-A125) received on September 30, 2002, to the Committee on Indian Affairs.

EC-9226. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Imported Fire Ant; Approved Treatments” (Doc. No. 01-115-2) received on September 30, 2002, to the Committee on Agriculture, Nutrition, and Forestry.

EC-9227. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Imported Fire Ant; Approved Treatments” (Doc. No. 01-115-2) received on September 30, 2002, to the Committee on Agriculture, Nutrition, and Forestry.
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Plant Health Inspection Service, Department of the Agriculture, transmitting, pursuant to law, the report of a rule entitled “Pink Bollworm Regulated Areas; Removal of Oklahoma (RIN:02–062–27)” received on September 30, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9239. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Alternative Mortgage Transaction Parity” (RIN2070–AC44) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9240. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled “Railroad Track Maintenance Costs—Class II and III Railroads” (Rev. Proc. 2002–65) received on September 30, 2002; to the Committee on Finance.

EC–9241. A communication from the Chief Administrator for a Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled “NASA Grant and Cooperative Agreement Handbook—Rewrite of Section 300A with Commercial Firms and Implementation of Section 319 of Public Law 106–391, Buy American Encourage” (RIN2070–AC44) received on September 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9242. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting pursuant to law, the report of a rule entitled “Missile Technology Control Regulations and Policies” (RIN0969–AC51) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9243. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting pursuant to law, the report of a rule entitled “Issuance of Revised Model Administrative Order on Consent for Removal Actions”; to the Committee on Environment and Public Works.

EC–9244. A communication from the Director, Office of Congressional Affairs, Office of the Chief Financial Officer, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Revision to Salary Offset Procedures” (RIN1350–AG96) received on September 27, 2002; to the Committee on Environment and Public Works.

EC–9245. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (44 CFR Part 67) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9246. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (44 CFR Part 63) received on September 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9247. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plan; Ohio” (FRL7386–7) received on September 26, 2002; to the Committee on Environment and Public Works.

EC–9248. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plan; Louisiana; Baton Rouge Nonattainment Area; Ozone; 1–Hour Ozone Attainment Demonstration; Attainment Date Extension, and Withdrawal of Nonattainment Revisions” (44 FRM 9608) for calendar year 2000; to the Committee on Environment and Public Works.

EC–9249. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plan; Ohio” (FRL7386–9) received on September 26, 2002; to the Committee on Environment and Public Works.

EC–9250. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Alternative Mortgage Transaction Parity Act; Preemption” (RIN1550–AB51) received September 25, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9251. A communication from the Assistant Administrator for a Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled “Archер MSA Counter 2002” (Ann. 2002–90) received on September 30, 2002; to the Committee on Finance.

EC–9252. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Hazardous Material Regulations: Final Rule (Dirty Fuels)” (RIN0969–AC51) received on September 30, 2002; to the Committee on Finance.

EC–9253. A communication from the Chief Administrator for a Procurement, National Aeronautics and Space Administration, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revision to Salary Offset Procedures” (Rev. Proc. 2002–65) received on September 30, 2002; to the Committee on Finance.
transmitting, pursuant to law, the report of a rule entitled ‘Hazardous Materials: Required for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders; Extending the Effective Date’ (RIN 2137–AD58) received on September 30, 2002, to the Committee on Commerce, Science, and Transportation.

EC–9276. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Drainage of Expeditionary Forces’ (RIN2115–AE19) received on September 30, 2002, to the Committee on Commerce, Science, and Transportation.

EC–9277. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Safety/Cur- viture’ (RIN2115–AF92) received on September 30, 2002, to the Committee on Commerce, Science, and Transportation.

EC–9278. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Regatta Regulations; Cape Fear River, Wilmington, NC’ (RIN2115–AE46(2002–0602)) received on September 30, 2002, to the Committee on Commerce, Science, and Transportation.

EC–9279. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Regulatory Action’ (RIN2115–AE47(2002–0602)) received on September 30, 2002, to the Committee on Commerce, Science, and Transportation.

EC–9280. A communication from the Chief of the Federal Communications Commission, transmitting, pursuant to law, the Commission’s Revised Strategic Plan for Fiscal Years 2003 through 2008; to the Committee on Commerce, Science, and Transportation.

EC–9281. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–9282. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report relative to network vulnerability assessment report date August 2002; to the Committee on Governmental Affairs.

EC–9283. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Semi-annual Report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–9284. A communication from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the Department’s inventory of commercial activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment in the nature of a substitute:

S. 2799: A bill to provide for the use of and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes. (Rept. No. 107–298).

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 2689: A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision by the Secretary of the Interior regarding a pending fee to trust application for that land. (Rept. No. 107–299).

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 Ms. LANDRIEU (for herself and Mr. BAYH):

S. 3057: A bill to support the establishment or expansion of programs using a network of public and private community entities to provide mentoring for the children in foster care; to the Committee on Health, Education, Labor, and Pensions. By Mr. BINGAMAN (for himself, Mr. BURDICE, Mr. ALLARD, Mr. REID, and Mrs. CLINTON):

S. 3058. A bill to amend the Energy Employees Occupational Illness Compensation Program Act to provide benefits for contractor employees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals, to establish an ombudsman and otherwise reform the assistance provided to claimants under that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 3059. A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation; to the Committee on Indian Affairs.

By Mr. BINGAMAN:

S. 3060. A bill to amend the Public Health Service Act to provide protections for human participants in research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT:

S. 3891. A bill to impose greater accountability on the Tennessee Valley Authority with respect to capital investment decisions and financing operations by increasing Congressional and Executive Branch oversight; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 3892. 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; to the Committees on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. HELMS, Mr. HAGEL, Mr. BURNS, Mr. CRAIG, Mr. ROBERTS, Mr. ALLARD, Mr. VOINOVICH, Mr. CRAPO, Mr. ENNSR, Mr. DEWINE, Mr. BOND, Mr. FRIST, Mr. WARNER, and Mr. HATCH):

S. Res. 353. A resolution expressing the sense of the Senate relating to a dispute between the Pacific Basin Caucus and the International Longshore and Warehouse Union; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mrs. CLINTON):

S. Res. 354. A resolution recognizing the Ellis Island Medal of Honor; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1394

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1394, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 2053

At the request of Mr. FRIST, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2053, a bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes.

S. 2289

At the request of Mr. MILLER, the name of the Senator from New Hampshire (Mr. GRERRY) was added as a cosponsor of S. 2289, a bill to amend the Act establishing the Department of Commerce to provide manufacturers
and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2480, a bill to amend title I of United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2569

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. BINGAMAN) was added as a cosponsor of S. 2569, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 2667

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors 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. 2770

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2770, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Mrs. CARNahan) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3045

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 3045, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. J. RES. 46

At the request of Mr. BUNNING, his name was added as a cosponsor of S. J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 142, a concurrent resolution expressing the profound ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—OCTOBER 3, 2002

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3045. A bill to amend the Federal Water Pollution Control Act to provide for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes Region in the State of New York; to the Committee on Environment and Public Works.

Mrs. CLINTON. Mr. President, today, it is an honor to introduce the Finger Lakes Initiative Act of 2002. The Finger Lakes are the heart of New York. They stretch across most of the State and nurture an endless supply of natural and economic resources. They attract visitors from across the country, and they depend on our support to maintain and strengthen the quality of life in the entire region.

The Finger Lakes Region of New York State is a land of rolling hills, beautiful lakes, pastoral farms, and incomparable fish and wildlife resources. A critical economic resource, the Lakes are also vital to the region's economy, generating a tremendous amount of tourism and commerce. Fishing, boating, hunting, wineries, farmers markets and the arts attract visitors from around the nation to the Finger Lakes region. The Finger Lakes region also includes some of the Northeast's most productive agricultural lands.

While Central New York is truly blessed with the environmental, economic, and cultural benefits that the Finger Lakes provide, the health of the Finger Lakes can no longer be taken for granted. Recent reports have confirmed that many residents in New York already know, the Finger Lakes are under environmental stress. In many of the lakes, water quality has suffered. Fluctuating water levels and flooding north of the lakes has also increased. In addition, a significant amount of fish and wildlife habitat is being lost and threats are being posed by the introduction of invasive species.

Local, State, and Federal officials have recognized the seriousness of these threats, and have worked to address these concerns. Local stakeholders have joined forces and are working to protect the lakes, developing management plans, implementing best management practices, and doing what they feel the resource that is truly their backyard. Yet there is still no comprehensive, regional action plan to address collective environmental protection and economic development goals for the region.

In recent years, Congress has recognized that our Nation's environmental resources are best protected on an ecosystem or watershed basis, with the federal government providing funds and expertise to assist with protection efforts that are shaped by State and local interests. This approach has been taken with great success in Chesapeake Bay, the Great Lakes, the Long Island Sound, and the California Bay Delta, just to name a few.

Just as the Federal Government has supported these national treasures, it is time for the Finger Lakes to be recognized as a region to be protected and enhanced for the economic and environmental benefit of all who live, work, farm, play, and visit the Finger Lakes.

Under the Finger Lakes Initiative Act of 2002, which I am introducing today with Senator SCHUMER, a new program will be established within the U.S. Environmental Protection Agency to protect and enhance the environmental integrity and cultural and economic benefits of the Finger Lakes. The Initiative will assist Finger Lakes stakeholders in achieving their goals for the region through technical, scientific, and financial assistance and coordination of relevant Federal programs.

To best serve the interests of the region and build upon the knowledge, expertise, and ongoing efforts of local stakeholders, the legislation establishes an official stakeholder group to aid in developing and implementing
the Initiative. The stakeholder group will be comprised of representatives from local businesses, regional planning agencies, academic institutions, homeowners associations, environmental organizations, agricultural interests, developers, municipalities, the Finger Lakes region, the tourism industry, and tribes, as well as representatives of Federal, State, and local governments.

This stakeholder group will have three years to develop a comprehensive plan for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes. The plan will be made available for public review and comment, including a number of public meetings, during the Finger Lakes region. Once approved by the EPA Administrator, with the concurrence of the Governor, the plan will become the blueprint for federally supported activities in the region.

Furthermore, there will be an interdisciplinary research and education program established as part of the Finger Lakes Initiative, including $5 million in federal support authorized for a Finger Lakes Institute, such as the Institute that was recently announced at the Hobart and William Smith Colleges in Geneva, NY.

Overall, the bill authorizes $50 million in federal support over five years for education, protection and enhancement of the environmental, economic, and cultural benefits of the Finger Lakes. And to ensure proper involvement and coordination among all federal agencies in addressing the needs and challenges in the Finger Lakes region, the U.S. National Park Service, the U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration, the Economic Development Administration, and the Corps of Engineers will be involved.

For decades, the Finger Lakes region has held its own in the world. The lakes, the farms, the towns, the wildlife, and the recreational opportunities have all pulled people toward this part of the State. I, myself, was drawn there in August and spent time in Auburn, Seneca Falls, Hammondsport, and Geneva. Seeing the potential of this region, I can just imagine the possibilities when we finally reach out to the Finger Lakes region, I can just imagine the possibilities when we finally reach out to the Finger Lakes Initiative, including $5 million in federal support authorized for a Finger Lakes Institute, such as the Institute that was recently announced at the Hobart and William Smith Colleges in Geneva, NY.

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s. 3058. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide benefits for contractor employees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals, to establish an ombudsman and otherwise reform the assistance provided to claimants under that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, two years ago we enacted the Energy Employees Occupational Illness Compensation Program Act, EEOICPA. This important legislation was intended to give timely, uniform and reasonable compensation to Department of Energy employees suffering injury and disease from working in the nuclear weapons program.

The program has two parts: a Federal component for certain diseases, and, for all others, an assistance program for the filing of State workers' compensation claims. The Federal component, for workers made ill by exposure to substances unique to DOE facilities, gives a one-time $150,000 payment and covers medical payments for illnesses like beryllium disease, certain cancers and silicosis.

Since the passage of the original act in October 2000 a number of additional issues, complicating factors and implementation barriers have emerged. Recently I held a public meeting in Espanola, New Mexico with Representative Tom Udall, to review the performance of the program. The gathering, attending by over 300 present and former workers, focused on three broad issues: delays in processing claims, missing radiation exposure records and difficulty gaining compensation for exposure to toxic substances, like mercury.

Upon my return I continued to investigate the implementation barriers facing the program. Meetings with Department of Energy, Labor and HHS officials as well as experts in occupational health and workers compensation revealed further flaws. Let me describe some of the problems this legislation is intended to address based on what I have recently learned.

First, with regard to subtitle D, the program relies on an amalgamation of private insurance, state workers compensation programs and contractor self-insurance for the timely and fair payment of medical costs and lost wages. Unfortunately, Department of Energy officials recently stated that up to 50 percent of all eligible beneficiaries would not be able to access to a willing payor. The legislation introduced today would address this problem by making DOE the defacto payor for all claims. Further, the Department of Energy failed, for nearly two years following the passage of the legislation, to publish a rule crucial for the submission of subtitle D claims. The physician panel rule is a critical component allowing injury claims to be adjudicated by a panel of physicians specializing in occupational medicine. Since the inception of the program and because of delays like the one described above, only four claims have been sent to the physician panel for review. Clearly, we must do better. My legislation simplifies the process to allow the expeditious handling of claims.

The dangers faced by these workers is only now being fully understood. In addition to certain cancers, silicosis and silicosis-related risk for other maladies are now being discovered. In my own State of New Mexico I have workers suffering from mercury poisoning, once known as "Mad Hatters" disease. Mr. Alex Smith of Espanola operated a mercury still for many years at the Los Alamos National Laboratory. At one point Mr. Smith displayed all the signs of both acute and chronic mercury poisoning. He approached LANL's medical clinic seeking treatment only to be told he did not have mercury poisoning. Documentation later revealed a different story. In fact, the physician did suspect Mr. Smith suffered from mercury toxicity but, for reasons we can only speculate on now, failed to act. According to the Oak Ridge Environmental Peace Alliance, during the 1950's a majority of the world's mercury was used in the production of nuclear weapons. Although mercury is used, not uniquely by DOE facilities, the volumes utilized in these facilities, at one point 70 percent of the world's supply, set mercury toxicity in this setting apart from other exposures.

The legislation I am introducing today, along with Senators Bunning, Harkin, Allard and Reid, entitled the Energy Workers Compensation Act of 2002 is intended to fulfill the original legislative objectives of Congress, address unforeseen obstacles and assure just compensation for our Nation's energy workers.

The Energy Workers Compensation Act of 2002 addresses and improves the shortcomings of the original legislation by: Establishing the Department of Labor as the willing payor of benefits for claimants as approved by the Department of Energy under Subtitle D. Benefits payments are authorized from the previously established EEOICPA fund. Setting time limits for DOE to make determinations regarding claimant's employment records. Setting at 150 days the time limit for the reconstruction of worker's radiation dosages. Adding lung cancer to a list of covered beryllium related diseases. Adding chronic renal disease as a covered illness for uranium workers. Adding mercury disease as a covered illness for workers employed at facilities utilizing more than 100 kilograms of mercury. Establishing an ombudsman to help claimants with administration of claims. Allowing individuals otherwise eligible for compensation under EEOICPA, but who previously received Radiation Exposure Compensation Act awards, to be compensated at levels equal to EEOICPA.

It is imperative to protect those who helped America win the cold war. Members of the House of Representatives have come to similar conclusion. Representatives Whitfield and Strickland have recently introduced similar legislation. They too realize that promises made to cold war era workers and families must be kept. A debt of gratitude to these workers, who became sick through no fault of their own, must be paid.

I request unanimous consent that the bill and selected testimony be printed in the Record.
There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3058

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Energy Workers Compensation Act of 2002”.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (the “Act”) was intended to ensure timely, uniform, and adequate compensation of covered employees (and, where applicable, survivors of such employees) suffering from illnesses incurred by such employees in the performance of duty for the Department of Energy and certain of its contractors, subcontractors, and vendors, and to provide parity for uranium miners under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(2) Four Federal agencies, the Departments of Labor, Health and Human Services, Energy, and Justice, have been assigned responsibility for administering the Act pursuant to Executive Order No. 13179, dated December 7, 2000 (42 U.S.C. 7384 note).

(3) The Department of Labor began accepting claims on July 31, 2001, and the Department of Health and Human Services, through the National Institute for Occupational Safety and Health, will perform radiation dose reconstructions for additional claims and hearing petitions for Special Exposure Cohorts.

(4) The Department of Energy finalized its regulations governing claims under Subtitle D of the Act on August 14, 2002. Those regulations require claimants to use a State workers’ compensation system to secure benefits after receiving a positive finding from a Department of Energy physicians panel. The Department of Energy has conceded, however, that it will not have a willing payor for as many as 50 percent of the claims that are meritorious. As a consequence, many deserving claimants with a positive determination from a Department of Energy physicians panel will nonetheless be denied benefits.

(5) The Department of Energy’s regulations (at 10 C.F.R. Part 852) direct contractors of the Department to adopt a non-adversarial posture in state workers’ compensation proceedings, which are structured as an adversarial forum. The policy of inserting a non-adversarial resolution in an adversarial system should be remedied by utilizing a non-adversarial dispute resolution system. Taxpayers would also benefit from placing claims in a non-adversarial system, such as the type of systems administered by the Department of Labor under subtitle B of the Act or under chapter 81 of title 5, United States Code (administered by the Federal Employee’s Compensation Act), as doing so would assure that disabilities related to occupational illnesses would be compensated proportionally to the degree of injury.

(b) PURPOSE.—The purpose of this Act is to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to:

(1) ensure that meritorious claims for exposure to toxic substances at Department of Energy facilities are compensated under subtitle D of the Act;

(2) enhance assistance to claimants at the Department of Energy;

(3) ensure that there is parity in treatment of chronic renal disease between uranium-exposed Department of Energy employees (including employees of contractors, subcontractors, and atomic weapons employer facilities) and the uranium-exposed workers under the Radiation Exposure Compensation Act;

(4) provide coverage of lung cancer for covered beryllium workers; and

(5) make administrative improvements and technical corrections.

TITLE I—WORKERS’ COMPENSATION BENEFITS FOR DOE CONTRACTOR EMPLOYEES EXPOSED TO TOXIC SUBSTANCES

SEC. 101. BENEFITS.

Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385b) is amended as follows:

(a) Procedure for Submitting Claims.—

(1) In general.—The Secretary of Energy shall notify the claimant of the receipt of the claim and provide the name, address, and phone number of a person capable of answering questions and providing information with respect to the procedures and benefits under this subtitle.

(b) Initial Review by DOE.—

(1) Evidence Required.—The Secretary of Energy shall review each claim submitted under this section and, if the Secretary determines not later than 30 days after receipt of the claim whether the claimant submitted reasonable evidence of both of the following:

(A) The claim was filed by or on behalf of a DOE contractor employee or such employee’s estate;

(B) The illness or death of the DOE contractor employee may have been related to employment at a Department of Energy facility.

(2) Determinations.—

(A) If the Secretary determines that the claimant did not submit reasonable evidence under either paragraph (1)(A) or (1)(B), or both, the Secretary shall not later than 10 days after making such determination, notify the claimant of such determination and include the claimant’s options for appeal or further submitting additional information.

(B) If the Secretary determines that the claimant did submit reasonable evidence under both paragraphs (1)(A) and (1)(B), the Secretary shall—

(i) not later than 10 days after making such determination, notify the claimant of such determination;

(ii) ensure that the claimant is afforded the opportunity to review the entire record, and to supplement the record within 30 days after the date on which information is provided by the DOE contractor who employed a DOE contractor employee, before the claim is submitted to a physicians panel;

(iii) not later than 10 days after the end of the 30-day period referred to in clause (ii) or the date on which the claimant completes the supplement of the record under the clause, whichever is later, submit the claim to a physicians panel for review under subsection (c); and

(iv) not later than 10 days after submitting the claim to a physicians panel, notify the claimant of such submission.

(c) Review by Physicians Panels.—

(1) Establishment.—

(A) The Secretary of Energy shall establish physician panels to hear and consider appeals of determinations made under this section (the “physicians panels”).

(B) The term “physicians panel” means any of the following:

(i) an expert panel established under this section (c); and

(ii) any other panel established under this section (c).

(C) A panel established under this subsection shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) Operation.—

(A) The Secretary of Energy shall assist the claimant in obtaining additional evidence within the control of the Department of Energy or a DOE contractor who employed a DOE contractor employee and relevant to the panel’s deliberations.

(B) At the request of a panel, the Secretary of Energy or a DOE contractor who employed a DOE contractor employee shall provide additional information relevant to
the panel’s deliberations. A panel may consult specialists in relevant fields as it determines necessary.

"(C) In any case in which the panel finds that a panel-determined diagnostic testing or an exposure assessment is necessary to the panel’s deliberations—

(i) the panel shall so notify the Secretary of Energy; and

(ii) the claimant may obtain such diagnostic testing or exposure assessment using the program carried out under section 3612.

"(D) The Secretary of Energy is authorized to enter into or modify cooperative agreements with providers who are implementing the program carried out under section 3612 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274i) to provide assessments of exposures to toxic substances at Department of Energy facilities to claimants under circumstances covered by subparagraph (C).

"(3) DETERMINATION OF CAUSATION.—A panel shall review a claim submitted to it under this section and shall determine, under guidelines established by the Secretary of Energy, by regulation, whether the illness or death is the subject of the claim, arose out of and in the course of employment by the Department of Energy and exposure to a toxic substance at a Department of Energy facility. For purposes of the preceding sentence, illness or death shall be deemed to arise out of and in the course of employment by the Department of Energy and exposure to a toxic substance (or substances, as the case may be) was a significant factor which aggravated, contributed to, or caused the illness or death.

"(4) MAJORITY VOTE.—A determination under paragraph (3) shall be made by majority vote.

"(5) REPORT TO SECRETARY.—Once a panel has made a determination under paragraph (3), it shall report to the Secretary of Energy its determination and the basis for the determination.

"(d) REVIEW OF PANEL DETERMINATIONS.—

"(1) IN GENERAL.—The Secretary of Energy shall review a panel’s determination under subsection (b) and shall accept the panel’s determination in the absence of a preponderance of evidence to the contrary.

"(2) ACCEPTANCE OF PANEL DETERMINATION.—As a result of the review under paragraph (1), the Secretary of Energy shall accept the panel’s determination in the absence of a preponderance of evidence to the contrary.

"(3) ACTION UPON ACCEPTED CLAIMS.—If the panel made a positive determination under subsection (c)(3) and the Secretary accepts the determination under paragraph (2), the panel shall carry out a program of outreach and education by mail and use the former worker medical screening programs to notify, educate, and assist claimants.

"(4) ADMINISTRATIVE AND JUDICIAL REVIEW.—The Secretary of Energy shall establish a process under which a claimant may obtain prompt and independent administrative review of the determination by the Secretary under subsection (b) or (d) or by a panel under subsection (c). The results of any such administrative review shall be deemed to be a final agency action subject to judicial review.

"(b) REPORT TO CONGRESS.—Not later than February 28, the Secretary of Energy shall submit to Congress a report on the implementation and operation of this section. The report shall include, for the preceding calendar year—

(i) the number of claims reviewed under this subtitle;

(ii) the size of the backlog in processing such claims;

(iii) the number of claims submitted to a physicians panel;

(iv) the number of claims for which a panel or the Secretary finds significant evidence to the contrary;
court for the district in which the claimant resides.

"(3) ATTORNEY FEES.—In any proceeding pursuant to this subsection, attorney fees shall be awarded on the same basis as such fees are available under section 28 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 928).

SEC. 3664. certain provisions relating to resolution of claims.

(a) NONADVERSARY.—The Secretary of Energy and the Secretary of Labor shall ensure that any claims under this subtitle are resolved in a nonadversarial manner.

(b) NO STATUTE OF LIMITATIONS.—A claim under this subtitle shall not be barred by any statute of limitations.

SEC. 3665. OFFSET FOR CERTAIN PAYMENTS.

(A) A claimant awarded benefits under this subtitle as a result of a specified illness or death of a DOE contractor employee who receives benefits because of the same illness or death from any State workers' compensation system shall receive the benefits specified in this subtitle for such illness or death, reduced by the amount of any workers' compensation benefits that the claimant receives or would receive on account of such illness or death under any other Federal or State workers' compensation system during the period that awarded benefits are provided under this subtitle, after deducting the reasonable costs, as determined by the Secretary of Labor by regulation, of obtaining such benefits.

SEC. 3666. SUBROGATION OF THE UNITED STATES NOT APPLICABLE.

Notwithstanding any other provision of law, the United States has no right of subrogation against any person by reason of payments or other benefits provided under this subtitle.

SEC. 3667. CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.

"Compensation or benefits provided to an individual under this subtitle—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3603(c)(2)(C) of title 31, United States Code, or the benefits.

SEC. 3668. CERTAIN CLAIMS NOT AFFECTED BY AWARDS OF DAMAGES.

"A payment under this subtitle shall not be considered a form of compensation or reimbursement for a loss or losses for purposes of imposing liability on any individual receiving such payment, on the basis of such receipt, to any insurance carrier for any insurance payments; and a payment under this subtitle shall not affect any claim against an insurance carrier with respect to insurance.

SEC. 3669. FORFEITURE OF BENEFITS BY CONVICTED FELONS.

(a) FORFEITURE OF COMPENSATION.—Any individual convicted of a violation of section 1920 of title 18, United States Code, or any other Federal or State criminal statute relating to fraud in the application for or re- ceipt of any benefit under this title or under any other Federal or State workers' compensation law, shall forfeit (as of the date of such conviction) any entitlement to any compensation or benefit under this subtitle such individual would otherwise be awarded under this subtitle with respect to the specified illness or death of a DOE contractor employee for which this subtitle is exclusive and instead of all other liability of the United States or DOE contractor in such capacity to the employee, his legal representatives, dependents, next of kin, and any other person otherwise entitled to recover damages from the United States or DOE contractor in such capacity because of the specified illness or death in a direct judicial proceeding, in a civil action, or in admiralty, except for a State workers' compensation proceeding or a State intentional tort liability proceeding. However, this section shall not apply to illness or death for which compensation under this subtitle is not made.

SEC. 3670. ASSIGNMENT OF BENEFITS UNDER SUBTITLE B.

(a) RECEIPT OF SUBTITLE B BENEFITS NO BAR TO APPLICATION UNDER THIS SUBTITLE.

An individual entitled to benefits under this subtitle without regard to whether the individual received a lump sum payment under this subtitle.

(b) OFFSET FOR BENEFITS PAID ON SAME ILLNESS OF SAME PERSON.—If a lump sum payment is made under subtitle B by reason of a specified illness of a person, any payment (excluding medical costs) made under this subtitle by reason of the same specified illness of the same person shall be offset by the amount of such lump sum payment. In no case shall a claimant obtain double indemnity wage replacement benefits for specified illness under this subtitle.

SEC. 3672. ASSIGNMENT OF CLAIM.

"An assignment of a claim for compensation under this subtitle is void. Compensations and claims for compensation are exempt from claims of creditors."

SEC. 102. GAO REPORT.

Not later than February 1, 2004, the Comptroller General shall submit to Congress a report on the extent by the Department of Energy of energy employees' exposure to toxic substances, by DOE contractor energy employees' exposure to toxic substances, and the effectiveness of such subtitle in assisting DOE contractor employees in obtaining compensation for exposure to toxic substances.

TITLE II—AMENDMENTS RELATING TO SUBTITLE B OF PROGRAM

SEC. 201. COVERAGE FOR CHRONIC RENAL DISEASE.

(a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2002 (42 U.S.C. 7386t-1, as added) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(D) a covered employee with chronic renal disease;"

(2) in paragraph (15), by striking "or chronic silicosis" and inserting "chronic silicosis, chronic renal disease;"; and

(3) by adding at the end the following new paragraphs:

"(19) the term 'chronic renal disease' includes nephritis and kidney tubal tissue injury and related illnesses of the urinary system; and

(20) the term 'covered employee with chronic renal disease' means an individual determined to have sustained chronic renal disease in the performance of duty for purposes of the compensation program with section 3623(f)."

(b) EXPOSURE IN THE PERFORMANCE OF DUTY.—Section 3622 of such Act (42 U.S.C. 7386m) is amended by adding at the end the following new subsection:

SEC. 3622. EXPOSURE IN THE PERFORMANCE OF DUTY.—(1) An individual with chronic renal disease shall, in the absence of substantial evidence to the contrary, be determined to have sustained chronic renal disease in the performance of duty for purposes of the compensation program if the individual—

(A) was employed in a Department of Energy facility (in the case of a Department of Energy employee or a Department of Energy contractor employee) or an atomic weapons employer facility (in the case of an atomic weapons employer employee) that conducted uranium processing, converting, refining, enriching, extruding, calcining, machining, or rolling, or that operated as a uranium foundry; and

(B) carried out job functions while so employed that resulted in the potential for exposure, inhalation, or uptake of uranium or uranium compounds for at least 250 days; and

(C) submits medical evidence that the individual, after commencing the employment specified in subparagraph (A), contracted chronic renal disease.

(2) Not later than 60 days after the date of the enactment of the Energy Workers Compensation Act of 2002, the Secretary of Energy shall designate a Department of Energy facility and atomic weapons employer facilities that were engaged in uranium processing, converting, refining, enriching, extruding, calcining, machining, or rolling, or that operated as a uranium foundry, including the dates such activities were performed. The list of facilities shall not include facilities for which uranium millers and transporters are already covered under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(3) Not later than 90 days after the date of the enactment of the Energy Workers Compensation Act of 2002, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall establish, by regulation, procedures to be followed and medical evidence to be submitted by claimants for chronic renal disease claims.

(c) OFFSET FOR CERTAIN PAYMENTS.—Section 3641 of such Act (42 U.S.C. 7385b) is amended—

(1) by striking "or covered uranium employee (as defined in section 3630)," and inserting "covered uranium employee (as defined in section 3630)," and in paragraph (1), by striking "or covered uranium employee (as defined in section 3630)," and inserting "or covered uranium employee with chronic renal disease;"; and

(2) by striking "or radiation," and inserting "radiation, uranium; and"

CONFORMING AMENDMENTS.—The following provisions of such Act are amended by inserting "chronic renal disease," after "chronic silicosis," each place such term appears:

(b) EXPOSURE IN THE PERFORMANCE OF DUTY.—Section 3623 of such Act (42 U.S.C. 7386l) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(D) a covered employee with chronic renal disease;"

(2) in paragraph (15), by striking "or chronic silicosis" and inserting "chronic silicosis, chronic renal disease;"; and

(3) by adding at the end the following new paragraphs:

"(19) the term 'chronic renal disease' includes nephritis and kidney tubal tissue injury and related illnesses of the urinary system; and

(20) the term 'covered employee with chronic renal disease' means an individual determined to have sustained chronic renal disease in the performance of duty in accordance with section 3623(f)."

SEC. 202. COVERAGE FOR MERCURY POISONING.

(a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2002 (42 U.S.C. 7386t-1, as added) is amended by adding to section 201(a) of this Act, is further amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) a covered employee with mercury poisoning;";
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(2) in paragraph (15), by inserting “or mercury poisoning” after “chronic renal disease,”; and
(3) by adding at the end the following new paragraph:

“‘(2) The term ‘covered employee with mercury poisoning’ means an individual determined to have sustained mercury poisoning in the performance of duty in accordance with section 3627A.”.

(b) Participation in Compensation Program.—Subtitle B of that Act (42 U.S.C. 7384 et seq.) is further amended by inserting after section 3627 the following new section:

“SEC. 3627A. MERCURY POISONING.

“(a) In General.—A Department of Energy employee or Department of Energy contractor employee shall, in the absence of substantial evidence to the contrary, be treated as having been exposed to mercury in the performance of duty for purposes of subsection (a) if while employed in activities associated with the design, production, or testing of atomic weapons related to which an employee was present in a Department of Energy facility that—

(1) contained more than 100 kilograms of mercury; and

(2) did not confine mercury operations to work spaces with dedicated ventilation systems for the removal of airborne toxic substances.

“(c) MERCURY POISONING.—A Department of Energy employee or Department of Energy contractor employee shall be treated as having been exposed to mercury poisoning for purposes of subsection (a) if such employee manifests a physical, psychological, or neurological illness consistent with mercury poisoning.

“(d) Determinations of Mercury Poisoning.—The Secretary of Labor shall utilize evaluations, tests, or other medical information obtained pursuant to section 3612 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274), and may utilize any other evaluations, tests, information, or data that the Secretary considers appropriate, to determine whether a Department of Energy employee or Department of Energy contractor employee manifests a physical, psychological, or neurological illness consistent with mercury poisoning for purposes of subsection (a).

“(e) Offset for Certain Payments.—Section 3641 of such Act (42 U.S.C. 7385), as amended by section 201(c) of this Act, is further amended—

(1) by inserting “or covered employee with mercury poisoning” after “covered employee with chronic renal disease,”; and

(2) by inserting “or mercury” after “urinary.

“(f) Conforming Amendments.—The following provisions of such Act, as amended by section 204(d) of this Act, are further amended—

(1) Subsections (a)(1) and (b)(2)(A) of section 3630 (42 U.S.C. 7384n(a)—

(A) in the matter preceding paragraph (1); and

(B) in paragraph (2)(C); and

(C) in the matter following paragraph (2)(C).

SEC. 203. COVERAGE FOR LUNG CANCER IN COVERED BERYLLIUM EMPLOYEES.

Section 3630 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(h)(8)) is amended—

(1) by redesigning subparagraph (C) as subparagraph (D) and, by striking “or” (B) and inserting “(B), or” (C); and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Lung cancer, if such cancer occurs within 5 years after the date on which the employee shall have been first exposed to beryllium in the performance of duty in accordance with section 3623(a).”.

SEC. 204. CLARIFICATION OF SPECIAL EXPOSURE LEVEL DETERMINATION PROCEDURE.

(a) Automatic Designation by Lapse of Time.—Section 3626 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l) is amended—

(1) by redesigning subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) Automatic Designation by Lapse of Time.—Notwithstanding subsection (b), if a class of employees described in subsection (a)(1) petitions to be treated as members of the Special Exposure Cohort under subsection (a)(3), the members of that class shall, as of the expiration of the 180-day period beginning on which the petition was received, be deemed to be members of the Special Exposure Cohort for purposes of the compensation program, unless before the expiration of that period the petition is denied.”.

(b) Individual Presumption by Lapse of Time.—Section 3635 of that Act (42 U.S.C. 7384n) is amended by adding at the end of subsection (d) the following new paragraph:

“(3) An estimate referred to in paragraph (1) shall be completed by the Secretary of Health and Human Services 150 days after the date on which the Department of Labor submits to the Secretary of Health and Human Services the claim for which the estimate is required. If the estimate is not completed before the expiration of such period, it shall be deemed, for purposes of section 3626(b)(1), that it is not feasible to estimate with sufficient accuracy the radiation dose received by the individual to which the claim relates.”.

SEC. 205. CORRECTING PROBLEMS IN THE RADIATION EXPOSURE COMPENSATION LAWS.

Section 3628(c)(3) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384n(c)(3)) is amended—

(1) in subparagraph (B), by striking “and” and

(2) in subparagraph (C)—

(A) by striking “past health-related activities (such as smoking),”; and

(B) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following new subparagraph:

“(D) the proof of the benefit of the doubt to the claimant wherever there is reasonable scientific evidence to justify compensation, including such factors as dose rate effectiveness of low dose radiation, bias due to selection effects, and increasing risks from radiation with increasing age at exposure.”.

“SEC. 206. ADDITIONAL SPECIFIED CANCERS.

(a) Report.—The National Institute for Occupational Safety and Health shall prepare a report that identifies each type of cancer (other than specified cancers, as already defined in section 3621(b) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l)) that the Institute has determined to be associated with the performance of duty in accordance with section 3621(a).”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 209. TECHNICAL CORRECTIONS.

(a) Findings.—Section 3636(a)(6) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384a(6)) is amended by striking the second sentence and inserting the following: ‘‘Furthermore, studies indicate that irradiation induced cancers within the Department of Energy nuclear weapons complex
occurs at dose levels below the existing thresholds for establishing proof of causation. Those studies further indicate that workers at Department of Energy sites were exposed to large amounts of toxic substances that will lead, contribute to, or aggravate illnesses or diseases.”.

(b) Payments in the Case of Diseased Persons.—Section 3657(a)(3) of title 31, United States Code, is amended to insert before the semicolon the following: “, or a wife or husband of that individual who was married to the deceased individual immediately before the death of that individual and filed, on or before December 28, 2001, a claim in that capacity under this subtitle”.

TITLE III—ADMINISTRATIVE ASSISTANCE FOR CLAIMANTS UNDER EITHER SUBTITLE OF ACT

SEC. 301. PROVIDING ADMINISTRATIVE RELIEF IN CASES WHERE MEDICAL RECORDS ARE NOT AVAILABLE.

Subtitle C of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385 et seq.) is amended by adding at the end the following new section:

"SEC. 3652. PROOF WHEN MEDICAL RECORDS NOT AVAILABLE.

“For any claim under any subtitle of this title, the Secretary of Energy shall contract with the Department of Energy, and the Secretary of Labor and the Secretary of Health and Human Services, with the National Institute for Occupational Safety and Health, to develop a program for processing such claims, with the Office of the Secretary of Labor, to assist claimants under this title. The Office, to be known as the Office of the Ombudsman, shall be appointed by the Secretary of Labor, after consultation with claimants or claimant advocates, worker compensation experts, and members of the advisory committees to the Federal Ombudsman, to implement this title. The Ombudsman, from among individuals with at least one of the following qualifications:

(A) Experience or training as an advocate.

(B) Knowledge of occupational health and safety, or knowledge of occupational illness and disease.

(C) Experience in assisting claimants with worker compensation claims.

(2) To report to the Secretary of Labor with respect to the activities of the Office.

(3) To assist claimants under this title with claims filed with the Department of Labor or the Department of Energy.

(4) To receive and investigate complaints or inquiries regarding the status of a claim under this title.

(5) To provide claimants under this title with contact information regarding agencies with responsibilities under this title.

(6) To offer informal advice on options available to claimants under this title.

(7) To focus on the need for claimants under this title to be undertaking systematic difficulties or delays with respect to claims under this title, and to make recommendations for improvement, with respect to such claims, in speed, equity, fairness, or compliance with statutes and regulations.

(8) With respect to individuals filing complaints or requests for information under this title—

(a) to respond within 30 days after receiving such a complaint or request;

(b) to maintain reasonable communication with the individual until the matter is resolved; and

(c) to maintain, as confidential and privileged, the identity of the individual unless such confidentiality or privilege is otherwise waived.

(9) To maintain and publish a telephone number, facsimile telephone number, electronic mail address, and post office address for the Office.

(10) To limit the Ombudsman may not reverse or modify decisions regarding any claim under this title.

(e) AUTHORITY.—The Ombudsman is authorized to carry out the following activities:

(i) To investigate questions regarding a claim under this title, or procedures or systems for the processing of such claims, with the offices of the Department of Energy, Department of Labor, and Department of Health and Human Services (including the National Institute for Occupational Safety and Health), and any contractor of any such department, that has responsibility under this title.

(ii) To contract for expert advice with respect to the Ombudsman’s responsibilities under this title.

(iii) Access any material relating to a matter under investigation under paragraph (i).

(iv) Request explanations from any Federal agency with responsibilities under this title about the activities of that agency under this title.

(v) To inspect records in order to carry out an investigation under paragraph (i).

(vi) Refer any matter within the responsibility of the Ombudsman to an appropriate inspector general.

(2) To submit the report. The report shall contain the following:

(i) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman in the previous year.

(ii) Identification of the common difficulties encountered by claimants under this title.

(iii) Recommended changes to the administrative practices of the Federal agencies with responsibility under this title.

(iv) Recommended legislative changes that may be appropriate to mitigate problems with the implementation of this title.

(2) SEPARATE LINE ITEM.—The budget of the President under section 1105(a) of title 31, United States Code, shall include funding for the Office as a separate line item.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $800,000 for each of fiscal years 2003 through 2007.

(4) IN FORM.—The Secretary of Energy, Health and Human Services, and Labor shall publicize the availability of the services of the Office.

(5) APPROPRIATION.—The budget of the President under section 1105(a) of title 31, United States Code, shall include funding for the Office as a separate line item.

(6) PROOF WHEN MEDICAL RECORDS NOT AVAILABLE.—Subsection (a) shall include funding for the Office as a separate line item.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $800,000 for each of fiscal years 2003 through 2007.

(8) SEPARATE LINE ITEM.—The budget of the President under section 1105(a) of title 31, United States Code, shall include funding for the Office as a separate line item.

(9) AUTOMATION OF CLAIMS.—The Secretary of Energy may be appropriate to mitigate problems with the implementation of this title.
were clerk and to issue laboratory chemicals and laboratory glassware, and when we had time, I'd run a mercury, still, me and another fellow named Lewis Devetima.

In 1952 I started having trouble. My face would swell up, and my gums were bleeding. And I would go down to Q Building to see Dr. Whipple, and he would send me home. So, Raul, you're allergic to something; and that was it.

And when my face went back down, I'd come back to work and it would happen all over again. I started calling the H Division to see Dr. Harriet Harding, who was a consultant there, and she interviewed me. Luckily, I got to see her. And she asked me where I worked, and I told her. She asked me my duties were, and I told her that I run a mercury still when I didn't issue chemicals. She said, I'm operating a mercury still.

She said, "Take me up there and show it to me.

So I did. She shut it down. And so we were full, me and Lewis Devetima were full of mercury. We used to heat it, and it had a still, like it was made out of glassware. It would boil, heat it, and form a gas, go through that, come out condensed on that end, pure mercury. And we would breathe in vapors, and it was in a small 10 x 10. The H Division was a shed. It was formerly the stable for the school that was there before the Lab took over, and they converted it into a chemical shop.

Anyway, when I retired in 1982—prior to 1982, I suffered from depression, bleeding gums, and so I went to the doctor there at the Lab. I was in very bad shape, and she sent me to a sanitarium in Albuquerque, and I spent some time there, about two or three weeks, as an outpatient to Dr. Kenneth Poole there in Albuquerque for about three years.

And then I came back and was under the tutelage of Dr. William Oakes who worked for the H Division, and then he retired. And I saw Dr. Charles Shafer, and then he retired. And then I saw Dr. Ralph Greer. And anyway, when I retired, I noticed that there was no record of this sickness on my medical records.

And I asked Dr. Greer why. And he said they couldn't find any evidence, and they searched and they even went back into the microfilms, and they could find no evidence of anything to do with a mercury still or anything, just thinking that it was GAS.

When I testified before Mr. Bingaman and Mr. Udall and Mr. Michaels, I didn't have any evidence. It was my story against theirs. And I have met a fellow named Ken Silver. He found these letters from Dr. Harding telling the whole story in six letters, and the DOE database of historical documents, it tells the whole story about medical Devetima's sickness, about the mercury still, their shutting it down.

Then, I sent H Division letters to our division leader, Van Gammer, Assistant Property Division leader. Yet they couldn't find them. There was no evidence. They're here, right here. Everything I have revealed back to those six letters. In one of them, she refers to a fellow name Carl Butler. I happen to know Carl Butler, so I wrote him a letter telling him what was happening. He wrote me back a five-page handwritten letter confirming everything that I said when I testified, everything, even to closing down and admitting that in 1947 and 1948 when the H Division knew anything about mercury until an industrial engineer named Harold Sheeton—Harry Sheeton—came on board, and the mercury poisoning was over.

And after I got that letter from Butler, I wrote a letter to Mr. Udall and Mr. Bingaman, asking him—I sent them a copy of those six letters. I didn't give them a copy of this, but I did take it to Mr. Udall's office, everything I had, when you were in Federal Place over there, and I gave it to Paul and he made copies of it. He said he would forward it on to your office.

And this is my letter to Senator Bingaman asking him to allow me to include the mercury. I don't know what happened there.

I got a letter from Mr. Udall there, and he asked that I get documentation. So I've got it. Doing exactly what you asked for names and addresses of people that are working. I can give you names, Mr. Udall, but they all got one address: Cemetery. They're all dead. And it's only one alive that I know that knew about that mercury still, and why I'm still around, I don't know.

After that, Mr. Silver came up with a couple more publications by Dr. Harriet Potter on mercury poisoning. Anybody that knows anything about mercury should read it. She even enlightened me. I guess she really dug in to her research. And in this—the other one is Challenging Manmade Decisions by Harriet Potter. I'll read you just one paragraph here.

On page 54 it tells about the year 1948 in Los Alamos, nonradioactive acting hazard material. "An example will make this clear. Very soon after I began active duty, a worker came to the nurse in H-2 complaining with bleeding gums and skin rash. That's me. "In taking his job history, I found he and three other men were engaged in cleaning dirty mercury, an element widely used."

"Next, I visited the job site. And even though I had no engineering skill, I knew from my Massachusetts Department of Occupational Hygiene experience that the mercury hazard was great in this dirty, shaded building."

"I could go on, but I haven't got time, but you get the drift. And I don't know where to go from here. I know mercury is not covered in the Act. Like I say, I'm asking you to amend it to include mercury. Thank you very much for listening to me. I'm probably out of time. (Applause.)"

Mr. LEYIA: The next person will be Phil Schofield.

Mr. SCHEFFIELD: Thank you for coming, Beverly Cook and Congressman Udall, Senator Bingaman, Mr. Turcic, Mr. Elliot. I'll try to keep my time short here.

I worked for Los Alamos National Lab for 2 years. I suffered from several severe health problems, multiple chemical sensitivities, HIV cervical syndrome, respiratory problems, severe dermatology problems, swelling of my extremities. I have short-term memory and concentration deficits, and plus I lost almost half of my hearing.

Mainly what I would like to address is some problems with the reconstruction of the same room. One was—it depended on your concentration deficits, and plus I lost almost half my hearing.

We are only now beginning to realize the dangers that the energy workers faced. These workers thought they were serving our country and were unaware of the risks they took to win the Cold War. We must do all we can to protect the energy workers to make sure they receive just compensation for the illnesses and disabilities they incurred from their jobs at the Department of Energy nuclear weapons sites.

By Mr. BAUCUS:
A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation; to the Committee on Indian Affairs.

Mr. BAUCCUS. Mr. President, I rise today to introduce a bill to provide for the use and distribution of judgment funds awarded to the Assiniboine and Sioux Tribes of the Fort Peck Reservation in northeast Montana.

In 1987, the Assiniboine and Sioux Tribes of the Fort Peck Reservation brought suit against the United States to recover interest earned on their trust funds while those funds were in Special Deposit and IMPL-Agency accounts. The case was filed in the United States Claims court, and docketed as No. 773–87–L. After the Court ruled that the United States was liable to the Fort Peck Tribes and individual Indians for interest on those funds, the Tribes and the United States reached an agreement for settlement in the case, for the sum of $4,522,551.84. The court approved the settlement agreement.

The settlement agreement further provided that the judgment be divided between the Fort Peck Tribes and those individual Indians who are found to be eligible to share in the judgment. On January 31, 2001, the court approved a stipulation between the parties that defined the procedures by which the Fort Peck Tribes and individual Indians’ respective shares in the judgment would be determined and distributed to them.

Pursuant to the Court-approved stipulation in the case, on February 14, 2001, a portion of the Tribe’s share of the judgment was deposited into an account in Treasury for the use of the Fort Peck Tribes. As provided by the Court-approved stipulation, those funds are to be available for immediate use by the Tribe pursuant to a plan adopted by the Indian Tribal Judgment Funds Use or Distribution Act. As a result, in order for the Fort Peck Tribe to make use of the judgment awarded to the Tribe, it is necessary for Congress to adopt the legislation approving the Tribe’s plan. The proposed bill language would serve this purpose.

This judgment is based on money rightfully belongs to the Fort Peck tribes and should be moved expeditiously through Congress. I look forward to working with the Committee on Indian Affairs to move this legislation forward.

By Mr. KENNEDY:

S. 3060. A bill to amend the Public Health Service Act to provide protections for human participants in research; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am introducing legislation to achieve reforms in our system of oversight for protecting the safety of human subjects in research. As the Institute of Medicine report released today again demonstrates, reforms are long overdue. The moment has come to take action to restore the trust and confidence of those who serve as subjects in clinical trials or other forms of research.

We passed the National Research Act over twenty years ago as an important step toward protecting against inhuman research experiments and conditions. We have developed guidelines to ensure that people participating in medical research have clearly agreed to be a part of the study and will be treated humanely during the study.

These protections benefit the people participating in medical research, but they also help those conducting the research. If patients fear that they will not be protected or that the researchers do not have their best interests in mind, patients will not volunteer to take part in these needed tests.

As we all know, a revolution is taking place in medicine today. Scientists have mapped the human genome. They have made incredible breakthroughs in treatments for cancer and AIDS. It is not unreasonable to expect that we will see cancer cured, a quadriplegic stand up and walk, new drugs that prevent Alzheimer’s and AIDS, and other advances we cannot even begin to imagine. But for all these advances to take place, new treatments will first have to be tested on human subjects. For these studies to succeed, patients must have confidence in our system and must be willing to participate in medical research. That is why I have introduced legislation improving the safety and ethical acceptability of research involving human subjects, are overworked and underfunded. Loopholes in the system allow researchers who have had proposals rejected by one Board to reapply to a second Board with the hope of obtaining a more lenient review—all without notifying the second Board of the decision of the first. We do little to train researchers about methods for protecting human subjects. Many researchers with the best intentions are not knowledgeable of the latest changes to regulations.

The legislation I am introducing addresses these issues by expanding research subject protections and strengthening the review and oversight mechanisms to ensure that all human subjects are properly protected.

The legislation will, for the first time, ensure that all participants in such research are protected by a comprehensive and strong set of safeguards. The legislation will provide clear statutory authority for these protections and establishes a central office to review and amend current rules for the protections.

The legislation will improve Institutional Review Boards by strengthening firewalls against conflicts of interest and enhancing training for Board members. The bill will provide the Boards with the funding they need to be effective, and allowing protection costs to be charged as direct costs on federal grants. The bill will end “IRB shopping,” the practice in which a proposal rejected by one Board for ethical reasons is submitted to another Board in the hope of obtaining a more lenient review. The legislation will require that every Board receives accreditation to assure that it is carrying out its duties effectively and rigorously.

The legislation will assist researchers in learning more about the best practices for protecting human subjects, by creating programs to improve...
training for researchers in good research practices. The bill strengthens the firewalls against financial conflicts of interest for researchers, and it will require the establishment of regulations to govern payment of research subjects.

The legislation will also enhance the ethical review of clinical trials conducted overseas with federal funding or submitted to FDA for review, by requiring that research conducted overseas by U.S. regulatory jurisdiction must be reviewed and approved by a U.S. Institutional Review Board. The bill enhances the review of areas of research that raise special safety concerns, such as gene therapy and xenotransplantation. We must act now to improve our protections for human research subjects, so that patients will feel confident enough to volunteer for the many vital research projects that will be developed in coming years. These reforms will play a significant role in promoting medical care. But even more important, these safeguards will protect our fellow human beings. The people this bill protects are not numbers of statistics. They are someone’s mother, daughter, or non-treatment, even when effective treatments are available and could be given to patients who first volunteered to test these new medical treatments. I look forward to working with my colleagues to enact these needed reforms as soon as possible.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis is printed in the RECORD, as follows:

**The Research Revitalization Act**

The current oversight system for protecting human subjects is overdue for reform. Rules for research subject protection do not cover all research. Protections for research subjects are largely based on regulation rather than statute. There is no Federal lead agency charged with amending and issuing guidance on the rules for research subject protections, resulting in an often confusing set of divergent regulations across different research agencies. Moreover, since no single agency can amend the research rules, the rules themselves have not been updated in years and have not kept pace with the nature of research. To address these problems, the bill will:

1. Ensure that all human subjects in all research are covered by strong protections. 2. Provide a clear statutory authorization for research subject protections. 3. Establish a central office to amend the rules for research subject protection. 4. Establish accreditation of all IRBs to ensure that they do their jobs adequately. To be accredited, IRBs would not only have to review research but also monitor such research once it is initiated. 2. Amend “IRB shopping” by requiring notification of previous proposal rejection. 3. Establish rules for managing conflict of interest for IRB members. 4. Allow IRB expenses to be charged as direct costs on Federal grants, so that universities can give IRBs the resources they need to do their job. 5. Allow, on a voluntary basis, a central IRB to review projects conducted a multiple local research sites to provide for more effective and efficient review.

Investigators conducting human subject research are often poorly trained in protecting human subjects. As revealed by the controversy over gene therapy, financial conflicts of interest can often compromise the objectivity or researchers. Finally, payment of research subjects is becoming an important ethical issue. Patients have been established to govern when and how a subject can or should be compensated. To address these problems, the bill will:

1. Require HHS to establish a model program to train researchers in good research practices and then provide grants to allow universities to establish similar programs. 2. Strengthen rules for financial conflict of interest for researchers. Numerous studies have shown that the existing system does a poor job in protecting against conflict of interest. These proposals are consistent with recommendations by the AAMC. 3. Establish standards to govern payments to research subjects. 4. Require IRBs to conduct research projects involving human subjects that use federal funds or support a submission to the FDA are subject to US regulations when conducted overseas. When conducted on poorly educated and/or impoverished and those with weak local oversight, such research raises special ethical concerns. First, subjects may not be adequately informed if effective and effective review is conducted in a country without a strong infrastructure for research subject protection. Second, there are significant ethical concerns about conducting research on local populations who will never receive the benefits of the products being tested on them. Third, some subjects receive placebo or non-treatment, even when effective treatments are available and could be given to patients. The bill will:

1. Require review by a US-accredited IRB of all human subject research conducted overseas that falls within US regulatory jurisdiction. This requirement would be waived where standards of review are equivalent to those in the US, e.g., EU, Australia, and Canada. 2. Require rules governing the use of placebo or non-treatment when effective therapies could be administered to research subjects. 3. Certain areas of research, such as gene therapy or xenotransplantation, raise unusual safety concerns. NRBC has recommended special scrutiny for such areas. The bill will require special monitoring of adverse events in clinical trials of such research so that threats to patient safety can be identified.

By Mr. LOTT:

S. 3061. A bill to impose greater accountability on the Tennessee Valley Authority with respect to capital investment decisions and financing operations by increasing Congressional and Executive Branch oversight; to the Committee on Environment and Public Works.

Mr. LOTT. Mr. President, the Tennessee Valley Authority has long served as an engine for economic development in my part of the country and has enjoyed widespread support for its efforts to provide power that is needed to fuel the economy and enhance the quality of life of our citizens. It is my belief that the United States taxpayer is unwilling and unable to continue to bear the financial burden and risks associated with addressing these challenges.

The reality of the marketplace for energy and the political imperatives with which we are confronted mandate that any new financing strategies and supplemental sources of capital be considered and utilized by TVA. Likewise, we need to review and analyze the short-term and long-term financing and risk management strategies employed by the TVA with respect to its almost $26 billion of debt.

During 2002, we have witnessed the results of risky and sometimes corrupt corporate financing and management practices. Although I have no reason to believe that TVA has been involved in any such practices, I believe we have a responsibility to the taxpayers to examine the financing and disclosure practices of the TVA to ensure that their investment is being protected. I note that TVA has utilized short-term financing facilities and derivative securities as hedging and interest rate management techniques. We need to better understand the risks and rewards associated with these strategies.

The legislation that I am introducing today would require that the TVA provide the Congress and the Administration with a 10-year business outlook and strategic plan with respect to its financial and operations, as well as an analysis of its ongoing financing and risk management strategies. During the period in which the
I look forward to working with my colleagues to pass legislation that would create a comprehensive research program to test the viability of silver-based biocides for the treatment of wood products.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 333—EXPRESSING THE SENSE OF THE SENATE CONCERNING A DISPUTE BETWEEN THE PACIFIC MARITIME ASSOCIATION AND THE INTERNATIONAL LONGSHORE AND WAREHOUSE UNION

Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. HELMS, Mr. HAGEL, Mr. BURSEN, Mr. CRAIG, Mr. ROBERTS, Mr. ALLARD, Mr. VONNOVICH, Mr. CRAPO, Mr. ENSIGN, Mr. DE WINE, Mr. BOND, Mr. FRIST, Mr. WARNER, and Mr. HATCH) submitted the following resolution, which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 333

WHEREAS the ongoing dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union, relating to a collective bargaining agreement, has shut down 29 West Coast ports;

WHEREAS this dispute has sent harmful economic reverberations far beyond the shipping industry, the West Coast, or even the borders of the United States;

WHEREAS 7 percent of the Nation’s gross domestic product travels through those ports and the flow of goods in and out of those ports is critical to the operation of businesses, farms, and factories, and the business of retailers and consumers, all across the United States;

WHEREAS the stay of all West Coast transport by sea has already prevented farmers from selling their home grown manufacturing plants, idled trucks and trains, and precluded consumers from purchasing goods;

WHEREAS, due to the interruption of the flow of commerce, the workers are being forced to work longer hours without any increase in their pay, while their employers are being forced to pay higher prices for goods;

WHEREAS the shutdown has already ended an economic recession and high unemployment; and

WHEREAS if the shutdown of those ports continues, the shutdown will present a serious threat to the Nation’s safety and health.

NOW, THEREFORE, BE IT

RESOLVED——

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the Pacific Maritime Association and the International Longshore and Warehouse Union should enter into mediation to resolve the dispute, adopt 24-hour extensions of the expired collective bargaining agreement, and end the current lockout; and

(2) if the Pacific Maritime Association and the International Longshore and Warehouse Union do not reach a settlement or reopen the ports through that mediation during a reasonable period determined by the President, the President should appoint a board of inquiry, to begin the emergency dispute-solving procedure under the Labor-Management Relations Act of 1947.

Mr. HUTCHINSON. Mr. President, today, many of my colleagues have joined me in submitting a resolution urging the President to invoke the Taft Hartley emergency dispute resolution procedures in response to the complete shutdown of twenty-nine West Coast ports due to a labor dispute. I deeply regret that this legislation is necessary, but the grave economic consequences of the shutdown and the serious ramifications on our country’s ability to improve homeland security have made it so.

It is estimated that 7 percent of our Nation’s gross domestic product flow through these ports. However, that does not begin to calculate the cost to the workers and families who are and will be affected by this impasse. Transportation of products to West Coast ports has been shut down. The jobs of railroad employees, barge employees, and independent truck drivers, whose livelihoods all depend upon the flow of goods in and out these ports, are being endangered by this dispute. In addition, manufacturers able to move products are facing unexpected storage costs that have already resulted in thousands of layoffs.

In the agriculture sector, the inability to ship grains, vegetables, live stock, and other products is having a catastrophic effect on farmers and ranchers, many of whom are already facing consecutive years of drought and economic hardship. The ability to move agricultural products and sell them to foreign markets where prices are best is essential to the health of our rural communities across our country. In addition, the inability to move these products off our own domestic market threatens to push commodity and livestock prices even lower. Agricultural producers and marketers have spent millions of dollars to open and develop Asian markets amidst heavy competition from Canada, Australia, and many other countries vying for access. This dispute is threatening thousands of jobs in the agriculture sector and other sectors vying for access in foreign markets.

The economic consequences of this shutdown do not even begin to calculate the cost to our Nation’s gross domestic product and to the American people. It is estimated that 7 percent of our Nation’s gross domestic product is flowing through these ports. However, that does not begin to calculate the cost to the workers and families who are and will be affected by this impasse.

This resolution calls on the Pacific Maritime Association and the International Longshore and Warehouse Union to adopt 24-hour extensions of the expired collective bargaining agreement and end the current lockout while they go through mediation.

At a time when the country is already experiencing economic hardships, this shutdown is jeopardizing the jobs and livelihoods of thousands of workers across the country. From auto-workers in Michigan and Missouri to rice and wheat farmers in Arkansas and Kansas, the human cost of this dispute far exceeds the financial and technical issues that have provoked it.

It also urges the President to appoint a board of inquiry and begin the emergency dispute settling procedures called for under the Taft Hartley Labor Management Relations Act, 1947, if he determines that the dispute far exceeds the scope of mediation.

My colleagues and I have taken this action out of concern for our home states and the safety and health of the
nation. Much of the industry in my home state of Arkansas relies on product import and export, and much of it travels through west coast docks. Arkansas is already feeling the effect of the shutdown, and it is critical that labor dispute be solved before even more damage is done.

Mr. Craig. Mr. President, I rise to commend my colleague, the Senator from Arkansas, Mr. Hutchison, and an happy to join him as an original co-sponsor, upon his submission of a resolution expressing the sense of the Senate regarding the recent shutdown of shipping that has occurred on the West Coast.

We are at war with terrorism. The Senate is now debating action on another front in that war. We are at a critical moment in our economic recovery, when we are eager for that economy to continue to grow, and we want to protect and resume creating good jobs for American workers.

At such a time, frankly, I am at a loss to understand how such a dispute has erupted in these 29 ports on the West Coast. I would hope the parties involved understand that they risk strangling an estimated 7 percent of our Nation's economy. I would hope they realize the implications a prolonged dispute would have for millions of workers and their families, as well as for our Nation's health and safety.

This shutdown already is hurting agriculture, one of the largest sectors of Idaho's economy. I have been in touch with farmers and ranchers in Idaho. The impact of this shutdown has been immediate and it threatens to be devastating. I know it is affecting other industries as well. We have all heard the estimates that it will cost the Nation's economy $1 billion a day, but I understand that is the cost in the early days of the shutdown. The harm will grow, and it is something that workers, families, farmers, and employers in Idaho and across the Nation should not be forced to bear.

So, I commend Senator Hutchison for his leadership in the submission of this resolution. I join him in imploring the disputing parties to work with urgency to resolve differences and reach a settlement, while adopting twenty-four extensions of the expired collective bargaining agreement, allowing the ports to reopen, and restoring the full, brisk, efficient flow of American goods to markets overseas.

I also appreciate the fact that the administration already is working to resolve this problem. A Federal mediator has gotten engaged. Now it is time for the Senate to add its voice to the constructive efforts of the administration.

With my colleagues, I call on the disputing parties to consider the good of the country at a critical time; to recognize the responsibilities of a good neighbor to employers and labor across our land; and to come back to the table and come back to work.

SENATE RESOLUTION 334—RECOGNIZING THE ELLIS ISLAND MEDAL OF HONOR
Mr. DASCHLE (for Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 334
Whereas the Ellis Island Medal of Honor, established by the National Ethnic Coalition of Organizations in 1986, pays tribute to individuals of various ethnic origins who have distinguished themselves through their contributions to the United States;
Whereas the Ellis Island Medal of Honor has been awarded on a bipartisan basis to 6 Presidents and numerous Representatives and Senators;
Whereas the National Ethnic Coalition of Organizations is the largest organization of its kind in the United States, representing more than 5,000,000 family members and serving as an umbrella group for more than 250 organizations that span the spectrum of ethnic heritage, culture, and religion;
Whereas the mandate of the National Ethnic Coalition of Organizations is to preserve ethnic diversity, promote equality and tolerance, combat injustice, and bring about harmony among all people;
Whereas during the 15-year history of the Ellis Island Medal of Honor, more than 1,500 individuals from scores of different ethnic groups have received the Medal, and more than 5,000 individuals are nominated each year for the Medal; and
Whereas at the 2002 Ellis Island Medal of Honor ceremony in New York City, individuals from different ethnic groups will be honored for their contributions to the rescue and recovery efforts of September 11, 2001, the war against terrorism, and the enhancement of the Nation's homeland security: Now, therefore, be it
Resolved, That the Senate recognizes the Ellis Island Medal of Honor for acknowledging individuals who live exemplary lives as Americans while preserving the values of their particular ethnic heritage.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS
Mr. BAUCUS. 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 Friday, October 4, 2002, at 10 a.m., to hold a closed hearing on intelligence matters.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR
Mr. BAUCUS. Mr. President, I also ask unanimous consent that Ryan Montgomery, an intern in the Finance Committee staff, be accorded floor privileges for the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—H. CON. RES. 401
Mr. REID. Mr. President, I ask unanimous consent that Calendar No. 583, H. Con. Res. 401, be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ADVANCEMENT ACT OF 2002
Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 432, S. 2064.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 2064) to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2064) was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 609, S. 1210.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1210) to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Matter to be omitted is shown in black brackets; matter to be added is shown in bold italic.]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2002.”

SEC. 2. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental Education Act of 1992 (20 U.S.C. 5609) is amended by striking subsection (b) and inserting the following:

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 10, $4,000,000 for each of fiscal years 2004 through 2008, of which—

(1) $3,000,000 shall be used to pay operations costs (including not more than $1,900 for official reception and representation expenses); and

(2) $1,000,000 shall be used for grants or other appropriate arrangements to pay the costs of services provided in a neutral manner relating to, and to support the participation of non-Federal entities (such as State and local governments, tribal governments, nongovernmental organizations, and individuals) in environmental conflict resolution proceedings involving Federal agencies.

SEC. 3. DEFINITIONS.

This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2002.”

SEC. 4. BLOCK GRANTS AND GRANT REQUIREMENTS.

Section 101(h) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(h)) is amended—

(A) in the heading, by inserting “RESTRICTED ACCESS OR” before the word “REDUCTION”;

(B) in subparagraph (B), by striking “or” at the end; and

(C) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(D) whether the recipient has expended related program income for housing-related activities.”

SEC. 6. REGULATIONS.

Section 106(b)(2)(A) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)(2)(A)) is amended by inserting after “required under this Act” the following: “; or any regulations that may be required pursuant to amendments made to this Act after the date of enactment of this Act,”.

SEC. 7. FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.

Section 601 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191) is amended—

(1) in subsection (a), by inserting after “section 202” the following: “; and housing related community development activity as consistent with the purposes of this Act”;

(2) by striking subsection (b); and

(3) in subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 8. FEASIBILITY STUDIES TO IMPROVE THE DELIVERY OF HOUSING ASSISTANCE IN NATIVE COMMUNITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended by adding at the end the following:

“(7) COMMUNITY DEVELOPMENT DEMONSTRATION PROJECT.—

(A) IN GENERAL.—Consistent with principles of Indian self-determination and the findings of this Act, the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects.

(B) STUDY.—Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit to Congress a report that includes—

(1) a description of the purposes of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002; and

(2) an analysis of the extent to which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects, for the purposes of this Act.

(C) BLOCK GRANTS AND GRANT REQUIREMENTS.—

(1) the first place that term appears, the following: “for comprehensive housing and community development planning activities.”

(2) each fiscal year” after “each fiscal years”

(3) by striking “1997 through 2007”.

SEC. 9. TERRITORY OF GUAM AND NATIVE COMMUNITY DEVELOPMENT.

Section 223 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4193) is amended—

(A) in the heading, by inserting “RESTRICTED ACCESS OR” before the word “REDUCTION”;

(B) in subparagraph (A), by striking “or” at the end; and

(C) in subparagraph (B) and inserting the following:

“(B) whether the recipient has expended related program income for housing-related activities in accordance with this Act.”;

SECTION 10. COMMUNITY DEVELOPMENT DEMONSTRATION PROJECT.

Section 807 of the Indian Housing Improvement Act of 1974 (25 U.S.C. 1707) is amended by striking “community development project” and inserting “community development demonstration project.”

SEC. 11. SELECTION OF TRIBES FOR PROJECTS.

Section 808 of the Indian Housing Improvement Act of 1974 (25 U.S.C. 1708) is amended to read as follows:

“(2) in subsection (a), by striking ‘Indian tribe’ and inserting ‘tribal entity’; and

“(3) in subsection (b) and inserting the following:

“(B) whether the recipient has expended related program income for housing-related activities in accordance with this Act.”;

“(D) whether the recipient has expended related program income for housing-related activities.”

SEC. 12. REGULATIONS.

Section 810 of the Indian Housing Improvement Act of 1974 (25 U.S.C. 1710) is amended by striking “1997 through 2007”.

SEC. 13. REPORTS.

Section 811 of the Indian Housing Improvement Act of 1974 (25 U.S.C. 1711) is amended to strike “1997” and inserting “2007”.

SEC. 14. DEFINITIONS.

This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2002.”

October 4, 2002
CONGRESSIONAL RECORD — SENATE
Mr. JOHNSON. Mr. President, I am proud to be a cosponsor of the bill to reauthorize the Native American Housing Assistance and Self-Determination Act which is an important step in strengthening Federal housing assistance for Native American communities.

Mr. JOHNSON. Mr. President, I am proud to be a cosponsor of the bill to reauthorize the Native American Housing Assistance and Self-Determination Act which is an important step in strengthening Federal housing assistance for Native American communities.
Executive message transmitted by the President to the Senate on October 4, 2002, withdrawing from further Senate consideration the following nomination:

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

SPEECH OF

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. SMITH of New Jersey. Madam Speaker, I rise in strong support of H. Con. Res. 476 and all of America's firefighters, especially those who have died in the line of duty.

As a proud Member of the Congressional Fire Services Caucus, I think it is fitting and appropriate that we set aside time to pay tribute to our nation's firefighters, men and women who have dedicated their lives so that the rest of us can sleep in peace. The threat of fire and the calamity an actual fire often creates is a day-to-day concern for all our communities, not to mention the added threats of terrorism now confronting us.

In 1992, on behalf of the more than one million firefighters in over 32,000 fire departments nationwide, Congress rightly created the National Fallen Firefighters Foundation to lead a nationwide effort to remember our nation's fallen firefighters and their families. Since its creation, this foundation has assisted many family members, helping them overcome the loss of their fallen champions. Within hours of the September 11th tragedy, the foundation established a process that used resources from across the country to provide the critical support that members of the Fire Department of New York City and their families needed.

This weekend the National Fallen Firefighters Foundation will honor the 442 firefighters who made the ultimate sacrifice in service to their communities last year, including those lost in the World Trade Center's disaster. Also to be honored are five firefighters from my state of New Jersey who served with pride and honor and who dedicated their lives to protect others in their communities. Willie Barns, George "June" Danielson, Jr., James T. Heenan, Alberto Tirado, and Lawrence James Webb are New Jersey's fallen heroes. They will be honored for their ultimate acts of valor this weekend. My prayers and the prayers of New Jerseyans everywhere will be with them and their families.

Madam Speaker, our firefighters and emergency personnel who stand at the ready to protect and help us around the clock deserve our support and dedication. Madam Speaker, I urge my colleagues to vote YES on H. Con. Res. 476.

NATIONAL PUBLIC LANDS DAY

SPEECH OF

HON. ANÍBAL ACEVEDO-VILÁ
OF PUERTO RICO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. ACEVEDO-VILÁ of Puerto Rico. Mr. Speaker, Public Lands Day was celebrated across the land—and in Puerto Rico last Saturday, September 28. This is an annual day of caring for our public lands with volunteers doing needed work to improve those special places we go for recreation and enjoyment of the outdoors.

More than 700 volunteers worked in the Caribbean National Forest, known as El Yunque, and at the San Juan National Historic Site. This is the third year Puerto Rico has joined this hands-on effort that is directed by the National Environmental Education & Training Foundation. El Yunque is the largest block of public land on the island and one of the most popular recreation sites in Puerto Rico. Nearly a million tourists experience this lush tropical rain forest environment each year, recognized as the friendliest and most accessible tropical rain forest in the world. The Toyota Foundation coordinated efforts for an educational clean up activity with teachers and their environments clubs throughout Puerto Rico after having attended a one-day seminar on the importance of conservation of our island and its natural heritage. The keynote speaker was Mario Davila, president of Toyota of Puerto Rico, who told volunteers of Toyota's worldwide commitment to the environment. Volunteers were enthusiastic and said they look forward to next year's National Public Lands Day.

The National Historic Site is the defense fortification that once surrounded the old, colonial portion of San Juan, including sandstone walls dating to the 1630s. Here, volunteers worked in the San Felipe del Morro Fort and on the recently designated trail. I am delighted that so many were willing to give up a Saturday to join in this largest volunteer, hands-on effort to improve public lands—in Puerto Rico and in all 50 states and Guam.
and despair are all too often the results for their families.

Most Internet gambling sites are based in the Caribbean or Central America, beyond the reach of the U.S. Justice Department. It is estimated that the American market generates up to one-fifth of that revenue. The local governments of these jurisdictions are also profiting from online gambling. For example, the Antigua and Barbuda governments are now licensing virtual casinos at a cost of $75,000 to $85,000 per site.

While the scourges of gambling addiction are well known, less understood is the fact that Internet gambling poses a serious threat to national security. A recent report by the General Accounting Office emphasized the concerns of law enforcement officials that gambling sites can serve as covers for illegal money laundering by terrorists and organized crime.

Enacting H.R. 556 would give law enforcement officials and bank regulators the necessary tools to crack down on illegal Internet gambling. Banks and credit card companies would be required to block payments to Internet casinos and other gaming operations, and accepting payment for illegal online gambling transactions would be a crime.

Mr. Speaker, I urge my colleagues to join me in supporting this common-sense legislation to help put a stop to illegal Internet gambling for the benefit and protection of American families and businesses.

IN MEMORY OF ROYCE MAGNESS

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of a longtime friend and outstanding East Texan, Royce G. Magness of Telephone, Texas, who passed away on August 30 at the age of 76 after a long illness. Royce was a prominent farmer-rancher who owned and operated Magness Farms for almost 50 years, and he was an influential leader in his community.

Royce was dedicated to his vocation and was well-respected for his abilities and his advocacy of farm issues. He was a member of the Fannin County Farm Bureau since 1964 and served as president from 1976 to 1983. He was elected to serve as a Texas Farm Bureau state director from 1983 to 1988, and in 1995, he was honored as one of 13 Texas Farm Bureau Pioneer Award winners from across the state. He was named Fannin County Farm Bureau Farmer of the Year in 1988 by the Bonham Area Chamber of Commerce. At his funeral service, it was written that “he believed a man’s greatest possession is his dignity and that no calling bestows this more abundantly than farming . . . . He believed that farming, despite its hardships and disappointments, is the most honest and honorable way a man can spend his days on this earth.”

Royce was a member of the Telephone Baptist Church, where he served as trustee, deacon, Sunday School teacher, and for almost 30 years as treasurer of the church. He was a charter member of the Fannin County Hospital Board, a member of the Fannin County Peanut Association and the Forest Grove Cemetery Board.

He is survived by his wife of 55 years, Jean; two sons and daughters-in-law, Jerry and Brenda Magness of Telephone and David and Shirley Magness of Royse City; a daughter, Marilyn Ackmann of Fort Worth; six grandsons; two great-grandsons; sister Neva Lewis and husband Bob of Lantana, Fla; and many other family members. In his last weeks Royce spent countless hours with members of his family, retelling funny tales and recalling many happy memories of a lifetime spent in Telephone, Texas.

Mr. Speaker, Royce was a man of tremendous character and integrity. He loved his family, his community, his country, and the land on which he farmed—and to each of these he gave so much of himself. He will be missed by all those who knew him and loved him—but he leaves behind a powerful legacy that will endure. As we adjourn today, let us do so in memory of this great American, Royce Glen Magness.

COMMEMORATING 100 YEARS OF AAA NORTHWEST OHIO

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. KAPTUR. Mr. Speaker, I rise to commemorate 100 years of AAA Northwest Ohio. For a century, the company has provided quality service to people throughout its region.

Prior to the formation of AAA, a series of small automobile clubs served the 23,000 automobile owners across the country. In 1902 as more people began to own cars, these clubs formed into the federation American Automobile Association, AAA. In that same year, fifteen Toledoans came together to form the Toledo Automobile Club, later renamed AAA Northwest Ohio. Its first president was Dr. Lewis Liffrin. By 1947 the club boasted 10,000 members. Only 15 years later, in 1962, that number had reached 50,000 and in 1989 the milestone of 100,000 members was achieved. Today, AAA Northwest Ohio is over 150,000 members strong.

With its mission to offer the community “exceptional customer service and diverse member benefits along with a commitment to public safety” AAA Northwest Ohio strives to put the customer first. The association provides roadside emergency assistance, a full service travel and insurance agency, and its unique “tripkit” maps for travelers.

I am pleased to recognize the invaluable service AAA Northwest has provided to its customers, and congratulate its employees past and present for a century of dedication and commitment to quality.

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the United States House of Representatives to pay tribute to both an outstanding organization, and an outstanding individual in my hometown of Flint, Michigan. Mott’s Children’s Health Center has been selected as the 2002 Corporate Health Advocate of the Year and Gloria R. Bourdon has been selected as the 2002 Individual Health Advocate of the Year by the American Lung Association of Michigan-Genesee Valley Region. They will be recognized for their achievements at the 2002 Health Advocate of the Year Awards Dinner on October 30th.

Mott Children’s Health Center was founded in 1939 by C.S. Mott to “serve borderline medically indigent children of Genesee County.” Today they offer a wide array of services including adolescent services, referral programs, child health strategies, pediatric dentistry and school and neighborhood programs for parents, caregivers and their children. Along with direct services, Mott Children’s Health Center has also played a vital role in advocating for children’s health issues. Mott Children’s Health Center sponsors a number of conferences, workshops, and presentations all with the health of children as their number one priority.

Gloria Bourdon began her career in 1987 at Pinconning Area Schools and Linden Area Schools, teaching children the fundamentals of healthy lifestyles. Through the years since then, Gloria has expanded her classroom doctrine of healthy living and today she is the Director of Health, Safety, and Nutrition Services for the Genesee County Intermediate School District. Her job places her in charge of the health of students in 32 public schools, 9 public academies, and 14 private schools.

Through her years of hard work and dedication to children, Gloria has received the Genesee County Child Advocacy Award, the Michigan Association of School Boards Health and Safety Award and the Rainmaker Award presented by HealthPlus.

Mr. Speaker it is indeed an honor and a privilege for me to urge my colleagues in the House of Representatives to join me in paying tribute to the Mott Children’s Health Center, and to Gloria R. Bourdon for their years of dedication to the health and education of our most cherished resource on the planet, our children.

RECLAMATION RECREATION MANAGEMENT ACT OF 2002

SPEECH OF
HON. JAMES V. HANSEN
UTAH
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HANSEN. Mr. Speaker, I request that the attached letters for H.R. 5460 be submitted for the RECORD under General Leave.

As you know, H.R. 5460 passed the House under suspension of the rules on Tuesday, October 1, 2002. These letters are an exchange between the Committee on Resources with the Committee on Transportation and Infrastructure and the Committee on Science, concerning the mentioned legislation.
DEAR CHAIRMAN HANSEN: I am writing with regard to H.R. 5460, to reauthorize and amend the Federal Water Project Recreation Act, which was referred to the Committee on Resources on September 25, 2002. This legislation affects programs under the jurisdiction of the Transportation and Infrastructure Committee.

I recognize your desire to bring this bill before the House in an expedient manner. Accordingly, I will not exercise my Committee’s right to a sequential referral of the legislation. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 5460. In addition, the Transportation and Infrastructure Committee reserves its authority to seek conferees on provisions of the bill that are within the Committee’s jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Transportation and Infrastructure Committee for conferences on H.R. 5460.

I request that you include a copy of our exchange of letters in the CONGRESSIONAL RECORD during consideration on the House Floor. Thank you.

Sincerely,

DON YOUNG, Chairman.


Hon. DON YOUNG, Chairman, Committee on Resources, Longworth Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing with regard to H.R. 5460, to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes. As you know, scheduling this bill for Floor consideration was a last-minute decision on the part of our Leadership, and I apologize for not consulting with you earlier about this bill and its unintended affect on programs within the Committee on Transportation and Infrastructure’s jurisdiction. Fortunately, when the House considered the bill yesterday on the Floor, we were able to pass it with an amendment worked out between our staffs which should resolve your concerns.

In response to your letter, I agree that by not pursuing a sequential referral of H.R. 5460, you did not waive your jurisdiction over the bill. Moreover, in the unlikely event that a House-Senate conference should be required on H.R. 5460, I would support your request to have Committee on Transportation and Infrastructure represented on that conference for matters within your Committee’s jurisdiction. As requested, I also plan to insert both your letter and my response in the CONGRESSIONAL RECORD.

Thank you again for your cooperation on this matter and for the good work of Susan Bodine of your staff.

Sincerely,

JAMES V. HANSEN, Chairman.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON RESOURCES, Washington, DC, October 1, 2002.

Hon. SHERRY BOEHLLEIT, Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for agreeing to allow H.R. 4792, to reauthorize funding for the Water Desalination Act of 1996, and for other purposes, to be brought to the Floor of the House of Representatives as part of a larger legislative package dealing with water projects. H.R. 4792, authored by my colleague Mr. Horn, was referred primarily to the Committee on Resources and additionally to the Committee on Science.

It is my intention to include the text of H.R. 4792 as one of several amendments to H.R. 5460 and consider the resulting bill on the Floor under suspension of the rules this week.

By allowing this bill to be scheduled, I agree that the Committee on Science has not waived its jurisdiction over the measure, nor should this action be taken as precedent for other bills. In the unlikely event that a conference on H.R. 5460 becomes necessary, I would support the Committee on Science’s request to be represented on that conference for those matters within its jurisdiction. Finally, I would be pleased to include this letter and any response you might have in the Congressional Record during debate on H.R. 5460.

Thank you again for your cooperation on this matter, and I look forward to seeing H.R. 4792 enacted soon as part of H.R. 5460.

Sincerely,

JAMES V. HANSEN, Chairman.


Hon. JAMES V. HANSEN, Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On May 22, 2002, Mr. Horn introduced H.R. 4792, a bill ‘‘to reauthorize funding for the Water Desalination Act of 1996, and for other purposes,’’ which was referred to the Committee on Resources in addition to the Committee on Science. It has come to my attention that you intend to include the text of H.R. 4792 as one of several amendments to H.R. 5460, now before the House.

In deference to your desire to bring this legislation before the House in an expeditious manner I will not exercise this Committee’s right to consider H.R. 4792. Despite waiving its consideration of H.R. 4792, the Science Committee does not waive its jurisdiction over H.R. 4792. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provisions that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation which falls within the Science Committee’s jurisdiction. I ask for your commitment to support any request by the Science Committee for conferences on H.R. 4792 as included in H.R. 5460 as well as any similar or related legislation.

I request that you include this letter as part of the Record during consideration of the legislation on the House Floor. Thank you for your consideration and attention regarding these matters.

Sincerely,

SHERWOOD L. BOEHLLEIT, Chairman.

HOM. LEE TERRY OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. TERRY. Mr. Speaker, I rise in opposition to the House’s Worship Political Speech Protection Act (H.R. 2357).

While I am a strong believer of the fundamental freedoms of religion and speech, I am deeply concerned that H.R. 2357 could have serious unintended consequences. For example, this legislation would allow churches, mosques, and synagogues to make hard and soft money contributions to political campaigns, run issue advocacy advertisements for and against candidates, and use tax-free donations to sponsor political fundraisers. Simply by paying their tithe, parishioners could be contributing to a political campaign without their knowledge or consent. This would jeopardize the integrity of religious institutions and endanger the rights of citizens to choose who they will and will not support for public office. Titles and offerings would be better spent feeding the poor and hungry, and helping other disadvantaged members of our society find hope and healing.

The primary mission of houses of worship is to save souls, comfort the afflicted, and uplift and inspire the people. Our Constitution guarantees the freedom of religion, and the government specifically exempts religious institutions from taxation in recognition of their crucial work. Religious leaders have, since the founding of our country, spoken out on moral and spiritual issues, serving as the catalyst for the anti-slavery and prohibition movements. I am extremely concerned that some spiritual leaders now feel they cannot adequately address moral issues without risking the loss of their church’s tax-exempt status. I strongly support further investigation into the IRS regulations on political speech by tax-exempt organizations so a workable and appropriate solution can be found. However, H.R. 2357 is not the answer. While churches would be able to participate in political campaigns, involving their parishioners in electioneering and partisan politics would ultimately undermine their mission of hope and comfort.

Mr. Speaker, I urge my colleagues to join me in opposing H.R. 2357 and working toward a more effective and appropriate solution to address the legitimate concerns of religious leaders.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

SPEECH OF

HON. STEVE ISRAEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ISRAEL. Mr. Speaker, before I begin, let me begin by expressing my heartfelt sympathy for all the families and friends of firefighters who so valiantly responded to the call of duty. Is there anything more selfless than the bravery of a firefighter fighting to save the life of...
This October, the National Fallen Firefighters Foundation, as it has every year since its creation by Congress in 1992, will lead a nationwide effort to remember America’s fallen firefighters through a variety of activities. Since it began, the National Fallen Firefighters Memorial Weekend has been an opportunity for a grateful nation to offer a tribute to firefighters who have died in the line of duty.

When people come to Washington, DC this year, we will celebrate the lives of 442 firefighters from 34 states who made the ultimate sacrifice. In some way, they have touched every walk of life, but were united by a calling to serve. For all of us, including myself, the tragic deaths of the 347 firefighters who rushed into the World Trade Center towers, give added poignancy to this year’s memorial. Even more so because, forty of these brave men and women called my district home.

Living in the shadow of the World Center, the days after that tragic day were filled with funerals, wakes, and memorial services. Remembering those difficult days, I know the rest of the New York delegation shares my appreciation for the National Fallen Firefighters Foundation for their efforts to coordinate resources from across the country to provide logistical and peer support to the New York Fire Department’s Counseling Service Unit after September 11. They mounted an unprecedented response effort to help families and coworkers through the critical early days and are now providing long-term emotional support for the fallen firefighters’ families.

At the same time, it is important to remember that when we remember those who gave their lives, it is not just out of sadness, but it is also with a sense of pride. In these troubled times they evoke the courage of the American spirit. And we take comfort in the fact that our firefighters are still filled with brave men and women, waiting to answer that call to duty. For them, it is not just out of sadness, but it is a privilege to pay tribute today to the late Tyson H. Barnes, Sr., of Kemp, Texas, who passed away in July at the age of 83. Tyson was a lifelong resident of Henderson and Kaufman Counties, a decorated veteran of World War II, a respected and dedicated teacher for more than 30 years and a beloved member of his community.

Tyson was born March 4, 1919, in Henderson County, the son of Robert H. and Laila Tison Barnes. He graduated from Kemp High School in 1937 and entered the Army Air Corps in 1941, serving 29 months in the Pacific as a B-17 and B-24 pilot. His distinguished service resulted in his being awarded the Distinguished Flying Cross, Air Medal, and a Presidential Unit Citation.

After the War Tyson returned to Texas and received a Bachelors degree from Sam Houston State College in 1948; a Masters degree from East Texas State University. He was employed by Henderson County Junior College for five years and in 1953, he joined the faculty of Kemp High School, where he taught Vocational Agriculture for 30 years. His legacy includes having taught several fathers and sons—and at one point, six of the seven School Board members had been students of his.

Tyson was a state president of the Future Farmers of America and a long-time member of Calvary Baptist Church, where he served as a deacon for many years. Later, he joined the First Baptist Church of Kemp.

Tyson is survived by his wife, Marie Barnes; daughter and son-in-law Marsha and Bill Walsh; son Tyson Barnes, Jr., brother John W. Barnes; grandchildren Braden and Brennan Barnes; a niece and nephew; four great nieces and two great-great nieces. He was preceded in death by his first wife, Frances Bland Barnes; brother Leslie Barnes; and sisters-in-law Alma Barnes and Doris Barnes.

Mr. Speaker, Tyson was a longtime friend of mine who distinguished himself in all that he did—in his service to our Nation in times of war, in devotion to his family and community, in dedication to his calling as a teacher. Throughout his more than 30 years as a teacher, he influenced countless young people and helped instill in them the importance of hard work and of education—and he leaves behind a powerful legacy in Kemp. As we adjourn today, let us do so in celebration of the life of this outstanding man—Tyson Barnes.

TRIBUTE TO TYSON BARNES

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. HALL of Texas. Mr. Speaker, it is my privilege to pay tribute today to the late Tyson H. Barnes, Sr., of Kemp, Texas, who passed away in July at the age of 83. Tyson was a lifelong resident of Henderson and Kaufman Counties, a decorated veteran of World War II, a respected and dedicated teacher for more than 30 years and a beloved member of his community.

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DR. BENJAMIN REED

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. KAPTUR. Mr. Speaker, it is with great sadness that I rise to recognize the passing from this life of Dr. Benjamin Reed, Physician Emeritus of Fulton County, Ohio. Dr. Reed joined our Creator on August 13, 2002 at the age of 80 years.

Born in West Virginia, Dr. Reed’s grandfather was a country doctor, visiting his patients by horse and buggy. A strong and independent person, he was a teaching degree from Concord College in his hometown of Athens, Dr. Reed entered the United States Army. He served in the Pacific Theatre for three years, receiving both the Purple Heart Award and a bronze star. After his discharge he went to medical school, completing his medical degree in 1950. He then decided to open his practice in Fulton County, serving as Delta’s doctor for 46 years! He even managed a two year stint as the village’s mayor. Moving to Wauseon in 1974, Dr. Reed served as the medical director of three Fulton County nursing homes while continuing his Delta family practice.

In addition to his medical service to the people of Fulton County, Dr. Reed was a community leader. He was past president of the Fulton County Health Center’s medical staff, where he served on the Board of Directors for eighteen years. He was also a past president of both the Fulton County Heart Association and the Delta Heart Associations; a member of both the Delta and Wauseon Chambers of Commerce; president of the Fulton County Medical Society and member of the Toledo Lucas County Academy of Medicine, the Ohio State Medical Association, the American Medical Association, and the Peer Review Organization in addition to volunteering in several other health related programs. All the while, he served Fulton County as coroner for 38 years.

If the measure of a man is the goodwill of his community, then Dr. Reed was peerless. A physician in the purest sense of the word, he was also a humanitarian, civic-minded, and a man of faith. He was well known and beloved by everyone, and his life touched countless people through the years. Those whom he met were made better for having known him.

Our condolences turn now to his wife Penny and their children David, Tom, and Nancy, and grandchildren Peter and Molly. May their love for this truly great yet humble man sustain them in their losses while memories offer some small comfort. May it hearten those grieving Dr. Reed’s passing to know that the legacy he carefully built over nearly half a century will go on.
HONORING WILLIAM LUCY

HON. BARBARA LEE
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Ms. LEE. Mr. Speaker, I rise today to honor William Lucy for his lifetime of pioneering work in the labor community.

William “Bill” Lucy was a native of Memphis before he came out west to attend the University of California, Berkeley. A civil engineer by trade, Lucy was an assistant materials and research engineer for Contra Costa County, California. In 1965, he became President of AFSCME Local 1675, Contra Costa County Employees. Lucy joined the AFSCME International staff in 1966 as the Associate Director of the Legislation and Community Affairs Departments before serving as Executive Assistant to AFSCME’s late president, Jerry Wurf.

Bill Lucy was elected International Secretary-Treasurer, the second-highest ranking officer, of the 1.3 million member American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO in May 1972. Lucy has since been re-elected every four years, most recently in 2000, resulting in a tenure in office of more than 30 years.

In addition to his position at AFSCME, Lucy is an important leader of the AFL-CIO. In October 1995, Lucy was named a member of the AFL-CIO Executive Council and is vice president of the Maritime Trades Department and Department for Professional Employees.

International affairs are of special interest to Bill. In November 1994, Lucy became the president of Public Services International, the world’s largest union federation. He also serves on the boards of directors for the Africa America Institute, Americans for Democratic Action and the Center for Policy Alternatives.

He is a founder and the president of the Coalition of Black Trade Unions (CBTU), an organization of union leaders and rank-and-file members dedicated to the unique needs of African Americans and minority group workers. His devotion to the idea of staying within the African American Community has now opened many doors to the ranks of union leadership for the next generation which is comprised of all ethnic backgrounds.

In a nation with such a critical need for increased minority leadership and representation in the unions, William Lucy is the highest ranking African-American labor leader in the nation and innovative founder of several African American union councils. His is an example that continues to lead the mission in promoting unionized workplaces, as well as providing and maintaining positive role models for inner city youth in these troubled times.

I take great pride in joining Bill Lucy’s friends and colleagues today to salute the extraordinary William Lucy.

HONORING MAXIE WALKER WILSON

HON. RALPH M. HALL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to a longtime friend and a prominent member of the Overton, Texas, community, Maxie Walker Wilson, who passed away in June of this year at the age of 85. Walker was active in various projects throughout his life and was well-known as a cattle rancher, breeder and importer who traveled throughout the world in search of cattle.

As a result of his extensive travel, Walker was instrumental in improving the importation process of foreign cattle breeds to the United States and the building of a quarantine station in the Florida Keys by the United States Department of Agriculture. He served in various capacities for many cattle breed associations, including president of the American International Charolais Association, president of the American Charbray Association, director of the Texas Charolais Breeders Association, director of the Bluebonnet Charolais Association and a founding member of the East Texas Farm and Ranch Club.

Walker was a prominent leader of the Overton community. He served on the Overton School Board for six years and was president for a two-year term. He was active in the Boy Scouts of America and the East Texas Area Council and in 1960 received the Silver Beaver Award for outstanding service to the Boy Scouts. As a member of the Overton Chamber of Commerce, he was selected as “Outstanding Citizen of the Year” in 1964. He was also a member of the Overton Rotary Club and a lifelong member of the First United Methodist Church, where he served on many committees.

Walker’s favorite pastime was the game of golf. He was active in the Overton Golf Association for many years and assisted in the development of the Overton Community Golf Course. He also was an avid quail hunter, a sport he enjoyed with his sons and close friends.

Walker is survived by his wife of 64 years, Winifred Wilson; sons and daughters-in-law Weir and Susan Wilson of Fort Worth, Dr. Steve and Charlotte Wilson of Tyler, and Barry and Pat Wilson of Big Spring; four grandchildren and three great-grandchildren.

Mr. Speaker, Walker was one of those men who dreamed big and who believed his dreams could come true. He was always active in his business, in his community, and with his family, and he will be sorely missed.
I am grateful that he was my friend, and it is a privilege today to join his family and many friends in celebrating the life of this great Texan, Walker Wilson.

REVEREND FRANK MUSGRAVE
HON. MARY CAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. KAPTUR. Mr. Speaker, I rise today in tribute to a man whose life embodied the living Gospel, the Reverend Frank Musgrave. Reverend Musgrave, of Toledo, Ohio, passed from this life on Tuesday, September 10, 2002. A personal friend, Reverend Musgrave was a true servant and legendary figure of ministry and service whose love extended to our community as well as his church.

A Baltimore native, Frank Musgrave served four years in the Army Air Corps, then went on to pursue his degree in early childhood education. He met his wife Jane while both were students at Johns Hopkins University. Reverend Musgrave attended the Episcopal Theological School in Cambridge, Massachusetts and was ordained in 1952. His first assignment was St. Mark's Episcopal Church in Toledo. He served the Episcopal Diocese of Toledo, where he remained until his 1991 retirement. Even after retiring, he continued ministry on a part-time basis in churches in Fostoria and Monroeville, Ohio and later at St. Mark's Episcopal Church in Toledo. He served the Episcopal Diocese as well, as youth chaplain and examining chaplain for new clergy.

Fervently ecumenical, Reverend Musgrave served on the Toledo Ministerial Association and the Toledo Area Council of Churches as president and past president of the organizations. An “outstanding ecumenist who was ahead of his time” according to one associate, Reverend Musgrave would say, “… if the good Lord came down and put us all in a bag, shook it up, and rolled us out, we wouldn’t know who we were anyway.” He was very much a leader in the early years of the ecumenical movement, and remained a visionary for ecumenism. He is credited with starting Toledo’s ecumenical Feed Your Neighbor Program, a comprehensive network of area churches providing groceries for those of our own community who do not have enough to eat.

A real labor minister, Reverend Musgrave was long a member of the Toledo Labor Management Citizen’s Committee, and served as the organization’s chair from 1975 to 1993. His voice of reason, coupled with tenaciousness and passion marked his tenure, as Reverend Musgrave guided the Committee into the cooperative entity which has become its hallmark.

Reverend Musgrave lived out Christ’s teachings by zealously pursuing social justice and never backing down on his principles. His heart was with those among us most vulnerable, and he never lost sight that true Christian ministry served all people. Our community has been privileged to call him a true and enduring friend.

As he joins our Creator, he leaves to this earth his wife Jane and their children Amy and Jane, his brother and grandchildren. May they find comfort in the memory of this gifted and wonderful priest, family man and friend, committed activist and Christian. May he guide them and us from above on our journey forward.

NATIONAL COMMUNITY EDUCATION DAY
HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. KILDEE. Mr. Speaker, “Partners-In Community Education” is the theme of the 20th Annual National Community Education Day to be observed in my hometown of Flint and across the nation on October 10, 2002.

Sponsored by the National Community Education Association (NCEA), this special day was conceived in 1982 to recognize and support strong relationships between communities and public schools and community colleges that serve them. NCEA believes that it is crucial to highlight the positive impact community education programs play in building community through parents and community involvement, lifelong learning and the establishment of partnerships with other organizations.

Community Education Day 2002: “Partners—In Community Education” emphasizes the importance of partnerships and collaboration by community education programs to positively impact the lives of children, youth, families and communities. In keeping with the theme of National Community Education Day NCEA has partnered with the After School Alliance, sponsor of Lights On Afterschool! to present both celebrations on October 10th. NCEA hopes that this joint observance will draw attention to the importance of community education programs not only in the lives of adults, families and communities, but as well as the need for more after school programs across the country.

Our children need a safe and nurturing place to go after school. Our community members need opportunities to learn, grow and enrich their lives. Adult education, GED, ESL, early childhood education, after school programs and enrichment programs for all ages are partners in community education and are celebrated as integral parts of community education programming.

Community education multiplies the richness of after school programs and opens the doors of schools buildings to everyone as it serves all ages in the community. National Community Education Day 2002 is co-sponsored by over 36 organizations, including the After School Alliance, the Children’s Defense Fund, the Council of Chief State School Officers, the National PTA, the National Assembly of Health and Human Service Organizations, and the U.S. Department of Education.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in calling attention to National Community Education Day.

IN RECOGNITION OF THE FLOODWALL MURAL PROJECT IN PORTSMOUTH, OHIO
HON. ROB PORTMAN
OF OHIO
HON. TED STRICKLAND
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. PORTMAN. Mr. Speaker, we are pleased to rise today to congratulate the people of Portsmouth, Ohio, who will gather for the celebration and dedication of the Floodwall Mural Project on Saturday, October 5, 2002.

In 1992, Dr. Louis R. Chaboudy, a lifetime resident of Portsmouth, Ohio, looked at ways to change the massive Portsmouth floodwall along the Ohio River from a grim reminder of flood and destruction to something positive. After a visit to Steubenville, another Ohio River Setting outdoor murals, he envisioned murals depicting local history painted on the massive concrete wall in Portsmouth.

To bring this vision to fruition, Dr. and Mrs. Chaboudy contacted local elected officials and community leaders, outlining the project and
encouraging a trip up river to Steubenville to view the murals to investigate the possibility for such a project in Portsmouth. On the return trip, the decision was made to go forward with the project. An informal committee was organ- ized in 1992 to begin fundraising efforts and select a muralist.

Given the scope of the project, the selection of a muralist was of utmost importance. Rob- ert Dafford of Lafayette, Louisiana was highly recommended for his work on a similar project in Chemanuis, Vancouver Island, Canada. Mr. Dafford was commissioned for the project, and work on the first mural—the longest of the project at 20 feet high and 160 feet long—began in May, 1993.

A total of 44 beautiful murals depict the his- tory of Portsmouth, ranging from early inhab- itants, the Mound Builders, to early settlement with a wonderful visual history of a great city, and creating an attraction for out-of-town visitors. The project is an excellent ex-

ample of how a community can come together to make a difference, and we hope our col-
leagues will join us in congratulating the com-
munity of Portsmouth on a job well done.

Mr. Speaker, the Floodwall Mural Project is a dream come true, presenting the Portsmouth community with a wonderful visual history of a great city, and creating an attraction for out-of-town visitors. The project is an excellent ex-
ample of how a community can come together to make a difference, and we hope our col-
leagues will join us in congratulating the com-
munity of Portsmouth on a job well done.

LOCAL TEACHER JEAN McNEELY
NAMED NATIONAL ELEMENTARY SOCIAL STUDIES TEACHER OF THE YEAR

HON. LARRY COMBEST
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. COMBEST. Mr. Speaker, I rise today to commend Ms. Jean McNeely from my home town of Lubbock, Texas for her tremendous contributions to educate children and improve our community. The National Council for the Social Studies recently named her the “Na-
tional Elementary Social Studies Teacher of the Year.” This award recognizes the McNeely’s commitment to students and her dedication to providing them a memorable educational experience in the field of social studies.

“National Elementary Social Studies Teacher of the Year” is the highest honor that the National Council for the Social Studies can present to an elementary educator. Founded in 1921, the National Council for the Social Studies is the largest association in the country devoted solely to social studies education. It boasts a membership of over 26,000 indi-

vidual and institutional members from the United States and around the world. Ms. McNeely will be presented with her award in the presence of her colleagues at the Coun-
cil’s Annual Convention this November.

As a teacher at the All Saints Episcopal School in Lubbock, Ms. McNeely’s motivation has inspired and encouraged students to pur-
sue their dreams over the years. She is the kind of teacher that makes learning fun and exciting. She helps set her students on a path for their future and steers them in a positive direction. I commend Ms. McNeely for her dedication to providing the students with a memorable educational experience in the field of social studies and congratulate her on being named “National Elementary Social Studies Teacher of the Year.”

THE 42ND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. SHELLEY BERKLEY
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. BERKLEY, Mr. Speaker, I rise today to observe the 42nd anniversary of the Republic of Cyprus. Despite the political tensions be-
tween the Greek Cypriots and the Turkish Cypriots that have taken place since its inde-
pendence in 1960, the Government of the Repu-

clic of Cyprus remains committed to the core values enshrined in the Cyprus Constitu-
tion guaranteeing basic rights and freedoms for all its citizens. Independence Day comes at a time of great hope for the people of Cyprus. In particular, we have made significant advances in U.S.-Cyprus relations, and Cyprus is a leading candidate for Euro-
pean Union membership during the EU’s next enlargement round. Both chambers of Con-
gress have passed resolutions expressing the Sense of Congress that security, reconcili-
ation, and prosperity for all Cypriots can best be achieved through EU membership. How-
ever, Cyprus’ Independence Day is also clouded by territorial disputes with Turkey. De-
spite Turkish violations of UN Security Council resolutions, Cyprus remains committed to achieving a peaceful resolution through UN-
sponsored negotiations. Immediately after the September 11th terrorist attacks, Cyprus was among the first nations to express its solidarity with the U.S. Cyprus has taken many concrete and active steps to target the perpetrators, collaborators, and financiers of terrorism—and the relationship between Cyprus and the U.S. is strong and enduring. Mr. Speaker, I want to con-
gratulate the Republic of Cyprus on this 42nd anniversary of its independence.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002

SPEECH OF
HON. JAMES V. HANSEN
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 1, 2002

Mr. HANSEN. Mr. Speaker, I request that the attached cost estimate for H.R. 5125 be submitted for the RECORD under General Leave.

As you know, H.R. 5125 passed the House under suspension of the rules on Tuesday, October 1, 2002. At the time of passage, the Committee on Resources had not yet received a cost estimate from the Congressional Budg-

et Office for this piece of legislation.


HON. JAMES V. HANSEN, CHAIRMAN, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, WASHINGTON, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5125, the Civil War Battlefield Preservation Act of 2002. If you wish further details on this esti-
mate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

[Signature]
FOR DAN L. Crippen, DIRECTOR.

Enclosure.

H.R. 5125—Civil War Battlefield Preservation Act of 2002

Summary: H.R. 5125 would establish a new grant program to assist state and local gov-
ernments in acquiring eligible Civil War bat-
tlefield sites. The bill would require the Na-
tional Park Service (NPS) to update a 1993 report on Civil War battlefield protection to reflect recent activities, changes in battlefield conditions, and other developments. Finally, the bill would au-
thorize the appropriation of $30.5 million to up-
date the report and $10 million a year for grants over the 2002-2007 period.

Assuming appropriation of the authorized amounts, CBO estimates that the NPS would spend $17 million over the next five years to implement H.R. 5125. An additional $4 mil-

lion would be spent for this purpose after 2007, including $10 million authorized to be appropriated for 2008.

H.R. 5125 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting H.R. 5125 would benefit state and local governments that would be eligible for grant funds. Any costs incurred by these governments to com-
ply with the conditions of this assistance would be voluntary.

Estimated cost to the Federal Govern-
ment: The estimated budgetary impact of H.R. 5125 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that the $0.5 million authorized for the battlefield preservation reports will be appropriated for 2008 and that the $10 million for grants will be appropriated for each year authorized through 2008. Outlays are estimated on the basis of historical spending patterns for other land acquisition grants.

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Intergovernmental and private-sector im-
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ments that would be eligible for grant funds. Any costs incurred by these governments to comply with the conditions of this assistance would be voluntary.

Estimate prepared by: Federal costs: Debo-
rah Reis; impact on state, local, and tribal governments: Majorie Miller; impact on the private sector: Lauren Marks.

Estimate provided by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysi.
PERSONAL EXPLANATION

HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. BEREUTER. Mr. Speaker, on September 26, 2002, this Member unavoidably missed rollcall vote No. 423 (final passage of H.J. Res, 111, making continuing appropriations for fiscal year 2003). Had this Member been present, he would have voted "aye."

HONORING THE RETIREMENT OF WILLIAM MCSHANE

HON. GARY L. ACKERMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Mr. William McShane, on the occasion of his retirement, from the Suffolk County Board of elections.

For the past 30 years, Mr. McShane has tirelessly devoted himself to public service. He has most recently served as the campaign finance director of the Suffolk County Board of Elections. Previously, Mr. McShane worked for a member of the legislature before running for office himself.

Mr. McShane is a veteran of the Army Air Force who has served both his country and the state of New York well. As a Bronx native, the former owner of a small business in Nassau County and a longtime member of the Deer Park Community, Mr. McShane embodies the true spirit of a New Yorker.

His professional achievements are more than matched by his personal success. His lovely wife, Anne, is a retired school teacher. Together, they raised 5 beautiful children and have been blessed with six amazing grandchildren.

I am proud to recognize such an accomplished individual and commend Mr. McShane for his dedication and service to his community. I ask my colleagues in the House of Representatives to please join me in wishing William McShane many years of success as he celebrates his well-deserved retirement.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise to express my deep disappointment that the House Leadership has turned a deaf ear to the concerns that preoccupy Americans. Among the chief concerns voiced by my constituents, in addition to the high cost of prescription drugs and the need to protect their retirement savings, is the need to extend temporary federal unemployment assistance. Over 60 percent of workers receiving extended benefits are currently exhausting all of their Federal benefits before finding work. By the end of August, 135,000 New Yorkers depleted their unemployment benefits and without timely action by this Congress—this number is certain to rise.

New York, in particular, is struggling with an unemployment crisis that rates among the severest in the country. Of 550,000 New Yorkers out of work today, Mr. Speaker, in Western New York, the unemployment situation is particularly terrible as evidenced by the 5.1 percent unemployment rate in Rochester and 5.5 percent in the Buffalo-Niagara Falls area. Mr. Speaker, in New York, as well as residents throughout Western New York, are acutely sensitive to their vulnerability to economic despair, triggered by the loss of a good job.

Mr. Speaker, since the beginning of the current recession, long-term unemployment has increased faster than any part of the past 5 recessions. In fact, the percentage increase in workers that exhausted regular 13 weeks of benefits has risen 121 percent between 2000 and 2002. Mr. Speaker, if our economy is in recovery, it is certainly a "jobless one." Companies did not add workers in September.

Mr. Speaker, the debate today should be over how to respond to the needs of the 1.5 million jobless Americans who have already exhausted their Federal unemployment benefits, and to hundreds of thousands of other workers who will exhaust their benefits in the coming months. My colleague, Mr. Rangel, introduced legislation, H.R. 5491, that would extend temporary federal unemployment assistance for an additional six months, through June 30, 2003. This measure would ensure that workers in every State are eligible for 26 weeks of extended unemployment benefits. In States with high unemployment, like New York, workers would receive an additional 7 weeks of benefits. Inaction by this Congress risks the economic security of some 3 million workers and their families in the next five months.

For these reasons, Mr. Speaker, I strongly urge the Congress to listen to the needs of growing numbers of Americans undergoing real economic hardship and act to extend temporary unemployment assistance.

MICHAEL MURRY HONORED AS 2002 FRANCISCAN HOPE AWARD RECIPIENT

HON. GERALD D. KLECZKA
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. KLECZKA. Mr. Speaker. On Sunday, October 13, 2002, Milwaukee businessman, philanthropist and my friend, Michael J. Murry, will be honored as this year’s Franciscan Hope Award Honoree at St. Josaphat Basilica’s annual Loaves and Fishes Gala.

Similar to the namesake of the Franciscan order, St. Francis of Assisi, Mike was also born the son of a prominent entrepreneur. Growing up in the shadows of the Basilica, he was first introduced to the world of banking through his father, a former president of Lincoln State Bank.

After attending college and serving his country in the Air Force, Mike returned to Milwaukee. Through his diligent hard work and visionary expectations for his father’s bank, Lincoln State Bank thrived and expanded from Lincoln Village, the Basilica’s neighborhood, to branch into the rest of the state of Wisconsin under Mike’s presidency.

Just as St. Francis returned to his hometown to perform charity among the sick and through his charitable efforts also put his Catholic values into action by serving on various healthcare boards of directors and the voluntary organization responsible for the beautiful restoration of the Basilica of St. Josaphat. The same enthusiasm and skill he has shown in the business community has benefited the philanthropic community and the Milwaukee area as a whole.

The patron saint of ecologists, St. Francis of Assisi was often depicted outdoors surrounded by wildlife. During time away from the office, Mike, an avid outdoorsman, can often be found at his lake home in Hayward, Wisconsin, where he has shared his passions for hiking, fishing and outdoor pursuits with his wife Jan and children Michelle and Joe.

It has been documented that thousands “were drawn to [St. Francis of Assisi’s] sincerity, piety, and joy.” As the 2002 Honoree of the Franciscan Hope Award, Michael Murry has proven himself an embodiment of St. Francis’s characteristics and deserving recipient of this great honor.

Congratulations, Mike!

IN CELEBRATION OF THE 50TH ANNIVERSARY OF THE EAST ORANGE CAMPUS OF THE DEPARTMENT OF VETERANS AFFAIRS

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize the 50th anniversary of East Orange Campus of the Department of Veterans Affairs New Jersey Health Care System.

The East Orange Campus has served those who have served us all. For more than 50 years, veterans from throughout New Jersey have received quality medical, surgical, and psychiatric care at the East Orange Campus.

This institution provides more than just care for our veterans, however; as a leading teaching and research institution, the East Orange Campus has helped train New Jersey doctors, nurses, and other healthcare providers while conducting pioneering work in areas such as infectious disease, cardiovascular disease, and gulf war related illnesses.

I believe we have a responsibility to care for the brave men and women who served this nation, helping to win in war and preserve the peace. Providing for their healthcare is the least we can do to honor their sacrifice. In this way, the East Orange Campus has delivered on that responsibility, that promise, for more than 50 years.

Therefore, Mr. Speaker, again, I rise to celebrate the East Orange Campus. I ask my colleagues to join me in recognizing the 50 years of service and care delivered by the East Orange Campus.
HONORING JOHN JENKINS’ 20 YEARS OF SERVICE TO PRINCE WILLIAM COUNTY, VA

HON. TOM DAVIS
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to John Jenkins, who has dedicated 20 years of his life to Dale City and Prince William County as the Neabsco Magisterial District Supervisor.

John Jenkins began serving on the Prince William County Board of Supervisors in 1982 as the representative of the Neabsco Magisterial District. He has served two terms as Chairman of the Northern Virginia Planning District Commission, two terms as State President of the Virginia Association of Counties, and one term as State President of the Virginia Association of Counties.

Additionally, he has taken on a wide variety of Board assignments, including but not limited to the following: member of the Environmental Quality Policy Committee, Telecommunications and Utilities Committee, and the Northern Virginia Transportation Coordinating Committee.

Beyond the sterling example he sets for his three grandchildren, Supervisor Jenkins is no stranger to community service. As a participant in numerous civic organizations, including the Veterans of Foreign Wars, American Legion, Disabled American Veterans, Dale City Civic Association, Board of Directors Prince William County Boys and Girls Club, Chamber of Commerce, Dale City Lions Club, Salvation Army Advisory Board and numerous other community groups, he has displayed his commitment to enhancing the quality of life in our communities.

While coming from different sides of the aisle, John and I share a healthy and respectful working relationship during my tenure on the neighboring Fairfax County Board of Supervisors. We worked together on inter-county associations such as the Virginia Association of Counties, VACO, to promote the good of our constituents and our respective counties.

Mr. Speaker, in closing, I wish the very best to Mr. Jenkins as he is recognized for service to his community, his county, and the Commonwealth of Virginia. Over the past 20 years, he has earned this evening of recognition, and I call upon all of my colleagues to join me in applauding his tenure and the work he will do in the years to come.

TRIBUTE TO BLUE RIBBON SCHOOLS RECIPIENTS

HON. RANDY “DUKE” CUNNINGHAM
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise today to recognize that three blue ribbon schools in my 51st Congressional District of California have been honored as National Blue Ribbon Schools for 2002. In alphabetical order, these schools are:

La Costa Canyon High School, Encinitas, CA. The principal is Mr. Don Rizzi, and the superintendent of the San Dieguito Union High School District is Peggy Lynch.

Madison Middle School, Oceanside, CA. The principal is Mrs. Theresa Ketchem-Grace, and the superintendent of the Vista Unified School District is Dave Cowles.

Valley Middle School, Carlsbad, CA. The principal is Dr. Kim Marshall, and the superintendent of the Carlsbad Unified School District is Cheryl Ernst.

The National Blue Ribbon Schools program evaluates schools based upon their effectiveness in meeting local, state and national educational and instructional goals. In 2002, 172 middle and secondary schools are being recognized as National Blue Ribbon Schools, including the three above in California’s 51st Congressional District, and 30 in the State of California. Blue Ribbon status is awarded to schools that have strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, expanded involvement of families, evidence that the school helps all students achieve high standards, and a commitment to share best practices with other schools.

I am immensely proud of the men and women whose outstanding and tireless work in the interest of better education has been recognized through the National Blue Ribbon Schools program. This is particularly close to my heart, because, as a former teacher and coach, and as a father, one of my passions is improving education so that every American can have a fighting chance to achieve the American Dream.

And while these three schools in my district have now been recognized as National Blue Ribbon Schools, the real winners are all of the children, parents, teachers, and citizens who have all been challenged through this recognition to successfully improve education in all of our local communities.

HON. ADAM SMITH
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. SMITH of Washington. Mr. Speaker, I rise today to extend my deepest condolences to the family of Sergeant First Class Mark Wayne Jackson who was killed in a bomb blast yesterday in Zamboanga, Philippines. He died while advancing freedom, peace and stability in the Philippines and his family should be proud of his service and his work on behalf of the American people.

Sergeant Jackson, who was part of the 1st Special Forces Group at Fort Lewis, WA, was on the front lines of the global war against terrorism. He served as a member of a U.S. force deployed in support of Operation Enduring Freedom, helping to train the Philippine military to fight the Abu Sayyaf terrorist organization more effectively. He will be remembered as one of our finest young Americans and he gave his life so that people throughout the world could be safer and more secure.

I strongly condemn the cowardly terrorists who committed this act. The Abu Sayyaf, who has been blamed for the attack, has been consistently linked to Osama bin Laden’s al Qaeda network. They represent a clear threat to America and we will continue the global campaign to uproot the terrorist cells and bring them to justice. Through the efforts of the courageous and dedicated men and women in our Armed Forces, I am confident that we will prevail in this fight.

HON. SAM GRAVES
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize State Senator Larry Rohrbach of the 6th senatorial district of Missouri. Senator Rohrbach has served the Missouri State Legislature for 18 years. He was first elected to the State House in 1982 and then to the State Senate in 1990.

Senator Rohrbach has served his constituents well, representing them as chair of the Insurance and Housing Committee and Vice Chair of the Appropriations, Interstate Cooperation, and Ways and Means Committees as well as a Member of the Agriculture, Conservation and Parks and Tourism Committees. Senator Rohrbach has always been a champion of the people. He has continuously proven himself as the taxpayers’ watchdog and a fiscal conservative. Too many legislators gauge their success on the volume of legislation that they have passed; however, Senator Rohrbach’s most impressive legislative accomplishment is his opposition to pieces of weak legislation that he has fought to defeat while serving the people of the 6th Senatorial District and the great State of Missouri.

Senator Rohrbach has always been a good friend and partner in the Republican Party. He has proven himself time and time again as a leader in the Missouri Legislature and as a tireless defender of the virtues of his constituents. In the time that I have known Senator Rohrbach, he has never sacrificed his principles; and in that regard, Senator Rohrbach has earned my unwavering respect and regard. He is a true patriot.

Mr. Speaker, please help me to recognize a great friend and an outstanding servant to the people of Missouri, State Senator Larry Rohrbach.

HON. DALE E. KILDEE
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. KILDEE. Mr. Speaker, I am deeply saddened by the recent loss of my beloved colleague and dear friend, Patsy Mink of Hawaii. While serving together on the Education and Workforce Committee, we developed a long-lasting friendship and mutual admiration for each other. Patsy’s impact on this institution and our nation’s history should never be overlooked or forgotten. Her legacy will remain an example for us to remember.
HONORING JIM WHITTINGTON, MSOT USAF, RETIRED

HON. RONNIE SHOWS
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 2002

Mr. SHOWS. Mr. Speaker, I rise today to share with my colleagues the news that my good friend, Jim Whittington, of Laurel MS, has been given the “Excellence in Community Service” Award by the National Society of the Daughters of the American Revolution. Although he would disagree with me, there is no individual more deserving of this award than Jim Whittington. Jim is a leader of a nationwide grassroots movement fighting to restore earned health care for military retirees.

In the spring of 1999, Jim, along with his friend and fellow military retiree Floyd Sears, of Ocean Springs MS, organized a Military Retirees Summit in Laurel. Over 400 retirees from the southeastern United States gathered to explain to local officials, including me, how the United States government had broken its promise of lifetime health care for military retirees.

Having recently been elected to Congress, I had never confronted this issue before. I did not know about problems with military health care until many other Americans, I believed that our nation’s veterans received priority health care. Until I attended the summit in Laurel, I did not know that military retirees, who served a career in service to the country, were not getting the level of health care that had been promised to them.

Since the founding of our Republic, recruits to the uniformed services were promised life-time health care. They were told that health care would be provided for them and their families when they retired after a career in service to the country after they had received quality health care when they retired. But over time, Congress changed the laws. The availability and quality of health care for many military retirees declined. For too many retirees, health care just wasn’t there at all.

Jim Whittington is one of the most tenacious people I know, and it was his persistence that got me to agree to attend his summit. What I learned at that summit convinced me and others across the country to join the fight to make good on the “Broken Promise.” If it wasn’t for Jim Whittington, the Keep Our Promise to America’s Military Retirees Act would not have been introduced.

But, thanks to Jim, the bill was introduced in the fall of 1999, giving the grassroots a platform on which to stand and challenge Congress to act. In just one year, Congress enacted Tricare for Life, which went a long way towards restoring the promise of lifetime health care and keeping faith with our nation’s military retirees.

For Life—TFL—answered the prayers of thousands of military retirees and their families. Jim Whittington is one of those who benefit from TFL. But Jim knows that there are still thousands more military retirees and dependents who are not covered by TFL and still lack the level of health care they have earned. Jim unselfishly continues to be one of the grassroots leaders fighting to restore the health care promise for all military retirees.

TFL was the first big victory for the military retirees, but it will not be the last. Today there is a movement called the MRGRG—The Military Retirees Grassroots Group—that has no formal structure or membership. But there are thousands of them, connected by the Internet, who have combined their individual voices into one. Leaders of the MRGRG, including Jim, have fought to organize the White House throughout Congress that outlines the remaining promises waiting to be kept.

Jim Whittington has earned the respect of Americans across the country who know of his leadership in the fight to treat military veterans with the respect they deserve. But Jim is a humble man and knows he did not do this alone—far from it. He knows he shares this award with fellow retirees who cared enough to act.

But it is always up to somebody to take the first step. When Jim took that step—to organize the Laurel summit and convince his Congressman to attend—he did not know where it would lead. Today we know that Jim and the others of the MRGRG have set an example for all Americans. They have shown us that Democracy works—that Americans who combine their individual voices into one voice, loud and strong, can change things and restore justice where it is needed.

So, Mr. Speaker, I am proud to salute my friend Jim Whittington, who has set an example for all of us.
devotion everyday on our streets and in our communities. "Big Jim" as he was affectionately known was dedicated and professional, and when we called on him, he was ready to lay down his life for us.

On October 6, 2002, the National Fallen Firefighters Foundation will honor James and many other firefighters who made the supreme sacrifice. Every year at the National Firefighters Memorial in Emmitsburg, Maryland, survivors join together to celebrate how these brave men and women lived and what they represented in their communities. Members of the Sanford Health Department who served as pallbearers for Mr. Haigler and a department escort will accompany Mrs. Haigler and Dustin to the ceremony. In addition, Congress, with my support, passed into law a resolution calling for all flags to be lowered to half-staff on the day of the National Firefighters Memorial Service.

The National Fallen Firefighters Memorial reminds us that our country is filled with hometown heroes, who embody the American spirit. The Haigler family, the Sanford community and the family of firefighters can be proud of the sacrifice that James Haigler made. The citizens of North Carolina and I will make sure that the memory of this hero does not soon fade.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. SANCHEZ. Mr. Speaker, on Wednesday, October 2, I was absent during the beginning of the legislative session as I was discussing the state of our Nation’s health care with the United Domestic Workers of America/ National Union of Hospital and Health Care Employees in Philadelphia.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yes" on rolloc No. 427, "yes" on rolloc No. 428, "no" on rolloc No. 429, "no" on rolloc No. 430, "yes" on rolloc No. 431, "yes" on rolloc No. 432, "no" on rolloc No. 433 and "no" on rolloc No. 434.

RECOGNIZING THE ACCOMPLISHMENTS OF DANIEL JURAFSKY

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. UDALL. Mr. Speaker, I rise today to recognize the accomplishments of Daniel Jurafsky and to submit for the RECORD a recent article from the Rocky Mountain News describing these accomplishments. Dr. Jurafsky recently was one of twenty-four scholars chosen as MacArthur fellows, awards granted annually by the John D. and Catherine T. MacArthur Foundation.

Daniel Jurafsky is an associate professor of linguistics and computer science at the University of Colorado in Boulder. Dr. Jurafsky focuses on designing computer and other systems that use everyday language to communicate with their users. A major part of his research is concentrated on identifying patterns in syntax that are relevant to the underlying semantic structure of communications. With the help of his colleagues, Dr. Jurafsky has found that by recognizing these patterns, computers can be more efficient and accurate in their interpretation of language because they can complain about what is most likely meant by that language.

Every year the John D. and Catherine T. MacArthur Foundation rewards a small group of exceptionally creative individuals by naming them MacArthur Fellows. The foundation gives fellowships to individuals who are pursuing unique approaches to their fields of study and those taking intellectual, scientific, and cultural risks. Jonathan Fanton, president of the MacArthur Foundation, has said it is "a vital part of the Foundation’s efforts to recognize and support individuals who lift our spirits, illuminate human potential, and shape our collective future."

Clearly, these criteria describe the University of Colorado’s awardee. Dr. Jurafsky’s research is all about enabling better communications between people and computers, which is so important in our 21st century technology-driven lives.

Dr. Jurafsky is an incredibly talented and dedicated individual who is well liked and respected by his colleagues. I am certain that the foundation made an excellent choice in awarding Dr. Jurafsky this prestigious fellowship.

I am honored to represent such an exemplary individual.

CU PROFESSOR CHOSEN FOR “GENIUS AWARD”
MacArthur Fellow to receive $500,000 to spend as he likes

By Bill Scanlon, Rocky Mountain News—September 25, 2002

One day, you’re working 70 hours a week and playing the drums in your spare time. The next day, you’re awarded a half-million dollars for being one of the 24 most creative and intellectually brilliant scholars in the nation.

“I was shocked.” University of Colorado linguistics professor Daniel Jurafsky, 39, said Tuesday, after hearing that he was one of 24 Americans chosen as MacArthur Fellows.

The no-strings-attached awards are to nurture geniuses and provide a source of new knowledge and ideas” and have “the courage to challenge inherited orthodoxies” and to take intellectual, scientific and cultural risks.

For Jurafsky, that means time to pursue his passion for helping computers communicate better with people—and vice versa.

No-strings-attached means he could use some of the money to buy a hot tub for his funky century-old Boulder house, or to buy a Corvette or Jaguar.

“No, that’s not my style,” Jurafsky said Tuesday. “If it doesn’t involve work or music, I’m not interested. And I have a nice old set of drums—Ludwig. It’s a good thing a Jurafsky likes to travel, because otherwise he’d have a tough time deciding how to spend the half-million dollars.

“I may spend some of it on research expenses or to help pay for graduate students or postdocs,” Jurafsky said. “If the department said, ‘If only we had a big computer,’ I wouldn’t buy them one. But really, computers are so inexpensive now. And unlike the sciences, we in the humanities don’t have big expenses for equipment.”

The John D. and Catherine T. MacArthur Foundation has been presenting the awards since 1981—to 635 scholars in all. The board searches for extraordinary originality, dedication, self-direction, exceptional creativity and promise for important future advances.

Linguistics chairwoman Barbara Fox said the MacArthur Fellow award is perfect for Jurafsky.

“It’s brilliant and creative and wonderfully unique. He’s generous and kind and a wonderful person.”

Fox said Jurafsky “makes the department a community. He knows how to get people to work with others.”

Part of the mystique of the MacArthur awards is that the nomination process is secret—the winners are caught completely by surprise.

“They call you up,” Jurafsky said. “They say, ‘Sit down.’ They ask you if you’re alone.”

After he heard on Friday, they told him he’d have to keep it to himself for four days. “They told me I could tell my parents, but no one else,” said Jurafsky, who is not married.

Jurafsky wants to improve on Google and other search engines. Now, someone who wants to know who shot Abraham Lincoln can type in "Lincoln" and "assassination," and get back references to 1,000 Web sites.

“Would suppose you don’t want an entire question and get back one short answer?” Jurafsky said. “You type in, ‘Who assassinated Abraham Lincoln,’ and you get back, ‘It was Booth.’”

He’s on sabbatical this year, but starting in January Jurafsky will teach an introductory course in linguistics and a graduate course in psycholinguistics.

When he’s not jamming with some of his fellow scholars and jazz lovers, you can sometimes see him in the chorus at CU musicals. “I’m a baritone,” he said.

Jurafsky’s optimistic about today’s students and the future of the human race. "The freshmen today know a lot more about computers than most faculty," he said.

“They’re completely capable of carrying on five instant-messaging conversations while doing their homework.

“We do want to teach them programming, but their comfort level is there. Seven years ago, incoming students were afraid of computers. It’s a little night and day.”

Jurafsky foresees a day when computers can assist translation.

People from around the world can communicate faster with whole sentences that the computer can instantly translate "close enough so the other person can understand it. It’s definitely possible.”

HONORING THE CALIFORNIA ASSOCIATION OF REAL ESTATE BROKERS, INC.

HON. BARBEE LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. LEE. Mr. Speaker, I rise today to honor the California Association of Real Estate Brokers, Inc. for their many contributions to the real estate industry.

The California Association of Real Estate Brokers, Inc. (CAREB) is the state chapter of the National Association of Real Estate Brokers, the oldest minority real estate association in America. CAREB has been instrumental in promoting the participation of minority real estate agents and has been responsible for many of the anti-discrimination and fair housing laws which now exist locally and across the country.
The members of the California Association of Real Estate Brokers are outstanding men and women dedicated to providing fair and equal housing opportunities, equal employment and equal representation in the political arena as well as the business community. I ask Congress to join me and the constituents of California in National Homeownership Month as we salute the California Association of Real Estate Brokers, Inc. for their endless service to our community. We wish them many years of continued success helping to fulfill the American dream of homeownership.

HONORING AIR FORCE MAJOR JAMES G. CUSIC, III
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Air Force Major James G. Cusic, III, a constituent of mine from Fairview Heights, Illinois.

Major Cusic is receiving a Certificate of Merit from the American Red Cross for his actions on September 11, 2001. This is the highest award given for someone who saves or sustains a life with skills that were learned in an American Red Cross safety course.

The attacks on the World Trade Center and the Pentagon on September 11, 2001 made this perhaps the most tragic day in our nation’s history. However, the day could have been even more catastrophic if it were not for the efforts of men and women such as Major Cusic.

On the morning of September 11, Major Cusic saw the news of the attacks on the World Trade Center from his Pentagon office. As he watched, he began to feel the floor shake below him, and the television reported that a third plane had been used as a weapon. This time, the target was the Pentagon. A voice came on the Pentagon intercom with a message to evacuate the building.

As the news came that a second hijacked plane might be headed toward Washington, Major Cusic cleared all the rooms in his area of the building to make sure everyone had exited. Next, he assisted five of the approximately 65 patients that were being treated at the Air Force Pararescue triage site.

Major Cusic volunteered to reenter the building as one of five leaders of a 20-person team to provide medical treatment for survivors in the building. He was responsible for providing treatment for life-threatening injuries. Major Cusic aided one man who had a severe scalp laceration and a spinal injury. He assisted another man who suffered from severe burns on his face and neck and was experiencing difficulty breathing.

Later in the evening, Major Cusic’s heroic actions were needed once again. A firefighter that had entered the building as part of the rescue effort collapsed from heat exhaustion and an erratic pulse. Once again, Major Cusic provided the treatment necessary under extremely difficult conditions.

Major Cusic maintained clarity of mind throughout the day on September 11 and should be commended for his actions in the face of adversity. At the end of the day, he was directly involved in saving three lives and in caring for two more people with severe injuries. In addition, he provided invaluable encouragement to other survivors and those involved with the rescue effort.

Mr. Speaker, I ask my colleagues to join me in honoring Major Cusic and to wish him all the best in the future for him and his family.

YOUNG SCIENTIST CHALLENGE

HON. SHERWOOD L. BOEHLERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize a very special group of young scientists. As Chairman of the House Committee on Science, I am an avid supporter of programs that encourage the youth of America to push the limits of innovation and originality in science. One such program is the Discovery Channel Young Scientist Challenge.

Created in 1999, Discovery Communications, Inc., designed the Discovery Channel Young Scientist Challenge as part of the solution to America’s chronic underachievement in science and math. The annual national contest responds to evidence that academic performance, attendance and interest in science among American students declines dramatically as students become older. This is particularly evident during the middle school years.

For these reasons, the Discovery Channel Young Scientist Challenge identifies and honors America’s top middle school student who demonstrates the best skills in leadership, teamwork, and scientific problem solving. More than 6,000 middle school students have entered the challenge since its inception in order to compete for the title of “America’s Top Young Scientist of the Year.” Since 1999, scholarship awards for the students have totaled more than $400,000 and challenge winners have participated in science-related trips to far-off places, including the Roslin Institute in Midlothian, Scotland, and the El Yunque rain forest in Puerto Rico.

On September 18, 2002, Discovery Communications, Inc., announced the 40 middle school students who have advanced to the finals of the Discovery Channel Young Scientist Challenge. Selected from more than 1,700 entrants, the “Final Forty” represent an elite group of young Americans who demonstrated exceptional creativity and communications skills in original science research projects. The “Final Forty” will travel to Washington, DC, October 19-23 where they will compete in this challenging large-scale, team competition revolving around science and the roll it plays in our national security.

The finalists for the 2002 Discovery Channel Young Scientist Challenge are: Brittany Anderson of Texico, New Mexico; Guatam Bej of Birmingham, Alabama; Terrance Bunkley of Fort Worth, Texas; Russell Burrows of San Antonio, Texas; Trevor Corbin of Richmond, Virginia; Kurt Dahlstrom of Hillsboro, North Dakota; Roy Gross of Lansdale, Pennsylvania; Kristin Groteclous of St. Petersburg, Florida; Jennifer Gutman of Wheeling, West Virginia; Christine Haas of Clovis, California; Alicia Hall of Hoople, North Dakota; David Hart of Lake Charles, Louisiana; Stephanie Hicks of San Antonio, Texas; Loren Kiezhold of Pittsburgh, Pennsylvania; Asmita Kumar of Goleta, California; Daniel Lang of Yardley, Pennsylvania; Hilana Lewkowitz-Shpontoff of Great Neck, New York; Rayden Liano of Miami, Florida; Michael Mii of Pittsburg, Pennsylvania; Jessica Miles of San Antonio, Texas; David Miller of Pittsburgh, Pennsylvania; Yahya Moazzami of Stiff Nicewell, Pennsylvania; Nathan Parks of West Grove, Pennsylvania; Noelle Norris of Miami, Florida; Kels Phelps of Butte, Montana; Adam Quade of New Brighton, Minnesota; Sasha Rohret of San Antonio, Texas; Haleigh Stainbrook of Sanger, California; Nupur Shukla of Malvern, Pennsylvania; Jared Steed of Delware, Ohio; Aron Trevino of San Antonio, Texas; Kory Vencill of Applegate, Oregon; Keldrya Welcker of Parkersburg, West Virginia; Kevin Welsh of Paulina, Louisiana; Nicole Wen of San Antonio, Texas; Emily Wilis of Heber, Utah; Ashley Woodall of Garland, Texas; Dylan Young of Upper Arlington, Ohio.

At a time when science and technology plays such an enormous role in our lives, I believe it is imperative that we continue to support and nurture the next generation of young scientists. I would like to congratulate these students for their dedication and hard work in the name of science and wish them all good luck during the 2002 Discovery Channel Young Scientist Challenge.

DIGITAL MEDIA CONSUMERS’ RIGHTS ACT OF 2002

HON. RICK BOUCHER
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. BOUCHER. Mr. Speaker, I am pleased to join with my colleague from California, Mr. Doolittle, in introducing the Digital Media Consumers’ Rights Act of 2002 (DMCRA).

The Digital Millennium Copyright Act of 1998 (DMCA) tilted the balance in our copyright laws too heavily in favor of the interests of copyright owners and undermined the longstanding fair use rights of information consumers, including research scientists, library patrons, and students at all education levels. With the DMCRA, we intend to restore the historical balance in our copyright law that has served our nation well in past years.

In order to reduce growing consumer confusion and to reduce a burden on retailers and equipment manufacturers caused by the introduction of so-called “copy protected CDs,” we have also included in the bill comprehensive statutory provisions to ensure that consumers will receive adequate notice before they purchase these non-standard compact discs that they cannot record from them and that they might not work as expected in computers and other popular consumer electronics products. Consumers shouldn’t have to learn after they get home that the product they just purchased can’t be recorded onto the hard drive of a personal computer or won’t play in a standard DVD player or in some automotive CD players.

BACKGROUND AND NEED FOR LEGISLATION

Before describing the provisions of the bill in detail, I think it useful to provide a general overview of what has occurred over the past five years and why we need to recalculate the DMCA in light of that experience.
As my colleagues may recall, in 1997 the Administration proposed legislation to implement two international copyright treaties intended to protect digital media in the 21st century. At the time, motion picture studios, record companies, book publishers, and other owners of copyrighted works indicated that the treaty implementing legislation was necessary to stop "pirates" from "circumventing" technical protection measures used to protect copyrighted works. As the bill was being formulated, it was clear that the proclaimed effort to crack down on piracy would have accidentally harmful consequences for information consumers. Nonetheless, copyright owners asserted that the proposed legislation was not intended to limit fair use rights.

At the time, libraries, universities, consumer electronics manufacturers, personal computer manufacturers, Internet portals, and others warned that enactment of overly broad legislation would stifle new technology, would threaten access to information, and would move our nation inexorably towards a "pay per use" society. The American public had enjoyed the ability to make a wide range of personal non-commercial uses of copyrighted works without obtaining the prior consent of copyright owners. These traditional "fair use" rights have long been at the foundation of the receipt and use of information by the American people. The Administration was concerned about the absence of any commercial market for digital copies of music or other copyrighted works.

Congress was warned that overly broad legislation could have potentially harmful effects. Manufacturers of consumer electronics and other multiple purpose devices, for example, pointed out that a VCR or PC, among other popular devices, could be deemed to be an illegal "circumvention" device. In response to these concerns, the Administration limited the prohibition to devices that are primarily designed or produced for the purpose of circumventing; have only a limited commercially significant purpose or use other than to circumvent; or are marketed for use in circumventing. Even with this modification, however, the provision still contained a fundamental defect. It eliminated all forms of access controls for lawful purposes, and it prohibited the manufacture and distribution of technologies that enabled circumvention for lawful purposes. In apparent response to expressions of concern, the Administration proposed a savings clause (ultimately enacted as section 1201(c)(1)), which states that section 1201 does not affect rights, remedies, limitations, or defenses to copyright infringement, including fair use. However, as at least some of us understood at the time, and two courts have since held, the use defense to copyright infringement actions is not a defense to the independent prohibition on circumvention contained in Chapter 12 of the DMCA. Since Chapter 12 actions are not grounded in copyright right, the so-called "savings clause" preserving fair use defenses to copyright infringement actions in the context of actions under the DMCA.

Other problems were seen with the Administration's original draft. As Congress became aware that the Administration's proposal prohibited many other legitimate activities, our colleagues introduced numerous amendments onto section 1201. The House Committee on Commerce, in particular, sought to more carefully balance the interests of copyright owners and information consumers by including provisions dealing with encryption research, reverse engineering, and security systems testing. We can now see in retrospect, however, that these provisions did not go far enough.

Congress made other changes in an effort to right the balance. Principally at the urging of consumer electronics manufacturers, Congress adopted the so-called "no mandate" provision to give equipment manufacturers the freedom to design new products without fear of litigation. Section 1201(b) provides that, with one exception (set forth in section 1201(k)), manufacturers of consumer electronics, telecommunications, and computing products are not required to design their products to respond to any particular technological protection measure. (The only requirement imposed on device manufacturers is to build certain analog VCRs to conform to the copy control technology already in wide use in the market.) The "no mandate" provision was essential to addressing the legitimate concerns of the consumer electronics, telecommunications, and computer industries. Congress understood that section 1201 otherwise might require VCRs, PCs, and other popular consumer products to respond to various embedded or associated codes, or other unilateral impositions by content owners without the assurance of corresponding protections. Congress was thereby able, through the savings clause and section 1201(c), to balance the interests of copyright owners and information consumers by including provisions dealing with encryption research, reverse engineering, and security systems testing. We can now see in retrospect, however, that these provisions did not go far enough.

In addressing these and other concerns that have been voiced since enactment of the DMCA, the bill we have introduced would amend sections 1201(a)(2) and (b)(1) to permit otherwise prohibited conduct when engaged solely in furtherance of scientific research into technological protection measures. Current law permits circumvention of technological protection measures for the purpose of encryption research. The bill expands the exception to include scientific research into technological protection measures, some of which are not encryption. This change is intended to address a real concern identified by the scientific community. It does not authorize hackers and others to post trade secrets on the Internet under the guise of scientific research, or to cloak otherwise unlawful conduct as scientific research.

Since September 11, we have all become more aware of the importance of improving the security of computer networks against hacking. Our computer scientists must be allowed to pursue legitimate research into technological protection measures to determine their strengths and shortcomings without fear of civil litigation or criminal prosecution under the DMCA. The public needs to know the genuine capabilities of the technological protection measures. The proposed amendment provides computer scientists with a bright line rule they can easily follow, and would encourage them to engage in research for the public's benefit.

The bill we have introduced does what the proponents of section 1201(c)(1) of the DMCA saw fit, namely, to ensure fair use rights of consumers under section 107 of the Copyright Act and under section 1201. (Just last year, the presidents of the Business Software Alliance and the Interactive Digital Software Association citing the "savings clause" stated in a letter to the editor of the Washington Post that "[the DMCA did nothing to upset existing fair use rules that still permit a variety of academic inquiries and other activities that might otherwise be infringing.") The bill amends the "savings clause" to make clear that it is not a violation of section 1201 to circumvent a technological measure in connection with gaining access to or using a work if the circumvention does not result in an infringement of the copyright in the work. In short, if a consumer may make a fair use of a copyrighted work, he may gain access to it and then make use of it without liability under section 1201. At the same time, if his or her conduct does not constitute fair use under section 107, liability may attach under section 1201.

In this connection, I think it is important to stress that, when the DMCA was being debated, Congress was successfually sought to clarify the savings clause in section 1201. Since enactment of the DMCA, these same manufacturers have had to build
business plans that incorporate copy protection technologies into their digital product offerings in order to ensure that content will be made available to consumers in digital formats. At the same time, these manufacturers have worked to ensure that those technologies are used in a way that is consistent with consumers’ customary recording and viewing practices. I recognize that because the determination of whether or not a particular use is considered a “fair use” depends on a highly fact specific inquiry, it is not an easy concept to translate into a technological implementation. Our bill is not intended to encourage consumers to disable copy protection systems in order to gain increased access to protected works where the technology has been implemented in a manner that seeks to accommodate the consumer’s fair use expectations. Instead, this proposal is in pursuance of a larger objective of ensuring that existing copy protection measures are implemented in ways that respect consumers’ customary practices and that consumers are carefully informed when technological solutions that respect fair use practices can be agreed upon by all parties.

In addition to restrictions on their fair use rights, consumers face a new problem as record companies increasingly introduce into the market non-standard “copy-protected compact discs.” As widely reported in the press, consumers have found that these ordinary-looking CDs do not play in some standard consumer electronics and computer products and that they are locked onto hard drives or in CD recorders. Without question, record companies should have the freedom to innovate, but they also have the responsibility to provide adequate notice to consumers about the “recordability” and “playability” of these discs. They have not done so. For that reason, I believe that it is appropriate for Congress to now step in. Our bill will ensure that non-standard discs are properly labeled to give consumers adequate notice of all functionalities.

In this connection, I think it is important to note that the conferences to the DMCA expected all affected industries to work together in developing measures to protect copyrighted works. As the conferences pointed out, “one of the benefits of such consultation is to allow testing of proposed technologies to determine whether there are adverse effects on the ordinary performance of playback and display equipment in the marketplace, and to take steps to eliminate or substantially mitigate those adverse effects as technologies are introduced.” That process does not appear to have been employed with regard to the new unilaterally developed methods being used to protect compact discs. In closing, I think it is important to stress that, for over 150 years, the fair use doctrine has helped stimulate broad advances in scientific inquiry and in education, and has advanced broad societal goals in many other ways. We need to return to first principles. We need to achieve the balance that should be at the heart of our efforts to promote the interests of copyright owners while respecting the rights of information consumers. The DMCA will re-store that balance.

**Expressing Sorrow of the House at the Death of the Honorable Patsy T. Mink**

**SPEECH OF**

**HON. JANICE D. SCHAOKWSKY**

**OF ILLINOIS**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, October 1, 2002**

Ms. SCHAOKWSKY. Mr. Speaker, I rise today to thank Patsy Mink, a leader, a visionary, a mentor, and a true advocate for so many who had no voice. Patsy Mink was a woman I looked up to, learned from, and was inspired by. As the first woman of color elected to the U.S. Congress in 1964, Patsy knew what it meant to break down barriers. Her passion was for those who were otherwise forgotten or pushed to the side.

Patsy was a strong fighter for women’s rights. Her relentless fight for equal rights for women and girls in education and sports has made an everlasting impact on this country. The passage of Title IX has literally changed the lives of millions of young girls and women. It opened the doors to countless opportunities for women and girls and allowed us to dream bigger than we ever had before. It allowed more people to see women as Olympic athletes and competitors. It allowed parents to see their daughters as softball players and runners. It challenged school administrators and coaches to see the potential in female athletes and allowed us to dream bigger than we ever had before. It allowed more people to see women as Olympic athletes and competitors. It allowed parents to see their daughters as softball players and runners. It challenged school administrators and coaches to see the potential in female athletes and allowed us to dream bigger than we ever had before. It allowed more people to see women as Olympic athletes and competitors. It allowed parents to see their daughters as softball players and runners. It challenged school administrators and coaches to see the potential in female athletes and allowed us to dream bigger than we ever had before.

Patsy was a relentless fighter for low-income and poor families. She had great compassion for those who were struggling against the odds to work and provide for their families. She wasn’t afraid to make her voice heard in standing up for fair treatment of women receiving welfare benefits, workers’ rights and fair pay, and children who were lacking food or a good education. Patsy was a fearless fighter for the environment. She helped protect Hawaii’s natural beauty in national parks and worked at the local level to help communities preserve their lands. Patsy was a lifelong fighter for women’s issues and a leader of the women’s movement.

Patsy was tough and passionate. I can see her now shaking her small but mighty fist as she eloquently challenged an injustice. Patsy would want us to pass a Labor/HHS bill that truly lifts women and children out of poverty, that lifts women and children out of poverty, that lifts women and children out of poverty, that lifts women and children out of poverty.

Today, as I mourn with my colleagues and members of Congress, and extend my condolences to her family and to Ms. SCHAKOWSKY. Mr. Speaker, I rise today to thank Patsy Mink, a leader, a vision-ary, a mentor, and a true advocate for so many who had no voice. Patsy Mink was a woman I looked up to, learned from, and was inspired by. As the first woman of color elected to the U.S. Congress in 1964, Patsy knew what it meant to break down barriers. Her passion was for those who were otherwise forgotten or pushed to the side.

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Today, as I mourn with my colleagues and extend my condolences to her family and to the people of Hawaii, I honor the memory Patsy Mink and all that she stood for. And I deeply miss her beautiful smile.

**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. CAROLYN B. MALONEY**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, October 3, 2002**

Mrs. MALONEY of New York. Mr. Speaker, it is with great pleasure that I speak today in honor of the 42nd Anniversary of the Republic of Cyprus. It was on October 1st in 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Cypriot friends that I have come to know are one of its greatest rewards.

This year, Cyprus’ Independence Day occurs at a time of great hope for the people of Cyprus and significant advances in U.S.-Cyprus relations.

Cyprus is currently the leading candidate country for membership in the European Union during the EU’s next enlargement round. On October 9, the European Commission will issue its annual progress reports on all applicant countries. The EU’s enlargement Commissioner, Gunther Verheugen, said on September 30 that Cyprus’ progress report will be positive and will confirm that Cyprus meets the political and economic criteria for membership. The formal invitation to the 10 most advanced candidate countries, including Cyprus, is expected to be issued in December in Copenhagen, which would allow them to join the EU on January 1st, 2004.

On June 21, 2001, I joined my colleague, Representative Michael Blunkens in introducing HCONRES 164, a bill that expresses the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots. This bill has 83 bipartisan cosponsors and passed unanimously in the Europe Subcommittee of the House International Relations Committee. I believe we must pass this bill on the House floor in order to voice support during a crucial period of major developments for Cyprus’ EU bid.

The commemoration of Cyprus’ Independence Day this year, as in the past 28 years, is clouded by the fact that 37 percent of the Mediterranean island nation’s territory continues to be illegally occupied by the Turkish military forces, in violation of U.N. Security Council resolutions. But Cyprus remains committed to achieving a peaceful resolution of this tragic problem through negotiations. United Nations-sponsored negotiations are ongoing in an effort to resolve the 28-year division of Cyprus under the framework of U.N. Security Council resolutions. The next round of meetings between the President of the Republic of Cyprus, Glafcos Clerides, and the Turkish Cypriot leader, Rauf Denktash, with U.N. Secretary General Annan are scheduled for October 3–4 in New York. U.N. Secretary General Annan said on September 30 that talks to end the division of Cyprus will
continue even after the December 12 decision by the European Union, to accept Cyprus as a member. Mr. Annan stressed “we are going to continue our efforts and try to make progress as quickly as we can. If by the time of the accession the issues have not been resolved, I expect the talks to continue beyond the EU accession”. The EU has made it clear for the past three years that a resolution of the Cyprus problem is not a precondition for Cyprus’ EU accession and I support that viewpoint.

Cyprus and the United States have a great deal in common. We share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law.

In fact, Cyprus was among the first nations to express its solidarity with the U.S. immediately following the September 11th terrorist attacks. Cyprus has taken many concrete and active steps to target the perpetrators, collaborators and financiers of terrorism. For example, Cyprus has endorsed and implemented all resolutions and decisions of the U.N. Security Council, the EU and other international organizations pertaining to the fight against terrorism.

Unfortunately, Cyprus is not without its own difficult history. 37 percent of this nation is still occupied by a hostile foreign power, and it has been for more than 25 years.

On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Every year, on or around July 20, I, along with my dear friend Representative Bilirakis, sponsor a Special Order to remember the anniversary of the Turkish invasion in a tradition that has become one of our proudest traditions.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world’s highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

In the times we are facing, it is clear that divisions among people create harmful, destructive environments. The U.S. has expressed its unwavering support for a peaceful solution to the Cyprus problem and I wholeheartedly agree. The relationship between Cyprus and the United States is strong and enduring. We stand together celebrating democracy and freedom, hopeful that a peaceful solution will soon be negotiated and a united Cyprus will join the EU.

BLACK LUNG CONSOLIDATION OF ADMINISTRATIVE RESPONSIBILITIES ACT

HON. MELISSA A. HART
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. HART. Mr. Speaker, I am pleased to sponsor legislation, on behalf of the Administration, which would consolidate all of the responsibilities for the administration of the Black Lung Benefits Program under a single agency. This proposal was initially outlined in the President’s FY 2003 Budget for the Department of Labor.

The Black Lung Benefits Program was enacted as part of the Coal Mine Health and Safety Act of 1969, the first comprehensive Federal legislation to regulate health and safety conditions in the coal industry. The law created a temporary system to compensate victims of dust exposure in the mines with public funds administered by the Social Security Administration (SSA).

In 1972, the Act was amended to require the use of simplified interim eligibility for all claims filed with SSA and to transfer new claims to the Department of Labor (DOL) in 1973. The Office of Workers’ Compensation Programs in DOL assumed responsibility for the processing and paying of new claims on July 1, 1973. Most of the claims filed prior to that date remained within the jurisdiction of SSA until 1997.

On September 26, 1997, officials from SSA and DOL signed a Memorandum of Understanding transferring responsibility for managing all active SSA Black Lung claims to DOL. This change was aimed at eliminating any confusion about which Federal agency handles the claims and enhancing customer service to all Black Lung beneficiaries. At present, DOL manages all Federal black lung claims, while formal appeals on Part B claims are referred to SSA. The Black Lung Consolidation of Administrative Responsibilities Act would simply transfer all of the responsibilities for the administration of claims under Part B of the Act to DOL, while retaining all regulations currently applicable to the beneficiaries’ entitlements.

Besides improving administrative efficiency, this transfer of responsibilities will ensure the continuation of a high level of customer service to beneficiaries. Joint audits by the Office of the Inspector General of SSA and DOL have confirmed the high quality of claims-related services being provided by DOL. Last year, the University of Michigan released the results of a customer satisfaction survey of beneficiaries receiving services from DOL and found the highest level of customer satisfaction of any of the Federal benefits programs surveyed.

Finally, the legislation implements a long-standing recommendation by the Inspector Generals at DOL and SSA that the administrative responsibility for the Black Lung Benefits Act should be consolidated within DOL. This change would ensure the continuation of a high level of service to program beneficiaries, while eliminating confusion and duplication of administrative functions between the two agencies.

The Black Lung Consolidation of Administrative Responsibilities Act is simply common sense and good government. I urge my colleagues to support this legislation.

RECOGNIZING AMERICAN FAMILY INSURANCE

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. BALDWIN. Mr. Speaker, I rise to today to recognize American Family Insurance, which was founded in Madison, Wisconsin 75 years ago today on October 3, 1927. American Family Insurance was originally founded as Farmers Mutual by Herman Wittwer. Its mission was to sell auto insurance to low-risk farmers. The first policyholder paid $15.22 for his annual premium, which was 25 percent less than the going rate. It did not take long for Farmers Mutual to become the fastest growing insurance company in Wisconsin. (As time went by, Farmers Mutual expanded its market and product line and changed its name to American Family Insurance.)

Today, American Family is Madison’s largest private employer and largest company as measured by annual revenue. It provides jobs to 3,500 employees in Madison and 7,500 employees across 17 states. American Family Insurance is the tenth largest property/casualty insurance company in nation and the fourth largest mutual insurance company. At the ranking of 337, it is Dane County’s only listing on the Fortune 500.

I am proud that through all of American Family’s growth and expansion, the company has remained true to its Madison and Wisconsin roots. The company has shown its commitment to the area through its community giving and involvement. American Family donates more than $1 million annually to groups and organizations that help improve the quality of life and provide opportunities for everyone in our communities.

Congratulations on 75 great years.

PERSONAL EXPLANATION

HON. PETER DEUTSCHE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. DEUTSCHE. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall vote No. 427, No. 428, and No. 429. Had I been present, I would have voted “yea” on rollcall vote No. 427, “yea” on rollcall vote No. 428 and “nay” on rollcall vote No. 429.

JOSEPH J. URBAN: PUSHING THE POLKA

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor my very good friend, Joe Urban of Bay City, Michigan, for his induction into the Michigan State Polka Music Hall of Fame and for his many years of cultivating and publicizing polka music in our shared hometown. The polka has long been king in Bay City, especially among the members of our significant Polish and German communities, and Joe Urban has been a polka fan and promoter since he was a boy.

Although Joe never learned to play a musical instrument, he has been beating the proverbial drum on behalf of his fellow polka music enthusiasts for more than 30 years. In 1959, he began promoting polka for festivals at St. Hyacinth Catholic Church and for dances at Pulaski Hall in Bay City. Joe’s Polish Circle dinnerdances became legendary in
the 1960s, featuring local bands and musicians such as Stan Drzewicki, Gene Kochaney, Pat Lepek’s Starliners and nearly every other polka band in the region. Later, out-of-town bands joined the line-up as polka music and dancing grew in popularity.

Since then, Joe’s tremendous energy and enduring passion for the polka has been instrumental in keeping the music alive and flourishing in Bay City and beyond, particularly at Pulaski Hall. The list of bands that Joe has managed to bring to Bay City is a veritable “Who’s Who” of the polka industry, including Tony Blazonszczak, Polkamotion Crusade, Lenny Golmolk and The Chicago Push and many others. In fact, Lenny Gemulka’s retirement party was held at Pulaski Hall.

Over the years, Joe also has extended his polka promotion efforts throughout the state and across the country. He has attended events produced by the United States Polka Association and the International Polka Association. Of course, Joe’s wife, Rita, and daughter, Jeanne, should also be commended for their support of Joe and his keen interest and involvement in anything and everything associated with the polka.

Finally, Mr. Speaker, I ask my colleagues to join me in congratulating Joe Urban upon the occasion of his induction into the Michigan State Polka Music Hall of Fame. It is an appropriate and well-deserved honor for someone who has made so many contributions to ensure that generations to come will continue to stomp their feet and dance to the energetic beat of the polka well into the future.

EIGHTH AVENUE SENIOR CENTER 9TH ANNIVERSARY
HON. NYDIA M. VELÁZQUEZ OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. VELÁZQUEZ. Mr. Speaker, I am honored to rise today to commemorate the 9th Anniversary Celebration of the Eighth Avenue Senior Center sponsored by the Brooklyn Chinense-American Association in my district.

Founded in 1988, the Brooklyn Chinense-American Association began as a small social services agency dedicated to providing assistance to the Asian American community. Since then, that community has blossomed with over 250,000 residents that form the heart of Brooklyn’s Chinatown.

The B.C.A. has expanded with the Eighth Avenue Senior Center, which serves the community with daily meals, bilingual information, English as a Second Language classes, Citizenship classes, medical check-ups, and even field trips. Its membership is 1,800 and serves more than 200 senior citizens each day. Such dedication to this community should be commended.

On October 3, the Senior Center will host its Millennial Roundtable celebration in similar style, by pairing guests with 12 senior members aged 84 and older—a combined age of 1000 years. The Double Millennial Roundtable pairs guests with 23 members aged 87 years or older, for a combined age of 2000 years. This is a great tribute to the age, wisdom and contributions our senior citizens have made, and continue to make, to our community.

GENE AND POCO GERTLER
HON. BOB STUMP OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. STUMP. Mr. Speaker, I rise today to pay tribute to the spirit of charity and two very good people in my district.

Gene and Poco Gertler joined us in Prescott just a few years ago, but they have made quite an impression. While they came to enjoy retirement in Arizona, they ended up working harder than they ever imagined—not for themselves, but to improve the lives of other Arizonans.

One day, while cleaning out closets for the winter, they decided to donate their surplus clothes to the citizens of the Hopi Reservation 250 miles north of Prescott. And, since there was extra room in the pickup truck, Gene sent an e-mail to 21 neighbors and friends, giving them the opportunity to add their contributions.

Well, instead of the few bags of clothing Gene and Poco expected, neighbors showed up with over 600 pounds of donations—enough that they had to rent a trailer. Many of the donations came from families the Gertlers didn’t know, but who had heard about the trip by word of mouth.

Word continued to spread, and the Gertlers’ one-time visit to the reservation became a regular shuttle. Furniture and other household items joined the clothes, and soon there was too much for the pickup and trailer. It seemed like every load was bigger than the last. Many people would be overwhelmed, or say, “I’ve done my part.” Gene and Poco bought a bigger truck and a bigger trailer and kept on hauling.

The years bring new challenges to all of us, and sadly, Gene and Poco have found that they are no longer able to carry on their work. But that wasn’t until they had rounded up and personally delivered over 25,000 pounds—yes, over twelve tons—of clothing, furniture, and other assistance for Arizona’s Native Americans. All for no remuneration other than knowing they’d helped keep other people warm.

The Bible says, “By their works shall ye know them.” We sure know about Gene and Poco. And we are proud to call them our neighbors.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTH CARE ACT OF 2002
SPEECH OF
HON. JEFF FLAKE OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. FLAKE. Mr. Speaker, today I voted “no” on final passage of H.R. 4600, the Help Efficient, Accessible, Low-cost, and Timely Healthcare (HEALTH) Act. My vote was a difficult one, but after consulting with both supporters and opponents of the bill, I was not convinced that the federal government should preempt state law in this area.

Those supporting this bill have made some compelling arguments as to why Congress should step in and institute these reforms.

They cite the national nature of insurance plans, whereby a doctor in Arizona might have to pay more for malpractice insurance due to an over-the-top jury award in Texas. They also note, as doctors close up shop or stop providing high-risk care in specialties such as emergency medicine and gynecology, patients are forced to cross state lines in order to seek out treatment. We have all watched with dismay as hospitals have been forced to shut their doors and doctors have opted to treat patients without malpractice insurance due to the high costs of premiums. Certainly, the trial attorneys who line their pockets with egregious fees aren’t suffering as a result of the mess they’ve made with unscrupulous lawsuits. These arguments only underscore an already weak trend for the states to pursue medical malpractice reforms.

However, as one who believes firmly in federalism, I am unwilling to support legislation that would, in effect, preempt the constitution of the state of Arizona, which prohibits caps on damages.

The natural evolution of health care delivery suggests that a federal solution such as H.R. 4600 may one day be necessary. Even today, we need tort reform badly. It’s up to the states to produce NOW a workable solution, and I applaud the part of those efforts. The states should follow California’s example, which has been an undeniable success over the past 25 years.

HONORING THE FEMINIST MAJORORITY FOUNDATION AND MS. MAGAZINE
HON. HILDA L. SOLIS OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize a leader in the movement to establish equality for women in the United States—the Feminist Majority Foundation.

Co-founded by Peg Yorkin and Eleanor Smeal, the Feminist Majority Foundation has been instrumental in the fight to create gender equality, eradicate domestic violence and promote feminist women and men as they seek elected office across the country. Yorkin’s involvement with feminist causes can be traced back to 1977, when she was elected as a delegate from California to the National Women’s Conference. In 1986, she worked with Eleanor Smeal, then the president of the National Organization for Women to produce NOW’s 20th Anniversary show, and in 1987, the two joined to found the Feminist Majority Foundation.

Nineteen ninety-one was a banner year for the Feminist Majority, which received a historic $10 million gift to ensure a legacy of empowerment for young women. The first endowment made was a drive to make the so-called abortion pill RU–486 available to women.

That year also saw sexual harassment propelled to new heights as Clarence Thomas was vetted for a spot on the U.S. Supreme Court. Testimony by Anita Hill, coupled with the Senate’s treatment of her and her allegations of sexual harassment, prompted the Feminist Majority to open the Sexual Harassment Hotline to provide information and help to harassment victims.

The groundbreaking efforts of the Feminist Majority continued, and in 2001 the organization bought a building in Beverly Hills to house...

On Sunday, October 6, 2002, the Feminist Majority Foundation will open its new offices. Although the organization's location may have changed, it and Ms. Magazine's commitment remain undiminished to advance the women's equality cause in the United States.

I urge my colleagues to join me in supporting this remarkable foundation.

A CENTURY OF SERVICE—SAN MATEO HIGH SCHOOL CELEBRATES 100 YEARS

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in marking a century of service as San Mateo High School celebrates its 100th anniversary.

Mr. Speaker, a century ago, the city of San Mateo and the rest of the Peninsula looked dramatically different than they do today. At its creation, the first high school in the San Mateo Union High School District required only nine teachers to educate the fourteen students who attended the school, which was housed in a three-bedroom cottage. During the next twenty-five years of its existence, San Mateo High School moved three times, finally settling into its present location on Delaware Street, in San Mateo, California, in 1927.

Like the rest of the Peninsula, the school has witnessed exceptional growth during the last one hundred years, and today San Mateo High School boasts an enrollment of 1,425 American students. For many years the school has actively pursued and achieved excellence in academic, vocational, performing arts, and athletic programs. It has provided countless opportunities for the enrichment of students on the Peninsula and around the globe. I am greatly honored to have the privilege of representing this excellent institution in the United States Congress. I urge all of my colleagues to join me in celebrating the 100th anniversary of San Mateo High School.

HELP EFFICIENT, ACCESSIBLE, LOW COST, TIMELY HEALTH CARE ACT OF 2002

SPEECH OF
HON. BETTY McCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Ms. McCOLLUM. Mr. Speaker, I rise today in strong opposition to H.R. 4600, the HEALTH Act of 2002. While this legislation should address the skyrocketing costs of medical malpractice insurance it is really a huge tort reform bill that threatens to weaken patient protections. This legislation goes well beyond medical malpractice. It would not only place restrictions on the ability of individuals to receive compensation when they are injured by the negligent conduct of health care providers. But it would also include, defective medical products, tainted prescription drugs, and claims against HMO's and health insurance companies.

This legislation would preempt current state law regarding the statute of limitations for actions. During my time in the Minnesota House of Representatives, I supported legislation that lengthened the statute of limitations for medical malpractice cases to four years. H.R. 4600 would require lawsuits to be filed within three years of the date of injury or only one year after discovery. We must have a longer statute of limitations to help protect individuals who have diseases with long incubation periods.

For example, a patient who contracts HIV from mishandled blood, but does not show symptoms until three years later, could not receive remedy for this gross injustice under this new law. A patient who has a medical device implanted and years later the device fails due to a part defect, will not be able to seek remedy under this new law. These patients deserve the same protections any other individuals who have been injured by other forms of negligence.

The overly broad scope of this bill sets a dangerous new precedent. We should not preempt individuals from seeking remedy for their injuries by allowing medical manufacturers who obtain FDA approval, FDA "pre-market approval" or "are generally recognized as safe effective" to be exempted from liability. We should absolutely not be preempting states' HMO reform laws that have allowed patients to sue for wrongful actions.

I have heard from doctors the challenges they face over the significant increases in medical liability insurance premiums. I am concerned that additional costs make it more difficult for physicians to stay in practice, however, this legislation does not address the real problem. This bill does nothing to fix the increasing cost of insurance premiums and goes far beyond its stated purpose of reducing the costs of malpractice insurance, while compromising the health and safety of patients.

TRIBUTE TO EDWARD TELLER ON THE OCCASION OF THE 50TH ANNIVERSARY CELEBRATION OF LAWRENCE LIVERMORE NATIONAL LABORATORY

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American, a renowned scientist, a national icon, and a resident of the distinguished 14th Congressional District, Dr. Edward Teller.

Hailed as one of the most thoughtful statements of science and recognized by his scientific colleagues as one of the most imaginative and creative physicists alive, Edward Teller has led an extraordinary career. Born into a Jewish family on January 15, 1908 in Budapest, Hungary, Edward Teller grew up during a particularly turbulent time in Hungarian history when a virulently anti-semitic fascist dictator ruled the country. Edward Teller left his homeland in 1926 to study in Germany and received his Ph.D. in theoretical physics from the University of Leipzig in 1930. Soon after the rise of Hitler, Edward Teller left Germany and immigrated to the United States to take a teaching position at George Washington University and pursue his research in quantum mechanics. The rest as they say, "is history."

Dr. Teller has led one of the most distinguished careers in science. Most widely known for his significant contributions to the first demonstration of nuclear energy, Dr. Teller also made enormous contributions to quantum theory, molecular physics and astrophysics. Since the early 1950's, Dr. Teller has been concerned with national defense. He served as a member of the General Advisory Committee of the U.S. Atomic Energy Commission (1956 to 1958) and was Chairman of the first Nuclear Reaction Safeguard Committee. Dr. Teller also served as Associate Director at the new Lawrence Livermore National Laboratory from 1954 to 1958 and became Director in 1958.

Edward Teller has earned numerous honors—The Albert Einstein Award, the Enrico Fermi Award, the Harvey Prize from the Technion-Israel Institute, and the National Medal of Science.

Mr. Speaker, I ask my colleagues to join me in honoring Edward Teller on the occasion of the 50th anniversary celebration of Lawrence Livermore National Laboratory, which he helped found. We're in a better, more scientifically advanced, and safer nation because of Dr. Teller and his extraordinary accomplishments.
Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my strong support of Ms. CARSON’s resolution and my even stronger support of Amtrak. As Ms. CARSON’s resolution recognizes, Amtrak provided a vital transportation alternative during the weeks and months following the attacks of September 11th. The importance of Amtrak, however, goes far beyond simply providing an alternative mode of transportation; in times of crisis, Amtrak serves more than 500 stations in 46 states, provides employment to thousands of workers, and provides a significant economic impact to small communities throughout the country.

Specifically, in my state of New Mexico the most recent figures show that New Mexico Amtrak ridership totaled 95,278 passengers. Amtrak also employed 63 New Mexicans totaling wages of $3.62 million. Three Amtrak routes run through New Mexico: the Southwest Chief route, the Texas Eagle route, and the Sunset Limited route. All three of these lines are of vital importance to the number of small communities through which they run. Communities such as Raton, Las Vegas, and Gallup, all three of which are in the 3rd Congressional District, which I represent, depend heavily on the Amtrak passengers to bring their dollars to these local economies. Without Amtrak, these communities would experience devastating economic hits that would threaten the very existence of these wonderful places.

That is why it is so important that we provide Amtrak with the level of funding they have requested—the level of funding they deem necessary to maintain and improve their existing services. The President’s request of $521 million will result in a severe cutback of Amtrak’s services, which will, in turn, result in a devastating impact on the communities that Amtrak currently serves. I urge my colleagues to not only support Ms. CARSON’s resolution, but also support an increase to $1.2 billion of funding for Amtrak.

TRIBUTE TO TAYLOR BOWMAN

HON. JOHN M. SPRATT, JR.
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. SPRATT. Mr. Speaker, I rise today to recognize Taylor Bowman, of Fort Mill, South Carolina, who was named a top youth volunteer this year by the Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism. The awards program, now in its seventh year, is conducted by Prudential Financial in partnership with the National Association of Secondary School Principals. A record 28,000 high school and middle level students submitted applications for this year’s program.

Taylor, who graduated from Fort Mill High School this year, developed and led a mentoring program that paired high school athletes with potential at-risk students from a local elementary school.

When Taylor first began tutoring a new student from Puerto Rico in his mother’s third-grade class, he was reminded of “a turtle with his head in his shell trying to forget about the world outside.” But as he worked with him each week, Taylor said, “I saw the turtle come out of his shell.”

Soon, other teachers were asking Taylor for help with their limited-English and academically challenged students, but he knew he didn’t have enough time to help everyone. So, after getting permission from his coach and the elementary school principal, Taylor recruited 37 members of his high school cross-country team and other friends to become mentors, as well. He also applied for grant money to purchase incentive rewards and fund a hot dog picnic, Christmas party, and other activities.

The success of the first year convinced Taylor that other schools could also benefit from the program, and he began recruiting other volunteer schools and teams. “It took a lot of time and effort,” Taylor says, “but it was worth it. Life is much better when you take time to help a child.”

Mr. Speaker, I am honored to join the Prudential Spirit of Community Awards in recognizing Taylor Bowman as one of South Carolina’s top youth volunteers.

TRIBUTE TO REV. DONALD F. DEVOS

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the Rev. Donald F. Devos, president of the Detroit Rescue Mission Ministries (DRMM), who peacefully left this world on Saturday afternoon, September 28, 2002.

Don dedicated his life to serving the least, the last, and the lost. I witnessed this firsthand as late as March of this year when I met with Don in my office. He was here in Washington, 81 years old, resplendent in his attire, walking the marble halls of Congress strongly advocating on behalf of Michigan’s at-risk and abused youth.

Don brought tremendous vision, leadership, grace and love to his work. He came to the Mission in 1990 to just “help out” and two years later he became the organization’s president. When Don arrived, the Mission quietly operated on a small budget, with few facilities, and a narrow focus in the city. Under Don’s strong leadership, the Mission expanded its services and has become the largest provider to the homeless and addicted in southeast Michigan.

In 1998, Don DeVos was awarded Executive of the Year by United Way Community Services. A year earlier, the City of Detroit awarded the Detroit Rescue Mission Ministries Agency of the Year. Today, the Mission has an $8 million budget, operates facilities in 18 locations throughout the Metro area, including Highland Park and Howell. The Mission successfully transformed the lives of gang members, drug addicts, prostitutes, juvenile offenders, and the homeless with time-tested, cost-effective programs, and through the power of the Living Gospel. The Mission’s programs, which include drug treatment, transitional housing, education, job training, and youth assistance, have a combined success rate of 77 percent.

Don would often say that his most satisfying moments came when he would meet someone who held out his or her hand and said, “Mr. DeVos, I went through your program and it changed my life!” It occurred at his favorite lunch spot, Mario’s restaurant; on the street outside his office on the notorious Cass Corridor; even the doorman to Don’s apartment building was once a Mission resident. This is Don’s legacy.

While Don’s energy and inspiration came from above, the person who gave him daily encouragement and strength was his beloved wife, Betty, who passed away last year. Losing his life-long partner was difficult for Don. Now they are together again.

Don was a graduate of Union High School in Grand Rapids. After graduating in 1942 from the Moody Bible Institute in Chicago he served in the U.S. Navy. Beginning in 1944, Don worked with Christian leaders throughout the world, including the Rev. Billy Graham, to found Youth for Christ International and to direct public relations for other faith-based international organizations, including World Vision and Global Concern. Before coming to the Mission, he founded a long-term residential treatment program in Texas for young substance abusers that has changed the lives of thousands of boys and girls.

In Don’s office hangs a beautiful motto that reads, “The will of God will never lead you where the grace of God cannot keep you.” The greatest thing I can say about Don is that he lived every day of his life by this sacred promise.

Don DeVos died one year, one month, and one day after his beloved wife, Betty.

DISSenting VIEWs ON CONGRESSIONAL EXECUTIVE COMMISSION ON CHina ANNUAL REPORT

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. WOLF. Mr. Speaker, the Congressional Executive Commission on China released its inaugural report today. I am one of nine commissioners from the House. Because of my concerns that this report inadequately addresses the Government of China’s continuing human rights abuses, I could not vote to support it. I want to share with our colleagues my dissenting views on the report.

DIssenting VIEW

While this first report by the Congressional Executive Commission on China (CECC) contains some worthwhile recommendations and observations on the continued human rights abuses in the People’s Republic of China, I do not believe it sufficiently describes and addresses the degree to which these human rights abuses can be laid at the feet of the Government of China.

In a recent letter to all CECC commissioners, human rights advocate Harry Wu outlined several human rights issues in China that should have been included or discussed with more vigor and analysis in this report. I share in Mr. Wu’s analysis.

For example, the section of the report on village elections gives the impression that
the practice of village elections may be a positive development in a transition to democracy in China, without seriously analyzing whether or not the Communist Party may view village elections as a method of establishing control in the rural regions. The report says that “critics of the process say that the Communist Party manipulates the outcome not adequately to assert that China’s rulers may use village elections as a part of a strategy to maintain control.

On another matter which Mr. Wu raises, it is perplexing that the report fails to reflect the debate this year in Congress and in the Bush Administration about China’s planned birth policy, particularly regarding whether or not the Administration would withhold funding from the United Nations Population Control Fund. This important issue is not addressed in this, the first, report of the commission and is conspicuous by its absence. The commission recently held a hearing on this subject, and I believe the report should address in detail China’s planned birth policy.

Similarly, I agree with Mr. Wu that the report fails to discuss China’s state-sponsored harvesting and trafficking of prisoners’ organs, where a common thief can be executed in order for his organs to be sold for transplant, sometimes being imprisoned for a minor offense and ending up being shot in the head and having your kidneys or corneas removed to be sold? Congress has held numerous hearings on this issue and the news media has written about this issue, but the report fails to discuss this horrible practice.

I also believe the recommendations on religious freedom should be stronger. While these recommendations may be well-intentioned, they lack the necessary depth of discussion in addressing the Chinese Government’s continued persecution of believers of all faiths—Roman Catholics, Protestants, Falun Gong practitioners, Muslim Uighurs, and Tibetan Buddhists.

Furthermore, I am concerned that this commission may not be willing to be a direct advocate on behalf of human rights and religious freedom, through letters or conversations with Chinese officials. As I stated at a commission hearing this year, I believe we should follow the model of the Helsinki Commission and be vocal in its advocacy for individual cases and human rights in general. I agree with John Kamm, president of the Dui Hua religious freedom organization, who has done more than almost anyone I know for human rights in China, who said at a commission hearing, “The model should be the Helsinki Commission... I foresee a day when this commission... is an arsenal of human rights.” The Helsinki Commission does not hesitate to write directly to leaders of member countries advocating human rights and religious freedom. The Helsinki Commission has done more than almost any other entity to bring freedom, hope and democracy to the former Soviet Union and the Eastern Bloc countries. The CECC ought to follow this successful model. But, clearly, this has not yet occurred, and it is almost as if the CECC is afraid that it will offend the China Government.

If we were a prisoner in China today, I wonder if I would have the same amount of trust and hope in the CECC to take up my case with Chinese officials as Soviet dissidents had in the Helsinki Commission, which was a tireless advocate with officials in the former Soviet Union.

While there are those of us on the commission who have mixed feelings about China’s PRI issue, I am concerned with the perception that many of the commission’s staff are more skilled in the areas of business and trade than in the area of human rights. As the law that created the CECC states, monitoring China’s compliance on respecting human rights is the duty of the commission. I believe the commission’s efforts would be enhanced if staff expertise were more balanced, especially to include more staff with the passion for promoting human rights in China. While I know that the commission staff is composed of competent and skilled professionals, and they are people of integrity, I have been very disappointed with their shortcomings in human rights and religious freedom advocacy.

For the reasons outlined above, I believe this report has some serious gaps in its coverage of human rights in China and I cannot sign the report.

This commission was created with a mandate to promote human rights in China. Unfortunately, I do not see this happening. Human rights organizations have expressed similar concerns to me and some have even questioned whether the commission should continue to exist. I have similar questions regarding the continued viability of the commission.

Lastly, an observation: the fundamental problem in China in regard to the government’s human rights abuses and restriction on human liberty is not the “law” in China, but the “regime” in China. The root problem in China is not just a faulty legal system, but a corrupt, totalitarian, oppressive, communist ruling regime that consistently violates human rights and religious freedom of its own citizens—Roman Catholics, Protestants, Falun Gong practitioners, Muslim Uighurs, Tibetan Buddhists or almost anyone who strives to worship and live with liberty.

RECOGNIZING ST. PAUL’S EVANGELICAL LUTHERAN CHURCH ON THE OCCASION OF ITS 175TH ANNIVERSARY

HON. THOMAS M. REYNOLDS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 3, 2002

Mr. REYNOLDS. Mr. Speaker, I rise today to recognize the 175th Anniversary of St. Paul’s Lutheran Church in Eggertsville, New York.

Throughout this coming weekend, parishioners will gather for a variety of celebrations to honor this milestone, and dedicate recent building renovations.

First incorporated on December 18, 1827, St. Paul’s was founded by Rev. Vincent Phillip Meyerhoff, a Hungarian immigrant who served as a Chaplain in the Austro-Hungarian Empire. While Rev. Meyerhoff came to Buffalo in 1819, and founded St. Paul’s in order to serve the area’s German-speaking population.

Mr. Speaker, since its inception, St. Paul’s Evangelical Lutheran Church has been an important part of the spiritual and of civic life of our community; and I ask that this Congress join me in honoring the clergy and parishioners of St Paul’s Evangelical Lutheran Church our sincerest best wishes on its 175th Anniversary celebration.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9933–S9999

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 3057–3062, and S. Res. 333–334.

Measures Reported:

- S. 2799, to provide for the use of and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, with an amendment in the nature of a substitute. (S. Rept. No. 107–298)
- S. 2989, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land. (S. Rept. No. 107–299)

Measures Passed:

- Environmental Policy and Conflict Resolution Advancement: Senate passed S. 2064, to reauthorize the United States Institute for Environmental Conflict Resolution.

- Native American Housing Assistance Reauthorization: Senate passed S. 1210, to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, after agreeing to a committee amendment in the nature of a substitute.

Measures Indefinitely Postponed:

- Airline Flight Attendants Heroism Recognition: Senate indefinitely postponed H. Con. Res. 401, recognizing the heroism and courage displayed by airline flight attendants each day.

Further Resolution on Iraq: Senate continued consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

A unanimous-consent agreement was reached providing for further consideration of the resolution at 1 p.m., on Monday, October 7, 2002.

Nominations Received: Senate received the following nominations:

- Robert J. Battista, of Michigan, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2007.
- Wilma B. Liebman, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2006.
- 1 Army nomination in the rank of general.

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

- Robert J. Battista, of Michigan, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2006, which was sent to the Senate on June 13, 2002.

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Privilege of the Floor:

Adjournment: Senate met at 9:30 a.m., adjourned at 6:09 p.m., until 12 noon, on Monday, October 7, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S9998).

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the nomination of Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States, after the nominee, who was introduced by Senators Warner and Mikulski, testified and answered questions in his own behalf.
INTELLIGENCE
Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action
The House was not in session today. It will meet on Monday, Oct. 7 at 9:30 a.m. for morning hour debate.

Committee Meetings
No Committee meetings were held.

Joint Meetings
SEPTEMBER EMPLOYMENT SITUATION
Joint Economic Committee: Committee concluded hearings to examine the employment and unemployment situation for September, after receiving testimony from Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, Department of Labor.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST October 2, 2002, p. D1025)

NEW PRIVATE LAWS
(For last listing of Private Laws, see DAILY DIGEST October 2, 2002, p. D1025)
H.R. 486, for the relief of Barbara Makuch. Signed on October 4, 2002. (Private Law 107–3)
H.R. 487, for the relief of Eugene Makuch. Signed on October 4, 2002. (Private Law 107–4)

CONGRESSIONAL PROGRAM AHEAD
Week of October 7 through October 12, 2002

Senate Chamber
On Monday and Tuesday, Senate will resume consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

During the balance of the week, Senate expects to resume consideration of H.R. 5005, Homeland Security Act, and to consider any other cleared legislative and executive business, including appropriations bills and conference reports, when available.

Senate Committees
(Committee meetings are open unless otherwise indicated)
Committee on Armed Services: October 9, closed business meeting to consider pending military nominations, 9:30 a.m., SR–222.
October 10, Subcommittee on Personnel, to hold hearings to examine the Department of Defense’s inquiry into Project 112/Shipboard Hazard and Defense (SHAD) tests, 9:30 a.m., SR–232A.
Committee on Banking, Housing, and Urban Affairs: October 8, to hold hearings to examine perspectives on America’s transit needs, 10 a.m., SD–538.
October 9, Subcommittee on Housing and Transportation, to hold oversight hearings to examine affordable housing preservation, 2:30 p.m., SD–538.
Committee on Environment and Public Works: October 8, to hold oversight hearings to examine the current implementation of the Clean Water Act, 9:30 a.m., SD–406.
Committee on Finance: October 9, to hold hearings to examine the financial war on terrorism focusing on new money trails, 10 a.m., SD–215.
Committee on Foreign Relations: October 8, business meeting to consider S. 3032, 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; 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; H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank, and pending nominations and treaties, 2:15 p.m., S–116, Capitol.
October 9, Full Committee, 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.
October 9, 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: October 8, to hold hearings to examine the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004, 9 a.m., SD–342.

October 8, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: October 7, to hold hearings to examine the nomination of Mark McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services, 1:30 p.m., SD–430.

October 9, Full Committee, 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, Room to be announced.

Committee on the Judiciary: October 7, to hold hearings to examine pending judicial nominations, 2 p.m., SD–226.

October 8, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD–226.

October 8, Full Committee, to hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act, 2 p.m., SD–226.

October 9, 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.

October 10, Subcommittee on Crime and Drugs, to hold hearings to examine protecting seniors from fraud, 2:15 p.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Armed Services, October 8, Special Oversight Panel on the Merchant Marine, hearing on the Department of Defense’s current and projected requirements for vessels operating under the Maritime Security Program, 9 a.m., 2212 Rayburn.

October 10, Special Oversight Panel on Terrorism, hearing on the Security of U.S. Embassies Abroad and the Role of the Department of Defense, 8:30 a.m., 2212 Rayburn.

Committee on Education and the Workforce, October 8, Subcommittee on Education Reform, hearing on Literacy Partnerships That Work, 10 a.m., 2175 Rayburn.


October 9, Subcommittee on 21st Century Competitiveness, hearing on Training Tomorrow’s Teachers: Ensuring a Quality Postsecondary Education, 2 p.m., 2175 Rayburn.


October 10, Subcommittee on Oversight and Investigations, to continue hearings entitled “An Inquiry into the ImClone Cancer-Drug Story,” 10 a.m., 2123 Rayburn.

Committee on Financial Services, October 8, Subcommittee on Oversight and Investigations, hearing entitled “Catastrophic Bonds: Spreading Risk,” 2 p.m., 2128 Rayburn.

Committee on Government Reform, October 8, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, oversight hearing on “The Use and Abuse of Government Credit Cards at the Department of the Navy,” 2 p.m., 2247 Rayburn.

October 8, Subcommittee on National Security, Veterans Affairs and International Relations, hearing on Are We Listening to the Arab Street? 10 a.m., 2154 Rayburn.


October 10, Subcommittee on National Security, Veterans Affairs and International Relations, hearing on Research Into Persian Gulf War Veterans Illnesses, 9:30 a.m., 2247 Rayburn.

Committee on International Relations, October 9, Subcommittee on International Operations and Human Rights, hearing on An Evaluation of the International Religious Freedom Report, 2 p.m., 2172 Rayburn.

October 10, Subcommittee on Western Hemisphere, hearing on Drug Corruption and Other Threats to Democratic Stability in Guatemala and the Dominican Republic, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, October 8, Subcommittee on Crime, Terrorism and Homeland Security, hearing on H.R. 2929, Bail Bond Fairness Act of 2001, 4 p.m., 2237 Rayburn.

October 9, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on "The Immigration and Naturalization Service's (INS's) Interactions with Hesham Mohamed Al Hedayet," 3 p.m., 2141 Rayburn.

October 10, Subcommittee on the Constitution, oversight hearing on "A Judicial Diminished is Justice Denied: the Constitution, the Senate, and the Vacancy Crisis in the Federal Judiciary," 9 a.m., 2141 Rayburn.

Committee on Resources, October 8, to mark up the following bills: H.R. 2202, 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, 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. 5319, Healthy Forests Reform Act of 2002; and H.R. 5399, Carpinteria and Montecito Water Distribution Systems Conveyance Act of 2002; and to discuss the Comprehensive Natural Resources Protection Act, 10 a.m., 1324 Longworth.

October 10, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 5102, Wildfire Response Act of 2002; H.R. 5185, Wildlife Response Enhancement Act; and H.R. 5513, to authorize and direct the exchange of certain land in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, 10 a.m., 1324 Longworth.

Committee on Rules, October 7, to consider H.J. Res. 114, Authorization for the use of Military Force Against Iraq, 4:30 p.m., H–313 Capitol.

Committee on Science, October 10, hearing on Conducting Research During the War on Terrorism: Balancing Openness and Security, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, October 8, Subcommittee on Highways and Transit, hearing on H.R. 5455, Expediting Project Delivery to Improve Transportation and the Environment Act, 10 a.m., 2167 Rayburn.

October 9, Subcommittee on Highways and Transit, oversight hearing on Federal Lands Highway Program, 10 a.m., 2167 Rayburn.

October 10, Subcommittee on Water Resources and Environment, oversight hearing on West Nile Virus: the Clean Water Act and Mosquito Control, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, October 7, to mark up the following bills: H.R. 5553, Protecting America’s Savings Act of 2002; and H.R. 1619, to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals, 6 p.m., 1100 Longworth.
Congressional Record

Next Meeting of the SENATE
12 Noon, Monday, October 7

Senate Chamber
Program for Monday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will resume consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

Next Meeting of the HOUSE OF REPRESENTATIVES
9:30 a.m., Monday, October 7

House Chamber
Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE
Acevedo-Vilá, Aníbal, Puerto Rico, E1749
Ackerman, Gary L., N.Y., E1756
Baldwin, Yannick, Wisc., E1756
Barcia, James A., Mich., E1763
Bereuter, Doug, N.H., E1756
Berkeley, Shelly, Nev., E1752, E1755
Boehlert, Sherwood, L., N.Y., E1760
Boucher, Rick, Va., E1769
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