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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 8, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

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

PROTECTING SOCIAL SECURITY MUST BE A PRIORITY

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

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

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

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

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

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

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

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

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

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

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

MESSAGE FROM THE SENATE

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

S. RES. 335

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

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

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

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

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

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

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

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

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

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

SOCIAL SECURITY PRIVATIZATION

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

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

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

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

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

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

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

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

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

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

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

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

THE MISSING DEBATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXPRESSING SUPPORT FOR RESOLUTION ON IRAQ

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

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

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

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

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

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

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

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

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

RECESS

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

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

□ 1000

AFTER RECESS

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

PRAYER

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

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

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

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

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PITTS led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

INTRODUCTION OF GUEST CHAPLAIN

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

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

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

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

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

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

IRAQ

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

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

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

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

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

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

AMERICA HAS A HIGHER CALLING

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

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

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

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

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

BROADCAST OF PRESIDENTIAL SPEECH

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

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

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

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

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

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

HONORING ELOISE MILAM

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

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

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

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

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

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

ANYONE GIVING ENEMY COMFORT SHOULD BE CHASTISED

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

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

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

CONGRATULATING ERIKA HAROLD, 2003 MISS AMERICA

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

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

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

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

CONGRESS MUST FIX AMERICA'S ECONOMY

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

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

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

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

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

HONORING GLORIA PEREZ

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

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

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

□ 1015

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

WHY WE MUST DEAL WITH IRAQ

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

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

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

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

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

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

The Clerk read the resolution, as follows:

H. RES. 574

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

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

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

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

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

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

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

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

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

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

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

to address the threat that Saddam Hussein poses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1030

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1045

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

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

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

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

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

that has no civil nuclear application in that country.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1100

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1115

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

S. 2690, by the yeas and nays;

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

House Resolution 549, by the yeas and nays.

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

REAFFIRMING REFERENCE TO ONE NATION UNDER GOD IN PLEDGE OF ALLEGIANCE

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

The Clerk read the title of the Senate bill.

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

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

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

[Roll No. 445]

YEAS—401

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

NAYS—5

Frank
Honda
McDermott
Scott
Stark

ANSWERED ''PRESENT''—4

Ackerman
Blumenauer
Velazquez
Watt (NC)

NOT VOTING—21

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

□ 1149

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

CHILD ABDUCTION PREVENTION ACT

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

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

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

[Roll No. 446]

YEAS—390

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

NAYS—24

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

NOT VOTING—17

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

□ 1202

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

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

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

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

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

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

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

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

[Roll No. 447]

YEAS—408

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

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

NAYS—1

McKinney

ANSWERED ''PRESENT''—1

Owens

NOT VOTING—21

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

□ 1210

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

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

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

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

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

The Clerk read the title of the concurrent resolution.

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

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

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

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

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

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

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

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 503

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

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

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

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

"SEC. 2501. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

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

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

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

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

(5) section 3001 of the bill—

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

(B) by striking subsection (d),

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

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

(8) section 11009 of the bill—

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

(B) by adding at the end the following:

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

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

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

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

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

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

''(A) is in serviceable condition;

''(B) is surplus property; and

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

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

''(4) DONATION BY CERTAIN OFFICERS.—

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

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

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

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

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

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

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

''(B) The Commissioner of Customs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

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

The Clerk read the title of the joint resolution.

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

The text of House Joint Resolution is as follows:

H.J. RES. 114

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

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

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

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

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

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

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

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

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

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

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

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

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

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

SEC. 4. REPORTS TO CONGRESS.

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

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

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

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

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

H.J. RES. 114

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

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

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

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

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

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

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

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

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

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

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

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

of mass destruction by international terrorist organizations;

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

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

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

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

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

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

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

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

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

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

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

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

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

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

SEC. 4. REPORTS TO CONGRESS.

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

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

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

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

□ 1215

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1230

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the gentleman for yielding.

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

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

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

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

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

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

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

I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. HINCHEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

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

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

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

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

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

The SPEAKER pro tempore. Will the gentleman suspend?

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

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

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

□ 1245

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1300

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

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

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

His democratic neighbors said nothing.

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

The League of Nations did nothing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1315

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1330

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I do not share that view.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1345

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The former deputy chairman of the U.N. inspection team for Iraq and the dossier on Iraq's capabilities prepared by the British Government, both of these sources support the Bush administration's assertion that Iraq is at the threshold of possessing nuclear weapons. Satellite imagery has revealed that Saddam Hussein's regime is actively rebuilding its nuclear infrastructure and working to develop and acquire enriched uranium. Thus, if we do not address the problem now here today, will it be a better time when the Iraqi regime is stronger and its weapons programs are even more advanced?

The Iraqi regime has ordered the use of chemical weapons against its own people. It has committed genocide and ethnic cleansing in northern Iraq, ordering the extermination of between 50,000 and 100,000 people and the destruction of over 4,000 villages.

As former President Ronald Reagan once said: ''We have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth. If we fail, at least let our children, and our children's children, say of us, we justified our brief moment here. We did all that could be done.''

Let us all do what we can to protect our Nation and the American people. Let us vote ''yes'' on this resolution today, and I thank the gentleman for yielding me the time.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LEE), a leader in peace and humanitarian issues.

Ms. LEE. Madam Speaker, first, let me just thank my colleague, the gentleman from New Jersey (Mr. PAYNE), for yielding me time and for his leadership on this issue and on so many other issues of such critical importance to our world community.

I also would like to thank the gentleman from California (Mr. LANTOS), the ranking member, for his fairness in ensuring that democracy prevails, even during this very critical and important debate.

Madam Speaker, I rise today in opposition to this resolution authorizing a unilateral first strike against Iraq. Such an action could destabilize the Middle East and set an international precedent that could come back to haunt us all.

President Bush's doctrine of preemption violates international law. It violates the United Nations charter and our own long-term security interests. It forecloses alternatives to war before we have even tried to pursue them. We do not need to rush to war.

Furthermore, this resolution is not a declaration of war. In fact, we do not need this resolution. If the United States indeed faces an imminent attack from anywhere, the President already has all of the authority in the world for our defense.

President Bush called on the United Nations to enforce its resolutions, but here we are today voting to go to war before the United Nations has even had a chance to implement inspections. What kind of international cooperation is that? What kind of leadership is that? It does not take leadership to go drop bombs and go to war. It takes real leadership to negotiate and to develop peaceful resolutions to our security needs.

The President has called on the United Nations to assume its responsibilities. I call on the United States to assume our responsibilities by working with the United Nations to ensure that Iraq is not developing weapons of mass destruction.

□ 1400

I keep asking the question: Is our goal the elimination of weapons of mass destruction because they pose a potential danger, or is it regime change because we oppose the Iraqi government? We still do not have the answer to that question.

For all of these reasons and more, on Thursday, I will offer the Lee amendment to H.J. Res. 114, incorporating my legislation, H. Con. Res. 473, currently supported by 37 Members of the House. This amendment calls on the United States to work with allies to disarm Iraq through United Nations inspections and other diplomatic means.

Those inspections succeeded in destroying thousands of tons of weapons in the 1990s, despite Iraq's attempts at destruction, and they can work again. It was a search and destroy mission.

Now, today, as we face this vote, there are many questions that remain unanswered. Where is the proof that Iraq poses an imminent, clear, and present danger to the United States? What is our objective here, regime change or the elimination of weapons of mass destruction? Where would this doctrine of preemption lead our country? How could we be the first and then claim the moral authority to tell others not to do so? Is this the precedent that we want to set for India, Pakistan, Russia, China, and others?

How does all of this make the American people safer? Are our airports safer today? Are our seaports secure? What happens to the economic security of our country and our unmet domestic needs, given the enormous amount of money, upwards of $100 to $200 billion, that this war will cost us? And how many of our brave young men and women will be put in harm's way?

Going to war would result in substantial loss of life. We better be able to answer these questions before we spend $200 billion plus to create a new regime in Iraq.

Now, remember, we all have to focus on the fact that it was not weapons of mass destruction used on 9/11. This blank check to authorize a first strike would not restore peace and security. I am convinced that it will inspire hatred and fear and increase instability and insecurity.

There have been those who have questioned the patriotism of opposition and have claimed that those calling for war have a monopoly on this virtue. Yet I believe, like many, that it is our patriotic duty to seek each and every nonmilitary solution to eliminating the weapons of mass destruction. Containment, deterrence and disarmament should be our goal. That has been and continues to be the American way.

I urge my colleagues to oppose this rush to war. It is morally wrong, financially irresponsible, and it is not in our national security interests. We have options, and we have an obligation to pursue them.

Mr. GILMAN. Madam Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from New York (Mr. KING), a senior member of our Committee on International Relations.

Mr. KING. I thank the chairman emeritus for yielding me this time; and, Madam Speaker, I rise today in strong support of this resolution. In doing so, I want to commend the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from California (Mr. LANTOS), and the bipartisan leadership of this House for coming together and forging a compromise which will give the President of the United States the power he needs in

standing up to oppression and in standing up to a tyrant who has weapons of mass instruction.

I also want to give special regard to President Bush for the leadership he has demonstrated in bringing this matter to this moment today, because without his leadership we would still be caught up in the double-talk and moral hypocrisy which constitutes so much of the diplomacy in the world today.

So many countries choose to look the other way. So many countries just hope that somehow this problem will go away. But President Bush has brought this issue to the forefront; and because of that we are here today to take what I believe will be a very strong and manifest decision to destroy oppression, to eliminate a tyrant such as Saddam Hussein if he does not comply with the U.N. resolutions which have been passed to date.

More important than that, Madam Speaker, I believe President Bush deserves credit for asserting the fact that the United States is the world leader. Yes, the United States is going to the United Nations, and we should go to the United Nations, but at the end of the day we cannot be bound by some morally opaque decisions made by countries who do not share our values.

If the Security Council does stand with us, fine, and that is all to the better. Let us remember, when President Clinton was President, back in 1999, the U.N. Security Council would not give approval to attack Serbia because of what they were doing in Kosovo, but President Clinton went forward and led an attack, which I supported and which now has brought stability to Kosovo and, as the gentleman from California (Mr. LANTOS) pointed out, has brought Milosevic to the international criminal court. So this is the type of action that must be taken.

I have tried to listen carefully to those who are opposed, and I just cannot figure out really what the substance of their argument is. They say we should use more diplomacy. We have tried diplomacy for 11 years. They say that somehow the policy up to now has worked. Well, it has not worked because Saddam Hussein has more weapons of mass destruction now than he had before. He has constantly flouted and violated resolution after resolution.

The fact is, we saw on September 11 what happens if we are caught unaware. We have no excuses this time. We know the weapons that Saddam Hussein has. We know that Saddam Hussein will use those weapons if given the opportunity.

Another argument that is used is somehow that we should carry out the war on terrorism before we go after Iraq, before we take action against Iraq. To me, the two are intertwined and connected. You cannot have one without the other. These are people who work in collusion. They work in the same league. There is no doubt about that.

We are also told that if somehow we go forward we will lose allies in the war against terrorism. I am not aware of one country, whether it be in the Arab world or whether in Europe, which is backing away from supporting us in the war against terrorism because of our policy on Iraq.

The fact is, Madam Speaker, there is no alternative. We must go forward.

Let me just say, in conclusion, that I respect those who have honest differences, and I acknowledge that. I would just say, though, if this resolution does pass and does pass by a large vote, that once that has been done we should stand together and speak with one voice and send the world a united message that the people of the United States and the Congress of the United States stand behind the President of the United States in taking the action that he will take pursuant to this resolution.

I would also ask all those who vote for the resolution to not do so in any way grudgingly but to give it their fullest and total support. There is no such thing as an easy war. If there are tough days ahead and rough days ahead, not to use that as an opportunity to somehow back away. If we go ahead, we are in this for the long haul. We are in it until we succeed. We owe that to the men and women of our Armed Forces. We owe that to the people of the world and to the people of our country who look to us for guidance and direction and for leadership.

Mr. LANTOS. Madam Speaker, I am delighted to yield 4 minutes to the gentlewoman from California (Mrs. TAUSCHER), my good friend and colleague, a leader in the field of national security.

Mrs. TAUSCHER. Madam Speaker, I thank my colleague and friend for yielding me this time, and I rise today in strong support of this resolution because it puts our country back on the right track of working with the United Nations to disarm Iraq.

The passage of this congressional resolution in support of efforts to disarm Iraq will not provide President Bush with open-ended authority. In fact, Congress and the President's hard work is just beginning. The United States has a responsibility, as the world's only superpower, to set the standard for international behavior. We must consider every peaceful alternative and contemplate every possible outcome before we turn to force.

With this resolution, Congress is making clear that our first priority is building an international coalition through the United Nations. If the President decides that diplomatic efforts have failed, he must inform Congress and explain his reasoning. If the United States engages in military action, the President must provide continual updates to Congress regarding the status of the war. The President will also be required to declare that any military action against Iraq will not hamper our ongoing efforts on the war on terrorism.

I also expect the President to provide clear plans for military engagement that explain our military strategy, detail where our troops will be based, report to Congress on his efforts to secure international assistance, protect us against simultaneous threats from other parts of the world, and define plans for Iraq after Saddam.

While I am firmly committed to using diplomacy first and our military only if we must, I cannot ignore Saddam Hussein's track record of disdain for international law. With everything we know about his aggressive pursuit of weapons of mass destruction, it would be irresponsible not to at least make plans for what we may need to do in order to counter the threat that he poses.

If the President follows congressional intent and builds a successful international coalition to address the threat of Iraq's weapons of mass destruction, he will not only improve our national security and that of our allies but he will also put meaning into the will of the international community as expressed in the United Nations resolutions.

On a personal note, should the use of force become necessary, I will be sending young men and women from my local Air Force Base, Travis, and across California to fight in this war. So my role as a check to the administration's power and plans is something that I take very seriously. I will use my position on the House Committee on Armed Services to make sure we are protecting our fighting men and women and that the President is doing this every step of the way.

Madam Speaker, I urge my colleagues to work to unite this Congress and to work to support the American people in this effort.

Mr. GILMAN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our Committee on International Relations.

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend for yielding me this time, and I want to thank the gentleman from Illinois (Mr. HYDE), the chairman of the full committee for his exemplory leadership, as well as the ranking member (Mr. LANTOS).

I, too, like many of my other colleagues, respect those who disagree with this resolution. I think this debate is enlightening and is being carried out in the highest way befitting this institution, and I want to thank my friends on the other side of the issue as well.

Madam Speaker, President Bush has made, I believe, an extraordinarily convincing case that the Iraqi dictatorship poses a significant, lethal threat to the people of the United States, our allies, and to the tens of millions of people living in the region of the Middle East. Saddam Hussein's dark obsession with acquiring, developing, stockpiling, and using weapons of mass destruction can

no longer be ignored, wished away, or trivialized.

In the past, Hussein has used weapons of mass destruction, killing thousands of people, mostly Kurds, in the late 1980s. If not disarmed, pursuant to the terms and conditions that ended the Gulf War and all subsequent U.N. resolutions, he will likely use them again at the place and time of his choosing.

Madam Speaker, the loss of human life as a result of the hideous effects of these weapons cannot even be imagined. In like manner, the environmental and economic consequences would be staggering and possibly earth changing. The agony of death by mustard gas, VX, sarin or radiation sickness is absolutely numbing. The massive release of germs and microbes like anthrax, smallpox, and botulinum toxin would result in massive deaths and casualties and a regional or global epidemic that might not be stoppable.

And now, as we all know, Hussein is on an aggressive quest to develop nuclear warheads and the means of delivering them.

Madam Speaker, according to the U.S. and British intelligence services, Hussein's drive to develop nuclear weapons has been reconstituted, that is, if it ever went out of business in the first place. The British Joint Intelligence Committee assessment noted, and I quote, that Iraq had recalled its nuclear scientists to the program in 1998. Since 1998, Iraq has been trying to procure items that could be for use in the construction of centrifuges for the enrichment of uranium. The report notes that intelligence shows that the present Iraqi program is almost certainly seeking an indigenous ability to enrich uranium to the level needed for nuclear weapons.

Madam Speaker, last night, while brilliantly reiterating U.S. resolve to promote peace by disarming Hussein's brutal dictatorship, President Bush made it clear that war was not the only option, that war can be averted, but the burden rests squarely on the shoulders of Saddam Hussein.

The best outcome, of course, would be a successful redeployment of U.N. inspectors to Iraq, backed to the hilt by the international community, with a clear, nonambiguous mandate to inspect without condition, to have unfettered access to suspicious locations, and to compel Iraqi disarmament.

Madam Speaker, given Hussein's ugly, pathetic record on human rights abuse, widespread torture, systematic rape and mass murder, the only way to ensure that diplomacy and arms inspectors have a chance to succeed is by backing it up with the credible threat of overwhelming force. Standing up to the raving bully, especially when he is armed to the teeth with weapons of mass destruction, is the work of peacemakers.

No one, Madam Speaker, no one wants war. But if we fail to back the diplomacy with the credible threat of force, it seems probable to me that it is only a matter of time before Hussein and his allies in his network of terror use weapons of mass destruction again.

□ 1415

The question will not be a matter of if, the question will be when and where and how. Support the resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a leader in environmental affairs and a member of the Committee on International Relations.

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman yielding me this time and the leadership for promoting a full and thoughtful debate on this critical issue for our country. It has truly been a very positive experience on our committee, and I am looking forward to bringing it here to the floor of the House.

As I listened to President Bush attempt to make his case for war last night, what I heard him debate was debating with thousands of Americans who have voiced their concern to us in e-mails and letters and conversations. These are our constituents, ordinary citizens, raising straightforward, commonsense arguments against unilateral preemptive military action. Those voices were unanswered last night.

Unanswered was the learned warning of a respected Portland rabbi recently returning from another month-long stay in Israel who assures me that Israel will, in his judgment, undoubtedly respond with nuclear weapons if Saddam Hussein unleashes Scuds armed with chemical or biological agents against it.

Unanswered was the common knowledge that some allies have already used the rhetoric of this administration to pursue policies against their own terrorists, complicating the lives of our officials who must deal with the results.

Unanswered were the countless questioners in our meetings at home who asked why some of the same people who are promoting this action against Iraq are the same who aided Saddam Hussein in getting chemical and biological agents in the 1980s and who did not speak out when he used them against his own people then.

As the President confidently predicts our precise military strikes, I hear the viewers and readers of Black Hawk Down reminding us how things can go horribly wrong, all lessons learned by Presidents Reagan, Bush, and Clinton.

Unanswered are those critics, including my colleagues, who fear not that the United States would ultimately be defeated by Saddam Hussein, but that the young American soldiers lack sufficient preparation and equipment for chemical and biological warfare and could suffer horrible losses.

I was intrigued with the insight of my own son about to return to Southeast Asia calling this a policy of national insecurity, putting him at greater risk in the weeks ahead traveling amongst the Muslim populations in Asia, while increasing the likelihood of terrorist violence here at home.

Our constituents describe a much more complicated world, one where the United States has yet to develop a coherent strategy for democracy in the Middle East, a world where other elements are at least as great a threat. Persuasive cases have been made against Iran and North Korea. Remember the axis of evil.

And we are not yet finished in Afghanistan. President Karzai is barely the mayor of Kabul. It is uncertain whether we or the countries who supported us there are ready to do the job.

In addition, it is important to point out that this is not Munich. No one talks of appeasement. If Saddam Hussein takes one step outside his borders, his forces will be annihilated. There is no question about it.

It is interesting how recently the polls are starting to more accurately reflect the mood of the American public that has been expressed to us for months. But regardless of what the polls say, some things are just wrong. Unilateral preemptive action as an operating principle is wrong. Delegating the unfettered authority to this President or any President to wage war is wrong. Missing the chance to build a more secure future with a more coherent foreign policy is also wrong.

This debate does not yet capture the nature of the many challenges we face or the legitimate concerns and observations of the American public. It does not prepare America for the real struggle ahead. I will vote ''no,'' and I urge Members to do likewise.

Mr. GILMAN. Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PAUL), a senior member of the Committee on International Relations.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise in opposition to this resolution. The wisdom of the war is one issue, but the process and the philosophy behind our foreign policy are important issues as well. But I have come to the conclusion that I see no threat to our national security. There is no convincing evidence that Iraq is capable of threatening the security of this country, and, therefore, very little reason, if any, to pursue a war.

But I am very interested also in the process that we are pursuing. This is not a resolution to declare war. We know that. This is a resolution that does something much different. This resolution transfers the responsibility, the authority, and the power of the Congress to the President so he can declare war when and if he wants to. He has not even indicated that he wants to go to war or has to go to war; but he

will make the full decision, not the Congress, not the people through the Congress of this country in that manner.

It does something else, though. One-half of the resolution delivers this power to the President, but it also instructs him to enforce U.N. resolutions. I happen to think I would rather listen to the President when he talks about unilateralism and national security interests, than accept this responsibility to follow all of the rules and the dictates of the United Nations. That is what this resolution does. It instructs him to follow all of the resolutions.

But an important aspect of the philosophy and the policy we are endorsing here is the preemption doctrine. This should not be passed off lightly. It has been done to some degree in the past, but never been put into law that we will preemptively strike another nation that has not attacked us. No matter what the arguments may be, this policy is new; and it will have ramifications for our future, and it will have ramifications for the future of the world because other countries will adopt this same philosophy.

I also want to mention very briefly something that has essentially never been brought up. For more than a thousand years there has been a doctrine and Christian definition of what a just war is all about. I think this effort and this plan to go to war comes up short of that doctrine. First, it says that there has to be an act of aggression; and there has not been an act of aggression against the United States. We are 6,000 miles from their shores.

Also, it says that all efforts at negotiations must be exhausted. I do not believe that is the case. It seems to me like the opposition, the enemy, right now is begging for more negotiations.

Also, the Christian doctrine says that the proper authority must be responsible for initiating the war. I do not believe that proper authority can be transferred to the President nor to the United Nations.

But a very practical reason why I have a great deal of reservations has to do with the issue of no-win wars that we have been involved in for so long. Once we give up our responsibilities from here in the House and the Senate to make these decisions, it seems that we depend on the United Nations for our instructions; and that is why, as a Member earlier indicated, essentially we are already at war. That is correct. We are still in the Persian Gulf War. We have been bombing for 12 years, and the reason President Bush, Sr., did not go all the way? He said the U.N. did not give him permission to.

My argument is when we go to war through the back door, we are more likely to have the wars last longer and not have resolution of the wars, such as we had in Korea and Vietnam. We ought to consider this very seriously.

Also it is said we are wrong about the act of aggression, there has been an act of aggression against us because Saddam Hussein has shot at our airplanes. The fact that he has missed every single airplane for 12 years, and tens of thousands of sorties have been flown, indicates the strength of our enemy, an impoverished, Third World nation that does not have an air force, anti-aircraft weapons, or a navy.

But the indication is because he shot at us, therefore, it is an act of aggression. However, what is cited as the reason for us flying over the no-fly zone comes from U.N. Resolution 688, which instructs us and all the nations to contribute to humanitarian relief in the Kurdish and the Shiite areas. It says nothing about no-fly zones, and it says nothing about bombing missions over Iraq.

So to declare that we have been attacked, I do not believe for a minute that this fulfills the requirement that we are retaliating against aggression by this country. There is a need for us to assume responsibility for the declaration of war, and also to prepare the American people for the taxes that will be raised and the possibility of a military draft which may well come.

Madam Speaker, I rise in opposition to this resolution, which regardless of what many have tried to claim will lead us into war with Iraq. This resolution is not a declaration of war, however, and that is an important point: this resolution transfers the Constitutionally-mandated Congressional authority to declare wars to the executive branch. This resolution tells the President that he alone has the authority to determine when, where, why, and how war will be declared. It merely asks the President to pay us a courtesy call a couple of days after the bombing starts to let us know what is going on. This is exactly what our Founding Fathers cautioned against when crafting our form of government: most had just left behind a monarchy where the power to declare war rested in one individual. It is this they most wished to avoid.

As James Madison wrote in 1798, "The Constitution supposes what the history of all governments demonstrates, that the executive is the branch of power most interested in war, and most prone to it. It has, accordingly, with studied care, vested the question of war in the legislature."

Some—even some in this body—have claimed that this Constitutional requirement is an anachronism, and that those who insist on following the founding legal document of this country are just being frivolous. I could not disagree more.

Madam Speaker, for the more than one dozen years I have spent as a federal legislator I have taken a particular interest in foreign affairs and especially the politics of the Middle East. From my seat on the international relations committee I have had the opportunity to review dozens of documents and to sit through numerous hearings and mark-up sessions regarding the issues of both Iraq and international terrorism.

Back in 1997 and 1998 I publicly spoke out against the actions of the Clinton Administration, which I believed was moving us once again toward war with Iraq. I believe the genesis of our current policy was unfortunately being set at that time. Indeed, many of the same voices who then demanded that the Clinton Administration attack Iraq are now demanding that the Bush Administration attack Iraq. It is unfortunate that these individuals are using the tragedy of September 11, 2001 as cover to force their long-standing desire to see an American invasion of Iraq. Despite all of the information to which I have access, I remain very skeptical that the nation of Iraq poses a serious and imminent terrorist threat to the United States. If I were convinced of such a threat I would support going to war, as I did when I supported President Bush by voting to give him both the authority and the necessary funding to fight the war on terror.

FURTHER BACKGROUND/POINTS ON H.J. RES. 114 AND IRAQ, 8 OCTOBER 2002

Claim: Iraq has consistently demonstrated its willingness to use force against the U.S. through its firing on our planes patrolling the UN-established "no-fly zones."

Reality: The "no-fly zones" were never authorized by the United Nations, nor was their 12 year patrol by American and British fighter planes sanctioned by the United Nations. Under UN Security Council Resolution 688 (April, 1991), Iraq's repression of the Kurds and Shi'ites was condemned, but there was no authorization for "no-fly zones," much less airstrikes. The resolution only calls for member states to "contribute to humanitarian relief" in the Kurd and Shi'ite areas. Yet the U.S. and British have been bombing Iraq in the "no-fly zones" for 12 years. While one can only condemn any country firing on our pilots, isn't the real argument whether we should continue to bomb Iraq relentlessly? Just since 1998, some 40,000 sorties have been flown over Iraq.

Claim: Iraq is an international sponsor of terrorism.

Reality: According to the latest edition of the State Department's Patterns of Global Terrorism, Iraq sponsors several minor Palestinian groups, the Mujahedin-e-Khalq (MEK), and the Kurdistan Workers' Party (PKK). None of these carries out attacks against the United States. As a matter of fact, the MEK (an Iranian organization located in Iraq) has enjoyed broad Congressional support over the years. According to last year's Patterns of Global Terrorism, Iraq has not been involved in terrorist activity against the West since 1993—the alleged attempt against former President Bush.

Claim: Iraq tried to assassinate President Bush in 1993.

Reality: It is far from certain that Iraq was behind the attack. News reports at the time were skeptical about Kuwaiti assertions that the attack was planned by Iraq against fmr President Bush. Following is an interesting quote from Seymore Hersh's article from Nov. 1993:

Three years ago, during Iraq's six-month occupation of Kuwait, there had been an outcry when a teen-age Kuwaiti girl testified eloquently and effectively before Congress about Iraqi atrocities involving newborn infants. The girl turned out to be the daughter of the Kuwaiti Ambassador to Washington, Sheikh Saud Nasir al-Sabah, and her account of Iraqi soldiers flinging babies out of incubators was challenged as exaggerated both by journalists and by human-rights groups. (Sheikh Saud was subsequently named Minister of Information in Kuwait, and he was the government official in charge of briefing the international press on the alleged assassination attempt against George Bush.) In a second incident, in August of 1991, Kuwait provoked a special session of the United Nations Security Council by claiming that twelve Iraqi vessels, including a speedboat, had been involved in an attempt to assault

Bubiyan Island, long-disputed territory that was then under Kuwaiti control. The Security Council eventually concluded that, while the Iraqis had been provocative, there had been no Iraqi military raid, and that the Kuwaiti government knew there hadn't. What did take place was nothing more than a smuggler-versus-smuggler dispute over war booty in a nearby demilitarized zone that had emerged, after the Gulf War, as an illegal marketplace for alcohol, ammunition, and livestock.

This establishes that on several occasions Kuwait has lied about the threat from Iraq. Hersh goes on to point out in the article numerous other times the Kuwaitis lied to the US and the UN about Iraq. Her is another good quote from Hersh:

The President was not alone in his caution. Janet Reno, the Attorney General, also had her doubts. ''The A.G. remains skeptical of certain aspects of the case,'' a senior Justice Department official told me in late July, a month after the bombs were dropped on Baghdad. . . . Two weeks later, what amounted to open warfare broke out among various factions in the government on the issue of who had done what in Kuwait. Someone gave a Boston Glove reporter access to a classified C.I.A. study that was highly skeptical of the Kuwaiti claims of an Iraqi assassination attempt. The study, prepared by the C.I.A.'s Counter Terrorism Center, suggested that Kuwait might have ''cooked the books'' on the alleged plot in an effort to play up the ''continuing Iraqi threat'' to Western interests in the Persian Gulf. Neither the Times nor the Post made any significant mention of the Glove dispatch, which had been written by a Washington correspondent named Paul Quinn-Judge, although the story cited specific paragraphs from the C.I.A. assessment. The two major American newspapers had been driven by their source to the other side of the debate.

At the very least, the case against Iraq for the alleged bomb threat is not conclusive.

Claim: Saddam Hussein will use weapons of mass destruction against us—he has already used them against his own people (the Kurds in 1988 in the village of Halabja).

Reality: it is far from certain that Iraq used chemical weapons against the Kurds. It may be accepted as conventional wisdom in these times, but back when it was first claimed there was great skepticism. The evidence is far from conclusive. A 1990 study by the Strategic Studies Institutes of the U.S. Army War College cast great doubts on the claim that Iraq used chemical weapons on the Kurds. Following are the two gassing incidents as described in the report:

In September 1988, however—a month after the war (between Iran and Iraq) had ended—the State Department abruptly, and in what many viewed as a sensational manner, condemned Iraq for allegedly using chemicals against its Kurdish population. The incident cannot be understood without some background of Iraq's relations with the Kurds . . . throughout the war Iraq effectively faced two enemies—Iran and elements of its own Kurdish minority. Significant numbers of the Kurds had launched a revolt against Baghdad and in the process teamed up with Tehran. As soon as the war with Iran ended, Iraq announced its determination to crush the Kurdish insurrection. It sent Republican Guards to the Kurdish area, and in the course of the operation—according to the U.S. State Department—gas was used, with the result that numerous Kurdish civilians were killed. The Iraqi government denied that any such gassing had occurred. Nonetheless, Secretary of State Schultz stood by U.S. accusations, and the U.S. Congress, acting on its own, sought to impose economic sanctions on Baghdad as a violator of the Kurds' human rights.

Having looked at all the evidence that was available to us, we find it impossible to confirm the State Department's claim that gas was used in this instance. To begin with. There were never any victims produced. International relief organizations who examined the Kurds—in Turkey where they had gone for asylum—failed to discover any. Nor were there ever any found inside Iraq. The claim rests solely on testimony of the Kurds who had crossed the border into Turkey, where they were interviewed by staffers of the Senate Foreign Relations Committee. . . .

It appears that in seeking to punish Iraq, the Congress was influenced by another incident that occurred five months earlier in another Iraqi-Kurdish city, Halabjah. In March 1988, the Kurds at Halabjah were bombarded with chemical weapons, producing many deaths. Photographs of the Kurdish victims were widely disseminated in the international media. Iraq was blamed for the Halabjah attack, even though it was subsequently brought out that Iran too had used chemicals in this operation and it seemed likely that it was the Iranian bombardment that had actually killed the Kurds.

Thus, in our view, the Congress acted more on the basis of emotionalism that factual information, and without sufficient thought for the adverse diplomatic effect of its action.

Claim: Iraq must be attached because it has ignored UN Security Council resolutions—these resolutions must be backed up by the use of force.

Reality: Iraq is but one of the many countries that have not complied with UN Security Council resolutions. In addition to the dozen or so resolutions currently being violated by Iraq, a conservative estimate reveals that there are an additional 91 Security Council resolutions by countries other than Iraq that are also currently being violated. Adding in older resolutions that were violated would mean easily more than 200 UN Security Council resolutions have been violated with total impunity. Countries currently in violation include: Israel, Turkey, Morocco, Croatia, Armenia, Russia, Sudan, Turkey-controlled Cyprus, India, Pakistan, Indonesia. None of these countries have been threatened with force over their violations.

Claim: Iraq has anthrax and other chemical and biological agents.

Reality: That may be true. However, according to UNSCOM's chief weapons inspector 90–95 percent of Iraq's chemical and biological weapons and capabilities were destroyed by 1998; those that remained have likely degraded in the intervening four year and are likely useless. A 1994 Senate Banking Committee hearing revealed some 74 shipments of deadly chemical and biological agents from the U.S. to Iraq in the 1980s. As one recent press report stated:

One 1986 shipment from the Virginia-based American Type Culture Collection included three strains of anthrax, six strains of the bacteria that make botulinum toxin and three strains of bacteria that cause gas gangrene. Iraq later admitted to the United Nations that it had made weapons out of all three . . .

The CDC, meanwhile, sent shipments of germs to the Iraqi Atomic Energy Commission and other agencies involved in Iraq's weapons of mass destruction programs. It sent samples in 1986 of botulinum toxin and botulinum toxoid—used to make vaccines against botulinum toxin—directly to the Iraqi chemical and biological weapons complex at al-Muthanna, the records show.

These were sent while the United States was supporting Iraq covertly in its war against Iran. U.S. assistance to Iraq in that war also included covertly-delivered intelligence on Iranian troop movements and other assistance. This is just another example of our policy of interventionism in affairs that do not concern us—and how this interventionism nearly always ends up causing harm to the United States.

Claim: The president claimed last night that: ''Iraq possesses ballistic missiles with a likely range of hundreds of miles; far enough to strike Saudi Arabia, Israel, Turkey and other nations in a region where more than 135,000 American civilians and service members live and work.''

Reality: Then why is only Israel talking about the need for the U.S. to attack Iraq? None of the other countries seem concerned at all. Also, the fact that some 135,000 Americans in the area are under threat from these alleged missiles is just makes the point that it is time to bring our troops home to defend our own country.

Claim: Iraq harbors al-Qaeda and other terrorists.

Reality: The administration has claimed that some Al-Qaeda elements have been present in Northern Iraq. This is territory controlled by the Kurds—who are our allies—and is patrolled by U.S. and British fighter aircraft. Moreover, dozens of countries—including Iran and the United States—are said to have al-Qaeda members on their territory. Other terrorists allegedly harbored by Iraq, all are affiliated with Palestinian causes and do not attack the United States.

Claim: President Bush said in his speech on 7 October 2002: ''Many people have asked how close Saddam Hussein is to developing a nuclear weapon. Well, we don't know exactly, and that's the problem . . .''

Reality: An admission of a lack of information is justification for an attack?

Also worth mention:

President Bush claimed that our deposing Saddam Hussein . . .

Mr. LANTOS. Madam Speaker, I yield 6 minutes to the gentleman from New York (Mr. ACKERMAN), a member of the Committee on International Relations.

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Madam Speaker, the President continues to make his case before the Congress, before the American people, and before the United Nations to garner support and legitimacy in the case against Saddam Hussein. There is no question about any of the facts the President has cited in making the case for urgent action against the threat posed by the Iraqi current regime.

Only the deliberately obtuse can doubt that Saddam Hussein is a murderous, rapacious dictator with an addiction to aggression, and a long record of gross miscalculations.

Since seizing power and killing all of his domestic rivals, Saddam spent the entirety of his rule either committing acts of gross unprovoked aggression, preparing for war, conducting war, brutalizing his own countrymen, or committing crimes against humanity.

Madam Speaker, if we believe there is good in the world, surely we must recognize that there is also evil. Saddam Hussein is pure evil. The litany of Iraq's bad behavior is very familiar, and there is no real question about Iraq's appetite for weapons of mass destruction and his thirst for nuclear

weapons. We know beyond a shadow of doubt that even after defeat in the Gulf War, and even while the United Nations inspectors were attempting to verify Iraq's United Nations mandated disarmament, Saddam Hussein's regime continued his covert and comprehensive plans to acquire those weapons and the means to deliver them.

All of these facts are established and known, and the President made them all very clear last night. The single question we must answer, the single decision from which all other decisions will naturally descend is what to do about this threat. It is grave. It is immediate, and it will not satisfactorily resolve itself without action. We cannot simply hope that Saddam Hussein will be deterred. He has shown himself to be an inveterate and dangerous gambler.

We cannot simply hope that Saddam will not share weapons of mass destruction technology with terrorists. We know al Qaeda elements have already been at work soliciting Iraqi aid in this field. We cannot simply hope that U.N. inspections will rout out Saddam Hussein's weapons of terror. We know that he has defeated inspections for 10 years and is prepared to risk his regime in order to preserve them.

Madam Speaker, hope is not a plan; nor will hope ensure our national security. I believe that we all want a nonviolent resolution to this problem.

□ 1430

As the President said last night, ''Military action is not imminent or unavoidable.''

Madam Speaker, it is not our first choice, but the only way for us to be clear about Saddam's obligation is for us to speak with one voice. Madam Speaker, we have fought wars that we have not declared, and we have declared wars that we have not fought. Let us hope that this is one of the latter.

I believe that authorizing the President to use force, if necessary, is the best way to avoid war and is the best way to make clear that preservation of peace depends on Iraq's compliance with its obligations. But if we must use force, then the central issue to my mind is how to secure the greatest and the broadest international endorsement for our proposed course of action.

Madam Speaker, since World War II, the United States, on the basis of broad bipartisan consensus, has been leading the world through the creation of a system of international security based on shared norms and institutions. The international order our Nation has established and sustained since the presidencies of Roosevelt and Truman and Eisenhower, the so-called Pax Americana, has succeeded for decades because it has been perceived internationally as legitimate and is not just self-interested. The peace of the Americans, not just the peace for the Americans.

The goodwill that we have built up for decades is not simply the product of our support for democracy and free markets but rather our enduring and substantial material support for international institutions such as the United Nations and NATO and, through them, our commitment to international cooperation in the pursuit of global security. The global idea that we are all in this together has enabled our country to lead for decades without any significant backlash.

The real questions that we should be asking are not about whether something should be done about Iraq. Something must be done. Our national security requires it. The key questions that remain are about international order and our relationship with the rest of the world.

The President's speech to the U.N. seemed to be the first step in our effort to build a coalition. Last night's speech was another. These were necessary efforts, and we must continue. Because a preventative war devoid of any sort of international consensus is not a precedent that we choose to establish. Our Nation used to refer to that kind of project as aggression. Like it or not, we will need the international community when and if the time comes for the reconstruction of Iraq.

But beyond our efforts in Iraq, we continue to need the international support for the war on terror. We cannot scorn international concerns and reservations without lasting harm to our larger and longer-term objectives.

While I am prepared to endorse the President's request for authorization to use force to respond to the threat by Iraq, I continue to have grave concerns about the administration's complete failure to explain what an unsupported war on Iraq will do to our efforts to establish a stable global order. I continue to have grave concerns about the administration's complete failure to explain how an unsupported war in Iraq will advance international cooperation in the war on terror. And I continue to have grave concerns about the administration's complete failure to explain how we will restore a post-Saddam Iraq to the family of nations.

Madam Speaker, all that being said, we must recognize Saddam Hussein's regime is a reign of evil, promising the world nothing but terror and death. A decent people have an obligation to confront evil in its womb.

Madam Speaker, I will support the resolution, but I fear that defeating Iraq and deposing Saddam are likely to be orders of magnitude much easier than repairing a potential breach in international perceptions about our Nation's intentions and our values.

Mr. GILMAN. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

(Mr. GREEN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Madam Speaker, I thank the gentleman for yielding me this time.

Over the next few days, this House is taking up yet another momentous decision in a session that is sadly full of historic challenges. The American people are watching and listening to our debate today. History is watching and listening to our debate today. And make no mistake, the Iraqi regime is watching and listening and weighing our words carefully.

This debate can be a debate in the highest and best sense of that term, a serious exchange of ideas and opinions. That is the only opinion, that is the only mechanism that will do justice to this body, a body that has all too often been saddled with great and momentous decisions.

But for that debate to be potentially realized, however, we must understand what our resolution is about and what it is not about. Despite what a misguided few will argue over these next few days, we are not debating a choice between war and peace. If it were only that simple.

Make no mistake, I stand for peace, firmly and proudly. The real peace coalition is more than a handful of members who give themselves that label in the media. The real peace coalition is comprised of nearly everyone in this body today. As Americans we must all stand for peace.

The real issue before us is how we secure that peace in long run, peace for our children and peace for their children. The real debate is over what means will give us the best chance to stop a gathering storm in the terrorist world.

There are some in this House and some in this Nation who are ready to put their faith solely in diplomacy. They believe that, given more time, there will be more discussion and more parley and somehow that can produce a result that it has not yet produced in the course of more than a decade.

Others of us, I think most of us, would dearly like to put our faith in diplomacy alone, but we know that history does not allow us the easy way out, neither the history our dealings with this tyrant nor the even dimmer and longer-term history of containment and appeasement. The gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) have painted that picture all too well, I am afraid.

I support the resolution before us because I believe it strikes the right balance. It specifically requires the pursuit of diplomacy. In a civilized world like ours, diplomacy should always be the first path chosen, but it also backs that talk up with the threat of serious action. The resolution wisely faces the reality that a tyrant aimed at gamesmanship and amassing power instead of living up to universally accepted obligations is unlikely to take diplomacy very seriously without the potential for enforcement waiting in the wings. Under this resolution, the President must first determine that peaceful means cannot accomplish our goals.

If we have learned anything over this decade, it is surely that Saddam Hussein will do everything he can to manipulate the diplomatic process for his own nefarious advantage. This is exemplified by his recent announcement that he will permit ''unconditional'' weapons inspections to resume but only if they do not include 12 square miles of his presidential palaces and thousands of buildings.

He has hidden behind diplomacy, while continuing to develop his weapons of mass destruction. He calls for more negotiations, while firing thousands of times at coalition planes in the no-fly zones. He cynically declares to the civilized world he would never support terrorism, and yet we know every day more and more why that is not true.

We cannot ignore this history. We dare not ignore this history. Yet some would put all their faith in diplomacy. Others of us would like to put our faith in diplomacy alone, but, again, we are all too aware of its shortcomings. Force or the threat of it seems to be the only language Saddam Hussein understands. It is how he speaks, and it is the only way he listens. Diplomacy without the threat of force I am afraid is sure once again to get lost in the translation, the translation between the civilized world and the savage mind of Saddam Hussein.

The resolution pushes diplomacy. It requires diplomacy. But, thankfully, it empowers diplomacy. This is how, God willing, we can secure real and lasting peace for our children and grandchildren.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a member of the Committee on the Judiciary and the Committee on the Budget.

(Ms. BALDWIN asked and was given permission to revise and extend her remarks.)

Ms. BALDWIN. Madam Speaker, I rise today in opposition to this resolution to authorize the President of the United States to go to war with Iraq in a unilateral first strike.

It is clear that Saddam Hussein has been and continues to be a threat to Iraq's neighbors and to all peace-loving nations. The United States and the United Nations have recognized the dangers posed by his pursuit of nuclear, biological, and chemical weapons. The very existence of these types of weapons in our world is exceedingly dangerous. They are dangerous in the hands of a dictator like Saddam Hussein, but they are also dangerous stockpiled in the former Soviet Union. They are dangerous even in our own stockpiles. Control and destruction of weapons of mass destruction are essential to our national security and to world security.

The world has wisely taken action to proactively address this threat, and I am proud that the United States has been a leader in addressing the threat of weapons of mass destruction. Right now, the United States is spending $1 billion per year to prevent the proliferation of these weapons, but we must do more.

The question before the world today and the Congress of the United States is, what steps do we take to ensure that Iraq does not use weapons of mass destruction? The President has indicated a willingness to work together with the United Nations to renew international inspections and the disarmament process. We must let this process begin, and we must do everything we can to ensure that it succeeds.

In the absence of an imminent threat to the United States, in which case the President, as Commander-in-Chief, already has the legal authority to respond, but in the absence of an imminent threat, working with our allies and other nations to address this threat is the appropriate way to proceed.

The administration's skepticism about Iraq's agreement to allow weapons inspectors without conditions is understandable. However, we must allow weapons inspections a chance to proceed before concluding that they have failed. The world community is with us in demanding inspections and disarmament. Establishing an inspection process that is complete, thorough and comprehensive can be done, but it will require resources and it will require our determination and it will require the active cooperation of our allies and the world community.

War against Iraq should not be our first choice but rather our very, very last resort. The United States has many tools, I mean many tools, to address the threats of weapons of mass destruction. Absent an imminent threat, we must exhaust our other tools before hauling out the machinery of death and destruction, and there are alternatives between doing nothing and declaring war.

It is our responsibility to address the threat to the safety of Americans and our allies from Iraq. Nothing is of greater concern to a Member of Congress than the health and safety of our citizens. A military first strike on Iraq, absent the support of the international community, may be more dangerous to our citizens than using means short of war. War against Iraq could further destabilize the Middle East. War against Iraq could make it more likely that weapons of mass destruction are used on our civilians. War against Iraq could endanger our allies in the region. War against Iraq could reinforce anti-American extremism and terrorism recruitment. It is absolutely essential to weigh these costs of war, also.

The President's case for war emphasizes the potential threat from Iraq, while minimizing the dangers inherent in military action targeted at a regime change. War is far from risk free. In fact it may be far more dangerous an option to American security.

A rat backed into a corner will fight, not surrender. If Saddam Hussein has no other option, he is more likely to use weapons than under our current containment policy. He could use them against American troops. He could use them against Israel. He could use them against the Kurds in northern Iraq. He may even decide that, with nothing to lose, why not give them the weapons to anti-American terrorists.

Madam Speaker, we should be very aware that Iraq's neighbors are not clamoring for us to attack. They understand the danger of war with Iraq.

An attack on Iraq would likely be perceived by some as an attack on Islam, generating more anti-Americanism and encouraging radical fundamentalism. The precedent set by a go-it-alone first strike would shape the future of this century. Is that how we will approach the nearly 30 other countries that possess or are developing the weapons of mass destruction or the means to deliver them? And how will we speak with any moral authority to other sovereign nations who seek to take things into their own hands against other states they see as threats?

Madam Speaker, issues of war and peace are never easy. The decision we will make will shape our century. I do not know what the future will bring. However, I firmly believe that we must pursue diplomacy and every other tool first. War with Iraq now is not the answer.

Madam Speaker, I rise today to oppose this resolution to authorize the President of the United States to unilaterally go to war with Iraq.

It is clear that Saddam Hussein has been and continues to be a threat to Iraq's neighbors and to all peace-loving nations of the world. The United States and United Nations have recognized the dangers posed by his pursuit of nuclear, biological and chemical weapons. The very existence of these types of weapons in our world is exceedingly dangerous. They are dangerous in the hand of a dictator like Saddam Hussein. They are also dangerous stockpiled in the former Soviet Union. And they are dangerous even in our stockpiles. Control and destruction of weapons of mass destruction are essential to our national security and world security.

The world has wisely taken action to proactively address this threat. I am proud that the United States has been a leader in addressing the threat of weapons of mass destruction. Right now the United States is only spending $1 billion per year to prevent the proliferation of these weapons. We must do more.

The question before the world today and the Congress of the United States is: what steps do we take to ensure that Iraq does not use weapons of mass destruction? The President has indicated a willingness to work together with the United Nations to renew international inspections and the disarmament process. We must let this process begin. And do everything we can to make sure it succeeds.

In the absence of an imminent threat to the United States (in which case the President already has the necessary legal authority as Commander-in-Chief to respond) . . . in the absence of that imminent threat, working with

our allies and other nations to address this threat is the appropriate way to proceed.

The Administration's skepticism about Iraq's agreement to allow weapons inspectors without conditions is understandable. However, we must allow weapons inspection a chance to proceed befor concluding they have failed. The world community is with us in demanding inspections and disarmament—we should do all we can to make them effective. Establishing an inspection process that is complete, thorough and comprehensive can be done. It will require resources. It will require determination. And it will require the active cooperation of our allies and the world community.

War against Iraq should not be our first choice, but rather our last resort. The United States has many tools to use to address the threats of weapons of mass destruction. Absent an imminent threat, we must exhaust our other tools before hauling out the machinery of death and destruction. And there are alternatives between doing nothing and declaring war.

The President has articulated his case against Iraq by citing the danger posed by its weapons on mass destruction. He has envisioned a Middle East dominated by a nuclear-armed Iraq, bullying its neighbors, blackmailing the region, threatening the United States, and arming terrorists. I believe the United States and the United Nations should take actions to prevent this nightmare scenario from occurring.

It is our responsibility to address the threat to the safety of Americans and our allies from Iraq. Nothing is of greater concern to a Member of Congress than the health and safety of our citizens. A military first strike attack on Iraq, absent the support of the international community, may be more dangerous to our citizens than means short of war. War against Iraq could further destabilize the Middle East. War against Iraq could make it more likely that weapons of mass destruction are used on civilians. War against Iraq could endanger our allies in the region, like Israel and Turkey. War against Iraq could reinforce anti-American, extremism and terrorist recruitment. It is absolutely imperative to weigh these costs of war against the threat.

The President's case for war emphasizes the potential threat from Iraq, while minimizing the dangers inherent in military action targeted at a regime change. War is far from risk free. In fact, it may be a far more dangerous option.

A rat backed into a corner will fight, not surrender. If Saddam Hussein has no other option, he is more likely to use these weapons than under our current containment policy. He would use them against American troops. He would use them against Israel. He would use them against the Kurds in northern Iraq. He may decide that with nothing to lose, why not give the weapons to anti-American terrorists.

Madam Speaker, we should be very aware that Iraq's neighbors are not clamoring for us to attack. They understand the danger of war with Iraq.

An attack on Iraq would likely be perceived by some as an attack on Islam, generating more anti-Americanism and encourage radical fundamentalists.

In addition to the military dangers posed by an invasion of Iraq, we must consider the post-war challenges. Rebuilding Iraq will be a major challenge that will take many years and a great deal of money. There is no history of democratic government in Iraq. The Iraqi opposition is disorganized and divided, despite U.S. efforts to pull them together. The economy and infrastructure is in ruins after years of war and sanctions.

If we look at previous wars and occupations that the United States has undertaken, success has meant an extended commitment of time, resources and American forces. We did successfully rebuild Europe and Japan after World War II. It has been an unqualified success. Yet more than fifty years later, we still maintain military forces on their soil and in their defense. Are we prepared to keep 100,000 or more troops in Iraq to maintain stability there? If we don't, will a new regime emerge? If we don't, will Iran become the dominant power in the Middle East? If we don't, will Kurdish separatists declare a new state, destabilizing our NATO ally Turkey? Will Turkey react? If we don't, will Islamic fundamentalists take over Iraq? We cannot know what will happen in a post-war Iraq, but all of the good outcomes clearly require a substantial U.S. commitment, far more than any other in the region, even Afghanistan.

International law is clear in reserving for a sovereign nation the right to self-defense. It is also generally accepted that this right of self-defense extends to a preemptive attack in the case of an imminent threat. Thus, should Iraq pose an imminent threat to the United States, we would be justified in taking preemptive action. The President has not made the case that an imminent threat exists. Instead, he has made a much broader and more troubling argument: that we are unlikely to ever have enough evidence of an imminent attack from Iraq and therefore must act now. The fundamental problem with this line of reasoning is that it blurs the standard of evidence required to justify a preemptive attack under international law, undermining the ability of the world community to maintain peace and security.

The precedent set by a go-it-alone first strike would shape the future of this century. Is that how we will approach the nearly 30 other countries that possess or are developing weapons of mass destruction or the means to deliver them? And how will we speak with any moral authority to other sovereign nations who seek to ''take things into their own hands'' against other states they see as threats?

Absent an imminent threat, it is imperative that we build a strong case for taking preemptive action against Iraq. The standard of evidence must be high, not low. The best way to build a convincing case is to work with the world community to build that case. Coercive weapons inspections will help us build that case in two ways. If Saddam Hussein cooperates, even reluctantly, we will know far more about his weapons capability and the threat. We will also be able to disarm him of all that we find. If Saddam Hussein refuses to cooperate, or undermines the work of the inspectors, the world will be more willing to accept a military solution. A coercive inspections effort over the next several months will strengthen our ability to deal with the threat.

The President should be commended for going to the United Nations last month to urge a resumption of the inspections. We should work with our allies and other nations to implement a strong inspections program. The goal of these inspections should be to find all weapons of mass destruction and disarm Iraq. I believe that the United Nations Security Council would support a strong inspections program that meets the goals articulated by the President.

I believe it is a mistake to demand that the Security Council authorize the use of force now, just as I believe the U.S. Congress should not authorize the use of force today. We should move forward as quickly as possible with unconditional inspections. Authorizing the use of force to enforce these inspections and disarm Iraq should come after our diplomatic efforts have been attempted and found to fail. They may fail. But they also may succeed. And they are more likely to if it is a united world against Saddam Hussein instead of the United States and Britain on our own.

Madam Speaker, issues of war and peace are never easy. The decision we make will shape this century. I do not know what the future will bring. However, I firmly believe that we must pursue diplomacy and every other tool first. War with Iraq now is not the answer.

□ 1445

Mr. GILMAN. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), a distinguished member of our Committee on International Relations.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today in support of the resolution on the use of force in Iraq. This resolution may very well determine where America's future lies, and I do not take this responsibility lightly.

I fully understand what it will mean to watch the carriers leave port in Virginia, or see the men and women leave the many military bases that I represent back home.

This vote may send them in harm's way, in defense of liberty and freedom; and that is a very heavy weight to carry. However, we cannot forget the attack that struck America over a year ago, and we must act to ensure that our way of life is protected and preserved.

It has been asked almost in unison across America how that fateful day last year could have been avoided. The answer is simple: we do not avoid these disasters; we prevent them. I support this resolution because I firmly believe that prevention is the only way to preserve our way of life, and a regime change in Iraq is necessary to restore global peace.

I believe that if we do not remove Saddam Hussein and his regime from power and bring liberation to Iraq, the terrorist attacks of last year will simply serve as a preamble to countless acts of terrorism across American soil.

We are certain that Iraq has continued with development of nuclear, biological and chemical weapons; and we know of their effectiveness. Hussein's maniacal use of these agents on his own people proves not only his disregard for human lives, but also proves their effectiveness. He has killed thousands in his very own country.

We know that without intervention, Iraq's weapons programs will only increase and improve; and the longer we

wait to intervene, the more seriously our troops will be threatened by Iraq's nuclear, biological, and chemical warfare programs. The possibility of Hussein having long-range nuclear capabilities in the near future is very, very real.

America cannot afford to allow its people to live in a world where Iraq has nuclear weapons. Saddam Hussein is the world's most dangerous terrorist; and as the attacks of last year have shown, terrorists do not consider the consequences. America must prevent these disasters before they happen and ensure that nuclear war never enters the pages of 21st-century history.

America's Iraqi policy of containment must be replaced with a policy of prevention. We must prevent future disasters by disarming Saddam Hussein of his nuclear, his chemical, and his biological weapons and overthrowing his regime.

Madam Speaker, I urge all my colleagues to support our President and to support this resolution.

Mr. LANTOS. Madam Speaker, I am delighted to yield 7 minutes to my good friend, the gentleman from Tennessee (Mr. CLEMENT), one of our leaders in the field of foreign policy and national security.

Mr. CLEMENT. Madam Speaker, to my good friend and colleague, the gentleman from California (Mr. LANTOS), a visionary thinker and planner, and also one that is a Holocaust survivor, our only one in the U.S. House of Representatives, I rise in support of the resolution before us today. As a veteran, I understand the importance of this vote and the enormous impact it may have on the men and women who serve in our Armed Forces and their families, as well as our country and our world.

As debate on this issue has progressed over the last several months, I have repeatedly heard one concern from the citizens of Tennessee: exhaust diplomatic alternatives first; engage the international community before taking any military action.

Let me say for the record that I am pleased that the resolution does not call for the U.S. to act alone. Quite simply, this resolution makes clear the convictions of Congress that the President should pursue all diplomatic options first; but if Iraq resists diplomatic solutions, then the President is authorized to use all necessary means to enforce U.N. Security Council resolutions.

I believe the language in this resolution offers a balanced approach that is limited in scope and specific in its goals. This resolution gives the President the flexibility he will need, while ensuring that Congress is consulted and has a meaningful role.

Most importantly, it reflects the importance of putting diplomacy first and working with the international community to address the Iraqi threat. While we must pursue a diplomatic solution, we cannot afford to ignore the threat Saddam Hussein poses to his neighbors and to our national security.

According to the terms of the 1991 cease-fire that ended the Persian Gulf War, Iraq was required to destroy its stockpiles of chemical and biological weapons and stop its development of nuclear weapons.

Before the Gulf War, the U.S. intelligence community estimated that Iraq was between 5 and 10 years away from building a nuclear weapon. However, when international inspectors went in after the war, they discovered that Iraq was less than a year away from building a crude nuclear device. In fact, the inspectors found that Iraqi scientists had crafted a workable weapon design and were very close to refining enough heavily enriched uranium to produce a nuclear bomb.

Fortunately, over the course of the next 7 years of internationally supported weapons inspections, Iraq's nuclear program was largely wiped out. But in 1998 the Iraqis stopped cooperating with U.N. mandates and Saddam threw out the weapons inspectors.

Since that time, our intelligence indicates that Saddam has moved quickly to reconstruct his nuclear program. He has hired 200 nuclear Ph.D.s and 7,000 technicians to build a nuclear bomb and has tried to obtain nuclear components from the black market; and he has continued to stockpile huge quantities of chemical and biological weapons, including mustard gas, VX nerve gas, sarin gas, and anthrax.

Hussein's pursuit of these weapons of mass destruction presents a clear and present danger to U.S. national security, and disarmament of his regime must be our top national priority.

Unlike the Gulf War in 1991, we are not dealing with a threat posed by Iraq's conventional forces. Iraq's military has largely been contained and isolated and is unprepared to take the kind of aggressive action it did against Kuwait in 1990. The danger we face from Iraq is much more dire, because it involves Iraq's pursuit of weapons of mass destruction which could devastate our Nation on a scale that we have never seen before. And the longer we wait, the greater the chance is that Saddam Hussein will turn over his weapons of mass destruction to al Qaeda or other terrorists who share his hatred of the United States.

We know that Osama bin Laden and al Qaeda seek weapons of mass destruction to kill innocent Americans in large numbers and destroy our way of life, and we know Hussein is working around the clock to build his nuclear capacity.

How long will it be until these two forces join together against the United States? If we wait until we are attacked, the loss of life could be devastating. The detonation of only one nuclear device in a highly populated urban area could cause the deaths of tens of thousands of people. This is an unacceptable threat to our national security, and we must do everything we can to disarm his regime immediately.

We have given Saddam Hussein 11 years to comply with United Nations resolutions, and he has chosen not to do so. Saddam Hussein has defied the international community for far too long. Diplomatic efforts have failed. Economic sanctions have failed. Saddam has thumbed his nose at the international community for more than a decade by ignoring U.N. Security Council resolutions that required him to disclose his weapons stockpiles, to disarm, and to cut ties to terrorist groups.

The time is now for Saddam Hussein to live up to the 16 U.N. resolutions he has defied. This is Iraq's last chance. Confronting Saddam Hussein now is a necessary step to rid the world of his deadly potential. Saddam must clearly understand that swift and decisive force will be the automatic consequence, should he continue to ignore and avoid the inspections regime he agreed upon.

Madam Speaker, I remain hopeful that we will see a diplomatic solution, but we must be prepared to act if those efforts fail. There is no more difficult decision that we as Members of Congress are called upon to make than a decision to authorize the President, the Commander in Chief, to put the men and women of the United States military into battle. Each Member of Congress must make this decision according to his personal conscience and his sense of what is best for the securities of the people of the United States of America. For my part, I have made that decision. We must be prepared to use force if diplomacy fails.

Mr. GILMAN. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Madam Speaker, the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Chairman HYDE), and the gentleman from New York (Mr. GILMAN) and others have done outstanding work on this resolution; and I commend them.

Madam Speaker, I want to apply hindsight. Hindsight inevitably is 20–20. But as I apply hindsight, my train of thought reverts to the Second World War. I wonder aloud how, if there had been four or five or even two or three additional Winston Churchills who would have dared stand up to Adolf Hitler, would the Second World War have been averted. Perhaps. I think certainly its impact would have been diminished if that had occurred.

Saddam Hussein, in my opinion, is the modern day version of Adolf Hitler. I have read that he is not as astute as Hitler. I do not know their respective intelligence quotients; but I do believe that Saddam is as brutal, as wicked, and as evil as Adolf Hitler was.

The time for us to act is now. As the President told us last evening, Saddam and his thugs are not only willing to do us in, they are eager to do us in; and that distaste is shared by sizable numbers around the world.

I am pleased, Madam Speaker, that President Bush last evening made it

clear that we Americans are friends of the Iraqi people. This is not an effort to be adversarial to those people. They are the victims of this schoolyard bully; and Saddam, not unlike the schoolyard bully, has no respect for anyone. They are afraid of him.

I think many of the Arab states would like to see him removed, but they do not want their fingerprints on it. If he is in fact removed, I think they would silently applaud enthusiastically.

I was in the Middle East recently, Madam Speaker, and was confronted by a journalist who accused President Bush of being abusive to Saddam Hussein. I reminded that journalist that it was not President Bush who was being abusive, but that Saddam himself had been ruthlessly abusive, not only to others, but to his own people. The journalist did not respond to me, because he knew I was speaking factually and accurately.

The time to act is now. I am uneasy when I think about nation building, because that could involve disastrous results. But the point is, and we need to drive this home, that nation building can be avoided with mere compliance. All Iraq must do is comply with the U.N. resolutions is to permit these inspectors back in, unfettered, no strings attached, in full view; and if this is done in a compliant manner, I see no need for war.

□ 1500

President Bush himself last evening said, this is avoidable. It lies upon his table, and he can act accordingly. I urge him to do so. We do not want war. I think most people do not want war. But the time to act is now. Because, not unlike Hitler, if he is permitted to continue to defy the U.N., to violate this resolution or that resolution, who knows when he may well attack?

Madam Speaker, the time to act is now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). The Chair notes a disturbance in the gallery in violation of the Rules of the House and directs the Sergeant-at-Arms to restore order.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairperson of the Congressional Black Caucus.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I thank the gentleman from New Jersey for yielding me this time.

I rise before my colleagues today with a high degree of frustration as we consider the grave prospect of authorizing the President to send our uniformed men and women into military action in Iraq. I believe I speak for all Members of Congress when I say that I am awed by the moral weight of this decision. We all know that any military action would likely lead to an immediate and substantial loss of human life and have untold implications on the security of our Nation in years to come.

Madam Speaker, no one desires to be on the opposite side of our President in times like these, but I regret to tell my colleagues that I am unable to support this resolution in its present form. I would like to add to the RECORD the statement issued by the Congressional Black Caucus outlining specific principles we believe must be addressed before military action should occur:

''We oppose a unilateral, first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.

''Only Congress has the authority to declare war.

''Every conceivable diplomatic option must be exhausted.

''A unilateral first strike would undermine the moral authority of the United States, destabilize the Middle East region and undermine the ability of our Nation to address unmet domestic priorities.

''Further, any post-strike plan for maintaining stability in the region would be costly and require a long-term commitment.''

Madam Speaker, I believe that the President has failed to address these principles.

There is no doubt that Saddam Hussein's regime poses a threat to the Iraqi people, to his neighbors in the Middle East, to the United States, and to the world at large with his biological and chemical weapons and his nuclear program ongoing. For this reason, I cannot unequivocally count future military action out in the face of this legitimate threat.

However, I strongly believe that the most effective way of combating this menace is by solidifying the support of the international community and acting within the auspices of the United Nations, not by acting unilaterally.

In the 1990s, we made significant progress in conjunction with our international allies through the United Nations weapons inspection program which led to the destruction of 40,000 chemical weapons, 100,000 gallons of chemicals used to manufacture weapons, 48 missiles, 30 warheads, and a massive biological weapons facility equipped to produce anthrax.

Inspections are a proven, nonviolent, and internationally supported method of thwarting Iraq's acquisition of weapons material and technology. What is more, a clear majority of the American people want us to give the inspectors the opportunity to work before we take military action.

To this end, I am not convinced that giving the President the authority to launch a unilateral, first-strike attack on Iraq is the appropriate course of action at this time. While I believe that under international law and under the authority of our Constitution, the United States must maintain the option to act in its own self-defense, I strongly believe that the administration has not provided evidence of an imminent threat of attack on the United States that would justify a unilateral strike.

I also believe that actions alone, without exhausting peaceful options, could seriously harm global support for our war on terrorism and distract our own resources from this cause.

I am disappointed that those who favor this resolution make no mention of the long-term commitment for nation-building that will be necessary in order to maintain stability in the Middle East region following an attack on Iraq. Thus far, this administration has not made public any plans for our role in Iraq in the years to come, if not decades, after the attack.

I cannot imagine that any of us believe this administration and our Nation is prepared to orchestrate and assume the entire financial burden of economic reconstruction, democratization, and nation-building that would be necessary to stabilize post-conflict Iraq. Let us not forget that this Congress would have to authorize aid for this long-term task at a time when we are still engaged in the Balkans and have only recently started to help in Afghanistan.

Furthermore, our Nation's economic recovery demands our immediate attention; and I am disturbed by reports that our Nation's poverty rate, joblessness, and health care costs continue to rise at the same time personal wealth and retirement savings are being desecrated. I fear the prospect of military action in Iraq will further distract our attention from an ominous economic outlook.

So, before we undertake military operations in Iraq, we must ask ourselves some very basic questions:

Does a war with Iraq improve our national security?

Does it allow the United States to make peace through the power of our example?

Does it allow us to focus on the economic suffering of our own people?

Madam Speaker, I believe the answer is a resounding ''no.'' Therefore, I regret that I cannot vote with the President for this resolution.

Mr. BEREUTER. Madam Speaker, it is my pleasure now to yield 5 minutes to the distinguished gentleman from New York (Mr. HOUGHTON), a valued member of the Committee on International Relations.

Mr. HOUGHTON. Madam Speaker, I thank the gentleman from Nebraska for yielding me this time.

The American people are now going to experience a wonderful and lengthy debate, something that is just absolutely essential for this country, and they will have their fill of it.

I want to stand here, though, and say that in 1944 I enlisted in the Marine Corps. I voted for Desert Storm. I have always felt that the first dollar of Federal money should go into defense, to be able to protect our country. But I am prepared to vote against this resolution. This is a sad day for me, because I want to support my President.

I admire him greatly. But I guess, with thousands of votes which we make over the years, I have found that conscience is probably the best thing to follow and is most honest if one is going to be true to one's self, if not always politically popular.

Following September 11 of last year, we were told that terrorism is the enemy. We have to get rid of al Qaeda. We have to take out Osama bin Laden. We have to eliminate the pockets who hate Americans. We have to rebuild Afghanistan. Secondly, we were told that to win the war against terrorism, our main objective, it required the cooperation of our allies around the world. And I bought that, and the President spelled it out very clearly and very eloquently.

But now we hear that the priorities have changed and that Iraq is the prime target. Saddam Hussein is a bad man, he has horrible weapons, and I believe all of that. But as a single-minded believer I asked, what does this have to do with September 11? There is very little evidence that Iraq had anything to do with the attack on September 11 or on terrorism itself. As a matter of fact, probably Saddam Hussein and Osama bin Laden are mortal enemies. One is from a secular country and the other is a religious fundamentalist.

Now, I happen to be a hawk on Iraq. Saddam Hussein is bad, and some day we should deal with him. But, right now, the security of the American people is at stake, and I believe we must fight terrorism in its emerging and subtle forms.

So, I see that, without finishing what we started to do and with no intimate knowledge that there is nuclear weapons at hand or that there is a relationship to terrorism, why is it that we refocus our objectives? It is hugely costly. We are not backed by some of our key allies, and we potentially can unleash even more of the thing which we are fighting: terrorism.

I met with some Arabs the other day, with a group of Israelis and Arabs who were talking about the Middle East, and they said, the Iraqis in general hate Saddam Hussein, but they hate the United States even more.

So Iraq is now one of the only secular countries in that region. And the Sunnis and the Shiites could create such a mess following a war that we could find ourselves against a religious fundamentalist state that could develop, where that is not the case now.

The bill here today says that the President, ''is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate.''

Now, I have great respect for this President. He is an unusual man. And he may be right. We do not know. This is all the future that we are dealing with.

But I am given the opportunity as a Congressman to express my feelings and to cast my vote; and I, frankly, feel uncomfortable. Unilateralism scares me. We have not shown a lot of patience. Our goal as a Nation is to bring people together, not divide them. This is not going to be a cakewalk. People fighting for their own country fight, just differently. And what about the dire Arab-Israeli or Palestinian—Israeli situation?

I think we have the cart before the horse. I think the U.N. ought to do its will first. Frankly, I feel that a right decision at the wrong time is a wrong decision; and somehow we must finish our war on terrorism before we take on another fight.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from Florida (Mr. DAVIS), a valued member of the Committee on International Relations.

Mr. DAVIS of Florida. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in support of this resolution.

I intend to support the resolution for three reasons.

First, I believe the President needs, as has been said by a number of speakers, the credible threat of force to maximize the chances of negotiating a peaceful settlement to disarm Saddam Hussein through the United Nations.

Secondly, I believe that we should at least attempt, if necessary, to use military force to back up an attempt to inspect and disarm. Obviously, Saddam Hussein has been very difficult to deal with in the past, and a more muscular form of inspection may be a further way to avoid a more broad military attack.

Finally, if Iraq fails to disarm and then, in fact, if it is clear that Iraq poses a likely risk of serious harm to this country, I believe we should be prepared to defend ourselves by the use of force as a last resort.

I think it is important to point out that this very difficult decision before us today has been made more difficult by the mismanagement of this issue by the Bush administration in the days leading up to this. Originally, the presentation by the White House was very much of a unilateralist tone and, as the previous speaker mentioned, many Americans, many Members of Congress have had difficulty recovering from that initial misstep. I am pleased that the resolution reflects a change in heart by the President to work with our allies through the United Nations.

Secondly, it was originally suggested to the Congress and the country that there was some additional information that made the risk of Iraq to the United States imminent. This also proved ultimately to be incorrect. There was no additional information of a heavily significant nature in terms of the level of risk that Saddam Hussein posed to this country, and I personally do not believe the case has been made that the threat is imminent.

I do believe the case has been made that the threat is significant and, if we do nothing, it will grow; and that is one of the reasons why I support acting. But the case of regime change, based on any additional information and the allegation of the NSC, has not been made.

Finally, all of the tone coming out of the administration in the early days was force as a first resort, not as a last resort. That is not what has made this country great. It is our strength and our wisdom that has allowed us to succeed and enjoy the moral authority that we enjoy today.

I am pleased that, as recently as last night, the President has changed his tone and is saying correctly that force should be used as a last resort, and the resolution reflects that as well.

□ 1515

But let me add, I think we can do better. It would be my intention to continue to pursue an amendment to this resolution similar to what I offered in the Committee on International Relations. That amendment borrowed from the proposal of the chairman of the Senate Foreign Relations Committee, Senator LUGAR, supported then by Senator HAGEL.

What that amendment provided for was that before the President would use force, in the event the United Nations was not successful in negotiating disarmament, that the President must make a determination and a declaration to Congress and the American people that the risk that Iraq posed to our country was so great as to justify the use of military force.

I believe that higher standard, that moderation, is what will help bring this Congress together to give the President the tools he needs to do his job and to demonstrate that what we are acting with is a combination of strength and wisdom.

Secondly, and most troubling of all, we should adopt an amendment that clarifies that the mission of the United States of America and our allies is to disarm Saddam Hussein, not to engage in regime change. The way the resolution is currently written, it is far from clear, it is far from precise, that the Security Council resolutions that we are authorizing the President to enforce through force deal strictly with disarmament.

These two changes should be adopted to make the resolution stronger, more precise, and more clear. For that reason, I hope the House will take that amendment up later in the action.

Mr. BEREUTER. Madam Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Indiana (Mr. KERNS), a valued member of the Committee on International Relations.

(Mr. KERNS asked and was given permission to revise and extend his remarks.)

Mr. KERNS. Madam Speaker, we are faced today with an important decision regarding Iraq, a decision that we wish were not before us; but we cannot simply wish our responsibilities away. We are faced with a frightening proposition. However, I have concluded after

much prayer that the failure to act or the failure to support our President is even more frightening.

Saddam is a cancer to society. I think most of us have lost someone dear to cancer. I have loved ones that are battling cancer today, a father in Indiana and a mother-in-law in Baltimore. Would we tell them or advise them to ignore their spread of cancer because it is too costly to fight, because the treatment is too unpleasant, because the treatment will upset our day-to-day lives, or because the treatment might not work, or perhaps they could lose their life in the fight? I think not.

As is true with cancer, it is true with Saddam Hussein and the regime in Iraq: it is a cancer that is spreading, and is spreading at an alarming rate. While it is true that we may be able to survive the day, we know ultimately what he will do: Saddam will kill. He will kill anyone in his way; and make no mistake, he will kill Americans, he will kill our children, and he will kill our grandchildren.

Today, Madam Speaker, my fellow Members have quoted great Americans. I would like to share the words of another great American, the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), who said shortly after the attacks of September 11, ''I hope someone is thinking about the enemy we face today, that they do not think that they are dying when they fly airplanes into buildings, they think they are going to meet their God.''

Well, someone has been thinking about the type of enemy we face today, and that someone is President Bush. He has courageously led the world in its fight against terrorism. He has brought the world community together. Perhaps never in history has the world community been so united in its denunciation of terrorism and the attacks that the world has seen.

I ask my colleagues to support the President. Let the rest of the world know that the Congress stands with our President and the American people will not tolerate the slaughter of innocent people anywhere.

Mr. PAYNE. Madam Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a great addition to the Committee on International Relations with his extensive background.

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding time to me. I urge defeat of the resolution.

In the landmark case of Schenck versus The United States, Justice Oliver Wendell Holmes ruled that freedom of speech should not be abridged, even in wartime, unless the circumstances are of such a nature as to create a clear and present danger to the United States.

That doctrine, I suggest, offers an appropriate standard for any preemptive unilateral action. It creates a burden of proof that was best articulated by a patriot from New England who served as Secretary of State in 1837, Daniel Webster. He stated that the need for self-defense must be ''instant, overwhelming, and leaving no chance of means and no moment for deliberation.''

I would add that the quantum of evidence necessary must be compelling and convincing; not the higher criminal standard of beyond a reasonable doubt, but at least compelling and convincing, because of the obvious magnitude of the consequences that are implicated here.

The resolution before us permits the President to take us into war without satisfying either of these requirements. In terms of the clear and present danger test, only last Friday the CIA stated publicly that without material from abroad, Iraq probably would not be able to make a weapon until the last half of the decade; and further, the evidence needed to support the proposition that Iraq is a clear and present danger is not compelling and convincing, but rather, murky and speculative.

I was particularly disturbed to learn that a national defense intelligence estimate had not even been done before the option of unilateral preemptive military action had become administration policy. It is as if a policy had been crafted and there was no need for a factual basis based on our own historical precedents, the evidence, and the rule of law; a conclusion in search of facts, if you will.

Now, the factual basis for congressional authorization is incorporated in the preamble of the resolution before us, but the allegations that are recited therein could be made about a number of countries, such as Iran and North Korea, the other original members of the ''axis of evil'' club, both of whom are further along in the development and capacity to deliver a nuclear device, and both of whom possess biological and chemical weapons. Our own intelligence for years has claimed that North Korea has enough plutonium for several nuclear bombs. So why the focus on Iraq?

It is asserted that Saddam has used chemical weapons and thereby demonstrated the necessary intention. Well, in fact, we do know of at least 10 occasions in the 1980s that he used chemical weapons during the war with Iran because we supported him; yet we still took him off the terrorist list, opened an embassy in Baghdad, shared intelligence with the Iraqi military, and provided billions of dollars in agricultural credits.

But since the last incident occurred in 1988, I would submit that that evidence is stale and fails the clear and present danger test. What is not mentioned is that he did not subsequently use weapons of mass destruction during the Gulf War because he was told that our response would be devastating.

Yes, he is despicable and truly evil, but he is not stupid. He can be deterred. He is not an al Qaeda fanatic seeking martyrdom. That is not Saddam Hussein. Rather, he is a survivor; and his only concern is maintaining power.

Now, the President in his remarks last night mentioned links between al Qaeda and Saddam Hussein, but that conflicts with reports that both the FBI and the CIA have failed to corroborate any relationship between Saddam and al Qaeda with credible evidence.

The President further noted that some al Qaeda leaders who fled Afghanistan went to Iraq; and that is true, but they are in northern Iraq. They are in northern Iraq, protected by Iraqi Kurds who are opposed to Saddam. It is difficult to imagine such an alliance because they are natural enemies.

One of the goals of al Qaeda is the destruction of secular Muslim regimes such as Iraq because they believe they have corrupted Islam. Remember, Iraq did not recognize the Taliban, unlike our allies, Pakistan and Saudi Arabia and the United Arab Emirates.

Like all Members, I fervently hope that if this resolution passes, and I am sure it will, a preemptive military offensive will not be necessary; but sadly, this is not just about Iraq, because what we will have done goes far beyond the instant moment. It will have established, I fear, a precedent that will be used by other nations who have aggressive intentions against their neighbors and others that all they need is stale evidence, historical sins, and ill-defined allegations that can serve as the basis for unilateral preemptive military action.

Madam Speaker, I urge defeat of the resolution.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

(Ms. DUNN asked and was given permission to revise and extend her remarks.)

Ms. DUNN. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, today we are taking a necessary step to hold a tyrant accountable for his actions. For over a decade now, Iraqi President Saddam Hussein has thumbed his nose at every resolution approved by the United Nations Security Council. He continues to develop weapons of mass destruction to repress the Iraqi people, to support acts of terrorism, and to deny unconditional access to United Nations weapons inspectors.

Further, he continues to evade the United Nations economic sanctions by violating the principles of the oil-for-food program in order to solicit illegal arms and materials to develop weapons of mass destruction.

It is now time to hold Saddam accountable for his refusal to abide by specific agreements made with the international community, especially when his actions can be devastating, not only on his Middle Eastern neighbors but also on the citizens of our country.

As President Bush stated in his speech last night, the attacks of September 11 showed our country that vast oceans no longer protect us from danger. We see a threat whose outlines are far more clearly defined and whose consequences could be far more deadly. Saddam Hussein's actions have put us on notice, and there is no refuge from our responsibilities. We cannot sit idle, Madam Speaker, while Saddam Hussein empowers people with fanatic ideas, with weapons of mass destruction, against our citizens and against our American values of freedom and democracy.

Through the course of my briefings with the National Security Adviser, the Director of the CIA, the President, others, I have become convinced that Iraq poses an immediate threat to the United States. We must not lose time. The safety and the security and prosperity of our Nation, as well as that of the world, hinge on confronting the immediate threat Iraq poses to its neighbors, as well as to the international community.

The President will not send America's sons and daughters to war without serious study and deliberation; and I agree with him that war should always be the final option. But I will not shirk from my responsibility to protect the American people against this tyrant if all other means have failed.

I support this resolution that grants the President the authority to continue leading the world in eradicating future acts of terrorism.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

□ 1530

Mr. PENCE. Madam Speaker, after much study, reflection and prayer, I rise in support of the resolution authorizing the use of force against Iraq. While I am certain that little of what we say here will be long remembered, I am also confident that this is a time of conscience and judgment for this Congress.

We will be subject to the judgment of the American people and of the world. Time will judge us. History will judge us. And each of us will also answer to him who created and sustains this very Earth we inhabit.

And when that judgment is rendered what of the verdict, Madam Speaker? I grieve at the very thought of the United States in armed conflict, and I cannot escape the thought of the American families that may be called upon to send their loved ones into harm's way on our behalf.

It is a terrible burden, yet one from which we dare not shrink or retreat. For it is not just peace or liberty that hang in the balance, but, as our President has said, potentially the lives of millions. For we decide today whether and in what manner our great Republic might call upon its military arsenal to compel a persistent enemy to disarm and embrace the civilized world and its principles.

Madam Speaker, the United States does not seek to start a war. We seek to finish one. For Saddam Hussein has been America's warring foe for more than a decade.

In 1991, we ceased hostility. We ended the battle. But, Madam Speaker, his war took no respite. It shows no mercy.

And yet if in some horrible, yet possible, day Saddam and the metastasizing network of terrorists he harbors and protects bring to America another World Trade Center, another Pentagon, another Oklahoma City or Khobar Towers, when, and not if but when, Saddam creates and uses nuclear weapons, what will we tell the American people then?

Will we tell the survivors that we did not realize that Saddam Hussein had never finished his war against America? Will we tell them we thought the war was over? Will the judgment of the American people find that, even though we knew of the danger, they will accept that we waited for public opinion, for world opinion to congeal across the globe?

It is my profound hope and fervent prayer to the God who intervenes in the affairs of men, by whose hand nations rise and fall, that well before this Nation fires a single shot in anger that Saddam Hussein would relent and disarm, that he would see and believe the strength of our resolve, that he would know the lengths to which we will go and the price we are willing to pay to protect freedom. Then his own mind would be turned and the cup of conflict and destruction which is now poised might pass us by.

But, Madam Speaker, that cup is at hand. It is appropriate, even necessary, that this Congress, this day, authorize this President to use the full and unrelenting force of America's moral and, yes, if necessary, military might to eclipse the night of terror and usher a dawn of security and freedom. Our enemies should pay heed to our resolve.

In closing, Madam Speaker, I also would offer that our soldiers and their families should also heed the word that has comforted so many of our heroes throughout the history of this Nation and all of those who have said in their hearts of the Lord, that he is my refuge and my fortress and the God in whom I trust. Let them be comforted with the knowledge that surely he will save you from the fowler's snare, from the deadly pestilence. He will cover you with his feathers and under his wings you will find refuge. You will not fear the terror of night, nor the arrow that flies by day, nor the pestilence that stalks in the darkness. A thousand may fall at your side, 10,000 at your right hand, but it will not come near you. You will only observe with your eyes and see the punishment of the wicked.

May it be our prayer as our new heroes are forged in this act of Congress and during the ominous days ahead.

Mr. LANTOS. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GREEN), our good friend and distinguished colleague.

Mr. GREEN of Texas. Madam Speaker, I thank my good friend and colleague from California (Mr. LANTOS) for yielding me time.

Madam Speaker, this vote is the most important vote that many of us will cast in our congressional service. This vote is not one to be taken lightly or in haste. We have asked our young people who serve in our Armed Forces to put their lives in harm's way for our Nation. This vote and debate must be in the most serious of nature.

It is our job as Members of Congress to protect our people, to make sure Americans can raise their families and go to work without the fear of attack. Our defenses did not work on September 11, 2001; and we saw the devastation that killed 3,000 people. Our job is to protect our fellow Americans; and that is why, after a great deal of listening, discussing and learning, I will support the resolution.

Our Nation does not go to war easily. We are inherently a peaceful Nation. We want to be left alone, to live our lives, to raise our families and enjoy the freedoms of our country. We had to be attacked to enter World War I and World War II. But when they attack or threaten our Nation, we respond.

As with other Members of Congress, during August I was at home in Houston meeting with my constituents, doing town hall meetings and listening to the people I am honored to represent. My Houston constituents were as surprised as I was at the aggressiveness of our administration in relationship to Iraq. It sounded like we were beating a war drum. The impression it left on many people was the administration will wage war no matter without regard to Congress or international support. Many people wondered what this threat that suddenly in August Iraq became the prominent issue discussed by President Bush.

My folks were and are more concerned about our deteriorating economy, increasing unemployment, drop in the stock market, the increasing national deficit. This deficit was and is increasing without addressing additional unemployment assistance, without addressing the loss of health care, without addressing increased spending for education, without addressing the plunging stock market or without addressing a jobs program that reverses our economic decline.

My folks are still concerned about their everyday lives, and that is true with this as previous generations. We need to protect our people but not lose sight of our economic problems.

I will work with the President to protect our people, but let us not forget we must revive our economy. Tax cuts, permanents or temporary, are not working. We need an economic revival plan, not more foreign entanglements.

Saddam Hussein has been a problem for last month, the last 6 months, and

the last decade, for that matter. I am pleased that the administration and Congress has come together in a bipartisan fashion to draft a balanced resolution. I think this bipartisanship is evident in several changes contained within the resolution, issues like compliance with the War Powers Act, language more clearly defining the length and scope of any conflict with Iraq, affirmation to Congress that all diplomatic avenues have been exhausted prior to using military force.

I am pleased because these changes strengthen the lines of communication between the President and Congress on this most important issue. Unity is critical if our Nation is going to move against any enemy. The United States is prepared to fight for the safety of our Nation, regardless of whether our allies choose to stand with us. It is our job to protect our people, not the U.N.'s. The time for diplomacy is short, and the only acceptable solution we should hear coming from Bagdad is that U.N. inspectors will have complete and unannounced access to anything they want to see. That includes the presidential palaces that constitute hundreds of buildings that are guarded like Ft. Knox.

America will not tolerate a weapons shell game played by the Iraqi military designed to foil international weapons inspectors. Saddam needs to play by the rules or suffer the consequences. And let there be no doubt that the penalty for noncompliance will be severe.

Mr. BEREUTER. Madam Speaker, I yield 4 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today on this solemn occasion to speak in support of the joint resolution authorizing the use of force against Iraq. The choice before us is clear. Do we sit back and allow Saddam Hussein to keep his weapons of mass destruction and hope that he voluntarily chooses not to use them against us, our allies, or do we take action to separate him from those weapons of mass destruction?

I support this resolution authorizing the use of military force against Iraq for two reasons: First, Saddam Hussein has thumbed his nose at the United States and the United Nations by failing to destroy his weapons of mass destruction, failing to destroy his long-range missiles, and by kicking out the U.N. weapons inspectors in 1998.

A second reason to support this use of force against Iraq is because time is of the essence. Saddam Hussein is now less than a year away from developing nuclear weapons, according to reports we have received in the last month from the CIA and the International Institute for Strategic Studies. The only thing Saddam is missing now is enriched uranium. We know he has 200 Ph.D.s working around the clock on this process. We also know he could assemble these nuclear weapons within months if he obtains the enriched uranium on the black market from foreign sources. And we know from a recent CIA report that he has up to $3 billion to spend to obtain this enriched uranium as a result of his recent sale of oil on the black market.

Given these facts, does anyone really believe that it is beneath Saddam Hussein to bribe some down-and-out vulnerable nuclear scientist from North Korea or Pakistan who regularly works with enriched uranium?

But even if Saddam Hussein is not successful in obtaining nuclear weapons within a year, time is still of the essence. Because we know that Saddam Hussein has chemical and biological weapons of mass instruction such as anthrax and nerve gas which he could easily give to terrorist organizations such as al Qaeda. And we know that Saddam Hussein is sympathetic to al Qaeda and Osama bin Laden because, after September 11, Saddam Hussein callously told the world that he was happy that thousands of Americans were killed. Specifically, just after September 11 Saddam Hussein said, ''Bush wants me to send my condolences, but if I do that I would be lacking respect for my people. Americans should feel the pain they have inflicted on other peoples of the world.''

The decision before this Congress could not be any more serious, but it also could not be much clearer. We are on notice. Saddam Hussein is a remorseless, pathologically aggressive dictator with a history of striking without warning, a history of using weapons of mass destruction to kill people, and a burning desire to have his finger on the button of a nuclear weapon pointed in our direction.

The danger from Saddam Hussein's arsenal is far clearer than anything we could have seen prior to September 11. History will judge harshly any of us who saw the dark cloud on the horizon but passively chose to look the other way.

Mr. Speaker, we have discussed this issue at length. It is the only course for us to follow. Why should we wait any longer? We owe it to our children and to future generations to take action to deal with this problem right here, right now. Let our country boldly move forward, not to devastate and to concur, but to reestablish the reign of peace.

Madam Speaker, I urge my colleagues to vote yes to authorize the military force against Iraq.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms DEGETTE), a leader in the Democratic Caucus and a member of the Committee on Energy and Commerce.

Ms. DEGETTE. Madam Speaker, I rise in opposition to this resolution.

I commend the President for his vigilant efforts to protect the security of the United States. We stand united in our commitment to this cause. But there are legitimate differences about the best way to protect our Nation.

The President has failed to present clear and convincing evidence to Congress that unilateral military action against Iraq at this time is justified. We have seen over the last 10 years that Iraq is trying to amass chemical, biological and perhaps even nuclear weapons. But we have seen no evidence of their success, and we have seen no evidence of a delivery system.

I would ask, given the evidence we have today, is this reason why we should vote for this resolution which essentially gives the President unfettered ability to go into Iraq with a first strike military attack in a unilateral fashion, potentially destabilizing the entire world order at this time? I say it does not.

Why are we discussing a war with Iraq right now? What has changed in the last 10 years to make the threat from Iraq imminent? So imminent, in fact, that Congress has got to rush to pass this resolution now before we can let the weapons inspectors back in, before we can find any evidence of an imminent threat? What information have we have recently obtained that has led the President to believe the war is absolutely necessary now?

□ 1545

Many of us in Congress felt that it was essential that the President come to Congress for action before he attacked another country unilaterally, and we were pleased when he did come to Congress; but if he is going to come to us and ask us to pass this type of resolution, he has to give us the information on which we can base our vote, and to date, I have not, and many Members of Congress, no one I know, has been given information by the administration that Iraq indeed poses an imminent threat to the United States. We must have that information before we can pass a resolution like this, especially since the U.N. Security Council is working hard to send weapons inspectors back in and to have international cooperation in dealing with Iraq and in dealing with Saddam Hussein.

International cooperation and the support of the United States people are what will make any action against Iraq successful, just as we had success in our initial action in Afghanistan. I might add, I have had myself now over 3,000 phone calls and letters from my constituents and congressional office, and five have supported this type of uninformed unilateral action. This is not the support of the United States people.

Some of my colleagues have made the tortured analogy that we face the same challenge with Saddam Hussein that our predecessors did with Adolph Hitler in 1936; but Iraq is not Nazi Germany, as evil as they are. We have been given no evidence that the Iraqi military has grown stronger in the 10 years since 1991. We have been given no evidence that Iraq intends to cross its borders into Turkey, Kuwait, Saudi Arabia or Iran, as it did in 1991 when the

U.S. did intervene; and we have been given no evidence that Iraq is close to possessing nuclear weapons, merely that it would like to.

If the President has acquired intelligence that answers these questions, he must provide it to Congress and let us know because today he is asking Congress to authorize unilateral action against Iraq. This is a not a debate about appeasement versus action. We must not and cannot try to appease someone like Saddam Hussein; but what it is is a question of acting alone or at most with one ally versus building a global coalition as we did 11 years ago to oppose Iraq's aggression against a peaceful neighbor. To triumph in this effort we must do that again.

The United States is at a crossroads in the war against terrorism. To this point, we have shown the world the threat posed by terrorists to our national security. We have successfully built an international coalition to combat this threat, and together we have led the coalition to rout terrorism from its role in Afghanistan. This is the path we must take, and that is why we must oppose this resolution today.

Mr. BEREUTER. Madam Speaker, it is my distinct pleasure to yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), who chairs the House Committee on the Judiciary.

Mr. SENSENBRENNER. Madam Speaker, I thank the gentleman from Nebraska for yielding me the time, and I rise today in support of the resolution calling for disarmament by Iraq and authorizing the President to use force to protect America from the threats posed by Saddam Hussein.

It has often been said that those who do not remember history are condemned to repeat it. Today, by passing this resolution, we are showing that we have learned the lessons of World War II and September 11 and that we are committed ourselves to ensuring that those horrors are not repeated.

After World War I, the international community came together to form the League of Nations in order to resolve international conflicts without war. Stiff requirements were placed on Germany to ensure that it could no longer pose a threat to its neighbors; but when Adolph Hitler came to power and began testing the world's resolve, he was only met with appeasement, allowing Hitler to build his military and his territory.

The appeasers of the 1930s were content to receive paper agreements for peace and stability from the German dictator, and when those agreements were shredded by Hitler's words and his actions, the international community refused to enforce its own agreements. Only when Hitler brutally invaded Poland and launched World War II, did the world finally realize his true intentions and take stock of the enormity of the failure of appeasement; and to defeat him, 30 million people died.

After the failures that led to World War II, the United Nations was formed in an attempt to fulfill the worthy ambitions of the League of Nations. Today, the U.N. is facing a stern test of its resolve by another dictator.

The U.N. has placed stiff mandates on an Iraqi dictator who has shown a thirst for more territory, more power, more deadly weaponry, no matter how horrific. Just as in the past, today's dictator has violated agreement after agreement, 16 U.N. resolutions by my count.

Now, by passing this resolution, Congress is showing that we have learned the lessons of history. We will enforce our international agreements, and we will not allow rogue dictators to bring about the deaths of thousands or millions of Americans and others by our inaction.

I commend the President for recognizing the need for this resolution. By passing this resolution, Congress will show that the U.S. speaks with one voice to counter the threat posed by Iraq. Further, we will send a message to the United Nations that failure to enforce its international agreements will only lead it down a path of irrelevance and ineffectiveness that the League of Nations went down over 60 years ago.

This is not a resolution that must lead to war. It rightly calls first for disarmament through diplomacy and inspections. These efforts alone could bring more security to the world and could prevent conflict if Saddam Hussein cooperates fully with the demands laid out before him by the Congress, the President, and the United Nations; but if disarmaments through diplomacy and inspections fails, and it can only fail at Saddam Hussein's own choosing, this resolution shows that Congress and America have the resolve to protect those who live in freedom from the dangers of tyrants.

I urge my colleagues to support the resolution.

Mr. LANTOS. Madam Speaker, I am pleased to yield 6 minutes to the distinguished gentleman from New York (Mr. ENGEL), a valued member of the Committee on International Relations.

Mr. ENGEL. Madam Speaker, I thank my friend from California, whose wisdom gets greater with each passing day, for yielding me the time.

Madam Speaker, there is no jumping for joy in this debate. This is a very solemn moment. Each Member of Congress has to do a lot of personal soul searching. There should be no finger pointing, no questioning of patriotism. This is the American way of life, the American Congress at our best, democracy where everyone can speak. This makes me so proud to be an American and so proud to be a Member of the United States Congress.

Madam Speaker, for me, I will support this resolution, even though I must say there are some unanswered legitimate questions. I think it is best to speak about some of those questions up front.

There are serious questions about the timing of this. Why is this the absolute right time to do it? Why not 3 months ago? Why not 3 months from now? Why not 6 months from now? I think that is a very legitimate question, and I am not totally satisfied with the answers.

Secondly, I do not think there has been enough thought about what happens after we get into Iraq. We have to stay the course. We cannot pick up and run. We have to make sure that democracy sets root in that country.

Thirdly, there is a question about our war against terrorism and other nations that support terrorism. For me, Iran and Syria have supported terrorism and terrorists like Hezbollah and Hamas far greater than Iraq. They support terrorism against us. They support terrorism against our ally Israel; and very little has been done to confront Syria and Iran, and I hope the looking at Iraq does not turn us away from other nations that support the evil of terrorism.

I think for me, Madam Speaker, what is most important and the bottom line for me is that as a New Yorker and as an American, after September 11, the equation changed.

I was in New York when the World Trade Center went down. Three thousand lives were lost, including many of my own constituents. The Cold War arguments of deterrence and containment I do not think apply anymore.

In this era of terrorism, the U.S. has to be proactive. When there is evil around the world, and the evil threatens our country, and the evil threatens innocent people, we have to act. We did so in Kosovo. We did so in Kuwait back in 1991. We did so in Bosnia. We should have done so in Rwanda where a million innocent lives were lost. I am not willing to let that happen again.

I have no apologies when the U.S. does what is in our national interests to save our people and to save innocent lives, but we have to try to work with many nations. We have to work with U.N. resolutions. We have to work with others.

Madam Speaker, back in 1991 with the invasion of Kuwait, we knew then that Saddam Hussein was a tyrant, a menace to his people, a menace to our people, and a menace to the world. I said in 1991 that we should have removed him then, and I am consistent. He has weapons of mass destruction. He flaunts U.N. resolutions. He supports destruction of our ally Israel. He has played a shell game for years with weapons inspectors. We cannot allow this to continue.

In the Committee on International Relations, I voted yes on this resolution because it is an improvement from the original resolution that was sent down by the White House. This resolution does not give a blank check. This resolution limits the scope. This resolution is no Gulf of Tonkin resolution. This resolution strikes the right balance.

I am willing to look at some of the amendments. I am willing to listen to what our colleagues have to say; but in

terms of this Congress, in terms of final passage, we need to stand together as a Nation. I believe it would be a monumental mistake not to support the President on this.

The arguments against this resolution are similar arguments that were made against Operation Desert Storm in 1991. Time has shown that those arguments were wrong, and backing down now would allow Saddam Hussein and others who wish us ill to conclude that they can simply violate U.N. Security Council resolutions, kill their own people, threaten their neighbors and the world, become a danger to the United States and our way of life while we simply stand idly by. This cannot stand.

Years later, when my children ask me what did I do when confronted with evil, I want to be able to say to them that we rose to the task and did not let tyrants and terrorists threaten our way of life. I urge my colleagues to vote ''yes'' on the resolution.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 6 minutes to the distinguished gentleman from California (Mr. ROHRABACHER), a member of the Committee on International Relations.

□ 1600

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of this resolution. I would like to remind everyone that we are not really talking about a resolution. We keep hearing this ''war on Iraq,'' ''war on Iraq.'' We are not talking about a war on Iraq. That is totally misleading. We are talking about helping the people of Iraq liberate themselves from this monster and, in doing so, alleviating a major threat to the security and well-being of the people of the United States of America.

There is nothing for us to apologize about in terms of helping those people free themselves from a tyrant who is renowned in the world among all tyrants. We are talking about helping them, liberating them. They will be dancing in the streets, waving American flags, just as people of Afghanistan still are grateful to us for freeing them and helping them free themselves from the horror of the Taliban and bin Laden, who held them in their tyrannical grip for years.

And let me remind those people who are so concerned, and, by the way, there will always be the hand-wringers among us, believe me. There would be no action that we could possibly take that is going to get the support of people who will always find an excuse for doing nothing. It takes courage to step forward.

This job in Iraq will be easier than what happened in Afghanistan. I spent a long time familiarizing myself with Afghanistan, as my colleagues know. Afghanistan, perhaps 10 percent of the people supported the Taliban. Perhaps that many. Nobody supports Saddam Hussein in Iraq. He has almost zero support among the people. They are frightened to death. Even his Republican Guard has been purged, and they now are not reliable for him. They are waiting for us to help them free themselves. They are, and will be, friends of the United States.

We are not declaring war on Iraq. We are declaring that Saddam Hussein must go. And Saddam Hussein must go for the sake of the people of Iraq and for the sake of the safety of our own people.

And let me note this. Rebuilding Iraq will be much easier than building Afghanistan. Iraq has enormous resources that have been channeled away by Saddam Hussein to develop chemical and biological weapons and to develop nuclear weapons. Those billions of dollars can be put to use to build a better Iraq, and the people will applaud us for helping them to that end.

No, this is much easier than the job in Afghanistan, yet we have the naysayers among us who would lead us in the other direction. Twelve years ago, we heard similar naysayers. It was this urge to be overly cautious that led to, I would say, the devastatingly wrong decision not to finish the job we started. Twelve years ago, and this is not going to be partisan, because I will have something to say about Republicans in a minute, the majority of our colleagues on the other side of the aisle voted to keep our people out in the desert without the ability to go on the offensive and, thus, it would have destroyed our ability to win that conflict. What would it have been like if they had been stuck out there and able to just absorb attacks?

That is what the majority of people on the other side of the aisle voted for, and their entire leadership voted for that. It was wrong. It was wrong and almost did a major disservice to our country.

Let me note what also did a major disservice to our country. When we moved forward, a Republican president decided not to finish the job. A Republican president, once we had achieved victory, stepped back from that victory; and now we are stuck with finishing the job today. Now we are stuck with an enemy that could get his hands on nuclear weapons, chemical and biological weapons, and murder millions of our own people because that dictator now has a blood grudge against the United States of America.

It is long past the time that we should have finished the job. But it was not until 9/11 that the American public would support the military commitment necessary to rid the people of Iraq and to rid the United States of this monstrous threat to both our peoples.

This is not just a dictator. There are many dictators in the world. This is a dictator who holds a blood grudge against us, who has now the ability, or he is trying to achieve the ability, to obtain those weapons that would permit him to murder millions of Americans. This is not just any dictator. This is a dictator with billions of dollars of oil wealth that he is using to obtain these weapons of mass destruction.

Over the last few weeks, we have witnessed what I consider to be unconstructive nitpicking on our President. Let us face it. First, he was told to go to the U.N.; and that is where he went. Then he was told he should go to Congress. So here we are. Now what we are hearing from the other side is, we cannot support this resolution because it will permit us to have some sort of preemptive strike. What that means is we have to wait until we are attacked before we can act. That is what that means.

Do we really want to wait in this world to be attacked by the likes of Saddam Hussein once he gets his hands on weapons of mass destruction? Instead of having 3,000 people, as on 9/11, we would have millions, or at least hundreds of thousands, of Americans slaughtered.

This makes no sense whatsoever. We must step forward today. If we back down today, we are sending a message of cowardice to the despots, to the tyrants and the terrorists around the world.

We must back up our President, who has gone the extra mile to reach the compromises with us, to make the democratic system work, and to make sure that the American people have the protection that they deserve.

We want to join with the people of Iraq, helping them liberate themselves from this problem. We should be supporting the President of the United States in this effort to protect us and to expand democracy.

Mr. PAYNE. Madam Speaker, I am delighted to yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY), a leader in the Committee on Education and the Workforce and a leader in progressive ideas.

Ms. WOOLSEY. Madam Speaker, we are at a very important place in the history of our Nation and I believe a turning point for the future of our world.

The United States, as the world's wealthiest economy, the superpower and leader, is faced with a decision that will truly mark who we are as Americans, as participants in the world community, and as human beings. Our choice is whether we use our power to make the future better or whether we repeat the mistakes of the past, like World War I or Vietnam, mistakes that do not work, do not solve the problem, do not make the world safer for our children.

I will vote against the President's resolution because I do not believe we are making anyone safer if we alienate our allies or set a precedent that it is acceptable to preemptively attack other countries because we do not like their leader or because we think that country could be dangerous someday.

I will vote against the President's resolution because we must not risk the lives of our sons and daughters or

the lives of Iraqi civilians when we have no evidence that our country is in imminent danger.

I will vote against the President's resolution because we should not spend our scarce tax dollars on war when money is so desperately needed here for education, for prescription drugs, health care, Social Security, and Medicare.

Americans demand that we fix the economy. Workers want to know what has become of their pensions. Families worry about their health care. Seniors question whether they will ever be able to afford prescription drugs. Yet we stand here listening to those who are threatening war. We have no business voting on a resolution while there are so many unresolved issues on the table.

What happened to finding Osama bin Laden? What happened to rebuilding Afghanistan? What happened to helping create an Israeli-Palestinian peace?

My constituents want us to concentrate on saving Social Security and Medicare. They want us to pass an energy policy that will make us a safer, more secure Nation; and they want us to prosecute corporate criminals and prevent corporate crime.

I believe, as my constituents do, that we need to work through the United Nations to remove weapons of mass destruction, working multilaterally to address the lack of cooperation or aggression that would put the United States or our allies in imminent danger. I would make certain that the energy policy of the United States will become independent from fossil fuels, especially foreign oil.

Finally, Madam Speaker, realizing how small our world has become, with communications and transportation bringing us together as one big neighborhood, I would invest what this war will cost, $100 to $200 billion, in the human infrastructure needs in our country and in other nations around the globe. Because in a neighborhood we are only as well off as the least of us, it is time in our history to invest in humanity, not destruction. It is time to protect the earth's environment, the resources we have been given. And it is time to make a safe and peaceful world for our children, all children around the world, now and forever.

To that end, I will vote against this resolution and any resolution that I believe will not make the world a safer and better place.

Mr. BEREUTER. Madam Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Committee on Appropriations.

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in support of this resolution, because there is nothing more frightening and the prospect of Saddam Hussein or any terrorist using poison gas, germs, or radiation bombs against innocent people in freedom-loving nations. The stark reality is that Saddam Hussein has committed these horrific acts before, and he may do so again without warning.

Such a catastrophe or the threat of such terror against humanity is what the President says in his own words is ''a permanent condition with no nation being immune.'' We may need to act against Iraq now to prevent such a nightmare and lessen the potential for another attack on our fellow Americans here at home.

Madam Speaker, there is no more important task before this Congress and our President than the responsibility to help defend America and protect our citizens. This is our charge to keep. Nothing else we do here matters unless our children and future generations are assured of a safe, secure Nation where there is freedom and justice and where we can be free of fear. As our President has said, ''We refuse to live in fear.''

Even without the passage of this historic resolution, we are a Nation at war, engaged in a global battle to rid the world of terrorism. This is a critical fight and one we are resolved to win. But as your young men and women in uniform continue to make us proud, serving in the war against terrorism, our President has asked our Nation and this House to consider very seriously the prospect of war with Iraq, part of the terrorist network.

Our President's request is not taken lightly. It is serious. There is no more solemn duty given to a Member of Congress than considering the President's request for authority to send our troops to war, if he eventually decides to do so.

As a veteran, I am keenly aware that wars are fought by the young. Indeed, we have called upon our young men and women in uniform to wage and win the war against terrorism. And if we go to war against Iraq, and we may not, our future and freedom will rest again on their shoulders.

After September 11, we were a changed Nation. We have grieved together. We have also risen together to meet the many challenges our Nation has faced and will continue to face. As a country that loves freedom, we have been reminded that liberty, our way of life, and those we love must be protected, because they can be so easily taken away from us.

As Americans, we have renewed our historical obligation to fight to protect our citizens and our American values of life, liberty, and the pursuit of happiness. These values are endangered by Saddam Hussein. In Saddam Hussein, our Nation faces another grave challenge. He is armed and very dangerous; and, like other terrorists, his regime is a threat to our everyday existence. We cannot trust him, and it is this distrust that may compel us to act. We must do everything possible to ensure our children do not grow up in a Nation and in a world that fears his weapons of mass destruction.

Iraq persists in violating United Nations resolutions on almost a daily basis. Saddam Hussein, as the world knows well, is a barbarian who has used nerve gas against tens of thousands of his own people, innocent men, women and children; and we have seen the pictures, as horrible as they are. He has waged war against his neighbors, launched missiles at countries in the region, and has given safe harbor to terrorists.

Madam Speaker, to my colleagues and to those I represent, there are some cold, hard facts about Iraq, its capabilities, and its deception:

In recent years, Baghdad has diverted some of the $100 billion worth of humanitarian goods contracted under the Oil for Food program for military use and has actively sought materials and ingredients that are going towards the manufacture of weapons of mass destruction.

□ 1615

He has retained a cadre of nuclear scientists and technicians and capability to constitute nuclear weapons programs.

Mr. LANTOS. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Speaker, two summers ago before deciding whether to run for Congress, I sat down with my two daughters. They were, at the time, 13 and 10. They asked how much time I would spend in Washington and how frequently I would be away from Long Island.

I said Congress usually meets on Tuesdays through Thursdays, Members spend plenty of time back home, and we adjourn in October. And then in that tranquil summer I said, unless there is a war, and that is not going to happen.

That summer we made the decision I should run for Congress. The people of New York's Second Congressional District sent me here; and in the 22 months I have served those people, we have been required as a Congress to vote on two resolutions to send young Americans into battle. Today on the verge of our second vote authorizing the war, I think of my two daughters and all of the children of my congressional district; and it is for them and for their future that I will support the resolution in the fervent hope that the diplomatic efforts required by the resolution will be effective and that war is not inevitable.

I have relied on the diverse views of those I represent, as well as exhaustive information I received in classified briefings and public hearings, published reports, in-depth discussions. I have spoken with analysts as diverse as President Bush's National Security Adviser and President Clinton's National Security Adviser. I have talked with colleagues who support the use of force now and with colleagues who oppose any force ever.

I have read several books and journals on the subject, including a book

by the former head of Saddam Hussein's crusade to build nuclear weapons. Last week I joined with just 10 of my colleagues in the Cabinet Room of the White House with the President and Vice President. This week I am meeting again with Secretary Rumsfeld. I have talked with hundreds of my constituents at supermarkets, in churches and synagogues; and, in fact, just before flying to Washington yesterday, I met with a group of clergy representing religious institutions throughout my congressional district.

We have all weighed the risks and the benefits and the provocations. The United States since the 1970s has pursued a policy of containment and deterrence towards Saddam Hussein. This policy failed to prevent him from attacking the Kurds in 1974, Iran in 1980, and Kuwait in 1990. He has used weapons of mass destruction against his own people and his neighbors viciously, brutally, and repeatedly.

In 1998, Saddam Hussein threw U.N. weapons inspectors out of Iraq. Since then he has accelerated the development of weapons of mass destruction in unchecked secrecy. He has developed short-range ballistic missiles; he is working on longer-range and more efficient delivery systems. In 1990, he constructed a nuclear device, but did not have the fissile material to arm it.

Saddam Hussein has demonstrated a deluded determination. He has the proven technology. He has shown an irrational motivation, and I fear that unchecked he will have nuclear weapons capability and the capability to deliver it by missile against our allies or smuggle it into the United States to be used against the American people.

I am not prepared to let this happen. We must remove this capability sooner rather than later. Former NSC specialist on Iraq Ken Pollack was absolutely right in his book ''The Threatening Storm.'' For me the most vital argument is this: fighting sooner is less costly than fighting later. Today Saddam Hussein has a limited quantity of weapons; tomorrow he will have more. Today Saddam Hussein's forces are weak; tomorrow they will be stronger. Today Saddam Hussein has no nuclear capability; tomorrow he will. Today the risk to our troops is serious; tomorrow it will grow worse. Why wait until tomorrow?

Madam Speaker, in 1938 Britain and France were stronger than Nazi Germany. They knew Germany would challenge them at some later time. They knew Germany was belligerent. They knew that Germany was rebuilding its armaments and its decision makers were not rational; yet they chose to wait. The cost of waiting was millions of lives, the devastation of their homelands, and mass destruction. There is no parallel between Hitler and anyone else on the world stage, but the world has an obligation to learn from history's mistakes.

Finally, we must learn other lessons as well. We have an obligation to address the long-term issues that will arise from this conflict. We must help the Iraqi people rebuild a democratic society, and we must ensure that those who fight bravely for our freedom today are not forced to fight a bureaucratic and budget battle for their health and veterans' benefits tomorrow.

Madam Speaker, I close by returning to my daughters. I do not want them or any children in America to grow up in a world dominated by Saddam Hussein with a nuclear weapon; nor do I want to increase the risks to the young Americans that we will commit to battle today by committing them to a harder battle against a nuclear-armed Saddam Hussein tomorrow. We are all dedicated to peace and freedom on both sides of the aisle, but we know from history that freedom is not free. For all of these reasons, I support the use of force in Iraq with the very strong belief that we must go to war only as a last resort, but also in firm agreement with President John Kennedy: ''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and success of liberty.''

Mr. BEREUTER. Madam Speaker, I yield 4½ minutes to the gentleman from Virginia (Mr. WOLF), a member of the Committee on Appropriations.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I rise in support of the resolution. I understand the concerns that have been raised about the United States taking action against the Iraqi regime; but I believe that the President, as Commander in Chief, should have the flexibility he seeks in responding to the very real threat that Saddam Hussein poses to freedom.

We witnessed the vulnerability of America on September 11, 2001, when hijacked jetliners were used as weapons of destruction in New York City, and even close to this Capitol just across the Potomac River at the Pentagon. The families of several dozen people who live in my congressional district gave their lives that day knowing all too well the evil of terrorism.

The devastation of 9–11 must never again be allowed to come to our shores. We must take all appropriate action to stop terrorism and tyrants who would do harm to America and allies. That action includes enforcing the more than a dozen resolutions of the United Nations which calls for the disarmament of weapons of mass destruction.

America also saw the face of terrorism in 1998 when two American embassies in east Africa were bombed by terrorists linked to Osama bin Laden, killing 12 Americans among the 230 who died. Because of my concern at that time about the emerging threat to our country, I authored the legislation to create the National Commission on Terrorism. Quite frankly, it was hard to get the Congress interested at that time, but we were successful in establishing a bipartisan commission to assess the terrorist threat and recommended a response in June 2000.

The Bremer Commission said: ''U.S. policies must firmly target all states that support terrorists.'' The State Department clearly lists Iraq as a state sponsor of terrorism. Evidence shows, and we have heard the debate today, that Saddam Hussein's dictatorship has provided headquarters, operating bases, training camps, and other support to terrorist groups.

The President has made the case to the American people, to the Congress, to the United Nations, and to our allies that Saddam Hussein poses a clear, lethal threat to our Nation and the world. He has failed to live up time after time to U.N. resolutions. Saddam Hussein has used chemical and biological weapons on his neighbors and even on his own people. Evidence shows he has tried for years to develop nuclear weapons; and if he gets a nuclear bomb, I believe he may use it on America or our Armed Forces somewhere around the world.

It is critical that Congress come together united now behind the President to approve this resolution before us today to give the President authority to enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, noncompliance, and promptly and strictly complies with all relevant Security Council resolutions.

America is a peace-loving Nation, and we have never sought war. We never seek the use of force; but when we are attacked or our security is threatened, we will and must act in the Nation's best interests. Our Nation was attacked on September 11, 2001; 3,000 people were killed. We acted swiftly to declare war on terrorism. We are in a long and difficult battle.

As the President has declared, the war on terrorism includes not only the terrorists who attack us, but also the nations that harbor or give aid. We must work to exhaust all peaceful options to enforce the will of the United Nations in disarming Iraq. But if those peaceful means fail to accomplish that goal, America must stand up for freedom and security, as history has witnessed our great Nation doing in past causes to fight evil, and forcefully remove Saddam Hussein and the threat he brings.

This is a difficult challenge before us. The fight for peace and freedom is never easy, but we must respond to this call for action. The challenge before our President, the Commander in Chief, and before this Congress as the representatives of the United States is sobering. To cast a vote to send America's troops into harm's way to face

what could be the supreme sacrifice for freedom is our most solemn duty. But to wait and do nothing could lead to weapons of mass destruction being used against the United States, our allies and others, resulting in the death of thousands and thousands of people. It is not a vote we seek with eagerness, but we all must do what we believe in conscience is the right thing to do; and I believe the right thing to do is to help make the world a safer, more secure and peaceful place where people can live in freedom without fear of tyrants and terrorists.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Speaker, no person or nation should doubt our country's commitment to eradicating the threat of terror. That is why I voted last year to support the President's actions in Afghanistan. But before we authorize the President to go to war with Iraq, Congress must have clearer answers to several crucial questions.

What is the nature and the urgency of the threat to the United States posed by Saddam Hussein? What is the clearly defined mission of our troops? Is it to eliminate Iraq's potential chemical, biological or nuclear weapons? Is it to remove Saddam Hussein from power and establish a friendly regime in Baghdad? Is it to engage in nation building, to create a democratic Iraqi government and society?

What is the extent of the international support? What will be the position and role of the United Nations? Which nations will provide troops, planes and ships for the military operations? Which nations will provide financial support to pay for the military operations in the aftermath?

Will the military operations in Iraq make it less or more likely that America will suffer from terrorist attacks? Finally, what is the exit strategy to withdraw our troops from Iraq? When and how will they be withdrawn once they have accomplished their mission?

Madam Speaker, we must ask these questions, and we must have answers to these questions. We have made mistakes other places in the world. We certainly did not ask or answer all these questions in Somalia. In Korea, we had our troops there 50 years. These questions must be asked and answered.

Madam Speaker, I listened to the President's speech last night, and I look forward to the debate in this House over the next few days. However, at this point I have not heard any clear answers to the questions I have posed here today. For that reason, Madam Speaker, I cannot yet support the resolution authorizing the President to go to war with Iraq.

Mr. BEREUTER. Madam Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, today our Nation stands at a crossroads. I noticed that it is quieter today, it is a solemn day, it is a serious day as Members of Congress individually try to make the right decision and hope and pray that we do.

□ 1630

Are we to move ahead protecting America and free people by authorizing the use of military force against Iraq, accepting the very grave danger that we know will come with that decision, knowing that there are many, many questions that we have in Congress that go unanswered and, frankly, cannot be answered in many cases except in the future? Or are we to wait on the U.N. Security Council to decide for us? Are we to allow the Security Council to determine what is the appropriate course of action for Americans and when that action should be taken? All the while waiting for these answers, many of which that cannot be answered, while Saddam Hussein plots and plans or even strikes us with a terrorist armed with chemical or biological or nuclear weapons.

The question is not whether he has nuclear weapons. He has weapons now of mass destruction that can be put into this country at any time. It seems to me the greater of the two dangers is for us to wait and wait until Saddam Hussein strikes. And make no mistake about it, if given the opportunity, and it will be there, he will strike.

When this madman has carried out his mission and New York City is gone, not just the towers but the city, or Atlanta, Georgia, is gone or Washington, D.C., is gone, what then, Madam Speaker, will we debate? What will the sleeping tiger do then? The possible answers to that are extremely frightening.

For the past 11 years, the U.N. has basically been a paper tiger. The Security Council resolutions that we put in place to protect the world from Saddam Hussein and his regime have gone from being resolutions to suggestions to really a very bad joke. Today we see where the U.N.'s policy of turning a blind eye has gotten us. None of us know if France or China will give us permission to protect ourselves or if the U.N. will ultimately join us.

But we do know one thing for sure. It is the Congress and the President's responsibility to protect this country. It is not the responsibility of the U.N. or any other nation. It is our job. I do believe the President is to be commended for working with the U.N. Security Council and certainly should continue to do so, and we should welcome their help if it is offered, but should the U.N. disagree with the President on the correct course of action or if they stall to the point that our national security is put in even greater peril, our President needs the authority to make the best decision for our Nation and ensure our safety.

With all due respect, the President is the leader of the Nation, Commander-in-Chief. I, for one, trust his judgment and his decisions on my behalf and everyone else in my district, but not necessarily so for the U.N.

Madam Speaker, I believe time is of the essence. Every Member of Congress should support this authorization for the President to protect us and our borders and provide our national security in dealing with Saddam Hussein.

In the wake of last year's dastardly terrorist attack on September 11, many have asked this body and in this town, could it have been prevented? Today, Madam Speaker, this Congress has an opportunity, I believe, to do the right thing, to ensure that another equally criminal and reprehensible attack against humanity is not carried out and to rid the world of this madman. Our President, this Congress, must now be prepared to say in a loud and a united voice we will protect our country with whatever military force is necessary. Without this united voice, there will be no diplomatic solutions. There will be only, for sure, war.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WEXLER), my good friend and distinguished member of the Committee on International Relations.

Mr. WEXLER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, now is the moment which Congress must act to defend freedom, confront a brutal dictator and rid the world of his increasingly devastating threat.

Our decision will not be easy or without consequence. It will pose severe implications for the stability of the world, the security of the Middle East and, ultimately, the future of the United States. It will alter the course of history, change the lives of millions, and resonate in the collective memory of America for generations to come.

It is in this regard that I have contemplated this issue with great deliberation, taking into account the concerns of my constituents in South Florida, many of whom fought in World War II and Korea, who have, time and again, expressed their profound reservation concerning the President's rush to engage in military action in Iraq.

I will vote for this resolution because it has become painstakingly clear that Saddam Hussein represents the epicenter of hostility and conflict throughout the entire Middle East. His very presence threatens to undermine America's war against terror and compromise all prospects for regional security, stability, and peace. There is no doubt in my mind it is long past time for Saddam to go.

I will vote for this resolution, not because I support the irresponsible manner and timing in which President Bush has proceeded with his plans for war, not because I support the President's attempt to handcuff Congress into granting a blank check for unilateral military action, and not because I

accept the President's shameful neglect of our spiraling economic crisis and other domestic issues of imminent concern. Homeland security and foreign policy threats must be addressed in conjunction with, not instead of, America's economic and social needs.

I will vote for this resolution because I believe, without a doubt, that the threats posed by the current Iraqi regime supersede politics and that America and our allies would be undeniably safer without Saddam Hussein.

Since the Gulf War, the threats posed by Saddam Hussein have not dissipated. They have only increased, making it all the more clear that former President Bush should have ousted him when we had the chance in 1991. Since then, Saddam has cultivated his contempt for the international community, his hostility towards the United States, his intent to develop weapons of mass destruction, and his unbridled willingness to use them.

While I agree that we must disarm Iraq and oust Saddam Hussein, I share the deep misgivings of the American people that President Bush appears all too ready to accept the military, financial, and diplomatic burden of going it alone. Unilateralism is a grave mistake, and President Bush must make every attempt to build support in the international community for regime change in Iraq.

We must give the U.N. and the international community a credible chance to fulfill the demands laid out by President Bush. This would place America and the world in the strongest possible position to disarm Iraq, oust Saddam Hussein, and liberate the Iraqi people from tyranny and oppression.

Ultimately, we will best achieve our goals in Iraq not through alienation and unilateral aggression but, rather, through determined diplomacy and partnership with nations that share our vision of stability and peace. This has been America's legacy, and we owe it to future generations to proceed along this path.

Mr. President, you will get your resolution and with my support, but I implore you to exhaust all options and reserve war as the very last resort.

Mr. President, my constituents are terrified that you are leading America into war with unnecessary impulse and haste. I trust you will prove them wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members are reminded to address their comments to the Chair and not to the President of the United States.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Joint Resolution 114, which would authorize the use of military force against Iraq.

Since August, the intense national debate that has developed in Congress, in the American public, and internationally about whether the United States should use military force if necessary against the regime of Saddam Hussein, and to use such force preemptively, has served a very salutary, even necessary, purpose. Both as a former Army counterintelligence officer and a member of the House Permanent Select Committee on Intelligence, this Member hates security leaks. The massive leaking about sharp internal disagreements within the executive branch, especially the Pentagon, unfortunately preceded the necessary international diplomacy, essential consultation with at least key committees in Congress, and any concerted effort to inform the American public as to why military action may be required now and why an Iraqi regime change may be necessary.

It also seems clear that the discussions of U.S. military action to eliminate Saddam's weapons of mass destruction, WMD, stocks and efforts for a regime change in Iraq had gotten ahead of the planning and decision-making for such possible action.

Many of this Member's colleagues, in both Houses of Congress on a bipartisan basis, and this Member, along with a sufficient number of voices from the American public, helped make it clear to the Bush administration that a congressional resolution authorizing the use of force was an essential step before any preemptive military action against Iraq could be launched. Despite an earlier White House counsel's advisory opinion that a congressional resolution was not required, in a September 4 meeting with elected congressional leaders, President Bush advisedly agreed that his administration would first seek such a resolution. Thus, the House is here today embarked on this gravely important duty.

Another very positive result of the leaking and the resultant intense controversy over the issue of military action on Iraq is what likely will be the outcome of the international community's furor about a potential unilateral and preemptive American strike against Iraq. That strenuous opposition is especially the case among our traditional European allies and the Arab states.

As was the case in the Gulf War, the administration sought international support for actions on Iraq through the United Nations as a result of President Bush's exceptional speech to the U.N. General Assembly. Finally the international community has become serious about demanding the reintroduction of U.N. weapons inspectors in Iraq with the unfettered access demanded to search out and destroy production in storage sites of chemical, biological, and possible nuclear weapons.

The U.S. is right to insist upon an unconditional time-certain demand for any new inspection regime to begin and to insist upon full compliance with unfettered access for U.N. inspectors. The international community now has this forceful proposition before it: Either an effective U.N. weapons inspection program resumes and continues in Iraq now or the U.S. has established more forcefully the legitimacy of military action for regime change with the reasonable expectation of a supportive international coalition for military action against Iraq and for the perhaps more difficult task of Iraq reformation in its aftermath.

Because of an intense public debate on the necessity of military action against Iraq and especially the involvement of Congress, the resolution the House has before it today has evolved into a far more acceptable one and the legislative process has not yet been completed. The broad language extending the authorization for the military force to ''secure peace and stability in the Middle East'' has been narrowed to Iraq. The War Powers Act's requirements with reporting requirements to Congress are now included in the resolution. A limited notification to Congress by the President about the intent to use or the use of the authorization for military force is now included in the measure. And importantly now included in the resolution is the requirement to report to Congress under Section 7 of Public Law No. 105–338 about the U.S. planning and actions to be conducted or undertaken by America in Iraq after the Saddam Hussein regime is removed from power.

In other words, according to that Act and that report, humanitarian assistance, democracy transition assistance, and methodology for Iraq to repay its debts are all elements explicitly required.

□ 1645

Before using military force, the President now under the procedures specified in H.J. Res. 114 must make available to Congress his determination about two things: that ''reliance on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq and is not likely to lead to enforcement of all relevant U.N. Security Council resolutions regarding Iraq,'' and (B) that military action is consistent with the U.S. and international war against terrorism. These are among the important changes to a proposed congressional resolution that evolved to the one before us today.

Now, what is the case against Saddam Hussein? Especially important, what is it that justifies the preemptive use of military force?

This Member's colleagues will recall, of course, that without provocation, Saddam attacked and occupied Kuwait with an attempt to annex it. Crucially, however, as the House considers preemptive force, it must be recognized that Saddam has used weapons of mass destruction, specifically chemical weapons, against Iran and against the Kurdish population of his own country. Is there any legitimate doubt that he would be willing to use them again?

Unfortunately, I have no such doubts that he would indeed use weapons of mass destruction again.

There also is no legitimate reason to doubt that he has a significant stock of both chemical and biological weapons. The U.S. recovered unused SCUD warheads with traces of both such types of chemical and biological agents in 1991, and in this forum this Member can only say that Saddam Hussein has now developed further ways to deploy such chemical and biological agents against his enemies.

The evidence is clear too, obtained from numerous verifiable sources, that Saddam attempts to develop nuclear weapons, that he did so in the past and today again. Ongoing attempts by Saddam to acquire dual-use technology for use in a nuclear development program continue, and that is notwithstanding the controversy about the intended use of one such attempted acquisition.

Should anyone have any doubts that Saddam has and is attempting to procure plutonium to substantially shorten the time of developing nuclear weapons, I have no such doubts. Thus, WMD remains a great threat to a widening circling of Saddam's neighbors and our own forces and facilities in the area.

However, again, what is also crucial and urgent is whether after the terror strikes of 9–11, we have any doubt that he would provide such WMD chemical, biological, and perhaps nuclear, in the future to terrorist groups who would use them against our citizens and those of our allies. This Member does not doubt in the slightest, and it is a risk that the U.S. cannot accept.

In saying this, this Member does understand that the administration cannot yet present incontrovertible evidence of a link between al Qaeda and Saddam. There are, of course, reasons for strong suspicions about such links.

That logically brings the House to the question of why at this time Congress should authorize the future potential use of military action by the administration.

This Member believes it is clear that the threat Saddam poses will only intensify. The U.S., the Western democracies, and Iraq's neighbors should never have permitted Saddam to hamper and then bar the reentry of U.N. weapons inspectors.

In the 11 years since the end of the Gulf War, and certainly in the 4-year absence of such inspections, Americans are now in more danger because of that collective lack of resolve to enforce WMD disarmament and because of the commercial and foreign policy goals of some of America's European allies and Russia.

Now, of course, in a post-September 11 world, the U.S. knows all too well that mass terrorism has been waged against civilians, in this country and abroad. It is a terrible part of the equation that the American President and the Congress now must responsibly consider. Does the U.S. now have a reasonable basis to conclude that Saddam is not an imminent threat against the United States? Is there a clear justification for attempting to override the conclusions of the Commander in Chief?

The answers are, unfortunately, no. Delaying action is a greater risk to America's national interest, the security of our citizens, than the uncertainties that always attend a war and its aftermath. The resolution authorizing the use of force, or one that we might craft by amendment, is an authorization this Congress should approve.

As the House takes this extraordinarily important step, fully mindful that Congress in passing the resolution authorizes putting members of the U.S. Armed Services in harm's way, and recognizing no citizen in this country is assuredly safe now from related terrorist events either, Congress has additional important responsibilities. Congress needs to take every step to assure that the executive branch has given adequate consideration and provided contingency planning and resources on the following questions, which, bear in mind, are beyond the questions about adequately helping and preparing and deploying our military force.

These questions are: number one, has the U.S. taken adequate steps to broaden the international coalition for not only the military operations, but especially for the more important and long-term task of developing a democratic regime in Iraq that will not threaten the security and stability of the region? The gentleman from Florida (Mr. WEXLER) made reference to this question.

Number two, has the administration prepared contingency plans to take into account that Saddam may use chemical and biological weapons of mass destruction, directly or through anonymous terrorists, against other nations in the region before or during the conflict which may ensue, for example, to be used against Israel? Has the U.S. prepared for what could be a rather extraordinary Israeli response?

Number three, has the administration taken steps to understand and prepare for the international consequences of such military action against Iraq in the region and elsewhere in the world? Will U.S. action strengthen the influence of Iran in the region, even in Iraq? Will U.S. military action strengthen demands for an independent Kurdish state in Iraq, including areas in neighboring countries? Will a victory in Iraq unleash a Shi'a Muslim bloodbath against the Sunni Muslim population or a large part of the Iraqi population that supported or is perceived to have supported Saddam Hussein? Is the U.S. ready to control it? Certainly the Shi'a have suffered tremendous provocation for such retribution.

Number four, has the administration adequately considered the resources the U.S. will need in this Iraq war-peacekeeping scenario in order to successfully pursue the ongoing American war effort against al Qaeda and terrorism, including the far-from-finished military, peacekeeping and broad reconstruction requirements in Afghanistan?

Mr. Speaker, this list of questions is only illustrative. It could be much longer. The passage of H.J.Res. 114 today, momentous as it is, as necessary an action as it is, constitutes but the first step in many important duties the Congress must pursue in this arena. Congress must be ready and fully committed to accomplishing them in a constructive, bipartisan effort with the executive branch.

Mr. Speaker, this Member strongly encourages his colleagues to vote ''aye'' on H.J.Res. 114 and then to join in a constructive bipartisan effort to insist and assure that the executive branch has considered and proposed contingency plans and resources to meet the unexpected challenges and the unattended consequences of military action against Iraq, if it is necessary, if it is necessary, I emphasize, to use military force to eliminate the danger that Saddam Hussein poses to the countries in the region, to our allies, and to our citizens here at home and abroad.

Mr. PAYNE. Mr. Speaker, it is a pleasure for me to yield 5 minutes to the gentleman from New York (Mr. RANGEL), the leader in our party and the ranking Democratic member of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, in over 32 years I have never seen an issue that has been more important to me and probably to many of you who have served here than to decide the question of putting our men and women in the Armed Forces in harm's way. It just would seem to me that there is no question that if anyone in the House or the other body thought that our Nation was in eminent danger, that we would have no doubts about taking a preemptive strike and destroying that force before they attempted to harm us.

The President of the United States has said to us that time is not on our side. Well, it may not be, but there are a lot of questions I would like to believe that our constituents will be asking us and that we should be getting answers to these questions before we give up our authority to declare war and turn it to the President of the United States to subjectively make a decision as to whether or not we are in danger.

We are not talking about a danger like 9–11. We are talking about a potential danger that is somewhere in the future. Whether it is 1 month or 1 year, one thing is clear, nobody has said that we are in danger before November 5. That date just comes up, not as frequently as 9–11 does.

But it seems to me as I have traveled around the world, one of the things that I have been so proud of in saying

is that with all the problems we have in the United States of America, one thing is that we never start a fight with anybody; that we were always there talking about democracy and believing that when people and communities and nations had disputes, that we were there to talk about those bonds of law, of due process, of diplomacy. We felt so proud to set up the United Nations in such a way as to say that before we destroy each other, let us attempt to talk this out.

The President has reluctantly, but beautifully, gone to the United Nations and laid our case before the leaders of the nations of the world, and I have never felt more proud of being an American than to hear him prod them to do the right thing and to complain about the negligence in which they have not enforced the United Nations resolutions as relates to Saddam Hussein and Iraq.

But, strangely, it ends up with him saying, ''And if you don't do the right thing, if you don't abide by international law, if you don't respect the resolutions that you have enacted, then I will unilaterally go into these countries and justice will be done.''

I do not expect that I would want the defense of the United States to be left to other countries. But if there is no imminent danger, but danger that is perceived, especially as the President has said, danger to the surrounding nations around Iraq, those that are within the direct threat of bio-chemical weapons, those that can be hit by the missiles, then I wonder why, when the President talks about coalitions, that he does not mention any of these countries?

Israel is in direct danger of a strike by Iraq if we invade, as well as Turkey, Iran and Saudi Arabia. Why at least, if not the European countries, why are these countries not saying let us go to the United Nations and we will prove to you that this man is a demon and not just a threat to the United States of America, but a threat to everything that free countries believe in?

It just seems to me that we will never, never, never be in a position to chastise the governments of Pakistan and India, of North and South Korea, of Georgia and the Soviet Union, that we will never be able to tell them that they cannot take their subjective fears and strike against the other nation without taking their complaint to the United Nations, because we are the ones that have said that, yes, we will go to the United Nations, but we are not bound by the United Nations.

I think we should say that, but I think we should come back to the United States Congress and ask for permission, if that is necessary.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, I rise in support of the bipartisan resolution on Iraq. I want to congratulate the leadership and Members of both sides of the aisle who worked hard to craft this bipartisan resolution.

I am certain that if left to our own devices, each of us would write this resolution differently than the one before us today. But while it may not be what each of us would want perfectly, it goes a long way towards addressing the concerns raised by many in this body, and, more importantly, by many of our constituents.

It calls on the President to work with the international community in ending the threat posed by Saddam Hussein. But should diplomatic efforts fail, it authorizes the President to take military action to protect Americans from the threat posed by Iraq.

The distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), put it best when he said this resolution means we should act diplomatically if we can, and militarily if we must. All of us hope military action will not be necessary and that Iraq will abandon its strategy of delay and evasion and instead act responsibly.

□ 1700

But should diplomacy fail, we are making it clear that America will act decisively to remove the threat that Saddam Hussein and his regime poses not only to our citizens but to all freedom-loving people everywhere.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BENTSEN), my good friend and our distinguished colleague.

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, last night in his address to the United States on the administration's policy towards Iraq, the President laid out his indictment of the Iraqi regime and particularly its leader, Saddam Hussein. In doing so, he answered a number of questions that Members of this body, as well as the American public, have raised regarding the administration's policies.

While I will argue that I have few differences with the President on those issues with respect to the Iraqi regime's efforts to produce weapons of mass destruction and its efforts against its own people, even the tenuous, but troubling, allegations regarding its connections with al Qaeda, the President still did not answer a lot of questions and a lot of questions that have been raised on this floor. That is why I intend to support the substitute offered by the gentleman from South Carolina (Mr. SPRATT).

As poignant as the President's speech was with respect to his indictment of Iraq, it lacked crucial substance with respect to the means by which the United States can achieve the containment and dismantling of the regime and its threat to the region and, ultimately, our Nation. The President made limited reference to the need for a strong international coalition to rid the world of this menace.

Unlike the last war with Iraq, the present administration has given insufficient attention to building the broad coalition to achieve the end we all desire. I do not believe, nor do I believe most Members believe, that the United States must obtain permission from other nations of the world to ensure our own safety. Clearly, we possess the military might. But, at the same time, our strength to defend ourselves and interests is bolstered by our ability to build coalitions with our friends; and undermining that ability will no doubt have costs.

We do not know whether or not acting unilaterally will undermine our efforts with Iraq, with the Middle East, with our interests throughout the world, and our own long-term security. We risk losing the moral high ground that was so helpful in our last war with Iraq and has become the cornerstone of American policy. We run the risk of alienating our friends and foes alike, and I think that is a risk that this body should consider.

Unfortunately, this administration has built a record on eschewing alliances in favor of unilateral approaches to foreign policy, contrary to the scope of American foreign policy by Republican and Democratic administrations for the last 60 years; and it is one that I think is of grave consequence as we go further.

No question that we can address Iraq militarily, but what will be the cost in the long run? How long will we have to leave ground troops if we do not have a coalition going in with us?

I think the administration is on the right track with respect to the regime, but I am concerned about whether or not the United States will have to shoulder the full burden and what will be the security risk of leaving tens of thousands of American troops on the ground in Iraq? No one in the administration, no one in this body or the other body knows how long it will take. And our recent experience in Afghanistan and in the Balkans tells us that it can take a long time before we can rebuild a nation.

Mr. Speaker, the Spratt resolution very clearly lays out where the Congress stands with respect to the Iraqi regime and their flagrant disregard for international law, their flagrant disregard for the U.N. Security Council resolutions. But it also says that the administration should try and do what every administration going back since the beginning of the United Nations has done, which is to build a broad-based coalition, just as President George Herbert Walker Bush did in 1991 that worked so masterfully in Desert Storm.

Should that fail, it gives the President the authority to come back to the Congress and then ask for an authorization of war. We can do this now without risking the United States, putting the United States at grave risk,

but we can also do it to ensure that the United States has a long-term foreign policy that is in our best interests, that ensures that we have our allies throughout the world working to ensure that we protect our interests throughout the world as well as defending the homeland here.

Unfortunately, I am afraid that this administration too often seeks to ignore the attempts that all of these prior administrations have attempted to do in ensuring U.S. national security.

So, Mr. Speaker, I have yet to see where the resolution, which I agree that the bipartisan leadership crafted in bringing it closer to where we ought to be and having consultation with the Congress and trying to build a coalition, but I am afraid it still gives a blank check. I think the resolution by the gentleman from South Carolina still puts the U.S. firmly on record with respect to the regime but also does it in a way that protects the historical precedents of American foreign policy and the defense of the Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. BLUNT), the deputy chief whip.

(Mr. BLUNT asked and was given permission to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, Aflatoxin, a biological weapon that has no battlefield use, something I only recently read about, as it has become apparent that this weapon has been designed and put on missiles able to be delivered by Saddam Hussein, no battlefield use, no military advantage. Somebody has written it could keep a lieutenant from becoming a general, but otherwise has no effect on the battlefield that day. It is designed to end life, it is designed to end life in a slow and painful way.

The greatest target of aflatoxin are children, children who, many of whom, would eventually die from liver cancer if this particular weapon is used.

In so many ways it sums up Saddam Hussein. Other countries have developed weapons of mass destruction, but only one person in charge of a government today has ever used these weapons. He has used them against his own people. He has used them against a neighboring country. Saddam has stepped beyond the bounds of civilized nations. I am convinced, Mr. Speaker, that the President will use the authority of this resolution after exhausting all reasonable alternatives.

For too long, Saddam Hussein has terrorized his own people. For too long, Saddam Hussein has encouraged international terrorism. For too long, Saddam Hussein has defied the international community. For too long, Saddam Hussein has ignored his agreements with other nations and with the United Nations.

The United States did not seek the decision we have before us today. It was forced on us by a discredited dictator and the cowardly forces of terrorism he encourages. Our leadership today will encourage the international community.

The United Nations was created specifically to deal with this type of situation, this kind of aberration among civilized nations. Hopefully, the United Nations will act and act soon. In any case, we must show our willingness to enforce the standards of civilized nations on this dictator. We will be joined by many immediately and others as we demonstrate our commitment to the cause of freedom.

Mr. Speaker, I urge my colleagues to support this resolution, a decision we all come to reluctantly but necessarily as we maintain and understand our position of leadership in the world.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I intend to vote to authorize the President to use military force against Iraq, provided that we are part of an allied coalition under the authority of a new U.N. resolution. But if the President cannot obtain the support of our allies or passage of such a U.N. resolution, then the congressional resolution must provide an opportunity for Congress to evaluate the situation at the time before deciding on unilateral action.

I would not be comfortable supporting any resolution that is an immediate blank check, Gulf of Tonkin, take-it-or-leave-it abdication of congressional responsibility that would not provide for that opportunity.

Saddam Hussein is a bad actor who must be dealt with. The issue is not whether Saddam will be dealt with, but how. The United States' interests are best preserved over the long haul if we act in concert with our allies and with the approval of the United Nations. The U.N. cannot have a veto, but Congress should know where it and our allies stand and how much of the effort and cost they will bear before we decide to proceed unilaterally.

The best way to unite this country and the world in this effort is to follow a careful, two-step process; and I am convinced that this is the wisest course to follow if we want to minimize regional instability and maintain the broadest possible international support for our war against terrorism.

It is more important that we do things right than that we do things fast, because the fight against terrorism is a long-term, not a one-week struggle, and we must think long term. Over the long haul, we will not be able to conduct a successful war against terrorism without the sustained support of our allies.

Senator Vandenberg, the wise Republican foreign policy leader, once told Harry Truman that if presidents wanted Congress with them on what could be crash landings, they needed to be with him on the takeoffs. That is just as true for our allies as it is for the Congress. It takes a little longer, but it makes us stronger.

Despite the dangers involved in an initial attack on Iraq, the most serious consequences could well be those we face after Iraq is occupied, unless this effort is well thought out. Based on discussions with the administration and the intelligence community, I believe much more work needs to be done to put together a plan that will avoid an anti-U.S. backlash in the Arab world, a backlash that could generate thousands of new recruits for al Qaeda, Hamas and other terrorist organizations.

We need an after-the-attack plan that demonstrates we are not just going after another Arab country and not just doing it for oil. Part of that plan should be an effort with our European and Middle Eastern allies to attack the poverty, anger, and ignorance that plague so many in a region in which a small elite displays almost obscene palatial riches.

If we are to deny bin Laden and other terrorists thousands of recruits because of our actions, we must show what we are for as well as what we are against in that part of the world.

One of the things we must be for is a resolution of the Palestinian problem. We must be ready to immediately demonstrate our determination to resolve that problem in order to make clear that our target is Saddam's reckless despotism and not the Arab world in general, and we need allies to make that believable. That is why I will vote for the Spratt amendment.

Mr. Speaker, I would also hope that once this debate is over we will also give equal attention to the problems that we have in this country, problems of unemployment, problems of retirement insecurity, problems of a deteriorating economy. We must have a strong economic base if we are to have the social and political cohesion necessary to fight any war against terrorists or anyone else. I urge that this Congress give at least as much attention to those problems as it has given to the Iraq issue over the last month. That will truly produce the kind of balance that will be best for our country.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, after about 20 meetings and briefings over the last couple of months, last Thursday the Committee on International Relations reported out this resolution, H.J. Res. 114, which would authorize the President to use force in Iraq, if necessary.

Before this came up in the Committee on International Relations, I met with CIA Director George Tenet and National Security Adviser Condoleezza Rice at the White House last Wednesday to get answers to some

of my remaining questions. They related classified information about Saddam Hussein's buildup of chemical and biological and radiological and nuclear weapons, as well as the buildup of technology and equipment to deliver those weapons.

This information is very alarming. I suggested to the White House that they try to work at declassifying more of this information and make it available to the American people so that there would be a better understanding of the real threat that Saddam Hussein's regime in Iraq is posing against the United States.

□ 1715

As an old Air Force intelligence officer, let me suggest that it is my conclusion that Saddam Hussein represents the same terror that we experienced on September 11, a year ago.

We know that he has a buildup of these weapons of mass destruction. We know that he has shown a willingness to use these weapons against his own people up north in the Kurdish area. We know that he is a bully that wants power, we know he is bloodthirsty, we know that he tried to take Kuwait to expand his power and influence as far as expanding his ability to export his products.

I offered an amendment in the Committee on International Relations to emphasize one important point, that was, that our quarrel was not with the Iraqi people. The Iraqi people had little to do with any of the decisions leading us into this conflict. The aggression and buildup of weapons has happened because the Iraqi Government was seized by Saddam Hussein, who has used Iraq's resources and the Iraqi people for his own delusional purposes. In fact, I believe the people of Iraq will be our allies against Saddam Hussein's regime, as the Afghan people were our allies against the Taliban.

In conclusion, let me recall what we were talking about a year ago after the September 11 attack. There were accusations of who knew what when and what could have been done to prevent that kind of attack.

Well, Mr. Speaker, this is what we can do: we can take a stand. We can inform ourselves of the seriousness of the information that is now available to us to know that this is a real threat. We can have strong support in this Congress so that the United Nations Security Council is going to pass a strong resolution there with ramifications for enforcement.

That is what we can do for this country, and that is what we can do for the free world.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5½ minutes to the distinguished gentleman from New York (Mr. CROWLEY), a member of the Committee on International Relations.

Mr. CROWLEY. Mr. Speaker, the decision to declare war is one of the most important responsibilities our Constitution has charged to us as Members of Congress.

As a parent, there is no responsibility that weighs on my mind more heavily than the decision to send our sons and daughters off to war. Yet as a New Yorker, I want to ensure that our country never again faces anything as horrific as the September 11 attack of last year.

I have sought out as much information as possible on the threats and risks posed by launching a military confrontation by Iraq, as well as the risks of not acting at all. I have heard intelligence briefings on Saddam Hussein's military capabilities. I have heard administration officials and experts make both sides of the argument in testimony to Congress. I have thought about the thousands of young men and women who may be put in harm's way, and I have thought of their families.

During the Vietnam War, my neighborhood of Woodside, Queens, the 11377 ZIP code, lost the highest number of people per capita in our Nation during that conflict. Countless constituents have called me and written to me to express their concerns about the impact that a war against Iraq will have on our Nation, our economy, our communities, and our daily lives.

After carefully considering the evidence regarding Saddam's continuing efforts to develop chemical, biological, and nuclear weapons, I believe that it is clear that his regime poses a severe threat to the Middle East, our allies in Israel, the United States of America, and to the entire world.

Many of my colleagues have called for weapons inspections to be given one last try; but years of U.N. weapons inspections and international monitoring have demonstrated that such efforts cannot work as long as the Iraqi regime remains determined to thwart them.

It is also clear that Saddam has no plans to end his support for terrorism. While the administration has not, in my mind, proven that Iraq has provided support to al Qaeda, Saddam has funded Palestinian terrorist attacks against innocent civilian Israelis, paying a sliding scale of benefits to the families of Palestinians who are killed or injured in such attacks.

The families of Palestinians who blow themselves up in homicide bombings receive $25,000 in cash; the families of those killed in other attacks against the Israelis receive $10,000. Palestinians seriously injured in attacks on Israelis receive $1,000, and Palestinians slightly injured in such attacks receive $500.

Saddam Hussein has volunteered to be the workers' compensation plan for Palestinian terrorists whose homicidal intentions are no different, no different from those of the 19 murderers who flew airplanes filled with innocent people into the World Trade Center, the Pentagon, and a field in Pennsylvania, killing nearly 3,000 people. Only when Iraq ceases to be a threat and takes its place as a responsible member of the international community will our future be secure.

Because of Saddam's continued support for terrorism and the serious threat posed by his efforts to develop weapons of mass destruction, I want to express my support for this resolution. It now includes several provisions that I and other Democrats have fought for to focus the authorization more clearly on Iraq's weapons of mass destruction.

First, I am pleased that the resolution calls on the President to work through the U.N. Security Council to secure Iraq's compliance with existing U.N. resolutions. None of our allies, save Great Britain, have indicated support for military action unless it is authorized by the U.N. Security Council. If we want to bring an end to religious extremism and terrorism in the Middle East, we must work with and not against leaders in the region and in the international community. It is imperative that the United States act in concert with allies and partners, with the authorization of the U.N. Security Council.

Second, it is important that the resolution prevents the President from using force against Iraq unless and until he declares that he has exhausted all possible diplomatic efforts and attests that further diplomatic initiatives will have no effect. This means that the use of force will truly be a last resort.

Third, the resolution also requires the President to submit to Congress a determination prior to using force that taking military action against Iraq is consistent with actions needed to eliminate international terrorism. This ensures that the war against terrorism, which must remain our top national priority, will not be pushed aside by efforts in Iraq.

Finally, the resolution requires the President to report every 60 days on military operations and on the planning for post-conflict activities such as reconstruction and peacekeeping. This provision is critical, as I believe that the administration has yet to develop a strategy for rebuilding Iraq. We will need to lead a reconstruction effort, not just because the Iraqi people need such assistance after decades of living under a despotic regime, but rather because ensuring that Iraq is a democratic, prosperous and stable country furthers all of our national interests.

Mr. Speaker, despite my misgivings, and though I wish the administration had decided to wait to pursue this campaign until we and our allies made more substantial inroads in the war against terrorism and groups that support terrorism around the world, I will nonetheless support this resolution. I urge my colleagues to do the same.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution. Winston Churchill is

purported to have once said: ''An appeaser is one who feeds a crocodile, hoping it will eat him last.''

I contend that Saddam Hussein is that crocodile. For more than a decade, Saddam Hussein has wreaked havoc on our world. He has established a pattern of deception and untold cruelty against humanity. The Iraqi dictator has made a mockery of the international community by defying 16 United Nations resolutions. He has deceived and defied the will and the resolutions of the United Nations Security Council. He has gassed, tortured, starved, and executed the people of Iraq, including tens of thousands of innocent men, women, and children. He has provided a support network for, and has housed, terrorists. He has refused to account for missing Gulf War prisoners. He has refused access multiple times to U.N. weapons inspectors, in spite of his promises to allow complete inspections of weapons of mass destruction. He has refused to return stolen military equipment. He has fired upon American military forces patrolling the no-fly zone. He has sought to circumvent economic sanctions.

Most alarming to me, Mr. Speaker, as a physician, he has developed weapons of mass destruction, including biological and chemical weapons, with long-range ballistic missiles capable to create untold devastation and human misery. Worse, he is close to possessing a nuclear weapon.

Mr. Speaker, as a physician, I can tell the Members that we can remediate and protect to a certain degree against chemical and biological attacks, but there is no way to deal with a nuclear explosion. All of these findings are well documented and are a matter of public record.

While there are many dangers in the world, the threat from Saddam Hussein stands alone because, as President Bush said, it gathers the most serious dangers of our age in one place under the leadership of a merciless dictator.

Some critics have argued that the U.S. should only take military action against Saddam Hussein if the U.N. Security Council endorses military action. While I believe it is important to seek international support, including support of the U.N. Security Council, I do not believe it is wise to give other nations like Russia, China, and France veto authority over the national security interests of the American people.

Military conflict is not something to be undertaken lightly, nor is it something we should undertake without exhausting efforts to resolve the issues at hand in other ways. Unfortunately, over the past 10 years, since the end of the Gulf War, Saddam Hussein has chosen to be an outlaw from the international community. He has chosen to disregard the will of the international community.

Some would like to pretend that he has not done this, that he has not been continuing the development of weapons of mass destruction, that he has not been harboring terrorists, that he is not aiding those who seek to harm America. The record of his dictatorship demonstrates otherwise.

We have been students of history. While conflict is not something that we desire, it is something a peaceloving people sometimes have to engage in in order to protect the peace. This often is the only way to stop greater evil from being brought to bear on millions of innocent men, women, and children.

What would have been the course of history had a policy of appeasement toward Adolph Hitler not been adopted in 1938? The world was promised peace then, and 6 months later the world was engulfed in World War II. We have been engaged in an appeasement of Saddam Hussein over the past decade. He has been unwilling to respond to the pressure of the international community. How much longer should we continue this policy of appeasement?

What if we refused to take the necessary action to stop the Iraqi dictator from building these weapons? I feel the results could be catastrophic. I urge my colleagues to support the resolution.

Mr. PAYNE. Mr. Speaker, it is a pleasure to yield 6 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the most important questions before the House today and tomorrow and the next day are posed by the resolution introduced by the gentleman from South Carolina (Mr. SPRATT) and many others of us.

The question is not whether action must be taken to disarm Saddam Hussein of weapons of mass destruction; that action must be taken. The question is not whether the U.S., as the sole superpower, should exert leadership to bring this action about; it must. The basic question is where the emphasis should be in the use of our superpower standing.

□ 1730

What messages do we want to send the rest of the world? In meeting the challenge posed by Saddam Hussein, is the emphasis on using our leadership to form a broad partnership with other nations or to go it alone? And should any decision as to how and when to use unilateral force be essentially in the hands of the executive alone or should the elected representatives of the public in this U.S. Congress be an active participant? Should we be authorizing the President to use the U.S. Armed Forces to go it alone in a war against Iraq now, before the U.N. Security Council has acted further, or not? Before Iraq has responded completely to those demands or not? Before a new inspection regimen occurs or not? Before we might use force as a member state in compliance with U.N. resolutions?

I believe there is a role for Congress and the American people in evaluating the success or failure of those efforts in reaching any decision to authorize unilateral military action in a war against Iraq. From the very beginning, the thrust of the administration's approach has been to discount collective international efforts and towards unilateral action by the U.S. Urged by a broad array of critics, the President went before the U.N. He delivered a strong speech urging that the U.N. live up to its responsibilities. The President was appropriately applauded for that speech.

It is critical that we keep the emphasis on achieving collective international action. That does not mean, and I emphasize this, that we are ceding a final decision to the U.N. Quite the opposite. We are leading the way for the U.N. to act.

The Spratt resolution, as does Senator LEVIN's resolution in the Senate, makes clear the U.S. will make final decisions about our policies. But the emphasis needs to be on forging collective action through the U.N., with a strong resolution requiring unfettered inspections as to all weapons of mass destruction and their elimination.

The outcome of this international effort remains today uncertain. The odds of effective collective action will be more uncertain to the extent the U.S. position is not total disarmament but a change in regimes. And the President's speech last night veered toward regime changes as a prerequisite.

Further, the chances of collective action are dim to the extent the President's approach to Iraq is framed against the broad doctrine enunciated by the administration several weeks ago. As written, it is a doctrine of preemptive action in cases short of imminent danger with only cursory references to the strength of collective action and our responsibilities under international law.

The President says that the U.N. action will be enhanced if the U.S. speaks with one voice. True. The approach adopted in the Spratt resolution would have provided a much clearer opportunity for one voice to be spoken and to remain so. The focus of the Spratt resolution is on Iraq. It is total disarmament, not a variety of goals stated in the administration's resolution. Its emphasis is the effort to achieve collective action. Collective international action rather than unilateral will likely maximize the chances of success in disarming Saddam Hussein and will minimize the potential adverse consequences for the U.S., adverse in terms of reactions throughout the world, stability in the region, cooperation in the war against terror, and in broad participation in the aftermath of any war on Iraq.

The Spratt resolution gives the President authority to proceed militarily, to enforce a strong U.N. resolution that provides for enforcement by member states; and it makes clear that the U.S. stands ready to consider unilateral action through this Congress if

the U.N. fails to act effectively. That surely sends a clear message to the U.N. and Saddam Hussein.

The approach in the Spratt alternative lays out a more effective course than the majority resolution. It keeps the emphasis in the right place both in terms of the U.S. using its superpower status to try to achieve collective international action, allowing for the use of military force in that context and, importantly, in preserving an adequate role for the elected representatives of the public in this U.S. Congress in reaching a decision to go to war against Iraq.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in 1991, the United States left Iraqi dictator Saddam Hussein in power after his unprovoked invasion of Kuwait. The U.S. and our coalition powers failed to understand the depths of evil that Saddam would sink to as the leader of Iraq or the willingness of the international community to look the other way as he continued to develop weapons of mass destruction.

Over the last decade, Saddam has systematically negotiated and then violated multiple international agreements with the United Nations, allowing him to develop and stockpile weapons of mass destruction, while at the same time terrorizing his own people.

President Bush has called for an end to the international appeasement of Saddam. The President has challenged every nation of the world to face up to its responsibility and stop this evil man with his evil designs. The President said that if the international community is not willing to meet this challenge, that the United States is.

Mr. Speaker, I support the President's call for action; and I call on my colleagues to do the same by supporting this resolution. Let me explain why.

In 1991, the world came together to defeat a common enemy and then demanded through the United Nations that Iraq stop the repression of its people, return prisoners of the Gulf War, renounce terrorism and end its program to develop and stockpile weapons of mass instruction. Iraq agreed to each of these demands. Instead, in the last decade Iraq has systematically and uniformly defied each and every one of these agreements. These actions alone warrant international action. But, of course, there is more.

We know that the Iraqi government maintains successful biological weapons laboratories. We know that Iraq maintains a chemical weapons stockpile it has shown a willingness to use. And we know that Iraq continues to attempt to develop nuclear weapons. These are not guesses. These are facts.

Mr. Speaker, it is clear that the development, manufacture and stockpile of weapons of mass destruction and ballistic missiles is the overriding goal of the Iraqi regime. It is also clear that Saddam Hussein would use every weapon in his arsenal to damage the United States and its citizens, whether within our borders or overseas.

Mr. Speaker, these deadly weapons are in the hands of a dictator who has invaded both Iran and Kuwait. These deadly weapons are in the hands of a dictator who has fired ballistic missiles at Iran, Saudi Arabia, Israel and Bahrain that have killed and injured U.S. military men and women. These deadly weapons are in the hands of a dictator who has gassed Iranian troops and villages in his own country.

Mr. Speaker, obviously, diplomacy is the preferred course of action to solve this problem. In fact, the United Nations and the United States have been patient over the last decade. Yet Iraq continues to defy U.N. resolutions demanding international inspections for weapons of mass destruction. Yet Saddam continues to block, ignore or defy the 16 separate U.N. resolutions. He clearly has no interest in yielding to the international community.

Amazingly, there are some in the international community who want to give Saddam additional opportunity. They believe that the 16 U.N. resolutions are insufficient evidence of Saddam's intractable opposition to inspections. I disagree. Saddam has had his opportunity. Unless inspectors are immediately allowed unfettered action to the entire nation, the United States must act.

Others here in the United States believe that we must wait for the U.N. to act before the United States can protect its national security. Again, I disagree. The United States must determine for itself how we should protect our nation and our citizens. It is we, Members of Congress, the President, and the American people, who should determine the fate of our Nation.

Now we, as Members of Congress, have the terrible task of determining whether or not our Nation should go to war. As a Member of Congress, I cannot avoid my responsibility to protect our Nation and ensure that Americans both at home and abroad are safe.

I have concluded that to protect the lives and safety of our country and our people we must act. Mr. Speaker, it is time to give the President the authority he has requested to deal with the imminent threat Saddam Hussein poses to the United States and to the world.

I hope the diplomacy will work and that Saddam will finally yield unconditionally to international inspections for weapons of mass destruction. I also hope that the U.N. will join the U.S. in this effort. However, we cannot as a Nation make our national security dependent upon this body.

In the end, the growing coalition of countries supporting our efforts will see the overwhelming bipartisan vote this week as a symbol of our unity and commitment to disarming Saddam Hussein.

Mr. Speaker, I urge my colleagues to join me in support of the resolution and of the President of the United States in this action.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to discuss the resolution to authorize the use of force and deal with Saddam Hussein once and for all. No one can dispute that Saddam Hussein is a tyrant and a thug. His brutal dictatorship has enslaved the Iraqi people in a state of terror for many, many years. His outlaw regime has long been characterized by vicious political repression and a denial of basic human rights. He has unleashed the horrors of chemical and biological weapons against innocent men, women and children in his own country.

Saddam Hussein's international crimes are well known. On two separate occasions he has invaded neighboring countries to launch wars of conquest against nations that presented him no threat. He has attacked civilian population centers in our allied countries of Israel and Saudi Arabia. He has threatened the security of the Middle East region and peace in the world. And his military routinely fires upon American and allied aircraft patrolling the Iraqi skies to enforce the United Nations Security Council's resolutions which he agreed to abide by at the conclusion of 1991 Persian Gulf War.

Make no mistake, Saddam Hussein is an international outlaw who must be confronted once and for all. He must be thoroughly disarmed so that he no longer poses a threat to world peace. Frankly, we should have taken care of this festering problem when we had the chance, but the first Bush administration walked away and let this murdering thug ravage his country and consolidate his iron grip on power.

The Clinton administration contained Saddam Hussein for 8 years, but Iraq's progress in obtaining weapons of mass destruction renders ''containment'' a policy no longer sufficient to the task.

I support President Bush's policy of confronting Saddam Hussein, but we must not wage war without making every effort to achieve our goal without further bloodshed. We must not take a go-it-alone approach. Rather, we should assemble an international coalition among the family of nations of the world to present a united front in the struggle against this evil dictator.

International cooperation must not be considered a luxury to be obtained if convenient. Rather, we must recognize a great lesson of the 20th century, that international cooperation is essential to American security and prosperity.

We must also not lose sight of our ongoing worldwide military campaign

to eradicate the threat of al-Qaeda terrorist network. The wounds of 9/11 still ache. America has unfinished business with Osama bin Laden and his fanatical followers. Bin Laden may be dead or he may be alive, but let there be no doubt that his loyalists still lurk in the shadows ready to strike America in our unguarded moments. We must have no relent in our pursuit of our terrorists, and we must not mishandle the present Iraqi situation in a manner that breeds suicidal maniacs begging for the chance to kill Americans. Rather, we must engage moderate Arab republics and leaders of the Islamic faith to demonstrate that our cause is just, our intentions are noble, and our friendship is genuine and enduring.

Mr. Speaker, I want to commend my Democratic colleagues who have stood on principle to address the important shortcomings of the White House's original resolution. Now is not the time for partisan politics, and I am pleased that we have arrived at language that a broader cross-section of this House can support, while leaving individuals Members free to vote their conscience.

Mr. Speaker, as a veteran of the United States Army, my thoughts and prayers are with our brave men and women in uniform and the families who love them. Our military is the finest fighting force ever assembled in world history.

□ 1745

They are well trained, highly motivated and superbly trained. Should force be necessary, their mission may well be a very difficult one, but I have no doubt our warriors will rise to the occasion and win the day.

Finally, Congress must get back to addressing the critical issues facing our families every day. Congress must act to improve education, reduce health care costs, protect Social Security, and get our economy back on track. We must balance the budget and pay down the national debt for long-term economic growth. We must lower health care costs. We must fund education so that every American willing to work hard can have the most of his God-given abilities.

In conclusion, I will vote for this use of force resolution; and at the end of the day, the leadership of this country must speak with one voice. As President Kennedy said in his inaugural address: ''Let every Nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty.''

Saddam Hussein is the world's leading threat to human liberty. I support this resolution as a last resort to eliminate this threat.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON), a courageous war hero from Vietnam and former POW.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I stand here today in full support of giving the President the tools he needs to protect the lives of Americans at home and around the world. The United States and United Nations have tried sanctions. We have tried inspections, we have tried no-fly zones, we have tried treaties, peace talks and 16 different Security Council resolutions. Saddam has violated every agreement.

Anyone who holds hope after 11 years of Saddam Hussein's outright rebellion against the world must be the eternal optimist. Saddam Hussein has no intention of allowing inspections inside his palaces or weapons facilities. Saddam Hussein has no intention of allowing his scientists and families to be questioned outside of Iraq as President Bush has asked for; and Saddam Hussein has no intention of giving our government or the family of Scott Spiecher, the downed American pilot, any information on their son's whereabouts.

Saddam is a blood-thirsty madman who cannot be left to his own devices. If left alone, Saddam Hussein will continue to build biological and chemical weapons and obtain a nuclear capability.

Last night, the President told us that Saddam is now building unmanned vehicles and airplanes to disperse those weapons almost anywhere. As a representative of the people of the State of Texas, I cannot sit back and allow Saddam Hussein more time to plot the demise of the United States and our allies.

As one of the few Members of Congress to fight in combat and the only Member held captive as a POW in Vietnam, I know we cannot fight a war from the Congress of the United States and win. Our President, with the passage of this authority, can and will deliver.

Let us learn from our Vietnam experience and ensure that President Bush has all the tools he needs to protect freedom in America and in the world. A resolution without restriction must be passed. Our future is at stake.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), a member of the Committee on Resources and the Committee on Transportation and Infrastructure, and a real leader in our delegation.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me the time.

One of the most solemn duties given by us to the Constitution is before the House because the resolution before us is most certainly a declaration of war. It lacks the specificity of the last declared war, World War II, but it closely mirrors the open-ended authority granted President Johnson in the Gulf of Tonkin resolution in 1964.

The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the U.S. against the continuing threat posed by Iraq. That is it. That is the key part of this, despite all the whereases and everything else.

So, with this resolution, Congress will preauthorize the first-ever preemptive war in the history of the United States, a war that may be fought unilaterally, without a single ally, conducted without restraint or clear objective, potentially in violation of the U.N. charter and widely accepted international law. I do not believe our Nation's founders would think that this was the proper use of our authority under article I, section 8 of the Constitution.

What is so extraordinary about Saddam Hussein and the threat he poses that would justify this broad grant of authority? What has changed in the 2 years since then-candidate Bush said, The United States will not be the world's 911, the world's police force, and that we will not engage in nation building? There were the horrendous attacks of September 11, attacks against the United States; but neither the United States nor British intelligence services can find the slightest link between al-Qaeda and Iraq. So that cannot be the reason.

The President went to the U.N. 3 weeks ago, and he repeated in Cincinnati a long litany of charges against Iraq, most of them true. Saddam Hussein is a brutal psychopathic dictator. He has committed crimes against humanity. He used chemical weapons against Iranian troops, against rebellious Kurds in his own country. He killed tens of thousands, but that was during the Presidency of Ronald Reagan and Bush 41; and the United States turned a blind eye because Saddam was allied with the U.S. against Iran.

He has violated a number of U.N. resolutions, but all along before the last Presidential election. So something else must be behind this.

Is this an attempt to obtain nuclear weapons? Two other members of the axis of evil are much further along. Iran has a very well-developed nuclear weapons programs and much stronger proven ties to terrorist groups, including harboring al-Qaeda; and of course, North Korea has probably nuclear weapons and two-thirds of an almost functional intercontinental missile which is having us rush to build Star Wars. So, is that the reason? I do not know.

It really seems to me there is something else going on here. Perhaps it is because the President brought a number of people from his father's administration who felt that they were frustrated because they did not get to go to Baghdad the first time when Colin Powell and George Bush 41 stopped them short of that goal; but these men,

these old men, these oil men, most of whom have never fought in a war or have never served in the military, are very deaf to the substantial concerns of Colin Powell, General Clark, and others in the war all too well.

They are deaf to the concerns of Middle East experts and Arabists at the State Department and our intelligence services. They are deaf to the very vocal concern of our allies around the world. They are deaf to the concerns of millions of Americans who have doubts about this adventure, and they are blind to the potential repercussions of the Pandora's box they will open with this war, the first war fought under the new Bush doctrine of preemptive war.

Never has the United States of America launched a preemptive war. The prospect of the United States pursuing a unilateral preemptive war with Iraq with little or no support from allies in the international community is gravely disturbing; but the international application of this doctrine could launch a war against a threat, that is, U.S. or any nation, could launch a war against a threat or perceived threat by another nation. Just think, India and Pakistan, China and Taiwan, Russia and Georgia. The list is long and frightening.

The administration proponents of this resolution would have us believe we have no option, but we do. Continued containment, deterrence and intrusive, unfettered inspections. There is a long list of the success of the last inspections rendered by Tony Blair to the Parliament, not by the Bush administration to the Congress: destruction of 40,000 munitions for chemical weapons; 2,610 tons of chemical precursors; 411 tons of chemical warfare agent; dismantling of Iraq's prime chemical weapons development and production complex at LAl-Muthanna; the destruction of 48 SCUD-type missiles; the destruction of the Al-Hakam biological weapons facility. The discovery in 1991 of samples of indigenously produced highly enriched uranium made them disclose their program so that led to the removal and destruction of the infrastructure for the nuclear weapons program, including the Al-Athir weaponization testing facility.

Intrusive inspections, despite the harassment, did work. We do have an alternative. We should return to that regime. We should go with our allies under the auspices of the United Nations. We should root out and destroy his weapons of mass destruction. We have an opportunity and a proven alternative before us, unfettered inspections, destruction of the arsenals; but it is not clear that that is the sole objective of this administration.

War should be a first resort? No. War should be a last resort.

Do not vote a blank check to this administration. They are all too determined to have this war no matter what occurs.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, as we engage in this most patriotic debate, I am struck by how much we all seem to agree upon. We all seek to avoid using our troops and unleashing our military might unless we are forced to. The greatness of our Nation is not measured in our muscle, but in our restraint. We are a Nation of awesome power; but we do not use it to conquer other peoples, to expand our borders. We are rightly proud of our history of taking the first blow before we move to respond. On this we all agree.

We all seem to understand and support the imperative of operating in cooperation with international institutions and multilateral coalitions when tackling truly global challenges. It is moral leadership to act in concert with others, and it is smart politics. We prefer this path for it speaks to our respect for others, and we follow this path because it makes the road to our national goals that much smoother. On this we all agree.

We all agree that the regime in Iraq is a menace to the region and anathema to international law, not to mention a disgrace to our common humanity. Even the most fervent opponent of use of force does not contend that Saddam Hussein is not a tyrant. On this we agree.

Finally, we all agree that in some degree or another preemption has to be part of our national defense. Perhaps this is more clear to those of us who once lived in the shadow of the World Trade Center or those of us who attended a funeral for one of the fallen of September 11 or those of us who looked into the eyes of a child whose parent was taken from them in the attacks.

We all agree if we could strike first to prevent the terror of 9–11 we all would have. We all would have. Preemption is not immoral. Permitting an attack that we can deter is immoral. On this we agree.

So how is it that we agree on so much yet differ on this resolution so starkly? Let me address three points I have heard today and, commonly, over the last weeks.

First, I have heard those that oppose the resolution argue that there is no imminent threat, nothing dire enough for us to act immediately. First, let me concede that this debate should have taken place after the election. It could have taken place after the election, and it would have been most appropriate for it to take place after the election; but I find it astounding that some suggest that because there is no smoking gun we ought not act.

To employ the same metaphor, we have a madman who hates us, gun and bullets in the same room. After hundreds of hours of hearings and thousands of pages of revelations about our failure to connect the dots on so many occasions, why is it now we hear this insistence on metaphysical certainty of the madman's intent before we act? News flash. What we do not know about his intent could fill a book. The same critics of our intelligence capability are now expecting perfect intelligence.

Secondly, some have argued that Saddam has not been belligerent. In fact, he has. The U.N. resolutions that were passed as part of the ceasefire in 1991 were agreed to by the parties to ensure that Saddam would not be belligerent. He has violated every one. Is not the violation of anti-belligerence agreements itself a sign of belligerence?

Finally, I have heard the argument that Saddam's capabilities are so degraded that he posed no threat to us or to his neighbors. I remind my colleagues that the cost of the entire September 11 attacks on our Nation were less than that of a single tank. How much does it cost, how hard is it to strap nerve canisters to a terrorist posing as a tourist and have them walk into Times Square or into the National Archives? He does not need an ICBM to reach New York or Washington. Saddam Hussein just needs a chance.

□ 1800

I will vote for the resolution, but I say to the President that I am voting for all of it. I am voting for the part that encourages that all diplomatic measures possible be taken, including a final round of inspections. Use of force as a last resort must truly be a last resort.

And to my colleagues who seek disarmament and concession for Saddam, as do I, I would urge we consider the need to demonstrate with no uncertainty that we mean business. The best way to avoid the use of force, I would argue, is to authorize the use of force. Cajoling, negotiating, strong language, harsh proclamations alone will not work against Saddam Hussein. Saddam Hussein must understand today that the jig is up, no more delay, no more obstruction. We will take your weapons either with your assent or without it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time.

I come to the floor, as we all have today, to address one of the most serious, probably the most serious matters that Congress can consider, and that is the use of America's military to preserve peace and defend our citizens. I rise in support of this resolution to authorize the use of force against Iraq.

The Iraqi regime, controlled by Saddam Hussein, remains a threat to the Iraqi people, Iraq's neighbors, the U.S., our allies, and American citizens. Saddam Hussein has weapons of mass destruction at his disposal, biological and chemical; and he has used them, as we

all know, on his own people and against other countries. He has continuously expressed hostility toward and a willingness to attack the United States. In fact, he was the only world leader to publicly applaud the horrific September 11, 2001, terrorist attacks on America. Members of the al-Qaeda terrorist organization are known to be in Iraq.

These facts simply cannot be ignored, and we cannot afford to wait while further terrorist attacks against the United States are being planned.

Today, Iraq continues to withhold important information about its nuclear program, weapons design, procurement logs, experiment data, an accounting of nuclear materials and documentation of foreign assistance. Iraq employs capable nuclear scientists and technicians and retains physical infrastructure needs to build a nuclear weapon. Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon, and the country's state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

Mr. Speaker, in order to preserve the security of the United States and our allies, we must move forward to address the threat posed by Saddam Hussein's regime. However, congressional approval of this resolution does not mean military action against Iraq is imminent or unavoidable. The military option is only one option. We are continuing, as we should, to work with our allies to address this threat together.

What Congress is doing by passing this resolution is showing the United Nations and all nations that America speaks with one voice. By passing this resolution, we are showing the world we are determined to support the President, and we are showing Saddam Hussein that full compliance with the demands of the civilized world is his only option.

I am pleased the President has moved forward to press for a new resolution on Iraq within the United Nations. This is appropriate, and I hope our efforts will be successful. However, in order to be successful, any new inspections, sanctions, or enforcement mechanisms will have to be different than the ones that the Security Council has already passed.

I remain concerned about the United Nations' inability to address Saddam Hussein. The Iraqi regime remains in unacceptable breach of numerous United Nations' Security Council resolutions, including those requiring full and unfettered weapons inspections.

Since the end of the 1991 Persian Gulf War, Iraq has fired many hundreds of times at American and British pilots as they enforce these resolutions. Every time the Iraqi regime fires a missile at our military, it further expresses its contempt for the U.N. resolutions, for America, and the international community. We should move forward to address this issue within the U.N., but the U.N. must move forward as well.

Mr. Speaker, I must also stress my concern for the innocent Iraqi people who continue to suffer under the regime of Saddam Hussein. This regime has forced them to suffer immeasurably, and my heart goes out to those people and their families. As we consider the use of force against Iraq, we must focus on the Iraqi people and ensure that any military action fully minimizes any civilian casualties. Our action must be taken to help the Iraqi people, not force them to suffer even more than they already have.

Mr. Speaker, in order to preserve the security of the United States, our interests and our allies, I urge my colleagues to join me and all of us supporting this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the distinguished chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution.

Mr. Speaker, the Committee on International Relations conducted 2 days of spirited debated last week and has reported out a bipartisan resolution that I believe all my colleagues can and should support. The resolution before the House today clearly lays out the case for the use of United States Armed Forces against the Iraqi regime of Saddam Hussein.

What brings us to this point? Why must we consider taking such grave action? Let us review for a moment the recent history of Saddam's reign.

He has already used chemical weapons against Iran and against his own people. He has launched an ethnic cleansing campaign against Kurdish people, killing thousands of civilians. He has invaded Kuwait. And during the ensuing Gulf War, he conducted an unprovoked missile attack against Israel.

Following his defeat in the Gulf War, Saddam agreed to eliminate his nuclear, biological, and chemical weapons program and to end his support of international terrorism. He has done none of that. In fact, he has repeatedly violated 16 United Nations' Security Council resolutions designed to ensure that Iraq does not pose a threat to international peace and security.

We know that Saddam possesses and manufactures chemical and biological weapons. We know that he seeks nuclear weapons. Many of us believe that, given nuclear capability, he would no doubt use it against his enemies, including, and perhaps most especially, the United States, for which he has shown nothing but disdain.

We also know that the Iraqi regime continues to serve as a supporter and sponsor of international terrorism, and that members of al-Qaeda, the terrorist group responsible for the murder of thousands of Americans on September 11, 2001, are known to be in Iraq. Saddam, of course, praised those attacks on innocent people.

We know that Iraqi military forces continue to fire upon American and British military aircraft as they seek to enforce the no-fly zones in northern and southern Iraq. The Pentagon confirmed last week that, since April of 1991, Iraq has fired on our coalition aircraft some 2,500 times, 406 times this year and 67 times in the last 2 weeks.

As long as Saddam Hussein remains in power in Iraq, the Middle East remains a potential powder keg, and countless innocent people throughout the world face imminent danger. By all accounts, the immediate threat posed by Iraq's possession, creation and/or acquisition of weapons of mass destruction is a substantial one. The President's request for congressional authorization to eliminate that threat is entirely appropriate.

Last night, in my hometown of Cincinnati, Ohio, President Bush made the case for adoption of the resolution before us here today. The President eloquently stated, and I quote, ''Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun, that could come in the form of a mushroom cloud.''

Mr. Speaker, many of the critics of this resolution have wondered what terrible things will happen if we take action against Iraq. The real question, I would submit, is what terrible things will happen to our Nation and the rest of civilized world if we do not take action.

Throughout the history of Saddam Hussein's long and brutal reign, he has shown no interest in being part of the world community. He has terrorized his countrymen and his neighbors, he has supported and provided safe haven for terrorists, and he continues his long-standing efforts to develop and deploy weapons of mass murder and destruction. All the while, he has shown no signs of remorse and he has given no reason to believe that he will change.

My colleagues who remember their history will recall a tyrant who terrorized Europe a few decades ago. The British Government at the time chose a policy of appeasement. Soon, Adolph Hitler's forces marched across Europe, raining death and destruction. Fifty-one million people went to their graves. We cannot let that happen again. As Americans, we will not let that happen again.

Mr. Speaker, I urge support of the resolution.

Mr. PAYNE. Mr. Speaker, it is a pleasure for me to yield 5 minutes to the gentleman from Georgia (Mr. LEWIS), a member of the Committee on Ways and Means and the Chief Deputy Democratic Whip. The gentleman from Georgia has personally been terrorized and has been a man of peace for so many years.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, my colleague, the gentleman from New Jersey (Mr. PAYNE) for yielding me this time.

Mr. Speaker, I rise to speak against this resolution. I rise to speak for peace. Blessed are the peacemakers, for they shall be called the children of God. Be they Christian, Jew, Muslim, Buddhist, Sikhs; be they white, black, yellow, red, or brown, blessed are the peacemakers, for they shall be called the children of God.

Today, we must ask ourselves, are we peacemakers? Will we cast aside our fears, our prejudices, our hate and embrace peace? Will we sow the seeds of peace, or are we just another nation sewing the seeds of war?

War with Iraq will sow seeds in the desert sands of the Middle East and throughout the world. What fruit will our actions bear, not just for us but for our children? And not just for the children of our land, but for the children of the West and the Middle East and the world? For it is the children, our little boys and girls, who must live with the consequences of our war.

What do we gain? What do our children gain when we have destroyed another nation? What do we gain when we have killed hundreds and thousands of their men, women, and children; when hundreds of our sons and daughters have died?

War with Iraq will not bring peace to the Middle East. It will not make the world a safer, a better, a more loving place. It will not end the strife and hatred that breed terror. War does not end strife; it sows it. War does not end hatred; it feeds it.

War is bloody, it is vicious, it is evil, and it is messy. War destroys the dreams, the hopes and aspirations of people. As a great Nation and blessed people, we must heed the words of the spiritual, ''I am going to lay my burden down by the riverside. I ain't gonna study war no more.''

For those who argue that war is a necessary evil, I say that they are half right. War is evil, but it is not necessary. War cannot be a necessary evil because nonviolence is a necessary good. The two cannot coexist. As Americans, as human beings, as citizens of the world, as moral actors, we must embrace the good and reject the evil.

As Ghandi said, ''The choice is nonviolence or nonexistence.'' The Reverend Dr. Martin Luther King, Jr., said, ''We must learn to live together as brothers and sisters, or perish as fools.'' There is something greater than military victory, bigger and greater than regime change and toppling governments. It is to this greater good that as a Nation and as a people we must aspire.

The scriptures say, ''What does it profit a man to gain the whole world and lose his soul?'' America's strength is not in military might but in our ideas. America ingenuity, freedom, and democracy have conquered the world. It is a battle we did not win with guns or tanks or missiles, but with ideas, principles and justice.

We must use our resources not to make bombs and guns but to solve the problems that affect humankind. We must feed the stomach, clothe the naked bodies, educate and stimulate the mind.

We must use our resources to build and not to tear down, to reconcile and not to divide, to love and not to hate, to heal and not to kill. This is the direction great nations should move.

War is easy, but peace, peace is hard. When we hurt, when we fear, when we feel vulnerable or hopeless, it is easy to listen to what is most base within us. It is easy to divide the world into us and them, to fear them, to hate them, to fight them, to kill them. War is easy, but peace is hard. Peace is right, it is just, and it is true. I know it is not easy to love thy enemy. No, peace is hard.

So we have war in Israel, and no peace. We have war in Kashmir, but no peace. We have war in Afghanistan, in Colombia, in Sudan and the Philippines, and no peace. It may be hard, it may be difficult, but the quest for peace is as old as the dawn of history and as fresh as the morning newspaper.

□ 1815

Mr. Speaker, my brothers and sisters, sometime, some place, leaders of a great Nation will have the courage to say, ''We will lay down the burden, the tools and the instruments of war. We will wage peace, not war.'' And that nation will be blessed, for they shall be called the children of God.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, this morning at 9:07, each Member of this body received an e-mail message, an alert; and it asked all of us to take precautionary measures. It told us all to restrict our activities at home and in our office. We were asked to share it with each member of our staff. I have that e-mail here. That e-mail dealt with a killer, a killer who we all know had murdered 5 people in Montgomery County, Maryland, and now is expanding his range.

The question has been asked this entire weekend, What motivates this person? Why is he doing what he is doing? Last night if one listened to the news stories, there was an answer given, a profile. The profile gave his motive; it gave his weapon. We all know his weapon is a high-powered rifle. It showed the geographic area he was operating in.

But what caught my attention was his motive. They said he is not a serial killer because a serial killer selects a certain type of victim. They said no he is motivated by something else, he enjoys killing. It is sport. He must kill again. He is what we call a thrill killer.

In that regard he shares something with another thrill killer, a thrill killer we know as Saddam Hussein, a thrill killer that is not equipped with simply a high-powered weapon, but we have heard the litany of weapons at his disposal. We are also told that he started out killing members of his own family in his own village and then he moved on to members of his cabinet, members of his political party, his countrymen, whole villages at a time, then Iran, then Kuwait. Then in the Gulf War, the first two victims of this thrill killer were two majors from the Alabama National Guard that served at the same base I served in in Birmingham, a thrill killer.

What is the response to a thrill killer when we identify, when we learn the identity of that thrill killer who started his rampage in Maryland? Will we react with resolutions? Will we try to establish a dialogue? Will we restrict him to home? Will we give him a notification that we would like to inspect his home from time to time? Will we simply rage about the violence and say that we are good people and he should not do these things?

Thank goodness when we find him it will not be the United Nations that goes after him; it will be the Montgomery County Sheriff's Department, and we will not have to build a consensus all over the United States among every sheriff's department and every group as to what to do. We will know what to do with him; and it will not be home restrictions, and it will not be inspections with notifications and limitations.

Mr. Speaker, I close with the words of George Washington, our greatest President when he responded at a moment like this as to how do you preserve peace, how do you make the community safe once again, how do you assure the safety of the people. He said: ''To be prepared for war is one of the most effective means of preserving peace.''

I close by saying that what this Congress needs to do is give our President what he needs to prepare our Nation for war, and in doing so we will preserve the peace and ensure the peace for our children and our grandchildren.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is appropriate that we pause briefly in this debate as we debate our fundamental responsibility about how we best protect our country and what role our constituents will play in protecting our country to appreciate the fact that at 4:15 this morning Eastern Standard Time two Marines with the 11th Marine Expeditionary Unit from Camp Pendleton, California, were outside of Kuwait City participating in a training exercise. One of those young Marines was shot and killed, and the other was seriously injured. We are waiting an update as to his condition. This was merely a training exercise taking place with the Kuwait military, and one person lost his life and another may because of a senseless act of terrorism.

Mr. Speaker, I would like to ask Members to join me in a minute of silence to give thanks to these two brave Marines and appreciate the sacrifice they have made.

Mr. Speaker, I thank the Members for joining me in that minute of silence.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I rise today in strong support of the resolution authorizing the President to use force against Iraq if necessary and under certain circumstances. He has laid the proper predicate. He seeks the support of Congress; and if successful here, he will pressure the United Nations to do their job.

If the U.N. succeeds in a full and acceptable inspection and finds no major violations, they file their report. If they find major violations, they should be forced to take the proper action. If they do not act, the President has a decision to make; and I trust his decisions, just as I trusted Harry Truman's decisions 57 years ago.

Thus, he has, and as much as the Nation has requested him to do, he has taken the steps they have asked him to take prior to asking for this resolution.

The fight against terrorism is a long and difficult mission. I along with most Americans have stood behind President Bush in his campaign against terrorism and the invasion of Afghanistan, and I continue to stand behind him. The President has consulted the American people and the Congress throughout this war. He is consulting us now before any decisions are made concerning Iraq. He will continue to put pressure on the United Nations and give them the opportunity to do their work. He will continue to call for Saddam Hussein to comply with the U.N. resolutions and for weapons inspectors to have unfettered access to do their job. He will continue to insist that any resistance, evasion, or delay must be dealt with clearly and decisively.

I believe that if force becomes necessary, the President's timing will be the right timing. The President has the benefit of information from international fact-finding sources, the Joint Chiefs of Staff, the United States intelligence, information that Congress and the average American citizen might not have available to them. I am convinced that the United States will not act until our actions are justified.

Saddam Hussein's past refusal to allow weapons inspections is a strong indication that his regime poses a very real threat to the civilized world. As cited in the resolutions we are debating today, Iraq has ignored 16 United Nations Security Council resolutions to date, and we expect that there will be more contempt for the United Nations. Saddam Hussein's continued pursuit of weapons of mass destruction, the appalling treatment of his own people and the neighboring countries around him, and his outward defiance of the United Nations mark him as a man who is not only dangerous in his only country, but also dangerous to many others, including the United States.

I think we are all in agreement that no one wants to go to war; but during these turbulent times, in order to preserve freedom and liberty, we are given sometimes very little choice. Thomas Jefferson once said: ''The price of freedom is eternal vigilance.'' Men like Saddam Hussein will not stop until they have accomplished their objective, or until they are forced to stop. We must be prepared to do what is necessary to remove the threat to our country and to all peace-loving people.

The Congress and the United States stand with the President in his strong resolve to defeat terrorism. The United States stands ready to carry out this mission in Iraq if necessary, and we ask that our allies and all free-loving countries join us in this just cause.

Mr. Speaker, I urge Members to support this resolution and give President Bush the authority he needs in order to protect the United States of America and the world from Saddam Hussein's oppressive rule.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I rise today to express my support for H.J. Res. 114. My support comes after many hours of personal consideration of the facts that are clear, as well as what may be the consequences of military action against Saddam Hussein. I have concluded that clear and present threat of military force is the only way to forge both a meaningful and enforceable resolution in the United Nations Security Council and hopefully a peaceful disarmament and destruction of weapons of mass destruction by Iraq. If the U.N. falters or Hussein continues his deception, then the United States must act.

President Bush has made a clear case against Iraq, and last night he answered the questions that all of us have heard from our citizens in our districts. I respect and understand the concerns that some of those in this Chamber have regarding preemption and a military strike. I understand those who speculate on the consequences of military action against Iraq. In my mind I fear the consequences of a failure to preempt the use of weapons of mass destruction far more.

On September 11, 2001, terrorists made an unprovoked attack using airplanes as weapons of mass destruction and killed over 3,000 innocent men, women, and children in New York, Washington, and Pennsylvania. Saddam Hussein praised them. In the Middle East, the families of suicide bombers are rewarded with cash by Saddam Hussein. Saddam Hussein considers mass murder an acceptable practice. If there were ever a case for preemption to be made, Saddam Hussein has made it himself.

Twice before in my lifetime two great American Presidents, John Kennedy and Ronald Reagan, used the American military and the fear of its use to peacefully resolve two of the world's greatest threats: the Cuban missile crisis and the Cold War. They were right then, and President Bush is right now. Our country and the world deserve a united Congress behind the President of the United States.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

□ 1830

Mr. GEORGE MILLER of California. Mr. Speaker, there is no question that this is a serious debate about the future of our country and about the future that our country will play in the world in which we live. The decision to be made here after this debate is whether or not the United States would declare war on Iraq because, that is what in fact is being debated before the Congress of the United States.

The President can argue, as he has, that he wants this resolution for a number of different reasons. He has said that he wants it to have a regime change. Later, he said he wanted it to disarm Saddam Hussein. He now says that he wants it simply to get leverage against the United Nations so that they will do what he has asked them to do, what he has quite properly asked them to do.

But, at the end of the day, we will be saddled with a vote to declare war on Iraq. I say this because this is the same administration that was arguing that they did not have to come to the Congress because, from the resolution that we passed in 1991, that they had inherent authority to do this. So I suspect you will be living with the results of the vote here for a long time to come.

There is no debate, I believe, in the Congress of the United States or most places in the world that Saddam Hussein is an evil man, that Saddam Hussein is engaged in some of the most atrocious acts against his own citizens and others around the world. But there is also no debate that he is in violation of the agreements that he signed at the end of the war, he is in violation of the United Nations' resolutions that have been passed, and a case can be made and clearly was made by the President of the United States that the United Nations should take action because of his contempt of those resolutions and his failure to comply.

Those were the agreements that he signed; and, if necessary, the United Nations should back that up with force.

This is not a matter of trusting Saddam Hussein or allowing Saddam Hussein to dictate where the United Nations will inspect or not inspect, and we have all been through that. This is not about him. This is about us, and

these are the terms and conditions, and they should be enforced.

If that fails, then it is not to suggest that the United States should go to war against Saddam Hussein. It is to suggest that the President then must come back to the Congress and meet the burden of proof that he, in fact, poses an imminent threat to the national security of the United States.

So far, from the best information I have been able to receive from my colleagues on the various committees of jurisdiction dealing with intelligence and defense and in the briefings that I have attended, that case has not been made. That does not mean that it cannot be made. It does not mean that maybe there is information that they are not sharing with the Congress. But understand this: They are supposed to share it with the Congress.

But that is a different burden of proof. That is a burden of proof of whether or not we will unilaterally make a decision to put American men and women in harm's way and whether or not we will invade another country for those reasons. That is a far different burden of proof. That is a far different decision than whether or not we will be part of or whether the United Nations will assemble a multi-lateral force to go in and to deal with the violations and the failures to keep the agreements that the United Nations has passed when he surrendered to the multi-national force in 1991.

But I suggest to my colleagues that if we do it in the manner which was presented in the resolution, not only do we undermine the idea of working with the United Nations, I believe that in the long term we undermine our position in the world and our moral authority to conduct these activities. I think when we combine this with the announcement by the Bush administration of its doctrine on national security of preemptive strikes, preemptive war, it is a declaration of war. Be it preemptive or be it defensive, it is war. That is what it is about. We can dress it all up into fancy policy language, but the question is whether or not American men and women will be called upon for that sacrifice to this country.

I think that, when we do that, we have got to make the case to the Congress and to the American people; and I think it is clear that case has not been made. I think it is also clear that the American people believe that we have got to deal with Saddam Hussein. I do believe that the President set out that course of activity when he went to the United Nations and rightfully asked the United Nations to take the action in support of those resolutions.

The suggestion is here that somehow if we pass this resolution this will give meaning to the United Nations because they will know, whether they do it or not, we will do it anyway. I suggest it is just the opposite. That suggests to the United Nations that they really need not act because somehow the United States alone will take care of Saddam Hussein, even if that violates the tenets of the reason the United Nations exists, so that nations can act together. But if the United Nations does not act, then they remove the means by which we can prevent the unilateral action that so many people say they do not want.

At the end of the day, I believe we have an obligation to vote against this resolution. I believe that if we are unsuccessful in the United Nations, then this President should come back to this Congress of the United States, make his case that Saddam Hussein/Iraq are an imminent threat to the United States, and let the Members of Congress vote how they will when that case has been presented and keep it out of just the notion of giving speeches and going to the newspapers. Come to the Congress and make the case. To date, the administration has not done so.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from North Carolina (Mrs. MYRICK), a senior member of the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank the chairman for yielding me this time.

If I had not been one who was given intelligence briefings, I may well have opposed this resolution. But since I know the facts, I support it.

I am a mother and a grandmother, and no one knows the horrors of war more than I do. None of us wants to rush into this war.

For months, our President has demonstrated that he will exhaust all avenues for peace before taking military action. However, we must remember that America has been trying for years to stop Iraq's weapons program through diplomacy; and it has not worked. Saddam Hussein threatens America and his allies at home and abroad.

It is easy to point out that Saddam is not at present invading other sovereign nations. However, it is not 1940. Saddam Hussein does not have to leave home to wreck havoc on humanity all around the globe. We Americans cannot understand the mind of a tyrant or a terrorist. If we think we can just live and let live, we must understand that they read that as weakness; and they will not let us live.

America has always achieved peace through strength and not always by going to war. Remember the Cold War. Some say, if we attack, it will further inflame the Muslim world. But we do not have a problem with all Muslims, only terrorists and tyrants. People who have been taught hate and have nurtured that from birth, hate for America, they do not need further cause. It is ingrained in their psyche, and pacifism on our part will not change that.

I am hearing people today say, well, let us wait until we see what they do and then we will discuss what we do. Or Saddam Hussein will not have weapons of mass destruction for another 10 years. Let us wait and see.

Wait until they attack us and kill who knows how many more Americans? What will then be the satisfaction in being able to say, well, gee, I guess President Bush was right?

President Bush is not the aggressor. Saddam Hussein is the aggressor who has chosen to live by the sword. Let us never forget that 9/11 was not the first terrorist attack on America or American interests. We not only have a right but we have a responsibility to defend our Nation and its citizens.

I urge my colleagues to join me in support of this resolution.

Mr. SHERMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, often when we Members come to the House floor to make our arguments about public policy, our rhetoric differs significantly because we have sharply different visions. Our policies are aimed towards different goals and priorities, and those various goals dictate various approaches.

Today, I do not believe we have different goals or hopes. I am convinced that every Member of Congress and, in fact, virtually every American citizen shares a common goal: protecting the safety and security of our Nation.

Everyone I know would prefer to avoid war. Everyone I know hopes that diplomatic measures will cause Saddam Hussein to disarm. Everyone I know agrees that multi-lateral action which brings international allies to the side of the United States is far more desirable and effective than unilateral action. These goals and preferences are shared by every Member of Congress who speaks on the floor this week.

I spent a great deal of time over the past few weeks listening to the concerns and anxieties of my constituents, the arguments of this administration, and the whispers of my own heart. Following that time of listening, these are the things I now conclude:

First, the message of September 11, 2001, was undeniable. The United States has enemies who will stop at nothing to harm us in the most insidious and destructive ways possible. Their disregard for their own lives means that they can and will take the lives of thousands of innocent Americans on our own land.

Secondly, despite this horrible truth, we must refuse to live in fear. If we allow ourselves to be intimidated, our enemies have conquered not only our bodies but our spirits as well.

Thirdly, Saddam Hussein has left no room for doubt about his willingness to amass and use weapons of mass destruction. Knowing of his character and capacity, we simply give time for Hussein to become stronger and more

dangerous if he believes there will be no consequences for his actions.

Fourth, I do not believe the United Nations will take the action it must take to defend its own credibility and, most importantly, the safety of the world absent a forceful statement of conviction from the United States.

This resolution which will pass the House of Representatives by a strong bipartisan vote tells the world of our resolve. Having reached those conclusions, I am now prepared to vote for the amended bipartisan resolution authorizing force against Iraq.

Like every one of my colleagues who votes the same way, I reach this point with a great sense of somberness. The President made it clear that military action is not inevitable, but it is possible, and this means that some of our finest young men and women will once again risk their lives to protect our Nation. As the father of three and the grandfather of two, I have great empathy for every family whose young people will be at risk. I also have an enormous sense of gratitude for the men and women in uniform who put their lives on the line day after day.

The vote we take this week is difficult because it acknowledges the hard and potentially painful work we have ahead of us. This is just one step of a very long journey towards national security. I am convinced, however, that we risk only greater pain if we do not take this step. Ignoring the threat Saddam Hussein poses will not eliminate that threat. It will not remove the potential pain. We must face Hussein head on so that he has no more time or opportunity to become stronger and more dangerous. I sincerely hope and pray that freedom-loving nations around the world will join us in that cause.

President Bush, his administration, this Congress and the American people will need wisdom and strength for the days ahead. My prayer for all of us is that we might be granted just that as we continue down this path together.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, we all stand in this Chamber once every 2 years in January and hold up our right hands and take an oath to defend the Constitution of the United States of America and defend our great Nation against all enemies, foreign and domestic. That same Constitution that we swear an oath to defend gives the President of the United States the right to serve as Commander-in-Chief and to also conduct foreign policy.

Today, our President has come before the Congress and asked us to support a resolution so that he can conduct foreign policy and that if he needs to serve as Commander-in-Chief, defend our Nation against an enemy who is both foreign and domestic. Because Saddam Hussein, as leader of Iraq, has engaged in terrorism, has sponsored terrorism, has said repeatedly that he wants to do the United States of America harm.

Some would have us believe that we should not take Saddam Hussein at his word, that we can continue to use diplomatic means to try to get him to back away from developing biological weapons and chemical weapons and to get him to back away from calling the United States the Great Satan, things of this sort.

□ 1845

It has not worked in the 11 years since we were last in the Middle East; there is no reason to expect that it would work today. But that is an option.

Others would have us believe that if we just go to the United Nations and get one more resolution, one more sanctions resolution, that somehow Saddam Hussein, although he has violated repeatedly every other U.N. resolution, one more U.N. resolution he might honor.

The proof is in the pudding. If we wait for the U.N. resolution, there is a probability, almost a certainty, that our great Nation will probably be subjected to some sort of an act of terrorism that is in fact orchestrated by Saddam Hussein.

So I think the President is right when he says that he wants to work with the U.N., he wants to get international cooperation. But the fact of the matter is that the Constitution that we swore an oath to defend says we have to protect our great Nation against all enemies, foreign and domestic. We cannot wait for diplomatic means; we cannot wait for U.N. resolutions that might or might not have an effect in the future.

What should we do? We should vote for this resolution. What if we do not? Well, Iraq has used chemical weapons in the war against Iran. It has used biological weapons in the war against Iran. It has developed at least six chemical weapons and eight biological weapons. It is developing the means to develop a nuclear weapon. It is developing the means to transport these biological and chemical weapons by bomb and by missile.

So I think the time is now to act. I think we vote for the resolution. We show the President of the United States we will support him as Commander in Chief, if need be. He certainly has conducted our foreign policy.

We prepare for the worst; but, hopefully, by doing this, we will yet engender some solution that does not require the use of military force. But if it does, as the resolution says, we should give the President that right.

So I intend to vote ''yes'' on the resolution, ''no'' on the Democratic substitute, and hope we can move in a unified way to support President Bush and defend our Nation as we said we would when we took the oath of office when we stood up here in January of 2 years ago.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a senior member of the Committee on International Relations and vice Chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, as we debate the most important choice that any Member is called upon to make, that of war or peace, of life and death, I begin with the earnest view that in the defense of our beloved country there are no Democrats or Republicans, only patriots. Together we exhibited this idea after the attack on our homeland on September 11. I, along with others, voted to give the President unprecedented powers and resources to fight the war against terrorism, bin Laden and al Qaeda. That is the war I want to stay focused on. I have voted in the past for the use of force in the national interest and security, and I stand ready to do so again.

But I am not willing to invoke that power in the passion of the moment, or at the beat of someone's drum. So I say, Mr. President, I have yet to see your evidence of the clear and present danger, the imminent threat to the United States.

I listened intently to your speech at the United Nations and to that of Secretary Powell before our committee. You cited a long litany of Saddam Hussein's violations of U.N. resolutions, and these violations are real. But, Mr. President, they were real when you took office nearly 2 years ago. They were violated before you took office, and they were real before September 11. Why the rush now?

Mr. President, I have heard you describe Iraq's possession of weapons of mass destruction, chemical and biological; and, yes, Saddam Hussein has had those weapons since you took office and before you took office. Yet you did not beat the drums of war then.

Yes, Saddam wants to acquire nuclear weapons; but that has always been his goal, both before and after you became President. And yet, Mr. President, you did not beat the drums of war then.

Saddam does not have nuclear weapons, and the estimates are that it may be years before he can achieve that dark reality. Who did we attack after September 11's tragedy? Was it Saddam Hussein? No, it was al Qaeda and Public Enemy Number One, bin Laden.

This September, Mr. President, you challenged the United Nations to act or be irrelevant. I agreed with you in that assessment. But you cannot ask the United Nations to act and be relevant while you tell them that we, nonetheless, intend to be a Lone Ranger, regardless of their actions.

The war on terrorism is working because we are working as an international team. Let us not tear that apart.

The doctrine of preemption, if carried out precipitously on Iraq, without the exploration of viable alternatives, without the full support of a coalition we have built to fight terrorism, and without a serious consideration of the attendant risks, may cost America in lives, money and international cooperation, far more than the presumed benefits may justify.

Like the Statue of Liberty, America's foreign policy has been a symbol, a powerful beacon that guides the world towards peace and cooperation. This is not to say that America can never act preemptively in self-defense. But it most certainly is to say that we must consider how unilateral action might affect the international system we have worked so hard to build for the last half century. It most certainly is to say that attacking Iraq without the support of the world community will create more enemies and expose the United States to more dangers.

Mr. President, the drum of war has left no room for the answer to these questions: If we do not have an international alliance to disarm Iraq, what will be the damage to our alliance on the war on terrorism?

If we invade Iraq alone, are we ready to lose thousands of American lives in a ground attack in urban warfare?

Since you have said regime change is our goal, is it not more likely that Saddam will use weapons of mass destruction against our troops and our allies, which he withheld during the Gulf War?

If he strikes our ally, Israel, what will be the consequences of the stated intention of Israel to strike back, in the rest of the Middle East? Will we fan the flames of a wider regional war and create a new crop of al Qaeda recruits? In such a regional conflict, will President Musharref in Pakistan hold on to power or will he lose it, and the nuclear weapons Pakistan has, to dangerous fundamentalists?

What is our post-Saddam strategy? In a country that has separatist desires by Kurds and Shiites, how long will we stay, how many lives will be lost and how much will it cost? Are the estimates of $200 billion to prosecute this war the floor, or the ceiling?

If we seek to disarm Iraq, we need an international coalition to do so. Not only should the international community be enlisted in this cause, they must be part of shedding the blood and spending the money for global security. Such a coalition ensures that America is not left alone in our fight against global terrorism.

You have said that Iraq is a continuing threat. America faces many continuing threats which we have not sought to preemptively strike. The standard must be higher.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair would remind Members that their comments should be directed to the Chair and no other person.

Mr. MENENDEZ. Finally, Mr. Speaker, there is another grave and gathering threat to the United States. It is the threat of economic insecurity at home that leaves us ill-poised to have the resources to prosecute the multiple wars the President has asked us to pursue.

A war against Iraq could be a dangerous blow to our fragile economy at this time. It is a grave and gathering economic threat to the self-confidence and stability of American families who have already seen their retirement security squandered by corporate crimes and their children's educational savings squandered by the blows to a market at 4-year lows.

But to these threats, we have heard no drumbeat, only silence.

Mr. President, we stand with you in defense of the United States, but we cannot sign on to a blank check that has no clear exit strategy, that will leave us all but alone in the world community, and that will strain our ability to deal with other security challenges that we may simultaneously face. And that sets an unwise precedent that will be paid with the lives of thousands of young Americans.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska, Mr. OSBORNE.

Mr. OSBORNE. Mr. Speaker, in 1941 President Roosevelt asked Winston Churchill what the new war should be called. Churchill replied that it should be called the ''Unnecessary War,'' because throughout the 1930s Hitler had done this: he had declared his intent; he had written a book about it; he had built his arsenal and military; started the Holocaust; invaded Poland and Denmark; and refused diplomatic settlement.

Most of Europe, and the United States in addition, hoped that Hitler would be satisfied with his latest conquest. So we sat and we watched, and we sat and we watched.

Churchill's point was this: Hitler could have been stopped in 1935 or 1936 or maybe 1937 with few or no casualties at all. By 1941 he was poised to conquer the world; and as a result, 50 million people died.

There are some parallels I think with our present situation, because Saddam Hussein has, number one, declared his intent to move against his neighbors. No one doubts his motives or intentions. He has killed thousands of his own people, which is very similar to the Holocaust. He has invaded Kuwait, similar to what Hitler did in Poland. He developed weapons of mass destruction, and he has used them. And he has defied all diplomatic resolution of the problem.

One thing is different in 2002 from that which was present in 1941, and that is that today's weapons can kill hundreds of thousands of people, where in 1941 a bomb or a shell could maybe kill 100 or tens or whatever.

We would be foolish not to heed the lessons of history. The President is correct, we cannot afford to do nothing. It will only cost more human lives if we wait. The best chance we have for a peaceful resolution with Iraq is to convince Saddam Hussein that we will not settle for less than complete disarmament, even if this involves military action. I urge support of the resolution.

Mr. SHERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the distinguished gentleman from California for his generosity in yielding me time.

Mr. Speaker, I regret that the intentions of this Congress and the people of this Nation are turned to the question of war. I would greatly prefer that we take the floor of this People's House tonight to engage the keenest minds and truest hearts of my colleagues on both sides of the aisle in the difficult and persistent struggles for better health care and financial security for our seniors, economic and social justice for people of color in this Nation, and to begin again to set this country on a course that will revive the prospect of economic growth for our business community and for labor.

In fact, as a member of the Committee on Veterans' Affairs, given a choice, I would rather we wrestle tonight with the issue of how we might as a government meet our obligation to care for our aging and disabled armed service veterans.

But instead, tonight we face the prospect of war. And a new generation of good Americans from cities and towns all throughout our districts, who, like their grandparents and parents before them, will be the ones who will answer the call to duty. From my perspective in my district, they will come from neighborhoods like South Boston and Dorchester and Hyde Park and West Roxbury and all across the city of Boston. They will come from the historic blue collar city of Brockton and from the proud communities and historic communities in Braintree and Milton and Norwood and Dedham and Bridgewater, whose streets and town commons are marked row after row with memorials of heroes past, from battles that begin at the birth of our country to the present, and whose grandsons and granddaughters will now be asked to serve in the defense of our freedom.

We have been asked tonight to decide whether the President of the United States shall be granted the authority to use military force to eliminate the threat posed by the regime in Iraq led by Saddam Hussein, in the event that all diplomatic efforts fail.

This is a question that weighs heavily on me, and it is the gravest question that will confront this Congress.

After attending with my colleagues from both sides of the aisle numerous briefings at the White House and with

defense officials, as well as independent briefings with foreign policy experts, including the former chief U.N. weapons inspector during the Clinton administration, I have come to the conclusion that the danger to the American people as a result of a failure to act against Iraq is simply too great.

In reaching my decision to support this authorization resolution, I have focused on the undisputed facts: Saddam Hussein has developed and deployed chemical and biological weapons. Despite Saddam Hussein's denials, we know that he has actively sought to develop a nuclear weapon since the early 1970s, a pursuit that he accelerated during the Gulf War.

□ 1900

Saddam Hussein has murdered thousands of his own citizens with chemical weapons, and we know that Saddam Hussein has already given aid and support to terrorist organizations and indeed has engaged in terrorist actions himself as he attempted to assassinate or give directions for the assassination of our former President George Bush in 1993.

Saddam Hussein has committed environmental terrorism by setting fire to Kuwaiti oil fields and dumping raw crude oil into the ocean during the Gulf War. And he most recently has authorized payments to the families of suicide bombers who would take the lives of innocent civilians, and he has given shelter to terrorists within his own country.

As one who shares with my colleagues the responsibility to protect Americans at home and abroad, I cannot and will not stake tens of thousands of American lives or our long-term national security on a hope that Saddam Hussein will reverse 25 years of deceit and aggression.

The consequences of a failure to act in this instance will be visited upon our cities and towns. That is the nature of the threat that we face. Unless this man is disarmed, until we know that he no longer has and will not ever develop these devastating weapons, we will not be safe; and international peace will continue to be threatened.

Mr. Speaker, we are working with the international community through the United Nations to build a consensus on a course of action that will force Hussein to comply with U.N. mandates. This process is important; and I believe we must continue to try to work with the United Nations, as Saddam Hussein is not just a threat to America, he is a threat to world peace. As well, the consequences of the use of weapons of mass destruction are global and the effort to prevent their use should be global as well.

I respect the right and the position of my colleagues, especially from my own delegation in Massachusetts who have come to a different conclusion, but I feel in my heart that in the best interests of our country we should support the President's resolution, and I ask the Members to support that resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, more than 200 years ago, the first President of the United States addressed the Nation's first Congress with these prophetic words: ''The preservation of the sacred fire of liberty and the destiny of the Republican model of government are, finally, staked on the experiment entrusted to the hands of the American people.''

Today, we find ourselves in a new century confronted by new trials. We have withstood attempts at invasion, survived a bloody Civil War, endured two world wars, and prevailed in the long twilight struggle President Kennedy spoke of more than 40 years ago.

Ten years ago, confronted by the specter of Kuwait brutally overrun by Iraqi forces, the United Nations and the United States led a coalition of more than 28 nations in a war of liberation. Then President Bush plainly outlined our war aims. He said, ''Our objectives are clear. Saddam Hussein's forces will leave Kuwait. The legitimate government of Kuwait will be restored, and Kuwait will once again be free.'' All of this was achieved.

He then went on to say that, once peace was restored, it was our Nation's hope that Iraq will live as a peaceful and cooperative member of the family of nations. This hope has been unfulfilled.

So in Franklin Roosevelt's words, ''There has come a time in the midst of swift happenings to pause for a moment and take stock, to recall what our place in history has been, and to rediscover what we are and what we may be.''

There is no greater example of what we are than how we responded to the terrible events of September 11. Confronted with the massacre of innocent lives, the attack on the World Trade Center and the Pentagon and the horror of the instruments of modern technology being used as a means of our destruction, we did not falter. In the weeks and months since, we have buried our dead, cared for our wounded, aided the widows and orphans, improved our defenses, and taken the war to our enemy. Now, we are asked to do more.

Over the past few months, I have agonized, along with my neighbors and constituents, on the degree of threat the renegade regime in Iraq represents to our safety and security. It is for these and other reasons that I set the bar so high on what I would require before I would embrace any presidential action that included the use of force to remove Hussein and his henchmen from power.

The most compelling reason, as I have written to my constituents, was the realization that any decision to finally remove Hussein and his regime, once begun, could not be permitted to fail. For those reasons, I urged the administration to work to promote a regime change short of the use of the military option.

I went on to argue that, should these efforts fail, then it was incumbent upon the administration to make its case to the United Nations, to the American people, and to Congress before inaugurating any major military undertaking against Iraq.

This our President has done. Now it is time for us to decide.

I will vote ''yes'' on this resolution. While I still hold out hope that by its passage the United Nations will be empowered to force Iraq to comply with the will of the international community, that it will eliminate all its weapons of mass destruction, I bear too great a responsibility to allow my actions to be governed by that hope alone. As a Member of Congress, I must act upon information I possess in a way that most clearly protects our people and our way of life, and what I know is this: Should the U.N. fail in its mission, we will have very little choice but to act.

I am now persuaded that, left to his own devices, Saddam Hussein will not be content until he has the means to murder his own people and the people of many nations with the most horrible weapons of war. This we cannot permit.

Mr. Speaker, I ask for an affirmative vote on the resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS), the voice of the boisterous and a senior member of the Committee on Education and the Workforce.

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, I urge all Members to vote ''no'' on this resolution which seeks to stampede the Congress into granting the powers for unilateral declaration of war on Iraq. Aggressive action against terrorists is needed, but we should not damage our own capability to wage the broader war against terrorism by succumbing to an all-consuming tunnel vision action on Iraq.

Certainly, all Members of Congress recognize that we are living in a time of new dangers and new kinds of unique risk. The Cold War era, with its possibilities of nuclear annihilation restrained only by threats of mutual destruction, was also a time of great danger. We did not succumb to panic and hysteria during the Cold War; we should not succumb now. Our present recognition, our new awakening to the possible lethal potency of terrorist tactics perpetrated by hidden worldwide terrorist organizations is the new national defense reality. The massacre at the World Trade Center on September

11 has seared the reality of this new danger into our minds.

This is a debate about how our great democracy will coexist with this new set of challenging dangers. It is about how we will cope with a new set of recognized risks.

I contend that this administration has made the wrong analysis and has set the wrong priorities. President Bush mistakenly proposes that the obliteration of the capacity of Iraq to deliver biological, chemical, or nuclear weapons must be at the center of our strategy for national security and safety. In particular, the President proposes that we go to war to prevent Iraq from acquiring nuclear weapons. The assumption, which is certainly correct, is that, through Iraq, terrorists would have access to nuclear weapons. It is absolutely necessary that we do all that we can to prevent nuclear weapons from falling into the hands of terrorists.

In connection with this overwhelming need to keep nuclear weapons out of the hands of terrorists, Mr. Speaker, to the President and to all advocates of the invasion of Iraq, I would ask one simple question: Do you all realize that the simplest route for terrorists to gain access to nuclear weapons is through the takeover of our embattled and endangered Islamic ally, the Nation of Pakistan, which already at this moment has nuclear weapons?

Al Qaeda terrorists and other extremists are already on the borders and inside Pakistan. This Muslim Nation is our most vital ally in our fight against terrorism, but Pakistan is an endangered ally. Each $1 spent to strengthen the friendly government of Pakistan, whether it is for economic development or education or whatever, each dollar would produce more safety and more security for America than $1 million spent invading Iraq.

Mr. Speaker, my contention is that our present all-consuming focus on Iraq is a major blunder. I repeat my common-sense observation: Iraq may acquire nuclear weapons within a year, but a successful terrorist coup in Pakistan would place nuclear weapons in the hands of terrorists immediately.

Saddam Hussein, the monster who pays bonuses to the families of Palestinian suicide bombers, is truly one of the most dangerous tyrants in the world. All that has been said and charged against Saddam Hussein on this floor are true charges, and he must be contained. But blind obsession with Iraq represents dangerous American policy and strategy tunnel vision.

Wake up, FBI, CIA, colleagues here in the Congress. Wake up and understand that the war on terrorism must remain a comprehensive war. If we are sucked into the bottomless pit of a war with Iraq, we will be unprepared and shocked by calamities that rain down on us from other theaters of conflict.

Our cocksure experts have already blundered and allowed the leadership of al Qaeda to escape in Afghanistan. I challenge these same experts in their assignment of maximum priority to an invasion of Iraq. Protecting nuclear capabilities of friendly Pakistan from terrorists should be a greater priority.

We must not remain silent and compliant. We must understand that it is important that we fight terrorism, the wider war against terrorism, and it must be fought more effectively and not jeopardized by a focus on Iraq. Vote ''no'' on the resolution to declare war on Iraq.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, in an ideal world, we would all choose peace, words could be trusted, and war would be unnecessary.

But we do not live in that world. Our world has tyrannical thugs and fanatical terrorists who choose to make us their enemy.

Supporting the resolution that would send Americans to war is not easy. We all know young people that wear our Nation's uniform and we know that when we send Americans to war, some do not come home.

But we also know that 3,000 people died right here at home, the result of fanatical terrorists. We know that we must lead. The world wants America to lead. We need to keep that line in the sand, but if we must wage war, we must also wage peace. We must show the world that we are not aggressors, that we want peace and stability and that America will stand to improve the region and improve stability.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. GRUCCI), my good friend and colleague.

Mr. GRUCCI. Mr. Speaker, before all of America, President Bush declared our war on terror begins with al Qaeda, but does not end there. Without fully disarming Saddam Hussein and his weapons of mass destruction, America and our allies cannot be safe; and the war on terror cannot be won.

□ 1915

The safety of all Americans, both here and abroad, is directly threatened by the weapons of terror already developed by Iraq. We must not allow America's cities to become the testing grounds for Saddam's nuclear capabilities, which is just around the corner. We must now act to protect our children, our neighbors, and our future generations from the evils that lie ahead.

The case against Saddam Hussein and his regime is clear. He continues to stockpile chemical and biological weapons and actively seeks nuclear capability; he threatens his neighbors and has stood in defiance of U.N. resolutions time and time again. Saddam must be stopped before we find him and his evil regime dispensing terror within our borders.

Mr. Speaker, I ask my colleagues to join me in supporting House Joint Resolution 114.

Mr. SHERMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this week marked the 1-year anniversary of American efforts to drive al Qaeda from Afghanistan and liberate the Afghan people from the Taliban. We have already learned important lessons from that conflict. First, we reaffirmed that the men and women of America's Armed Forces are strong and that they are courageous; second, we saw the benefits of acting with regional partners and other friends united behind us; third, we continued to see every day the long-term commitment required to help a society transition from a ruthless dictatorship to a more representative government.

The way we fought in Afghanistan offers important lessons as we now confront the threat posed by Saddam and his weapons of mass destruction. He is a menace to his people and to the entire region; but his weapons of mass destruction pose the most significant risk, and it is because of these weapons that we must today authorize the President to act, including with military force.

In saying that, I am not accepting the administration's line uncritically. The first resolution submitted to Congress by the President was patently unacceptable. It would have allowed the use of force not just against Iraq, but throughout the region. It did not link the authorization in any way to the essential negotiations now occurring within the United Nations Security Council.

Critically, in my mind, the resolution also did not address the broader implications of action. The administration has said that the risk posed by Saddam is too great to do nothing, but this risk must be balanced against the long-term risk of reckless or ill-considered action.

On September 4, Mr. Speaker, before the original resolution was submitted to Congress, I drafted a letter to the President asking three critical questions: First, how would we manage Iraq's transition to a stable post-Saddam regime? Second, how can we ensure that action in Iraq does not undermine international support for the broader war on terrorism? Third, how can we ensure that the United States military can still execute its other missions?

The resolution originally sent to Congress offered no means to ensure that these questions were answered. Through meetings and hearings by the Committee on Armed Services and in private conversations, I have discussed these issues with the White House, the Defense Department, the State Department, the Central Command, and numerous retired senior officers and foreign policy experts. What chilled me were the implications of getting the long-term implications wrong.

If we act without international support, we risk losing support for the broader war on terrorism, as well as our credibility as a global leader. If we do not immediately plan for the post-Saddam transition, we risk fueling resentment and creating anarchy that could destabilize the Middle East and create legions of new terrorists.

In the history books, Mr. Speaker, this resolution will constitute only a footnote, and any conflict with Iraq will constitute but a paragraph; but Iraq's future beyond Saddam and the role we play in its transition will fill a chapter, as its implications cascade far beyond Iraq to the rest of the region.

That is why, with the gentleman from South Carolina (Mr. SPRATT), I drafted a resolution that would deal with all these points. Through the leadership of the gentleman from Missouri (Mr. GEPHARDT) and others, the resolution before us now incorporates almost all of them.

This resolution authorizes the use of force, but strongly supports the President's efforts to work through and with the United Nations to enforce its resolutions and to force Iraq's compliance with them. It expresses a strong desire to work multilaterally, but reserves the right to act alone if we must. It requires certification, before force can be used, that diplomatic efforts will not achieve the goal of Iraqi compliance and that actions entailing military force will be consistent with the global war on terrorism.

Finally, the resolution requires the President to report to Congress both on the conduct of any military action and on what comes next.

This is not a perfect resolution, but it is a resolution that simultaneously supports the United Nations and our men and women in uniform who every day risk their lives to defend our national security. It makes clear to Saddam Hussein that we will work with our friends and with our allies, but that his efforts to blackmail the world with his weapons of mass destruction will not succeed.

So, Mr. Speaker, it is with heavy heart, great hope, and mindful of the responsibilities borne by Congress alone that I urge my colleagues to support this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), a combat Vietnam veteran who was wounded during his service and is chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans.

Mr. GILCHREST. I thank the gentleman from New Jersey for yielding time to me, Mr. Speaker; and I urge my colleagues at the end of the debate to vote for the resolution that is now before us for the following reasons:

Blessed are the peacemakers, who freed the prisoners at Auschwitz; blessed are the peacemakers who freed Europe from the yoke of Nazism; blessed are the peacemakers who saved the people of Kuwait from Saddam Hussein; blessed are the firemen, the policemen, the medical personnel, and others who sought and brought comfort to those wounded and to the families of those who were killed on September 11; blessed are those men and women over the generations who sought peace.

We are not in a panic tonight about Iraq; we are moving deliberately and methodically in a way to understand and to base our decisions on the following facts: Saddam Hussein has waged aggressive war, brutal war, against his neighbors over the last 20, 25 years; he is pursuing weapons of mass destruction to do it again; he is pursuing weapons of mass destruction against his own people on a tragically experimental basis; he has launched ballistic missiles against his neighbors; he is brutalizing and torturing his own citizens; he is harboring a network of terrorists. The list goes on, and it is endless.

It is not a matter for us as peacemakers of if we go into Iraq. It is a matter of when we do it, how we do it, and who we do it with.

The world has had, for thousands of years, three main enemies that have wrought despair and destruction. Those enemies are ignorance, arrogance, and dogma. When we put them together in the form of a man like Stalin or Pol Pot or Hitler or Milosevic or Saddam Hussein, we wreak despair and destruction.

The solution to those things in a democratic process is knowledge, humility, and tolerance. Those are the tenets upon which a democratic process finds its strength. They are absolute, in an absent way, in a dictatorship like Saddam Hussein's. Absent democracy, we have an Auschwitz, we have Pearl Harbor, we have September 11.

It is difficult for us, yes, as we debate this to understand naked brutality, a psychological nemesis like Saddam Hussein; it is not difficult to understand what must be done. What must be done now is for the United States, the only country in the world that can do it, to take a leadership role in this time now, with the international community, to remove Saddam Hussein from his power and restore peace, life, hope, and dignity.

Blessed are the peacemakers.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member of the Committee on Resources.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from New Jersey for yielding time to me.

Mr. Speaker, we meet today to debate and cast one of the most important votes we are asked to make as a Member of this body. None of us can look lightly nor politically upon the decision to send American men and women to war. This is a resolution to grant one man unprecedented, unconstitutional, unprovoked, and unsupported power to start a war.

As was the case 11 years ago, this vote has weighed heavily on my mind; but unlike 11 years ago, today we debate the issue within 30 days of political elections, versus 11 years ago, when we were in a rare January session after the elections and in a much calmer atmosphere.

I supported President Herbert Walker Bush. The evidence back then was clear and convincing: Iraq had invaded a neighbor. The United States had strong international support which even helped us pay the costs of that war.

Today, the situation is starkly different. Not only is the evidence circumstantial, at best; but we will have to pay our allies or cut them in on oil deals to buy either their silence or reluctant support for this war. These costs are on top of what President Bush's top economic adviser, Lawrence Lindsey, estimates to be a 100 to $200 billion cost of an invasion of Iraq, figures that are mind-boggling.

I have had many questions about the prospect of U.S. military engagement with Iraq. This vote is so important to me that I did travel to that country to seek answers to some unanswered questions. I thought it was important to open a dialogue with the Iraqi people for several reasons. I did not get all the answers which I sought, either in Iraq or here in this country.

I will not be bullied by this or any President of the United States. I do not work for the President of the United States. I think it is time to cool the war rhetoric, the cowboy rhetoric, if you will. I think it is important for Iraqi civilians to see that Americans, among them West Virginians that I represent, are not a warmongering people. I work for the people of West Virginia.

The President has, and rightly so, asked Congress to debate and vote on this issue. We do not wage war simply for war's sake. The State of West Virginia proportionately sends more of our men and women to wars than most other States. West Virginians could die. We consider the life and death of people on both sides of this war, and even beyond. That is what we are considering today.

As an Arab-American Member of Congress, having extensively traveled in the Middle East and having questioned U.S. policy in this region under both Democrat and Republican Presidents, I felt myself to be a credible messenger. I would go again, even if I remotely thought the door to peace would be ajar.

I wanted to deliver a message to the Iraqi leadership that President George Bush is serious; that the only hope whatsoever of any possible peaceful resolution, and in order to prevent further devastation and suffering of the Iraqi people, would be to accept unconditional and unfettered access to U.N. weapons inspectors into the country, period. No gimmicks. No games. No kidding.

My repeated message to Iraqi officials during my trip was to allow the unconditional and unfettered access by

U.N. inspectors. I told them the moment was right if the fruits of peace are to be harvested.

□ 1930

But Iraq had to take a dramatic new approach. I was pleased when, upon my return to the United States, the Iraqi government announced it would allow U.N. inspectors back into the country unconditionally. Was this all that I asked? No. No. It certainly was not, but it was a step in the right direction, but it should not be so out rightly rejected by slamming shut airtight the door to peace.

There is no question, and I recognize as well as the next person that Saddam has played games in the past, there is no question that past weapons inspectors have also been spies, seeking pernicious embarrassing minutia on the Iraqi leadership.

Today's inspectors must be objective, professional and no doubt will have more advanced technologies than 4 years ago. They must have the time to do their job, and they no doubt will have international support. Weapons inspectors must have access to presidential palaces, mosques, schools, hospitals, places where Saddam will, if he has anything to hide, no doubt use so as to be able to claim collateral damages when we hit these sites.

So I do not trust the man. No, I do not. I recognize the deceit and the lies of the past and the fact that he has used chemical weapons against his own people, during which time the U.S. said little because we cared little for victims and Saddam knew that at the time. We cared little for those victims whom Saddam was gassing and using chemical weapons against.

I want America to give peace a chance. I want Iraq to give peace a chance. As hard as it is for them to say anything, Iraqis may be the first to say that Saddam Hussein must go. But I guarantee you, Americans are the last from whom they want to hear the message. Iraqis feel that U.S. policy in the region robs us of any credibility and morality whatsoever.

I ask the administration to abandon its cowboy war rhetoric. Remember your campaign words, Mr. President, for a more humble approach to international affairs. We have and will be able to continue to contain Saddam. He loves himself more than he hates us.

I know we all are and will continue to seriously reflect and ask what is in America's best interest. I know that we will all continue to seriously reflect and ask what is in America's best interest here, and I do hope we not take as gospel what one particular country in the region tells us nor follow their agenda above our own. We should plan what is best for America in the whole region and our future, not to be perceived as siding and consulting and planning every detail with another country. Only one voice and one view is needed.

Let us consider the feelings, whether public or private, of all of our allies in the region. Let us recognize the tremendous strains and pressures we put upon the very effective coalition that President Bush has put together to fight the true terrorists, al Qaeda, America's war on terrorism. I strongly support those efforts. That is the war that should be ratcheted up. That is a direct and imminent threat to the United States for which we have proof.

So I say to my colleagues as I conclude, let us defeat this resolution. Let us recognize that we must tread carefully in a region that is already volatile, where U.S. military engagement could tip the region into further chaos and further bloodshed. I urge defeat of the pending resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me note that the gentleman from California (Mr. HUNTER) has been very gracious. The time for the Committee on International Relations was supposed to end a half hour ago. We have had so many speakers, some of whom have waited. In the case of the gentleman from New York (Mr. SWEENEY), he has been waiting for 2 hours; and he has been very kind. We want to thank the distinguished gentleman from California (Mr. HUNTER).

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SWEENEY), a man who lost friends in the 9/11 attack on the World Trade Center.

Mr. SWEENEY. Mr. Speaker, I thank my friend for yielding me time, and I also thank the gentleman from California (Mr. HUNTER) for his graciousness.

Mr. Speaker, I come to the floor understanding the great gravity with which we debate this resolution. In particular as one who has two out of my three children in their late teens, I understand fully well what we contemplate here. But I believe that the arguments for voting in support of it have never been stronger.

With each day that passes, Saddam Hussein and his regime in Iraq take another step towards building a weapon of mass murder, reach out with another hand to embrace and support terrorism, and turn another back on the peaceful diplomacy of the international community.

It would not only be unwise not to confront this grave danger here before us, but it would be irresponsible. If the United States were to sit on its hands and wait for the meritless theory of nonintervention to somehow negotiate a compromise with Saddam Hussein, then we will have abdicated the greatest charge the world has ever bestowed upon America, that of the steward of freedom and democracy around the world.

Mr. Speaker, our Nation has proceeded forward with the utmost dignity and courage of the aftermath of our darkest hour, September 11, 2001. We have forged ahead, determined to defend our precious creed of freedom and democracy. We have done so by turning to international diplomacy as a first option and military action as our last. But Saddam Hussein has chosen instead to resist, deceive and defy the international community by continuing to flout more than a dozen U.N. resolutions.

The United States through its actions will rise to the occasion and help channel the greatest intentions of the United Nations. By doing so we will, as a Nation, help the U.N. make its case for relevance in this world and propel it forward. It is wholly appropriate, Mr. Speaker, for citizens, both American and throughout the world, to insist that this debate transcends international borders since Saddam Hussein's propensity to target his weapons of mass destruction does not stop with the United States but extends to every nation in the world.

It is impossible to refute the fact that Saddam Hussein is intent on developing a delivery system for nuclear weapons or any other weapons of mass destruction that will reach well beyond the Middle East. Saddam Hussein has one eye on the United States. He most surely has the other eye on our allies throughout the world.

The depth of Saddam Hussein's dark heart and cruelty should never be underestimated. To underestimate Saddam Hussein would amount to tolerance of provocations he has already displayed towards the United States and the freedom-loving world.

It is with the utmost clarity and conviction that we must anticipate our Nation's self-defense against a tyrant like Saddam Hussein. The argument that anticipatory self-defense is a preemptive strike in my mind has no merit. Is it preemptive since Iraq has ignored dozens of U.N. resolutions? Is it preemptive since Iraq has repeatedly and recklessly fired at U.S. aircraft patrolling a U.N. no-fly zone established so the U.N. community could protect his own people? Is it preemptive since Saddam Hussein is complicit in his role of harboring and supporting those responsible for the attacks of September 11 or those who could presumably do the same or worse?

President John F. Kennedy faced down one of the most perilous threats this Nation has ever faced 40 years ago when he embraced the doctrine of national defense that reserved the right of this Nation to act with a singular, individual, national interest in protecting the lives of its people. In this world, Mr. Speaker, in this new world community which has brought nations together in the most plentiful times and most desperate of times, the neighborhood has gotten much smaller. But in facing down the most dangerous threats, the challenge of protecting it has become that much greater.

We must prove to the world that we will not tolerate such a ruthless and belligerent regime as it continues to threaten world stability. We cannot

waiver. We cannot wait. Our Nation must persevere in the face of doubt. We must stay united despite regional dissent, and we must remain resolute when others acquiesce. This is our charge as a people. This is our charge as a legislative body. This is our charge as a Nation, and it is our duty as leaders of the free world.

Mr. SHERMAN. Mr. Speaker, I yield 6 minutes to the gentleman from South Carolina (Mr. SPRATT), 6 minutes of the time set aside for those who will ultimately vote for final passage to a man who has offered this House a very thoughtful amendment in the nature of a substitute, the ranking Democrat on the Committee on the Budget, a senior member of the Committee on Armed Services.

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, the resolution that the White House has sent us is a decided improvement over the original draft, but it could be better.

If the amendment that I am offering is adopted, I believe that this resolution could draw even more votes and pass this House by a huge bipartisan majority. And in passing a war powers resolution, surely, surely, that should be one of our objectives.

Our resolution supports the President's campaign in the Security Council for coercive inspections backed up by force. If the Iraqis defy the inspectors this time and the Security Council replies with military action, my amendment gives President Bush the power to use our Armed Forces just as his father did in the Persian Gulf War in 1991 in a military action sanctioned by the U.N. Security Council.

If, on the other hand, the Iraqis defy the inspectors and the Security Council fails to respond with force, then we will be faced with going it alone. In these dramatically different circumstances, my amendment called for a second vote by Congress to approve a military attack, but it ensures that the President will have a fast track for its consideration.

Those of us supporting this amendment, and we have a broad cross-section of our caucus behind it, see Saddam Hussein as a menace. We agree with the President in demanding that the Security Council enforce its resolution and allow no quarter. But for several reasons we do not want to see the United States act alone unless there is no other viable choice.

If we act alone, instead of being the United Nations versus Iraq, a war legitimated by the U.N. charter, this will be the United States versus Iraq; and in some quarters it will be the United States versus the Muslim or Arab world. This is why one general officer, a former Commander of Central Command which has jurisdiction over the Middle East, told us, I fear that if we go it alone, we may pay a terrible price.

If we act alone, it will be harder to build a broad-based coalition, particularly an alliance of contiguous countries like Saudi Arabia and Turkey. If we can count on these countries as allies, their airspace and ports and airfields will be open to us; and the fight will be far easier. If we act alone, we will not have allies this time to help us share the cost of this war, as they did in 1991 when they picked up $62 billion out of an overall cost of $66 billion.

Right now, the administration is seeking new and tougher resolutions of the Security Council to disarm Iraq through inspection, if they work, but through armed force if it is necessary. Our resolution fully supports that objective. But if these arms inspections do not work and the Security Council does not pass a resolution calling for Armed Forces against Iraq, we believe there should be a separate vote on military action.

I know that some will say that a second vote is an imposition on the President's powers, but in truth it is the age-old system of checks and balances at work. It is one way Congress can emphatically say what we prefer, that any action against Iraq should have the sanction of the Security Council and the support of a broad-based coalition.

As a practical matter, I doubt that further action of Congress will be needed. The British seem to be bent on securing approval of the Security Council before war. And if Saddam stiffs the arms inspectors, the French have insisted on a second vote of the Security Council before any military action is taken.

One way or another, I think a Security Council resolution is likely; and, once it passes, our resolution authorizes the President to use our Armed Forces to enforce it without further action of the Congress.

But over the last 6 weeks we have heard from a host of general officers, all retired, Chuck Boyd, Wes Clark, our former commanders in Europe; Generals Hoar and Zinni, the former commanders of Central Command. They virtually agreed on two things:

First of all, in any conceivable confrontation with Iraq, with or without allies, the United States will prevail. But having allies, especially in the region, will make victory more certain and less costly in money and, more importantly, in human lives.

Secondly, the outcome after the conflict will be the hardest part and far less certain. We do not want to win this war only to lose the peace and swell the ranks of terrorists who hate us. A broad-based coalition will help enhance our chances of success in that post-war period.

Some will say, I know, that this resolution depends too heavily on the Security Council. But the precedent it follows is the one that was set by the first President Bush in 1990–1991, an action that I have voted for and supported. Within days after Iraq's invasion of Kuwait, President Bush defined his goal as nothing less than a new world order. He turned to the United Nations first and sought a series of Security Council resolutions culminating in Resolution 678, which authorized the use of force. He obtained all of these Security Council resolutions with the apparent and evident support of Congress but without an actual and expressed war powers resolution until just days before the war.

Rather than asserting that he could go it alone, he sought the Security Council's approval and allies to stand with us and bear the cost and the burden of war and all but a fraction of the cost. The result was a successful military action and I believe a model that is still worth emulating.

My substitute does just that. I urge my colleagues to consider it carefully, and I hope that you will all support it. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 90 minutes to the distinguished gentleman from California (Mr. HUNTER) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House Committee on Armed Services has spent a great deal of time working on this issue.

□ 1945

We have had 5 major open hearings. We have had three classified briefings in which we invited every Member of the House to come in and listen to our intelligence agencies with respect to Iraq's capability and weapons of mass destruction. Most Members came. We did have over almost 200 Members appear at those particular briefings, and our Members put in a great deal of time on this.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in support of America's freedom, our Nation's security, and the resolution before us.

We have the responsibility to deal with Saddam Hussein, not only because we have the most to lose, but because it is American leadership that the world looks to in times of crisis. While it is always preferable to lead a large coalition, America must be willing to go with a few like-minded friends or even alone if the situation demands it.

Indeed, the United Nations is at a crossroads. Either it proves itself to be relevant to the 21st century or, in the words of Winston Churchill, it will be known that ''they decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all powerful for impotence.''

Our actions here in Congress speak to the world, and our resolve can only

strengthen our case. For its own sake, the U.N. must act, not just engage in endless chatter.

That our Nation is willing to stand up to the most despotic and corrupt regime speaks not only to American leadership but to our vision for humanity. We desire only to see the peaceful development of Iraqi society and to witness Saddam Hussein's veil of insanity lifted from the minds of the Iraqi people.

We cannot sit idly by while Saddam Hussein stockpiles weapons of mass destruction to use against our allies and for distribution to those terrorists that would use them to attack America.

Mr. Speaker, Iraq poses a clear and present danger to the United States security and to the stability of a peaceful world; and, Mr. Speaker, in the words of Edmund Burke, ''The only thing necessary for the triumph of evil is for good men to do nothing.''

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER), a leader of that delegation, a member of the Committee on Appropriations.

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, there is no question that Saddam Hussein has been a menace to the international community. He has used chemical and biological weapons on his own people and in the war he started with Iran. Saddam Hussein has defied the United Nations by failing to dismantle his weapons of mass destruction and by repeatedly obstructing monitoring and verification by U.N. weapons inspectors.

Nobody in this House doubts that Saddam Hussein is a treacherous dictator, but Congress has not been presented a compelling case that Saddam Hussein poses an imminent threat to the peace and security of the United States that must be dealt with immediately.

The President's resolution coincides with his introduction of unilateral preemptive military action as a cornerstone of U.S. foreign policy; and in fact, this resolution gives the President the authority to conduct a unilateral preemptive war against Iraq. That is a major shift in U.S. foreign policy. Such a strategy invites other nations to assert their right to use unilateral preemptive action outside the U.N. charter. In my view, a world where nations rely on unilateral preemptive force as a tool of foreign policy would be an exceedingly more dangerous world than we live in today.

In asserting the right to use unilateral preemptive force in Iraq, the administration appears unconcerned about the consequences of an attack on Iraq, but unilateral preemptive force is virtually certain to further destabilize the region. Pakistan, a nuclear power, and Saudi Arabia, probably the most despotic Islamic regime after Iraq and the country of origin for 17 of the 19 suicide terrorists responsible for the heinous attacks of September 11, are the most likely to be destabilized.

Such an attack by the United States against Iraq is a made-to-order event that al Qaeda and other terrorist groups will use to recruit poverty stricken, disaffected young men and women in these countries and throughout the Islamic world to their cause. Thus our unilateral preemptive action could threaten the peace and security of Americans and American interests around the globe.

War with Iraq will clearly divert attention from the war against al Qaeda, which is not yet won, and from Afghanistan, which we and our coalition allies are committed to rebuilding. Furthermore, unilateral preemptive action would make the quest for peace between Israel and the Palestinians more difficult. Were Saddam Hussein to launch weapons of mass destruction at Israel, Israel would likely respond with overwhelming force.

Like many of my colleagues, I favor working through the U.N. to disarm Iraq by the strongest possible resolution, for unconditional inspection of any and all sites in Iraq and the destruction of chemical, biological and nuclear weapons. If Iraq refuses to allow full and unfettered inspections and refuses to fully disarm its weapons of mass destruction, military force may become necessary; but that action would best be sanctioned by the U.N. Security Council and be a deliberate, multilateral response to Saddam Hussein's refusal to disarm rather than the unilateral preemptive action we are asked to authorize today.

As all of us are aware, the decision to authorize the President of the United States to commit troops to battle is the gravest decision that we can be called upon to make. War with Iraq will bring untold American and Iraqi casualties. War should be considered only as a last resort after all possible alternatives have been exhausted by the international community.

For these reasons, I cannot in good conscience vote for the resolution.

Mr. HUNTER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCHROCK), a gentleman with a long and distinguished military background.

Mr. SCHROCK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise tonight to support the resolution before us today. Yet in my heart of hearts I hope it will never be needed.

As a representative of more military personnel than any other Member of this body, I do not take our discussion on the use of military force or vote on this resolution to authorize the use of force lightly.

The families of Virginia's 2nd Congressional District know firsthand the effects of the war on terrorism. To date, two Navy Seals from the district I represent have been killed while fighting to eliminate al Qaeda terrorists in Afghanistan. Others lost their lives in training accidents while en route to the Persian Gulf.

These families and many others throughout southeastern Virginia understand why this war resolution is necessary, particularly at this time in our Nation's history. On Saturday, we will commemorate the second anniversary of the attack on the USS Cole where 17 Norfolk-based sailors lost their lives during a terrorist attack in Yemen. We will never forget the aggression that was waged against our military and Nation by these terrorists.

Today, we debate a resolution authorizing the President of the United States to use force against an enemy who constantly strengthens his grip on a terror-stricken people, has defied a peace-loving world, and aids terrorists who sow seeds of fear around the globe.

There is much we know about Saddam Hussein's regime of terror. He has ignored 16 resolutions passed by the United Nations Security Council calling on him to dismantle and to destroy all weapons of mass destruction within his arsenals.

He has defied the cease-fire agreement from the Persian Gulf War that ordered him to eliminate all missiles with a range greater than 90 miles. Yet he continues to build weapons of mass destruction, and he possesses SCUD missiles that can reach distances of 400 miles. These weapons give Saddam Hussein the ability to attack American bases and allies such as Turkey, Israel, and other neighboring nations with chemical, biological and, in time, nuclear warheads.

We know from experience that Saddam Hussein is not afraid to use his weapons. Saddam Hussein does not respect human rights or human life. Iraqi citizens speaking words of dissent often find themselves or a member of their family, including their children, being tortured to death.

Saddam Hussein is an aggressor who threatens every nation and every person on Earth. No one knows when, where, or how he may use his weapons of terror. What we do know is his bad history shows that he will use these weapons against his enemies, including the United States.

Waiting for a smoking gun is a risk that America cannot afford to take. If unfettered weapons inspections are not allowed in Iraq, a preemptive strike against Iraq is the only way to build a lasting peace in the Middle East and around the world. The brave men and women of the Armed Forces they represent are prepared to protect America against this threat.

I hope military action will not be necessary in Iraq, but I do not foresee Saddam Hussein conceding to unfettered weapons inspections throughout Iraq. If military action is necessary, the President and our troops should have the support of this Congress.

Let us send a message to the United Nations and indeed the world that the

United States is united behind our President in his efforts to remove weapons of mass destruction from Iraq.

Mr. Speaker, I urge my colleagues to support this bipartisan resolution, and I urge continued support for our President and our troops.

Mr. SHERMAN. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Texas (Mr. ORTIZ), a member of the Committee on Armed Services.

(Mr. ORTIZ asked and was given permission to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, today we have a grave decision to make on the resolution before us to authorize our Commander in Chief to use force supporting the United Nations resolution calling for Saddam Hussein to rid its nation of weapons of mass destruction.

My constituents and I share the same concerns about this resolution. As in any war, we face battlefield casualties in Iraq if we go to war with them. We must be prepared for a vicious war. Will our build-up be sufficient for the force we need to strike and overwhelm? Will our forces be properly prepared for the special battlefield needs of Iraq with chemical and biological gear?

The consequences of this action will be large, at home and abroad. I do commend the President for seeing the wisdom of coalition building, and we strongly and very strongly recommend the United States proceed with a united coalition.

This debate in Congress must be a message to Saddam Hussein and his army that we are not playing games. There is a narrow opportunity for Saddam Hussein to prevent a military attack on his hiding places and on the protectors around him.

Saddam Hussein has ignored 15 United Nations Security Council resolutions. The United Nations was created to provide a forum in which nations can confront offensive nations for their behavior, and the entire world can stand together to oppose offending Nations. This is why we must proceed. We must not go to war alone. We must have a coalition.

Many things are pointing to the fact that time is our enemy in this moment. Whether or not Saddam now has usable nuclear weapons, he is fast approaching the moment he will possess them. While this is a tortured decision for all of us to make, it is time.

Saddam can offer unlimited inspections under the resolution being debated at the United Nations, and the United Nations can remove the threat of weapons of mass destruction in Iraq. Failing that, the military force of the United States and our allies would remove the threat of weapons of mass destruction.

This is a hard decision, and I was in Saudi Arabia 11 years ago when I met this young Marine, 22 years of age, and he says, ''Congressman, we need to go in there and do our job against Saddam Hussein, and let me tell you why.'' He said, ''My wife gave birth to a little boy. He is 2 months old now, and I do not want him to come and do the job that we did not do here.''

We are facing that threat again. I do not want to second-guess our Commander in Chief or those who advise him on a daily basis. Therefore, I reluctantly support the resolution and ask for the prayers of the American patriots for the soldiers we would likely send to Iraq.

□ 2000

Mr. MCHUGH. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Colorado (Mr. HEFLEY), one of the most senior, one of the most distinguished members of the Committee on Armed Services, as well as the chairman of the Subcommittee on Military Readiness.

Mr. HEFLEY. Mr. Speaker, this is a difficult decision. I do not think anyone here takes this decision lightly. And so I ask myself some questions as I approach this. The first one is, Can we do what needs to be done without going to war? And the answer I come to is, maybe. I hope so. But not if we show lack of resolve. That is why I am supporting this resolution. That is why I encourage my colleagues to support it.

Saddam Hussein has said he will give inspectors unfettered access; however, his regime has in place an elaborate organized system of denial and deception to frustrate both inspectors and outside intelligence efforts. Unfettered access to him does not include the presidential palaces. And when I say palaces, my colleagues may think of some nice building with some scenic grounds and gardens around it. That is not what a presidential palace is in Iraq. Many of these palaces are many acres. One of these palaces is about the size of Washington, D.C., 40,000 acres, with thousands of buildings, including warehouses. That is what he calls presidential palaces.

Some ask, now that Iraq has agreed to unconditional inspections, why does Congress need to act? Well, my colleagues, the issue is not inspections; the issue is disarmament. The issue is compliance. Four years of satellite surveillance has shown these complexes he calls palaces are expanding. What is inside or underneath them we do not know, and we must know.

The next question is, Does he have the means to be a threat? And the answer is, and we have heard it over and over today, of course he does. Iraq has a 30-year history of weapons of mass destruction programs. His regime is actively pursuing weapons of mass destruction. His regime has amassed large clandestine stockpiles of biological weapons, including anthrax, botulism toxin, and possibly smallpox. His regime has an active program to acquire and develop nuclear weapons. The answer to that question is, yes, indeed, he does have the means.

The next question I ask myself is: Does he have the intent? Saddam Hussein's history of using weapons of mass destruction demonstrates the likelihood that he will use them in the future. In 1982, Iraq used riot-control agents against Iranian attacks. Iraq has used more deadly agents, including mustard gas in 1983, and tabun in 1984, becoming a nation in the world today who has used nerve agents in a time of war.

The State Department lists 10 incidents of Iraqi chemical attacks between August 1983 and March 1988. All were launched against the Iranian and Kurdish populations, resulting in casualty tolls in the tens of thousands. Saddam Hussein has ordered the use of chemical weapons, sarin, tabun, VX, and mustard agents against his own people, in one case killing 5,000 innocent civilians in one day.

Well, then, what kind of a history does he have with these kinds of things? Saddam Hussein's regime has invaded two of its neighbors and threatened others. In 1980, Iraq invaded Iran and used chemical weapons against Iranian forces. In 1990, Iraq invaded Kuwait and was responsible for thousands of documented cases of torture, rape, murder, and on and on the story goes. The answer is, yes, he has the will, the intent, the history to use these things and to thumb his nose at the world's society by violating United Nations' resolutions.

A decision to use military force is never an easy decision, and no one with any sense considers war a first choice. It is the last thing that any rational person wants to do. We do not want to go to war. But there are times when we have to be prepared to go to war to stand up to such despotic psychopathic killers as Saddam Hussein. I encourage the support of this resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a member of the Committee on Government Reform and the Committee on Transportation and Infrastructure, and a long-time voice for justice.

Ms. NORTON. Madam Speaker, I thank the gentleman for yielding me this time and for his great leadership on matters of international affairs.

Madam Speaker, I rise to express my strong opposition to the majority resolution. I still get dizzy trying to figure out which of President Bush's multiple and often contradictory rationales for preemptive war to credit. First, he belittles Members of Congress who wanted him to go to the U.N. to assure an international coalition; then he goes there, but only after American and world opinion compelled him to go there, and even to come here.

We must go further. We must repudiate the improvident and dangerous doctrine of preemption. Others will speak on the floor of Iraq. Iraq is the least of it. It is no accident that the President chose this same period to announce a brand-new American doctrine of preemption. Iraq is only the first case in point. Bush has already announced Iraq will not be the last.

It is bad enough that if we vote for the majority resolution we are for the first time in 226 years of American history voting to allow an American President to go to war, and I am quoting, ''as he determines to be necessary and appropriate,'' not as Congress determines to be necessary and appropriate. As clear as it gets, this vote would be an unconstitutional delegation of the exclusive power of Congress to declare war. It is simply shocking to give away the unique life and death power to declare war bestowed on the Congress by the framers.

The majority resolution is an equally perilous violation of the rule of law itself and of the law of nations. There is no rule of law unless it applies equally to all. And there is no law at all if not determined by precedent. Thus, a vote for the majority resolution is a vote not only for a preemptive war on Iraq, but for the new Bush doctrine of preemption that would then be available to all nations. There is no way to get away from what precedent means in our law and in the law of nations. Because preemption is unlawful under international law, passage of this resolution would make our country an instant international outlaw. Worse, the Iraq precedent means that all bets are off for all nations to do the same.

This resolution gives over the power the people have given to us to the sole discretion of one man, the President of the United States. And who will fight Mr. Bush's preemptive wars? Today, we have a volunteer army whose race and class composition speaks to the absence of equal opportunity in civilian society. The middle- and upper-middle classes, for the most part, no longer serve and will not be on the front lines. African Americans are 25 percent of the U.S. Army today, Hispanics are 9 percent, an Army more than one-third made of people of color. Already the American people have pulled Bush back. They would surely pull harder if the average son or the average daughter were subject to service today.

Preemptive war is a doctrine that could only survive, if it does, when those who would be the ground troops have had other opportunities preempted. Let the Congress do its own preemption. Let us preempt this President by reclaiming our constitutional right to declare war and reclaiming two centuries of American principles. Let Congress speak up so that none may be sent to war without Congress sending them there, whether those who fight look like you or look like me.

Let Congress take hold of this man-made crisis that has already introduced instability into a world that can least afford it now. Let Congress guide our Nation back to its own most precious principles.

Mr. HUNTER. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SAXTON), who chairs our Subcommittee on Military Construction and has spent many hours on this issue as the chairman of the Panel on Terrorism on the Committee on Armed Services.

Mr. SAXTON. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the resolution, while I certainly hope that it will never be used.

Madam Speaker, in 1991, when the coalition broke off the fight with Saddam's army northeast of Kuwait City, I was curious as to why that happened. And in garnering an understanding later, I understood it was because the United States and the coalition partners played by the rules. The United Nations had authorized certain activities, we carried out those activities, and we understood that the U.N. set the rules for that conflict and we abided by them.

But I also had the opportunity a week or so later to be a part of the first civilian delegation to go to Kuwait City after the war, and I saw something different. I saw how Saddam Hussein ignored the rules, ignored the rules of warfare, ignored the rules of humanity, ignored the rules of being a human being. I saw how he burned the city, how he destroyed the homes, how he executed innocents.

As a matter of fact, let me just share this one few-minute story with my colleagues. We were hosted during that trip to Kuwait City by a citizens group who showed us a videotape that had been taken a week or so earlier, while the Kuwaitis still occupied the city. And it was a videotape of the Iraqi military marching a young man out, tying his hands behind him on a post, and without a blindfold shooting him, firing-squad style. And has he lay there drooped on the pole, the leader of the firing squad walked over to him with a handgun and shot him one more time in the head. It was enough to make our group cry and to realize what a success it had been expelling such a despot from Kuwait.

And of course during the war with Kuwait, the war with Iraq at that time, Saddam decided to attack two other countries. He attacked the Saudis with SCUDs and he attacked the Israelis with SCUDs, both Tel Aviv and Haifa. Innocent people were subject to SCUD attacks. And, of course, in 1980 through 1998, during the war with Iran, he used weapons of mass destruction. He killed people with gas by the thousands.

And so this is the kind of a guy that we dealt with, where we realized we had to have a northern no-fly zone to protect his own people, the Kurds, and a southern no-fly zone to protect his own people, the Shiites.

So I guess I would make two points in kind of finishing up here. We know from history the nature of tyrants, and Saddam has demonstrated time after time that he is a typical tyrant of our time and one who has to be dealt with, apparently, as a tyrant. We know that he rules by fear. In fact, the Ba'thist regime is held together only by fear. They gassed the Kurds, as we all know, their own people. They execute anyone who poses an opposition to the Ba'thist party, even Saddam's own family. So I say to my colleagues, we know what Saddam is like.

The second point I would make is that while Saddam has not changed, something else has. Something else has changed a great deal, despots of the past. The Hitlers, for example, by and large, killed people one at a time. If an individual did something they did not like, or in Hitler's time if someone was a Jew, or they said something that was against him, he would simply shoot them and think nothing of it.

□ 2015

But that has changed because Saddam has the potential to kill people by the thousands. So we tried to deal with him as a possessor of weapons of mass destruction in the conventional way through the U.N. 16 resolutions, and here is the list:

In 1991 we started by saying in a resolution through the U.N., Iraq must return Kuwaiti property seized during the Gulf War. He did not do it.

In 1991, a second resolution, Iraq must unconditionally accept the destruction, removal or rendering harmless under international supervision of all chemical or biological weapons. He did not do it.

In April 1991, a resolution, Iraq must immediately end repression of its own civilization. He did not do it.

On August 15, 1991, Iraq must halt nuclear activities of all kinds until the Security Council deems Iraq to be in full compliance. He did not do it.

On October 11, 1991, Iraq must cooperate fully with the U.N. and IAEA inspectors. He did not do it.

In 1994, Iraq must cooperate fully with U.N. weapons inspectors. He did not do it.

On March 27, 1996, Iraq must report shipments of dual-use items related to weapons of mass destruction to the U.N. and IAEA. He did not do it.

Beginning in 1996, we passed resolutions in the U.N. that said Iraq must cooperate fully with U.N. weapons inspectors. Did he not do it.

In June 1997, Iraq must give immediate unconditional, unrestricted access to U.N. officials. He did not do it.

A similar resolution on March 2, 1998. He did not do. September 9, 1998, Iraq must cooperate fully with U.N. and IAEA weapons inspectors. Again, he did not do it.

On two more occasions, once in 1999 and once later that year in 1999, Iraq must fulfill its commitment to run Gulf War prisoners and cooperate with U.N. inspectors, and he did not do it.

So for those who say give Saddam Hussein one more chance, I have to disagree. I think he has had plenty of chances. I hope that a big vote will occur on Thursday and show Saddam Hussein that this body stands together against tyranny.

Mr. SHERMAN. Madam Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Speaker, I thank the gentleman for yielding me this time.

After much thought and with deep conviction, I rise in strong support of this resolution. There is no task more grave or serious than the task of putting at risk the lives of people. The decision we are about to make will in fact put at risk the lives of the young patriots who wear the uniform of this country so well and so proudly. And it will put at risk innocent lives of people in Iraq who deserve better.

I support this resolution because it will save lives. It will manifest the principled purpose of this country to use our great might and power as a force for saving life. Tonight Saddam Hussein and the Iraqi Government maintain an arsenal of weapons of mass death. Iraq tonight possesses biological weapons. It possesses chemical weapons. The best estimate of the most optimistic observers, in 5 to 7 years Iraq will possess nuclear weapons. Others are more pessimistic. They believe it will be a matter of months.

I believe that failure to act is the greatest risk to innocent life in this country, in Iraq, and around the world. There are principled and patriotic people in this debate, many of my friends who take a different position than I do. I respect their patriotism. I listen carefully to their views, but I must say I disagree with what they have to say. Some say Iraq will not use these weapons of mass death because the leader of Iraq, although evil, is not suicidal.

I share with the President the conviction that I am not willing to risk the lives of any Americans or any people anywhere on a prediction on the behavior of Saddam Hussein. There are others who argue that although Saddam Hussein possesses these weapons of mass death, he cannot use them against us because he cannot deliver them against us. This is not the case.

Tonight American troops are within the range of his missiles, and perhaps even more importantly, we are all within reach of the use of these weapons through unconventional means: anthrax sprayed by crop dusters, sarin gas pumped through our subway system, smallpox virus dumped into the heating or air conditioning system of a shopping mall or an office building.

Anyone who believes that we are beyond the reach of terrorist weapons has missed the lessons in the last 13 months in America. There are those that argue that we should wait for the United Nations Security Council to agree with our assessment of the compelling need to remove this risk. I support and encourage the President and his administration to seek that support from the United Nations.

But Madam Speaker, make no mistake about it, these weapons of mass death are not pointed at the Germans who doubt the scope of this risk. They are not pointed at Saddam's Arab neighbors who scoff at the necessity of this mission. These weapons of mass death are meant to kill Americans, and we will not and should not ask anyone's permission to defend the people of this country.

There are those who say that we should give weapons inspections another chance. The gentleman from New Jersey (Mr. SAXTON) laid out chapter and verse just how many chances we have already given. On 13 occasions since the end of the Persian Gulf War in 1991, Iraq has violated the weapons inspection agreements. After each such occasion, they promised the next time to comply. The next time never comes.

We should heed the advice of four dozen U.N. weapons inspectors who told this Congress and this country on the record that there will never be effective disarmament of the Iraqi arsenal of mass death until there is a government in Baghdad that fully cooperates with that effort.

We hear others say that we should not proceed because what follows Saddam Hussein in Iraq might be worse, that it will cause disruption around that area of the world. This is not a matter that we should take lightly. However, there is nothing worse than a despot with weapons of mass death that can be used against the people of this country.

Madam Speaker, throughout history Members of this body have faced moments when they have to change history. Our predecessors during the American Revolution had their moment, and they chose to rebel and create independence for this country.

Our predecessors at the time of the Civil War had the painful choice of waging war to keep the Union whole. They had their moment, and they rose to the occasion. Our predecessors in the 1940s had their moment when they had to die to frontally take on the evil of Nazi Germany and its allies around the world, and they rose to the occasion.

Madam Speaker, this is our moment. This is the moment when we will begin to change history toward a path where there is liberation, liberation of the people of Iraq from tyranny and liberation of the people of America and the rest of the world from the fear of terror. Let us seize our moment, Republicans and Democrats together, and vote for this resolution.

Mr. HUNTER. Madam Speaker, I yield 4 minutes to the gentleman from Utah (Mr. HANSEN), who has been a 22-year member on the Committee on Armed Services and is leaving this year. The gentleman has been a very wise contributor to this debate in the committee.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Madam Speaker, there have been very few times in history when there has been a nation that has had the will and the military might to stop a murderer, a despot, a dictator. I have often wondered about the time in the thirties, as I read history, when Chamberlain, the Prime Minister of England, talked to Hitler about the idea of him not going into Czechoslovakia. He returned to Parliament, and he explained to Parliament that Hitler was not going to do it. There was another man in Parliament who stood up and said, No, we cannot trust Hitler. That will not happen. His name was Churchill, and he was booed off the floor for doing that, but Churchill had the courage and the vision to see what Hitler was actually going to do.

Madam Speaker, what if there had been a nation with the determination, the understanding, and the military might to stop Hitler at that time, a nation which said we better stop him before he gets stronger than he is? What would have happened at that time? Literally millions of people would have been saved. But no, no one seemed to have it.

In the early 1980s, many Members who were here remember our Israeli friends when they saw the build up of Iraq on heavy water. What did they do? The Israelis did not wait very long. They sent in F–16s with 500-pound bombs on their wings, and they bombed it to smithereens to stop it from being built.

I think we have some short memories around here. I have been listening to this debate today. Some Members say we cannot do a preemptive strike or go ahead with this on our own. How about Grenada? We walked in there because we could see a big problem starting out at that time. What about Panama? What about Muammar Qadhafi when he stood up and he talked about the line of death, and Ronald Reagan sent three F–111s, and that kind of calmed him down at that time. But he was getting pretty big for his britches at that point.

I have heard Members talk about inspections. I am given to understand Iraq is about the same size as Big Sky Country that the gentleman from Montana (Mr. REHBERG) represents. How many Members have been to Montana? It is pretty good-sized. I think we could put 10,000 inspectors over there, and if Saddam Hussein did not want us to find anything, we would not have a prayer of finding it. It is a big country. Keep in mind, he is much better at hiding than we are at finding, and that seems to be the question that we have with him at this time.

I do not think that Americans want inspection; we want disarmament. We want him to give up the weapons of war that he has.

It reminds me of the old saw that Al Capone said to Elliot Ness, Sure you can come in and inspect the place, but you cannot look in the back room where the girls and the booze and the drugs are. I think basically that is what we have had during this time that we have had our inspectors over there.

Madam Speaker, let me point out that our first President made a very

wise statement and one we have to live by. He said, ''The best way to keep the peace is to be prepared for war.'' It always bothers me when I have heard our past Secretary of Defense, and now Vice President, when he gives that great talk about the yo-yos of war. We are prepared, we get ready, and then we disarm; and we do it time and time again.

Madam Speaker, this time if we want to save ourselves some great problems, we should support this resolution and support the President of the United States.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. COYNE), a member of the Committee on Ways and Means.

Mr. COYNE. Madam Speaker, I believe that the United States has legitimate concerns about weapons of mass destruction in Saddam Hussein's hands and that our government should be working to eliminate the threat presented by those weapons.

Consequently, I believe that Saddam Hussein must comply with the U.N. mandate and guarantee U.N. inspectors unfettered access to any sites in Iraq that might be harboring weapons of mass destruction.

□ 2030

I object, however, to the approach that the Bush Administration is taking to deal with this particular problem. The administration has pursued a head-long, almost unilateral rush to war with the implicit goal of regime change in Iraq. The administration has yet to make a convincing case to Congress that military action against Iraq at this time is necessary or even desirable. I am gravely concerned that the policy of preemptive attack and U.S.-imposed regime change may produce a situation in the Middle East that is even more dangerous for the United States than it is today.

Military action might eventually be necessary but only with clearer proof of that necessity and only after all other options have been exhausted with regard to Iraq. I oppose this resolution because it permits the administration to invade Iraq without first exhausting its diplomatic options. The administration should first pursue action through the United Nations to deal with the potential threat posed by the Iraqi government and then and only then should we consider unilateral action against Iraq.

Mr. HUNTER. Madam Speaker, I yield 6 minutes to the gentleman from New York (Mr. MCHUGH), who is the very distinguished chairman of the Subcommittee on Military Personnel.

Mr. MCHUGH. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, truly one of the most profound powers bestowed upon this or any other Congress is the authority to send our American men and women into armed conflict. The loss of human life that invariably attends every war, no matter how swift or certain its course, demands that such action be executed carefully, with a full understanding of the consequences likely to arise both from the conflict itself as well as from its aftermath.

This debate will, as it should, reveal many such questions, many doubts that we have heard here already this evening, many pleas to adopt a different course.

I want to say to those who raise those concerns I extend my gratitude. In my mind, their pleas are not a product of weakness, as some have suggested but, rather, to the contrary, a necessary challenge for all of us to carefully weigh every possibility, every path.

The question, Madam Speaker, now for those of us entrusted with this awesome authority is to ensure that we have met those challenges, to ensure that the use of force that we contemplate on this floor for the next 20 hours is our one true choice, the one necessary step to protect the lives and the well-being of more than 280 million Americans who have bestowed upon us this trust in making such weighty decisions.

For me, Madam Speaker, the answer is sadly a resounding yes.

The most vital question before us at this moment is, should we fail to act, what does tomorrow bring? The answer is clear. More debate, more doubts. As President Bush said so clearly in his address to the American people last night, a future of fear.

For the past 11 years we have placed our hopes as a good and decent people against the reality of the unabashed deceptions, deceits, and deeds of one of the most despicable tyrants the civilized world has ever known, Saddam Hussein. For 11 years, Madam Speaker, we have hoped Saddam would abandon his murderous ways and at long last obey the dictates of the world community and the rule of international law. We have hoped, hoped he would dismantle and destroy his stockpile of biological and chemical weapons of massive death and forego his feverish pursuit of nuclear weapons. We have hoped Saddam would respect the clear resolutions, 16 in number, of the United Nations and follow the terms that he himself committed to at the end of the 1991 Gulf War.

While we have hoped, Saddam Hussein has plotted and marched forward.

How can we in the aftermath of September 11 tell the American people through this vote that all we can now offer is hope? How can we merely hope the next cloud we see rising from an attack on our shores will not be from the stockpiles of Saddam's terrible weapons? How will hope dull his affection for, and known support of, numerous terror organizations? And how can hope alone prevent the transfer of his horrible agents of death into the hands of those who have already declared war on our country?

I ask my colleagues, can our message to the American people possibly be at this critical hour we hope the judgment, common sense, and humanity of Saddam Hussein will spare us one more day, just one more day so we can what? Begin to hope again.

Madam Speaker, I will continue to hope. I urge our leaders to further pursue their ongoing efforts with the United Nations Security Council to produce a workable and just resolution of a dangerous situation too long ignored. I yearn for a way that a timely, unfettered, unconditional, and effective weapons inspection system can be put into place that Iraq will accept and cooperate with to the benefit of not just America but peace-loving nations throughout the world. And, most of all, I pray we may yet avoid the conflict that this resolution considers, avoiding the need to yet again call our servicemen and women into harm's way.

But in the end, Madam Speaker, should all else fail, we cannot entrust the future of the world's greatest democracy and the very lives of its people to a man who trades not in hope but in destruction, to a man who rules not by favor but through fear.

This country has seen many great yesterdays. It is our solemn duty this day, Madam Speaker, to ensure that we realize many equally bright tomorrows. It is at long last time for Saddam Hussein to hope and for this Congress to act.

Mr. BERMAN. Madam Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MCINTYRE), a member of the Committee on Armed Services.

(Mr. MCINTYRE asked and was given permission to revise and extend his remarks.)

Mr. MCINTYRE. Madam Speaker, I rise in strong support of this resolution but in even stronger support of our brave men and women who have dedicated their lives to the common defense of the United States and who stand firm with America, as we well should, in this critical hour of our history.

If Saddam Hussein continues to threaten the security of our Nation by harboring terrorists, producing chemical and biological weapons, and developing nuclear weapons, then the use of military force becomes not a question of if but when.

In adopting this resolution, we must do everything in our power to ensure that our forces have the means, the necessary tools, and the unequivocal support of every American to accomplish the daunting task before us. With U.S. forces stationed both here at home and abroad, from America to Afghanistan, from Kosovo to Korea and regions between and beyond, our military must be provided with the necessary support to achieve its objective. This means financial support, the best equipment possible, a clear objective, and continued diplomatic efforts, always hoping and praying that peace can be achieved.

We must put American troops in the best possible position to do the job

they are called to do. We must commit ourselves to ensuring that the United States will continue to remain the backbone of freedom and the beacon of democracy throughout the world.

Putting our brave men and women in harm's way is a difficult decision but one for which they are prepared and we should be prepared. We owe them our unwavering commitment to provide all the means necessary to carry out the mission before them.

Madam Speaker, I support this resolution before us because it contains three important components:

First, it ensures that we have first exhausted all diplomatic efforts.

Second, it authorizes the use of force once those efforts have been exhausted.

And, third, it requires the administration to work with the Congress so that we can make sure that our troops are in the best position possible to do the job they are called to do.

Our military is the most highly trained and well-equipped fighting force in world, and we owe each and every American serviceman and woman the thanks and prayers of a grateful Nation. May God bless our Armed Forces and all those who seek to protect the precious freedoms that so many have fought for throughout the history of this Nation, and may God grant us the wisdom and the will to stand firm for the blessings of freedom wherever duty may call.

Mr. MCHUGH. Madam Speaker, on behalf of the Committee on International Relations, I yield 60 minutes to the gentleman from Florida (Mr. GOSS) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HAYES. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Kansas (Mr. RYUN), a member of the Committee on Armed Services, very active.

Mr. RYUN of Kansas. Madam Speaker, I thank the gentleman for his kind comments.

Madam Speaker, a vote to place the men and women of our Armed Forces in the harm's way is one of the most crucial decisive votes I will ever have to make. Having fully considered the matter, I am convinced that Saddam's continued possession of weapons of mass destruction poses a significant threat to the United States. If he continues to refuse to comply with the demands to disarm, the use of force will be justified.

Information provided by the Central Intelligence Agency and the Defense Intelligence Agency and testimony received by the House Committee on Armed Services clearly establishes that Saddam Hussein currently possesses chemical and biological weapons and is actively pursuing nuclear weapons. Saddam has already demonstrated his belief that the use of weapons of mass destruction against both his own citizens and his enemies is a legitimate means to preserve his power and achieve his goals. Saddam's capabilities and willingness to use weapons of mass destruction pose a threat to the security of the United States.

This threat to our national security is imminent. The attacks of September 11, 2001, demonstrate that our enemies have embraced nontraditional warfare. They will not operate under traditional notions of warfare and will not confine their methods to conventional combat. Saddam's options for employing chemical, biological, and radiological weapons against the United States and our Armed Forces are not limited to bombers and missiles and artillery shells. In fact, Saddam's most effective uses of weapons of mass destruction could come through surrogates that obtain these weapons by Iraq.

I know some urge reliance on additional inspections and sanctions. While I applaud the President's proposal for a new U.N. Security Council resolution and hope that U.N. member nations will follow the United States' lead in confronting this threat, we must remember that, after more than a decade, U.N. actions to this date have simply not worked. I am convinced that an inspection regime dependent upon Saddam's compliance will not result in disarmament.

Since 1991, Saddam has flagrantly violated the conditions of cease-fire that ended the Gulf War. As a part of the cease-fire, Saddam agreed unconditionally to give up his weapons of mass destruction. However, Saddam has retained possession of chemical and biological weapons produced before the Gulf War and has restored his ability to produce these weapons.

Additionally, Saddam is vigorously pursuing a nuclear weapons program. It appears that if Saddam were able to acquire fissile material, he would be able to as quickly assemble nuclear weapons in a manner of months, not years.

On September 16, 2002, Saddam promised the United Nations unrestricted access for weapons inspection in Iraq, but the U.N. agreement announced on October 1 does not provide such access. Saddam's presidential palaces, which are comprised of vast tracts of land and hundreds of buildings, are not open to inspection without prior notice. Under this program, Saddam will show the inspectors and the world empty buildings, while covertly continuing his weapons programs. One of his former weapons developers has testified that this was Saddam's regular practice while the U.N. inspectors were taking their action in other places.

□ 2045

Faced with these facts, I am convinced that Congress must give the President the authority and the flexibility he needs to confront this threat. The authorization of use of force against Iraq in this resolution does just that. While we hope the diplomatic efforts will be successful, we must be prepared to act if they are not. Certainly military action against Iraq, if it becomes necessary, will involve risk. However, the risk posed by delaying action are even greater. I urge my colleagues to support this resolution.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentleman from Maine (Mr. ALLEN), a member of the Committee on Armed Services and a person who has put in a tremendous amount of time and effort in this very important matter.

Mr. ALLEN. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in support of the Spratt substitute and in opposition to the underlying resolution.

Saddam Hussein is a tyrant, a brute, a danger. Were this simply a referendum on him, the vote would be unanimous. But Saddam is not on the ballot.

The two questions before us are, first, how do we diminish the threat from Iraq without empowering Islamic fundamentalism and creating new recruits for terrorist groups; and, second, how do we avoid setting a dangerous global precedent for other nations to launch unilateral preemptive attacks as a legitimate tool of public policy?

Our country is strong enough to attack Iraq and win, but we ought to be wise enough to achieve our ends with allies and without war. In the past year, terrorism has threatened us as never before. We should face that new threat resolutely, but not frighten our own people by overstating the risk to Americans.

Some who support the resolution have morphed Osama bin Laden into Saddam Hussein and Saddam into Hitler and Stalin, yet the classified briefings that I have received do not lead me to conclude that the threat is imminent. We have time to work with our allies to enforce U.N. resolutions.

Actions often have unintended consequences. An invasion of Iraq to enforce U.N. resolutions may cost hundreds of Americans lives, maybe more, and thousands of Iraqi lives. But the future is obscured to us and predictions on this floor can easily turn out to be wishful thinking.

The resolution negotiated between the President and the House leadership has two fundamental shortcomings. It is still a blank check. I quote: ''The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate.''

The Gulf War resolution of 1991 did not delegate decisions on ''force as he determines.'' The post-September 11 use-of-force resolution did not use the words ''as he determines.'' Not even the Gulf of Tonkin resolution used the words ''as he determines.''

Under the Constitution, the President and Congress share war-making powers, yet the underlying resolution represents an abdication of Congress'

constitutional role. This is the people's House. Pass this resolution, and the people's voice will be silenced. Pass this resolution, and Congress' role in this matter is finished as of this week.

We are being used as a megaphone to communicate the President's resolve. We should have a larger role, an equal role.

The underlying resolution is also troubling for how it is rationalized. The President has justified his action under new doctrines of preemptive strike and regime change. What precedent do these doctrines set, for ourselves and for others? How many wars will start when another country launches a preemptive strike against a nation that it determines to be a threat?

The United States created the institutions and laws that have governed the international system for the last half century precisely because no nation benefits more than the United States from a rule-based international system. There are serious questions about the precedents we set and the dangers we create. This House should reserve to a later time the question of whether or not unilateral military action in Iraq should be authorized.

We should, instead, pass the Spratt substitute. It reflects four fundamental principles:

First, our mission should be clear, disarming Iraq of all weapons of mass destruction;

Second, it contains a sense of Congress supporting tough new rigorous U.N. inspections;

Third, it authorizes the use of force if sanctioned by the U.N. Security Council; and,

Fourth, it establishes a separate fast track congressional authorization of force if U.N. action is insufficient. In other words, the President gets expedited consideration by Congress on an up or down vote without amendment on the second resolution set forth in the Spratt amendment.

The Spratt amendment affirms that the U.S. should work through the United Nations Security Council first, and unilaterally only as a last resort.

In the war on terrorism, we need more friends and allies and fewer enemies. We are unlikely to succeed through unilateral preemptive policies so poorly received overseas. The Spratt substitute is our best opportunity to disarm Iraq without inflaming the Middle East and to keep this Congress relevant in the decisions that lie ahead.

Support the Spratt substitute, and reject the underlying resolution.

Mr. HAYES. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. RILEY), a hard-working member of the Committee on Armed Services.

Mr. RILEY. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, God has truly blessed America. Through his guidance and grace, we have built and preserved a nation more free and prosperous and peaceful than any in history; and it is written of those to whom much is given, much is required. I believe those words, and they have helped me to make my decision.

Madam Speaker, it is my firm belief that Saddam Hussein is a clear and present danger to the world community. America has been given the ability to stop Saddam; and, therefore, I believe that America is required to stop Saddam. If we do not, no one will. That much is clear.

The price of America's hesitation will be measured in lives lost and nations ruined. I, for one, Madam Speaker, am not willing to pay the terrible price that appeasement will eventually cost.

I ask, if one less nation is willing to help in this endeavor, is Saddam any less dangerous? Americans have learned and learned tragically that we must confront the danger or else we will suffer the aftermath. Appeasement did not work with Hitler, and appeasement will not work with Saddam.

Madam Speaker, tyrants like Saddam do not understand the language of peace. Therefore, Congress must give President Bush the ability to speak Saddam's language, which is force. But if we hesitate, if we fail to act, I believe history will judge this Congress with a single word, naive.

Mr. BERMAN. Madam Speaker, I yield myself 6 minutes.

Madam Speaker, I would like to address the points made by my colleague and friend, the gentleman from Maine (Mr. ALLEN), who gave really a very intelligent and thoughtful presentation of his position in opposition to this resolution. There are a couple of points he made that I would like to respond to.

One, the question of this being an open-ended grant of authority to allow the President to get the United States into the war and analogizing it to the Gulf of Tonkin Resolution.

I remember the Gulf of Tonkin Resolution. This is not the Gulf of Tonkin Resolution. At that particular time, based on an incident on the high seas, Congress quickly and without much discussion authorized a response that hardly anyone in either Chamber believed was an invitation to a massive expansion of U.S. participation in Vietnam. The subsequent use of that resolution to justify that action was not known at the time.

Here it is totally different. We know what we are talking about. We are talking about authorizing the use of force, i.e., war, against Iraq, a major difference between now and the Gulf of Tonkin. This is what we are debating, this is what the American people understand this authorization to be, and the after-the-fact justification of the war in Vietnam based on that resolution is not what is taking place here. It is up front, and we know it.

Secondly, it is not open-ended. The President's original proposal was quite open-ended, but H.J. Res. 114 is much more limited. The language authorizing the use of force to restore international peace and security in the region was deleted. The joint resolution and the report from the Committee on International Relations made quite clear that the threats that are the basis for using U.S. Armed Forces are Iraq's weapons of mass destruction and the missile programs, the means to deliver them, and its support for international terrorism, not all the different resolutions passed by the U.N. that Saddam has violated.

Page 42 of the committee report provides that the President is authorized to use force against Iraq to defend the national security of the United States from the continuing threat posed by Iraq ''which primarily consists of its continued possession, development and acquisition of chemical and biological weapons and prohibited ballistic missiles, nuclear weapons and its continued support for and harboring of international terrorists.''

That resolution also provides that the authority is to be used against Iraq's continuing threat, that of yesterday and today, not of some potential and new threat at some point in the future.

This is not a blank check; it is a broad, but circumscribed, authority to use the Armed Forces against a current threat.

Mr. ANDREWS. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Madam Speaker, I thank my friend for yielding.

Madam Speaker, I share my friend from California's profound respect for the gentleman from Maine. I work with him on the Committee on Armed Services, and every issue he approaches in a very thoughtful and reasonable way.

I have a very different interpretation than he put on this resolution. The statement that our role is finished after this week as a Congress, I do not read the resolution that way, in two very important respects.

The first is that the resolution explicitly references the War Powers Act and the reporting requirements that the President has under that act to come back to this body, consult with us and pay due homage to our co-equal constitutional responsibilities.

Second, obviously the appropriations process is an ongoing process that gives us a frequent and important role in assessing the decisions that the executive branch makes.

I would also say that the reference to the language of ''as the President determines,'' it is important to understand what precedes that language. What precedes it is an exhaustion, a complete playing out of the United Nations process and the weapons inspection process that so many people wish to see. This was an important improvement in this resolution that the majority leader of the Democratic Party was successful in negotiating.

So I believe that this resolution does not run the risks that the gentleman

from Maine referenced. I think that we have our continuing constitutional role, it is our obligation to exercise it, and that the President's determinations follow a careful engagement at the United Nations and an acute assessment of the success or failure of the weapons inspection process.

Mr. ALLEN. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Maine.

Mr. ALLEN. Madam Speaker, is there anything in this resolution that would prevent the President from committing 500,000 troops to a war in Iraq without further congressional action?

Mr. BERMAN. Madam Speaker, reclaiming my time, I indicated that this was a broad, but not unlimited, delegation of authority to use force for a specific purpose, the elimination of the weapons of mass destruction and the need to eliminate them and the supporting and harboring of terrorism. But we the American Congress and we the American people understand at the time, unlike the Gulf of Tonkin, just what we are discussing and debating; and no one has made a claim that this is not an authorization of the use of force, very specifically directed against Iraq for specific purposes.

Mr. HAYES. Madam Speaker, it gives me an unusually great deal of pleasure to yield 5 minutes to the gentleman from Nevada (Mr. GIBBONS), a distinguished member of the Committee on Armed Services, someone who is uniquely qualified to speak tonight on this issue, who is a decorated combat veteran of both Vietnam and the Persian Gulf War, and knows Saddam Hussein on a personal basis.

□ 2100

Mr. GIBBONS. Mr. Speaker, I thank my friend and colleague for his genuine recognition.

Madam Speaker, there is no one in this body, no matter what political philosophy one ascribes to, that doubts that Saddam Hussein is not a leader for a peaceful political world.

Having been in war, I am not one who rushes into war quickly or blindly, nor am I one who cowers when our country and our Nation is threatened. Madam Speaker, in 1991, I flew through the smoke and the ashes of the fires in Kuwait ordered by Saddam Hussein in the Gulf War, and in that war I saw the death and the destruction this dictator is capable of. I saw missiles launched at our troops. But, more importantly, if we doubt Saddam's intentions, I saw nearly three dozen missiles launched at Israel, a country not even participating in that war. Innocent lives were lost.

After the Gulf War, the United Nations Security Council passed Resolution 687 which stated that Iraq must disarm. That resolution created the U.N. Special Commissions to verify Iraq's elimination of their weapons of mass destruction.

Throughout the 1990s, as weapons inspectors went throughout Iraq, it became more and more evident that Iraq had no intention of disarming. Saddam no longer gave U.N. inspectors the unrestricted access they needed to ensure Iraq no longer possessed weapons of mass destruction.

From 1991 to 1998, the U.N. passed 16 resolutions mandating that Iraq allow weapons inspectors complete and unfettered access, and each time Iraq refused.

Today, we find Iraq with 30,000 liters of anthrax, botulism and other biological weapons, thousands of gallons of chemical weapons, and months away from possessing nuclear weapon capability.

I support sending U.N. inspectors back into Iraq to verify their disarmament, but not under the previous resolutions which Iraq has never followed. The only way to ensure the success of a weapons inspection team, or any weapons team, is to pass a new resolution that would add very tough consequences if Iraq fails to comply. We cannot allow U.N. weapons inspectors to be continually used as puppets.

Since President Bush's address at the United Nations last month, Iraq has already changed its position four, yes four, times on the level of access U.N. weapons inspectors will have, the latest of which is not complete and unfettered access.

While the use of military force is and must be the last option, it is an option that must be discussed here, must be debated here and, ultimately, granted to the President.

I support the bipartisan resolution we are currently debating, authorizing the President to use military force if necessary. President Bush is responsible for our country's security, not the United Nations. I will not tie the President's hands by allowing the United Nations to decide when, how, and if we will protect the United States and its citizens. After the tragic events of September 11, we must do everything in our power to protect the people of this country.

Ironically, Saddam Hussein was the only world leader to fully condone what happened on September 11 and has stated on many occasions his hatred for our country.

Saddam Hussein supports international terrorism, including paying $25,000 to the families of Palestinian suicide bombers, and he shelters many terrorist organizations with a history of killing Americans, like the MKO and the Palestine Liberation Front.

Recently, Saddam Hussein's media promised the American people that if their government did not change its policies over Iraq it would suffer even more devastating blows.

I am convinced that, given the opportunity, Saddam would use his weapons of mass destruction against us, whether directly himself or indirectly through selling them to some terrorist organization.

That must not happen. We cannot let a catastrophic attack on American soil be the smoking gun that he possesses such weapons. We must not cower. We must not back down. We must stand united and grant the President the authority he needs to protect this Nation and its people. I urge my colleagues to support this resolution.

CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

Mr. NEY submitted the following conference report and statement on the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–730)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3295), to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Help America Vote Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections.
Sec. 102. Replacement of punch card or lever voting machines.
Sec. 103. Guaranteed minimum payment amount.
Sec. 104. Authorization of appropriations.
Sec. 105. Administration of programs.
Sec. 106. Effective date.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Dissemination of information.

Sec. 207. Annual report.
Sec. 208. Requiring majority approval for actions.
Sec. 209. Limitation on rulemaking authority.
Sec. 210. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment.
Sec. 212. Duties.
Sec. 213. Membership of Standards Board.
Sec. 214. Membership of Board of Advisors.
Sec. 215. Powers of Boards; no compensation for service.
Sec. 216. Status of Boards and members for purposes of claims against Board.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

Sec. 221. Technical Guidelines Development Committee.
Sec. 222. Process for adoption.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

Sec. 231. Certification and testing of voting systems.

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

Sec. 241. Periodic studies of election administration issues.
Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting.
Sec. 243. Report on human factor research.
Sec. 244. Study and report on voters who register by mail and use of social security information.
Sec. 245. Study and report on electronic voting and the electoral process.
Sec. 246. Study and report on free absentee ballot postage.
Sec. 247. Consultation with Standards Board and Board of Advisors.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

Sec. 251. Requirements payments.
Sec. 252. Allocation of funds.
Sec. 253. Condition for receipt of funds.
Sec. 254. State plan.
Sec. 255. Process for development and filing of plan; publication by Commission.
Sec. 256. Requirement for public notice and comment.
Sec. 257. Authorization of appropriations.
Sec. 258. Reports.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

Sec. 261. Payments to States and units of local government to assure access for individuals with disabilities.
Sec. 262. Amount of payment.
Sec. 263. Requirements for eligibility.
Sec. 264. Authorization of appropriations.
Sec. 265. Reports.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 271. Grants for research on voting technology improvements.
Sec. 272. Report.
Sec. 273. Authorization of appropriations.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 281. Pilot program.
Sec. 282. Report.
Sec. 283. Authorization of appropriations.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

Sec. 291. Payments for protection and advocacy systems.
Sec. 292. Authorization of appropriations.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

Sec. 295. National Student and Parent Mock Election.
Sec. 296. Authorization of appropriations.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

Sec. 301. Voting systems standards.
Sec. 302. Provisional voting and voting information requirements.
Sec. 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
Sec. 304. Minimum requirements.
Sec. 305. Methods of implementation left to discretion of State.

Subtitle B—Voluntary Guidance

Sec. 311. Adoption of voluntary guidance by Commission.
Sec. 312. Process for adoption.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the Attorney General for declaratory and injunctive relief.
Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 501. Establishment of program.
Sec. 502. Activities under program.
Sec. 503. Authorization of appropriations.

TITLE VI—HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs.
Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
Sec. 703. Report on absentee ballots transmitted and received after general elections.
Sec. 704. Extension of period covered by single absentee ballot application.
Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.
Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.
Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.
Sec. 802. National Voter Registration Act of 1993.
Sec. 803. Transfer of property, records, and personnel.
Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.
Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined.
Sec. 902. Audits and repayment of funds.
Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence.
Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties.
Sec. 905. Other criminal penalties.
Sec. 906. No effect on other laws.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

SEC. 101. PAYMENTS TO STATES FOR ACTIVITIES TO IMPROVE ADMINISTRATION OF ELECTIONS.

(a) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator of General Services (in this title referred to as the ''Administrator'') shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after the date of the enactment of this Act that the State intends to use the payment in accordance with this section.

(b) USE OF PAYMENT.—

(1) IN GENERAL.—A State shall use the funds provided under a payment made under this section to carry out 1 or more of the following activities:

(A) Complying with the requirements under title III.

(B) Improving the administration of elections for Federal office.

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

(D) Training election officials, poll workers, and election volunteers.

(E) Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

(G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

(H) Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

(2) LIMITATION.—A State may not use the funds provided under a payment made under this section—

(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or

(B) for the payment of any judgment.

(c) USE OF FUNDS TO BE CONSISTENT WITH OTHER LAWS AND REQUIREMENTS.—In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that—

(1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 906, as such laws relate to the provisions of this Act; and

(2) the proposed uses of the funds are not inconsistent with the requirements of title III.

(d) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to section 103(b), the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

(2) MINIMUM PAYMENT AMOUNT.—The minimum payment amount described in this paragraph is—

(A) in the case of any of the several States or the District of Columbia, ½ of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United

States Virgin Islands, 1/10 of 1 percent of such aggregate amount.

(3) VOTING AGE POPULATION PROPORTION AMOUNT.—The voting age population proportion amount described in this paragraph is the product of—

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

(4) VOTING AGE POPULATION PROPORTION DEFINED.—The term ''voting age population proportion'' means, with respect to a State, the amount equal to the quotient of—

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

SEC. 102. REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a ''qualifying precinct'').

(2) USE OF FUNDS.—A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that—

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in section 906; and

(C) meets the requirements of section 301.

(3) DEADLINE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(B) WAIVER.—If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after January 1, 2006.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after the date of the enactment of this Act (in such form as the Administrator may require) that contains—

(A) certifications that the State will use the payment (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a)(3);

(B) certifications that the State will continue to comply with the laws described in section 906;

(C) certifications that the replacement voting systems will meet the requirements of section 301; and

(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program.

(2) COMPLIANCE OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(c) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2) and section 103(b), the amount of payment made to a State under the program under this section shall be equal to the product of—

(A) the number of the qualifying precincts within the State; and

(B) $4,000.

(2) REDUCTION.—If the amount of funds appropriated pursuant to the authority of section 104(a)(2) is insufficient to ensure that each State receives the amount of payment calculated under paragraph (1), the Administrator shall reduce the amount specified in paragraph (1)(B) to ensure that the entire amount appropriated under such section is distributed to the States.

(d) REPAYMENT OF FUNDS FOR FAILURE TO MEET DEADLINES.—

(1) IN GENERAL.—If a State receiving funds under the program under this section fails to meet the deadline applicable to the State under subsection (a)(3), the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program.

(2) NONCOMPLIANT PRECINCT PERCENTAGE DEFINED.—In this subsection, the term ''noncompliant precinct percentage'' means, with respect to a State, the amount (expressed as a percentage) equal to the quotient of—

(A) the number of qualifying precincts within the State for which the State failed to meet the applicable deadline; and

(B) the total number of qualifying precincts in the State.

(e) PUNCH CARD VOTING SYSTEM DEFINED.—For purposes of this section, a ''punch card voting system'' includes any of the following voting systems:

(1) C.E.S.

(2) Datavote.

(3) PBC Counter.

(4) Pollstar.

(5) Punch Card.

(6) Vote Recorder.

(7) Votomatic.

SEC. 103. GUARANTEED MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—In addition to any other payments made under this title, the Administrator shall make a payment to each State to which a payment is made under either section 101 or 102 and with respect to which the aggregate amount paid under such sections is less than $5,000,000 in an amount equal to the difference between the aggregate amount paid to the State under sections 101 and 102 and $5,000,000. In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, the previous sentence shall be applied as if each reference to ''$5,000,000'' were a reference to ''$1,000,000''.

(b) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the amounts described in sections 101(d) and 102(c) as are necessary to comply with the requirements of subsection (a).

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for payments under this title $650,000,000, of which—

(1) 50 percent shall be for payments under section 101; and

(2) 50 percent shall be for payments under section 102.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—Any payment made to a State under this title shall be available to the State without fiscal year limitation (subject to subsection (c)(2)(B)).

(c) USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR REQUIREMENTS PAYMENTS.—

(1) IN GENERAL.—The amounts described in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make requirements payments under part 1 of subtitle D of title II.

(2) AMOUNTS DESCRIBED.—The amounts referred to in this paragraph are as follows:

(A) Any amounts paid to the Administrator by a State under section 102(d)(1).

(B) Any amounts appropriated for payments under this title which remain unobligated as of September 1, 2003.

(d) DEPOSIT OF AMOUNTS IN STATE ELECTION FUND.—When a State has established an election fund described in section 254(b), the State shall ensure that any funds provided to the State under this title are deposited and maintained in such fund.

(e) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATOR.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Administrator such sums as may be necessary to administer the programs under this title.

SEC. 105. ADMINISTRATION OF PROGRAMS.

In administering the programs under this title, the Administrator shall take such actions as the Administrator considers appropriate to expedite the payment of funds to States.

SEC. 106. EFFECTIVE DATE.

The Administrator shall implement the programs established under this title in a manner that ensures that the Administrator is able to make payments under the program not later than the expiration of the 45-day period which begins on the date of the enactment of this Act.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

SEC. 201. ESTABLISHMENT.

There is hereby established as an independent entity the Election Assistance Commission (hereafter in this title referred to as the ''Commission''), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under part 2 (hereafter in this part referred to as the ''Standards Board'' and the ''Board of Advisors'', respectively) and the Technical Guidelines Development Committee under part 3.

SEC. 202. DUTIES.

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in part 3 (relating to the adoption of voluntary voting system guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general;

(2) carrying out the duties described in subtitle B (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

(3) carrying out the duties described in subtitle C (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);

(4) carrying out the duties described in subtitle D (relating to election assistance), and providing information and training on the management of the payments and grants provided under such subtitle;

(5) carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary guidance); and

(6) developing and carrying out the Help America Vote College Program under title V.

SEC. 203. MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall have 4 members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(3) QUALIFICATIONS.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

(4) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this Act.

(b) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than 1 additional term.

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of nomination, of the members first appointed—

(A) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) CHAIR AND VICE CHAIR.—

(1) IN GENERAL.—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson and vice chairperson for only 1 term each during the term of office to which such member is appointed.

(d) COMPENSATION.—

(1) IN GENERAL.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment before sitting as a member of the Commission.

SEC. 204. STAFF.

(a) EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR.—The Executive Director shall serve for a term of 4 years. An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(3) PROCEDURE FOR APPOINTMENT.—

(A) IN GENERAL.—When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least 3 nominees for the position.

(B) REQUIRING CONSIDERATION OF NOMINEES.—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) INTERIM SERVICE OF GENERAL COUNSEL.—If a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director in accordance with this paragraph.

(D) SPECIAL RULES FOR INTERIM EXECUTIVE DIRECTOR.—

(i) CONVENING OF SEARCH COMMITTEES.—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) INTERIM INITIAL APPOINTMENT.—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as an interim Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the interim Executive Director from serving any additional term.

(4) GENERAL COUNSEL.—The Commission shall have a General Counsel, who shall be appointed by the Commission and who shall serve under the Executive Director. The General Counsel shall serve for a term of 4 years, and may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(5) OTHER STAFF.—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(6) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of that title.

(b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, by a vote of the Commission.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.—At the request of the Board of Advisors or the Standards Board, the Commission may enter into such arrangements as the Commission considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board.

SEC. 205. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

SEC. 206. DISSEMINATION OF INFORMATION.

In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of title 44, United States Code, information on the activities carried out under this Act.

SEC. 207. ANNUAL REPORT.

Not later than January 31 of each year (beginning with 2004), the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate detailing its activities during the fiscal year which ended on September 30 of the previous calendar year, and shall include in the report the following information:

(1) A detailed description of activities conducted with respect to each program carried out by the Commission under this Act, including information on each grant or other payment made under such programs.

(2) A copy of each report submitted to the Commission by a recipient of such grants or payments which is required under such a program, including reports submitted by States receiving requirements payments under part 1 of subtitle D, and each other report submitted to the Commission under this Act.

(3) Information on the voluntary voting system guidelines adopted or modified by the Commission under part 3 and information on the voluntary guidance adopted under subtitle B of title III.

(4) All votes taken by the Commission.

(5) Such other information and recommendations as the Commission considers appropriate.

SEC. 208. REQUIRING MAJORITY APPROVAL FOR ACTIONS.

Any action which the Commission is authorized to carry out under this Act may be carried out only with the approval of at least 3 of its members.

SEC. 209. LIMITATION ON RULEMAKING AUTHORITY.

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)).

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts authorized for payments and grants under this title and the amounts authorized to be appropriated for the program under section 503, there are authorized to be appropriated for each of the fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year) for the Commission to carry out this title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

SEC. 211. ESTABLISHMENT.

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the ''Standards Board'') and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the ''Board of Advisors'').

SEC. 212. DUTIES.

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part, the voluntary guidance under title III, and the best practices recommendations contained in the report submitted under section 242(b).

SEC. 213. MEMBERSHIP OF STANDARDS BOARD.

(a) COMPOSITION.—

(1) IN GENERAL.—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) 55 shall be State election officials selected by the chief State election official of each State.

(B) 55 shall be local election officials selected in accordance with paragraph (2).

(2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The 2 members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing—

(A) the name of the State election official who agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this title.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select 9 of its members to serve as the Executive Board of the Standards Board, of whom—

(A) not more than 5 may be State election officials;

(B) not more than 5 may be local election officials; and

(C) not more than 5 may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) 3 shall serve for 1 term;

(B) 3 shall serve for 2 consecutive terms; and

(C) 3 shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.

(a) IN GENERAL.—The Board of Advisors shall be composed of 37 members appointed as follows:

(1) 2 members appointed by the National Governors Association.

(2) 2 members appointed by the National Conference of State Legislatures.

(3) 2 members appointed by the National Association of Secretaries of State.

(4) 2 members appointed by the National Association of State Election Directors.

(5) 2 members appointed by the National Association of Counties.

(6) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(7) 2 members appointed by the United States Conference of Mayors.

(8) 2 members appointed by the Election Center.

(9) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(10) 2 members appointed by the United States Commission on Civil Rights.

(11) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(12) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program of the Department of Defense.

(15) 4 members representing professionals in the field of science and technology, of whom—

(A) 1 each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) 1 each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) 8 members representing voter interests, of whom—

(A) 4 members shall be appointed by the Committee on House Administration of the House of Representatives, of whom 2 shall be appointed by the chair and 2 shall be appointed by the ranking minority member; and

(B) 4 members shall be appointed by the Committee on Rules and Administration of the Senate, of whom 2 shall be appointed by the chair and 2 shall be appointed by the ranking minority member.

(b) MANNER OF APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the voluntary voting system guidelines referred to it under section 222;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in

the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

SEC. 221. TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Technical Guidelines Development Committee (hereafter in this part referred to as the ''Development Committee'').

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) 2 representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(2) TECHNICAL SUPPORT.—The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this part, including—

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under section 303(a);

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) NO PRIVATE SECTOR INTELLECTUAL PROPERTY RIGHTS IN GUIDELINES.—No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this Act.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any voluntary voting system guideline pursuant to section 222, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

SEC. 222. PROCESS FOR ADOPTION.

(a) GENERAL REQUIREMENT FOR NOTICE AND COMMENT.—Consistent with the requirements of this section, the final adoption of the voluntary voting system guidelines (or modification of such a guideline) shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed guidelines in the Federal Register.

(2) An opportunity for public comment on the proposed guidelines.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final guidelines in the Federal Register.

(b) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED GUIDELINES TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing the voluntary voting system guidelines and modifications of such guidelines under this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under section 221.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines (or modifications) and forward its recommendations to the Standards Board.

(c) REVIEW.—Upon receipt of voluntary voting system guidelines described in subsection (b) (or a modification of such guidelines) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

(d) FINAL ADOPTION.—

(1) IN GENERAL.—A voluntary voting system guideline described in subsection (b) (or modification of such a guideline) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a guideline described in subsection (b) (or modification of such a guideline) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

(e) SPECIAL RULE FOR INITIAL SET OF GUIDELINES.—Notwithstanding any other provision of this part, the most recent set of voting system standards adopted by the Federal Election Commission prior to the date of the enactment of this Act shall be deemed to have been adopted by the Commission as of the date of the enactment of this Act as the first set of voluntary voting system guidelines adopted under this part.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

SEC. 231. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary voting system guidelines under part 3 of subtitle A, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) APPROVAL BY COMMISSION.—

(A) IN GENERAL.—The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

(B) ACCREDITATION OF LABORATORIES NOT ON DIRECTOR LIST.—The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1).

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

(d) TRANSITION.—Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of the date of the enactment of this Act shall remain in effect.

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

SEC. 241. PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES.

(a) IN GENERAL.—On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and

(4) will be efficient and cost-effective for use.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.

(2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing—

(A) a legal public holiday under section 6103 of title 5, United States Code, as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13)(A) The laws and procedures used by each State that govern—

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) REPORTS.—The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

SEC. 242. STUDY, REPORT, AND RECOMMENDATIONS ON BEST PRACTICES FOR FACILITATING MILITARY AND OVERSEAS VOTING.

(a) STUDY.—

(1) IN GENERAL.—The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act).

(2) ISSUES CONSIDERED.—In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

SEC. 243. REPORT ON HUMAN FACTOR RESEARCH.

Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities (including blindness) and individuals with limited proficiency in the English language and to reduce voter error and the number of spoiled ballots in elections.

SEC. 244. STUDY AND REPORT ON VOTERS WHO REGISTER BY MAIL AND USE OF SOCIAL SECURITY INFORMATION.

(a) REGISTRATION BY MAIL.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study of the impact of section 303(b) on voters who register by mail.

(B) SPECIFIC ISSUES STUDIED.—The study conducted under subparagraph (A) shall include—

(i) an examination of the impact of section 303(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(ii) an examination of the impact of such section on the accuracy of voter rolls, including

preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(iii) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(2) REPORT.—Not later than 18 months after the date on which section 303(b)(2) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under paragraph (1)(A) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(b) USE OF SOCIAL SECURITY INFORMATION.—Not later than 18 months after the date on which section 303(a)(5) takes effect, the Commission, in consultation with the Commissioner of Social Security, shall study and report to Congress on the feasibility and advisability of using Social Security identification numbers or other information compiled by the Social Security Administration to establish voter registration or other election law eligibility or identification requirements, including the matching of relevant information specific to an individual voter, the impact of such use on national security issues, and whether adequate safeguards or waiver procedures exist to protect the privacy of an individual voter.

SEC. 245. STUDY AND REPORT ON ELECTRONIC VOTING AND THE ELECTORAL PROCESS.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Commission may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) SUBMISSION.—Not later than 20 months after the date of the enactment of this Act, the Commission shall transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the study conducted under subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Commission.

(2) INTERNET POSTING.—In addition to the dissemination requirements under chapter 19 of title 44, United States Code, the Election Administration Commission shall post the report transmitted under paragraph (1) on an Internet website.

SEC. 246. STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Commission, in consultation with the Postal Service, shall conduct a study on the feasibility and advisability of the establishment of a program under which the Postal Service shall waive or otherwise reduce the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots to be submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) POSTAL SERVICE DEFINED.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

SEC. 247. CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.

The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

SEC. 251. REQUIREMENTS PAYMENTS.

(a) IN GENERAL.—The Commission shall make a requirements payment each year in an amount determined under section 252 to each State which meets the conditions described in section 253 for the year.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State receiving a requirements payment shall use the payment only to meet the requirements of title III.

(2) OTHER ACTIVITIES.—A State may use a requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

(A) the State has implemented the requirements of title III; or

(B) the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 252(c).

(c) RETROACTIVE PAYMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this subtitle, including the maintenance of effort requirements of section 254(a)(7), a State may use a requirements payment as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000.

(2) SPECIAL RULE REGARDING MULTIYEAR CONTRACTS.—A State may use a requirements payment for any costs for voting equipment which meets the requirements of section 301 that, pursuant to a multiyear contract, were incurred on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements of section 254(a)(7) shall be increased by the amount of the payment made with respect to such multiyear contract.

(d) ADOPTION OF COMMISSION GUIDELINES AND GUIDANCE NOT REQUIRED TO RECEIVE PAYMENT.—Nothing in this part may be construed to require a State to implement any of the voluntary voting system guidelines or any of the voluntary guidance adopted by the Commission with respect to any matter as a condition for receiving a requirements payment.

(e) SCHEDULE OF PAYMENTS.—As soon as practicable after the initial appointment of all members of the Commission (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make requirements payments to States under this part.

(f) LIMITATION.—A State may not use any portion of a requirements payment—

(1) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a requirements payment under this part; or

(2) for the payment of any judgment.

SEC. 252. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Subject to subsection (c), the amount of a requirements payment made to a State for a year shall be equal to the product of—

(1) the total amount appropriated for requirements payments for the year pursuant to the authorization under section 257; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(b) STATE ALLOCATION PERCENTAGE DEFINED.—The ''State allocation percentage'' for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State (as reported in the most recent decennial census); and

(2) the total voting age population of all States (as reported in the most recent decennial census).

(c) MINIMUM AMOUNT OF PAYMENT.—The amount of a requirements payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, ½ of 1 percent of the total amount appropriated for requirements payments for the year under section 257; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, 1/10 of 1 percent of such total amount.

(d) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

(e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A requirements payment made to a State under this part shall be available to the State without fiscal year limitation.

SEC. 253. CONDITION FOR RECEIPT OF FUNDS.

(a) IN GENERAL.—A State is eligible to receive a requirements payment for a fiscal year if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: ''_____ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.'' (with the blank to be filled in with the name of the State involved).

(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REQUIREMENTS.—The requirements referred to in this subsection are as follows:

(1) The State has filed with the Commission a State plan covering the fiscal year which the State certifies—

(A) contains each of the elements described in section 254 with respect to the fiscal year;

(B) is developed in accordance with section 255; and

(C) meets the public notice and comment requirements of section 256.

(2) The State has filed with the Commission a plan for the implementation of the uniform, nondiscriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan filed under paragraph (1)), and has such procedures in place for purposes of meeting the requirements of such section. If the State does not include such an implementation plan in the State plan filed under paragraph (1), the requirements of sections 255(b) and 256 shall apply to the implementation plan in the same manner as such requirements apply to the State plan.

(3) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

(4) To the extent that any portion of the requirements payment is used for activities other than meeting the requirements of title III—

(A) the State's proposed uses of the requirements payment are not inconsistent with the requirements of title III; and

(B) the use of the funds under this paragraph is consistent with the requirements of section 251(b).

(5) The State has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement under section 251(c)(2), an additional amount equal to the amount of such reimbursement.

(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

(d) TIMING FOR FILING OF CERTIFICATION.—A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period (or, in the case of a fiscal year other than the first fiscal year for which a requirements payment is made to the State under this subtitle, the 30-day period) which begins on the date the State plan under this subtitle is published in the Federal Register pursuant to section 255(b).

(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this subtitle, the ''chief State election official'' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

SEC. 254. STATE PLAN.

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

(6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A) the costs of the activities required to be carried out to meet the requirements of title III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

(10) If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) ELECTION FUND DESCRIBED.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this part.

(3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this part.

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

SEC. 255. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY COMMISSION.

(a) IN GENERAL.—The chief State election official shall develop the State plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the 2 most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

(b) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this subtitle, the Commission shall cause to have the plan published in the Federal Register.

SEC. 256. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.

For purposes of section 251(a)(1)(C), a State plan meets the public notice and comment requirements of this section if—

(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

(2) the State publishes notice that the preliminary version of the plan is so available; and

(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

SEC. 257. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts transferred under section 104(c), there are authorized to be appropriated for requirements payments under this part the following amounts:

(1) For fiscal year 2003, $1,400,000,000.

(2) For fiscal year 2004, $1,000,000,000.

(3) For fiscal year 2005, $600,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 258. REPORTS.

Not later than 6 months after the end of each fiscal year for which a State received a requirements payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

(1) a list of expenditures made with respect to each category of activities described in section 251(b);

(2) the number and type of articles of voting equipment obtained with the funds; and

(3) an analysis and description of the activities funded under this part to meet the requirements of this Act and an analysis and description of how such activities conform to the State plan under section 254.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

SEC. 261. PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in section 263).

(b) USE OF FUNDS.—An eligible State and eligible unit of local government shall use the payment received under this part for—

(1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

(c) SCHEDULE OF PAYMENTS.—As soon as practicable after the date of the enactment of this Act (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this part.

SEC. 262. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of a payment made to an eligible State or an eligible unit of local government for a year under this part shall be determined by the Secretary.

(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to an eligible State or eligible unit of local government under this part shall be available without fiscal year limitation.

SEC. 263. REQUIREMENTS FOR ELIGIBILITY.

(a) APPLICATION.—Each State or unit of local government that desires to receive a payment under this part for a fiscal year shall submit an application for the payment to the Secretary at such time and in such manner and containing such information as the Secretary shall require.

(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional information and certifications as the Secretary determines to be essential to ensure compliance with the requirements of this part.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN APPLICATION.—

(1) IN GENERAL.—No action may be brought under this Act against a State or unit of local government on the basis of any information contained in the application submitted under subsection (a).

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or unit of local government for criminal acts or omissions.

SEC. 264. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this part the following amounts:

(1) For fiscal year 2003, $50,000,000.

(2) For fiscal year 2004, $25,000,000.

(3) For fiscal year 2005, $25,000,000.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 265. REPORTS.

(a) REPORTS BY RECIPIENTS.—Not later than the 6 months after the end of each fiscal year for which an eligible State or eligible unit of local government received a payment under this part, the State or unit shall submit a report to the Secretary on the activities conducted with the funds provided during the year, and shall include in the report a list of expenditures made with respect to each category of activities described in section 261(b).

(b) REPORT BY SECRETARY TO COMMITTEES.—With respect to each fiscal year for which the Secretary makes payments under this part, the Secretary shall submit a report on the activities carried out under this part to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

SEC. 271. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and certifications as the Commission may require.

(c) APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

(d) RECOMMENDATION OF TOPICS FOR RESEARCH.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the ''Director'') shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under this part during the year.

(2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT REQUEST OF COMMISSION.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

(A) IN GENERAL.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

(e) PROVISION OF INFORMATION ON PROJECTS.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

SEC. 272. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 273. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $20,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

SEC. 281. PILOT PROGRAM.

(a) IN GENERAL.—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are tested and implemented on a trial basis so that the results of such tests and trials are reported to Congress.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) certifications that the pilot programs funded with the grant will take into account the

need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965 and the requirements of this Act); and

(2) such other information and certifications as the Commission may require.

(c) RECOMMENDATION OF TOPICS FOR PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the ''Director'') shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of pilot programs funded with grants awarded under this part during the year.

(2) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under this part to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES AT REQUEST OF COMMISSION.—After the Commission has awarded a grant under this part, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) EVALUATION OF GRANTS AT REQUEST OF COMMISSION.—

(A) IN GENERAL.—In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under section 207.

(d) PROVISION OF INFORMATION ON PROJECTS.—The Commission may provide to the Technical Guidelines Development Committee under part 3 of subtitle A such information regarding the activities funded under this part as the Commission deems necessary to assist the Committee in carrying out its duties.

SEC. 282. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 283. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $10,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

SEC. 291. PAYMENTS FOR PROTECTION AND ADVOCACY SYSTEMS.

(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Secretary of Health and Human Services shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

(c) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date on which the initial appropriation of funds for a fiscal year is made pursuant to the authorization under section 292, the Secretary shall set aside 7 percent of the amount appropriated under such section and use such portion to make payments to eligible entities to provide training and technical assistance with respect to the activities carried out under this section.

(2) USE OF FUNDS.—A recipient of a payment under this subsection may use the payment to support training in the use of voting systems and technologies, and to demonstrate and evaluate the use of such systems and technologies, by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for such individuals. At least 1 of the recipients under this subsection shall use the payment to provide training and technical assistance for nonvisual access.

(3) ELIGIBILITY.—An entity is eligible to receive a payment under this subsection if the entity—

(A) is a public or private nonprofit entity with demonstrated experience in voting issues for individuals with disabilities;

(B) is governed by a board with respect to which the majority of its members are individuals with disabilities or family members of such individuals or individuals who are blind; and

(C) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

SEC. 292. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 291(a); except that none of the funds provided by this subsection shall be used to initiate or otherwise participate in any litigation related to election-related disability access, notwithstanding the general authorities that the protection and advocacy systems are otherwise afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

SEC. 295. NATIONAL STUDENT AND PARENT MOCK ELECTION.

(a) IN GENERAL.—The Election Assistance Commission is authorized to award grants to the National Student and Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an ''issues forum'';

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) REQUIREMENT.—The National Student and Parent Mock Election shall present awards to outstanding student and parent mock election projects.

SEC. 296. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this subtitle $200,000 for fiscal year 2003 and such sums as may be necessary for each of the 6 succeeding fiscal years.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

SEC. 301. VOTING SYSTEMS STANDARDS.

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) AUDIT CAPACITY.—

(A) IN GENERAL.—The voting system shall produce a record with an audit capacity for such system.

(B) MANUAL AUDIT CAPACITY.—

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

(4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a).

(5) ERROR RATES.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.

(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE.—Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

(b) VOTING SYSTEM DEFINED.—In this section, the term ''voting system'' means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.

(2) PROTECTION OF PAPER BALLOT VOTING SYSTEMS.—For purposes of subsection (a)(1)(A)(i), the term ''verify'' may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.

(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

(a) PROVISIONAL VOTING REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) VOTING INFORMATION DEFINED.—In this section, the term ''voting information'' means—

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under section 303(b);

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

(d) EFFECTIVE DATE FOR PROVISIONAL VOTING AND VOTING INFORMATION.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.

SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the ''computerized list''), and includes the following:

(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.

(ii) The computerized list contains the name and registration information of every legally registered voter in the State.

(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.

(iv) The computerized list shall be coordinated with other agency databases within the State.

(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).

(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

(B) CONDUCT.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS.—The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(5) VERIFICATION OF VOTER REGISTRATION INFORMATION.—

(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS.—

(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER.—If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED.—The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

(B) REQUIREMENTS FOR STATE OFFICIALS.—

(i) SHARING INFORMATION IN DATABASES.—The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY.—The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).

(C) ACCESS TO FEDERAL INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

''(8)(A) The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002—

''(i) enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and

''(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records.

''(B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate.

''(C) The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number.

''(D) For purposes of this paragraph—

''(i) the term 'applicable information' means information regarding whether—

''(I) the name (including the first name and any family forename or surname), the date of birth (including the month, day, and year), and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records, and

''(II) such individual is shown on the records of the Commissioner as being deceased; and

''(ii) the term 'State driver's license agency' means the State agency which issues driver's licenses to individuals within the State and maintains records relating to such licensure.

''(E) Nothing in this paragraph may be construed to require the provision of applicable information with regard to a request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

''(F) Applicable information provided by the Commission pursuant to an agreement under this paragraph or by an individual to any agency that has entered into an agreement under this paragraph shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out an agreement under this paragraph. Any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without the written authority of the Commissioner, publishes or communicates any applicable information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction thereof shall be fined or imprisoned, or both, as described in section 208.''.

(D) SPECIAL RULE FOR CERTAIN STATES.—In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—

(A) IN GENERAL.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) shall include the following:

(i) The question ''Are you a citizen of the United States of America?'' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question ''Will you be 18 years of age on or before election day?'' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement ''If you checked 'no' in response to either of these questions, do not complete this form.''.

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of the enactment of this Act to comply with such a provision after such date.

(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS.—The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) EFFECTIVE DATE.—

(1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(B) WAIVER.—If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to ''January 1, 2004'' were a reference to ''January 1, 2006''.

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

SEC. 304. MINIMUM REQUIREMENTS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

SEC. 305. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.

The specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the State.

Subtitle B—Voluntary Guidance

SEC. 311. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION.

(a) IN GENERAL.—To assist States in meeting the requirements of subtitle A, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in section 312.

(b) DEADLINES.—The Commission shall adopt the recommendations under this section not later than—

(1) in the case of the recommendations with respect to section 301, January 1, 2004;

(2) in the case of the recommendations with respect to section 302, October 1, 2003; and

(3) in the case of the recommendations with respect to section 303, October 1, 2003.

(c) QUADRENNIAL UPDATE.—The Commission shall review and update recommendations adopted with respect to section 301 no less frequently than once every 4 years.

SEC. 312. PROCESS FOR ADOPTION.

The adoption of the voluntary guidance under this subtitle shall be carried out by the Commission in a manner that provides for each of the following:

(1) Publication of notice of the proposed recommendations in the Federal Register.

(2) An opportunity for public comment on the proposed recommendations.

(3) An opportunity for a public hearing on the record.

(4) Publication of the final recommendations in the Federal Register.

TITLE IV—ENFORCEMENT

SEC. 401. ACTIONS BY THE ATTORNEY GENERAL FOR DECLARATORY AND INJUNCTIVE RELIEF.

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under sections 301, 302, and 303.

SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.

(a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES.—

(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS.—If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

(2) REQUIREMENTS FOR PROCEDURES.—The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

(B) Under the procedures, any person who believes that there is a violation of any provision of title III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of title III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

(b) REQUIRING ATTORNEY GENERAL APPROVAL OF COMPLIANCE PLAN FOR STATES NOT RECEIVING FUNDS.—

(1) IN GENERAL.—Not later than January 1, 2004, each nonparticipating State shall elect—

(A) to certify to the Commission that the State meets the requirements of subsection (a) in the same manner as a State receiving a payment under this Act; or

(B) to submit a compliance plan to the Attorney General which provides detailed information on the steps the State will take to ensure that it meets the requirements of title III.

(2) STATES WITHOUT APPROVED PLAN DEEMED OUT OF COMPLIANCE.—A nonparticipating State (other than a State which makes the election described in paragraph (1)(A)) shall be deemed to not meet the requirements of title III if the Attorney General has not approved a compliance plan submitted by the State under this subsection.

(3) NONPARTICIPATING STATE DEFINED.—In this section, a ''nonparticipating State'' is a State which, during 2003, does not notify any office which is responsible for making payments to States under any program under this Act of its intent to participate in, and receive funds under, the program.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

SEC. 501. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the ''Help America Vote College Program'' (hereafter in this title referred to as the ''Program'').

(b) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

SEC. 502. ACTIVITIES UNDER PROGRAM.

(a) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the

chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 501(b).

(b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

In addition to any funds authorized to be appropriated to the Commission under section 210, there are authorized to be appropriated to carry out this title—

(1) $5,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for each succeeding fiscal year.

TITLE VI—HELP AMERICA VOTE FOUNDATION

SEC. 601. HELP AMERICA VOTE FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

"CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

''Sec.
''152601. Organization.
''152602. Purposes.
''152603. Board of directors.
''152604. Officers and employees.
''152605. Powers.
''152606. Principal office.
''152607. Service of process.
''152608. Annual audit.
''152609. Civil action by Attorney General for equitable relief.
''152610. Immunity of United States Government.
''152611. Authorization of appropriations.
''152612. Annual report.

"§ 152601. Organization

''(a) FEDERAL CHARTER.—The Help America Vote Foundation (in this chapter, the 'foundation') is a federally chartered corporation.

''(b) NATURE OF FOUNDATION.—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

''(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the foundation has perpetual existence.

"§ 152602. Purposes

''(a) IN GENERAL.—The purposes of the foundation are to—

''(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law);

''(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States (to the extent permitted under applicable State law); and

''(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

''(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

''(c) CONSULTATION WITH STATE ELECTION OFFICIALS.—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

"§ 152603. Board of directors

''(a) GENERAL.—The board of directors is the governing body of the foundation.

''(b) MEMBERS AND APPOINTMENT.—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

''(A) 4 directors (of whom not more than 2 may be members of the same political party) shall be appointed by the President.

''(B) 2 directors shall be appointed by the Speaker of the House of Representatives.

''(C) 2 directors shall be appointed by the Minority Leader of the House of Representatives.

''(D) 2 directors shall be appointed by the Majority Leader of the Senate.

''(E) 2 directors shall be appointed by the Minority Leader of the Senate.

''(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

''(3) A director is not an employee of the Federal Government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

''(4) The terms of office of the directors are 4 years.

''(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

''(c) CHAIR.—The directors shall select 1 of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

''(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

''(e) MEETINGS.—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

''(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

''(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

"§ 152604. Officers and employees

''(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

''(b) STATUS AND COMPENSATION OF EMPLOYEES.—

''(1) IN GENERAL.—Officers and employees of the foundation—

''(A) are not employees of the Federal Government (except as may otherwise be provided in this chapter);

''(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

''(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

''(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal Government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal Government.

"§ 152605. Powers

''(a) IN GENERAL.—The foundation may—

''(1) adopt a constitution and bylaws;

''(2) adopt a seal which shall be judicially noticed; and

''(3) do any other act necessary to carry out this chapter.

''(b) POWERS AS TRUSTEE.—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

''(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

''(2) to acquire property or an interest in property by purchase or exchange;

''(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

''(4) to borrow money and issue instruments of indebtedness;

''(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

''(6) to sue and be sued; and

''(7) to do any other act necessary and proper to carry out the purposes of the foundation.

''(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

''(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

''(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C. metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

"§ 152606. Principal office

''The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

"§ 152607. Service of process

''The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

"§ 152608. Annual audit

''The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

"§ 152609. Civil action by Attorney General for equitable relief

''The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

''(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

''(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

"§ 152610. Immunity of United States Government

''The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

"§ 152611. Authorization of appropriations

''There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

''(1) $5,000,000 for fiscal year 2003; and

''(2) such sums as may be necessary for each succeeding fiscal year.

"§ 152612. Annual report

''As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1525 the following new item:

"1526. Help America Vote Foundation ..... 152601".

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

SEC. 701. VOTING ASSISTANCE PROGRAMS.

(a) VOTING ASSISTANCE OFFICERS.—Subsection (f) of section 1566 of title 10, United States Code, as added by section 1602(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(1) by striking ''Voting assistance'' in the first sentence and inserting ''(1) Voting assistance''; and

(2) by adding at the end the following new paragraph:

''(2) Under regulations and procedures (including directives) prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member's duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.''.

(b) POSTMARKING OF OVERSEAS VOTING MATERIALS.—Subsection (g)(2) of such section is amended by adding at the end the following: ''The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held. Not later than the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002, the Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.''.

(c) PROVIDING NOTICE OF DEADLINES AND REQUIREMENTS.—Such section is amended by adding at the end the following new subsection:

''(h) NOTICE OF DEADLINES AND REQUIREMENTS.—The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the Armed Forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.''.

(d) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—Such section is further amended by adding at the end the following new subsection:

''(i) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the Armed Forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

''(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists shall receive such form at the time of the enlistment, or as soon thereafter as practicable.

''(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the Armed Forces and their dependents of election timing, registration requirements, and voting procedures.''.

SEC. 702. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each State''; and

(2) by adding at the end the following new subsection:

''(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

''(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

''(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.''.

SEC. 703. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 702, is amended by adding at the end the following new subsection:

''(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.''.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. 704. EXTENSION OF PERIOD COVERED BY SINGLE ABSENTEE BALLOT APPLICATION.

Section 104(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by striking ''during that year,'' and all that follows and inserting the following: ''through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election.''.

SEC. 705. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: '', and ensure that such officials are aware of the requirements of this Act;''.

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.''.

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(b)), as amended by section 702, is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).''.

(c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking ''a general assessment'' and inserting ''a separate statistical analysis''.

SEC. 706. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

''(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after January 1, 2004.

SEC. 707. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(d) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.''.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of Election Administration, established within the Federal Election Commission, exercised before the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting ''and'' at the end;

(2) in paragraph (9), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) before the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Federal Election Commission'' and inserting ''Election Assistance Commission''.

SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) PERSONNEL.—

(1) IN GENERAL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) EFFECT.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

SEC. 804. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) TRANSITION.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

(c) NO EFFECT ON AUTHORITIES OF OFFICE OF ELECTION ADMINISTRATION PRIOR TO APPOINTMENT OF MEMBERS OF COMMISSION.—During the period which begins on the date of the enactment of this Act and ends on the effective date described in subsection (a), the Office of Election Administration of the Federal Election Commission shall continue to have the authority to carry out any of the functions (including the development of voluntary standards for voting systems and procedures for the certification of voting systems) which it has the authority to carry out as of the date of the enactment of this Act.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ''or the Election Assistance Commission'' after ''Commission''.

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ''or the Election Assistance Commission'' after ''Commission''.

SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''the Election Assistance Commission,'' after ''Federal Election Commission,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. STATE DEFINED.

In this Act, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 902. AUDITS AND REPAYMENT OF FUNDS.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant or other payment made under this Act shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) AUDITS AND EXAMINATIONS.—

(1) AUDITS AND EXAMINATIONS.—Except as provided in paragraph (5), each office making a grant or other payment under this Act, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

(2) RECIPIENTS OF ASSISTANCE SUBJECT TO PROVISIONS OF SECTION.—The provisions of this section shall apply to all recipients of grants or other payments under this Act, whether by direct grant, cooperative agreement, or contract under this Act or by subgrant or subcontract from primary grantees or contractors under this Act.

(3) MANDATORY AUDIT.—In addition to audits conducted pursuant to paragraph (1), all funds provided under this Act shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).

(4) SPECIAL RULE FOR PAYMENTS BY GENERAL SERVICES ADMINISTRATION.—With respect to any grant or payment made under this Act by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

(5) SPECIAL RULE.—In the case of grants or payments made under section 251, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

(6) SPECIAL RULES FOR AUDITS BY THE COMMISSION.—In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

(c) RECOUPMENT OF FUNDS.—If the Comptroller General determines as a result of an audit conducted under subsection (b) that—

(1) a recipient of funds under this Act is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program,

the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

SEC. 903. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: '', except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—

''(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

''(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.''.

SEC. 904. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

SEC. 905. OTHER CRIMINAL PENALTIES.

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

SEC. 906. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Except as specifically provided in section 303(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Administrator or the Commission of a payment or grant application under title I or title II, or any other action taken by the Commission or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

And the Senate agreed to the same.

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

ROBERT NEY,
VERNON J. EHLERS,
JOHN T. DOOLITTLE,
THOMAS M. REYNOLDS,
STENY H. HOYER,
CHAKA FATTAH,
JIM DAVIS,

From the Committee on Armed Services, for consideration of secs. 601 and 606 of the House bill, and sec. 404 of the Senate amendments, and modifications committed to conference:

BOB STUMP,
JOHN M. MCHUGH,
IKE SKELTON,

From the Committee on the Judiciary, for consideration of secs. 216, 221, title IV, secs. 502 and 503 of the House bill, and secs. 101, 102, 104, subtitles A, B, and C of title II, secs. 311, 501 and 502 of the Senate amendments, and modifications committed to conference;

JOHN CONYERS, Jr.,

From the Committee on Science, for consideration of secs. 221–5, 241–3, 251–3, and 261 of the House bill, and sec. 101 of the Senate amendments, and modifications committed to conference:

SHERWOOD BOEHLERT,
CONSTANCE MORELLA,
JIM BARCIA
(Provided that Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Barcia for consideration of secs. 251–3 of the House bill, and modifications committed to conference),
SHEILA JACKSON-LEE,

From the Committee on Ways and Means, for consideration of secs. 103 sand 503 of the Senate amendments, and modifications committed to conference:

WILLIAM THOMAS,
E. CLAY SHAW, Jr.,
CHARLES B. RANGEL,

For consideration of the House bill and Senate amendments, and modifications committed to conference:

ROY BLUNT,
Managers on the Part of the House.

CHRISTOPHER J. DODD,
RICHARD J. DURBIN,
MITCH MCCONNELL,
CHRISTOPHER S. BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3295), to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections

Provides payments to States to improve the administration of federal elections, designates permitted uses of the funds, and sets the size of the payment at an amount based on the relative size of the voting-age population plus a minimum.

Sec. 102. Replacement of punch card and lever voting machines

Provides payments to States to replace punch card and lever voting systems with other systems meeting the requirements of this Act.

Sec. 103. Guaranteed minimum payment amount

Sets the minimum aggregate payment under Sec. 101 and 102 at $5 million.

Sec. 104. Authorization of appropriations

Authorizes $325 million in no-year funds for each program under Sec. 101 and 102 plus sums necessary for administration of the program, with unexpended or returned funds to be used for requirements payments under title II.

Sec. 105. Administration of programs

Provides authority to expedite payments.

Sec. 106. Effective date

Requires payments to be made within 45 days of enactment.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment

Establishes the Election Assistance Commission, the Election Assistance Commission Standards Board, the Election Assistance Board of Advisors, and the Technical Guidelines Development Committee.

Sec. 202. Duties

Stipulates that the Commission will serve as a national clearinghouse for information on federal elections and will carry out duties described in this Title, in Title III, and in Title V.

Sec. 203. Membership and appointment

Requires that the four Commission members are appointed by the President with the advice and consent of the Senate.

Sec. 204. Staff

Creates positions for an Executive Director and General Counsel and stipulates that the Executive Director may appoint additional staff.

Sec. 205. Powers

Empowers the Commission to hold hearings, take testimony, receive evidence, let contracts, obtain information from Federal agencies and support from the General Services Administration, and to use the mails as do other Federal agencies.

Sec. 206. Dissemination of information

Requires the Commission to disseminate information on its activities to the public on an ongoing basis.

Sec. 207. Annual report

Requires that the Commission submit a report to Congress by January 1 of each year on its activities for the previous fiscal year, including each program carried out, grant payments made, a copy of submitted reports by grant recipients, information on voluntary standards adopted, votes taken by the Commission, and other appropriate information.

Sec. 208. Requiring majority approval for actions

Requires that any action of the Commission be approved by three members.

Sec. 209. Limitation on rulemaking authority

Prohibits the Commission from imposing any rule, regulation, or taking any action that imposes requirements on State or local governments except as permitted under the National Voter Registration Act of 1993.

Sec. 210. Authorization of appropriations

Authorizes a maximum appropriation of $10 million per year for FY2003 through FY2005, in addition to grants and payments authorized under the title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment

Establishes a Standards Board and a Board of Advisors under the Election Assistance Commission.

Sec. 212. Duties

Requires that the two boards review the guidelines described in this title.

Sec. 213. Membership of Standards Board

Sets membership at 110, to include, from each State, the chief election official and a local election official chosen by peers in the State, with no two members from a state to be from the same political party, and also requires the board to select a nine-member Executive Board.

Sec. 214. Membership of Board of Advisors

Sets membership at 37, two each appointed by the National Governors Association; the National Conference of State Legislatures; the National Association of Secretaries of State; the National Association of State Election Directors; the National Association of Counties; the National Association of County Recorders; Election Administrators, and Clerks; the U.S. Conference of Mayors; the Election Center; and the International Association of County Recorders, Election Officials, and Treasurers; the U.S. Commission on Civil Rights; the Architectural and Transportation Barrier Compliance Board; plus the chief of the Office of Public Integrity of the Department of Justice; the chief of the Voting Section of the Civil Rights Division of the Department of Justice; the director of the Federal Voting Assistance Program of the Department of Defense; plus four members representing professionals in the field of science and technology; plus eight members representing voter interests, of which four are appointed by the House Administration Committee, two by the chairman and two by the ranking minority member; and four members appointed by the Committee on Rules and Administration of the Senate, two by the chairman and two by the ranking minority member.

Sec. 215. Powers of Boards; no compensation for service

Empowers each board to hold hearings, take testimony, and receive evidence, obtain information from Federal agencies and support from the General Services Administration, and to use the mails as do other Federal agencies. Prohibits issuance of subpoenas. Requires each board to meet at least yearly and prohibits compensation of board members, but permits payment of travel expenses.

Sec. 216. Status of Boards and members for purposes of claims against Board

Applies provisions of 28 U.S.C., Chapters 161 and 171, with respect to liability of boards and members, with an exception for criminal acts and other willful misconduct.

PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

Sec. 221. Technical Guidelines Development Committee

Establishes a 15-member Technical Guidelines Development Committee, to assist in the development of voluntary voting system guidelines (and modifications), to be chaired by the Director of the National Institute of Standards and Technology (NIST), and with members appointed jointly by the Director and the Commission and drawn from the Standards Board, the Board of Advisors, the Compliance Board, the Architectural and Transportation Barriers Compliance Board, the American National Standards Institute, the Institute of Electrical and Electronics Engineers, the National Association of State Election Directors, and other persons with relevant scientific and technical expertise. Prohibits compensation of members, but permits payment of travel expense, and requires publication of recommendations of the Development Committee in the Federal Register when the Commission adopts any guideline.

Sec. 222. Process for adoption

Requires the Executive Director of the Commission to take recommendations of the Development Committee into account in developing guidelines, and for the two boards to review the proposed guidelines, with a vote of the Commission required for adoption.

Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

Sec. 231. Certification and testing of voting systems

Requires the Commission to provide for testing, certification, decertification, and recertification of voting systems by accredited laboratories; NIST provides a list of recommended candidates for certification and provides for continuing review of laboratory performance.

Subtitle C—Studies and Other Activities to Promote Effective Administration of Federal Elections

Sec. 241. Periodic studies of election administration issues

Requires periodic, publicly available studies to promote improvements in election administration and methods of voting.

Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting

Requires a study, in consultation with DOD, on best practices for facilitating voting by military and overseas voters.

Sec. 243. Report on human factor research

Requires a report, in consultation with NIST, on application of human factors research to voting systems.

Sec. 244. Study and report on voters who register by mail and use of social security information

Requires a study of the impact of requirements in Sec. 303(b) for first time mail registrants, and a study, in consultation with the Social Security Administration, on using Social Security numbers in election administration.

Sec. 245. Study and report on electronic voting and the electoral process

Requires a study of issues associated with the use of electronic communication and Internet technologies in the electoral process.

Sec. 246. Study and report on free absentee ballot postage

Requires a study, in consultation with the Postal Service, on a program to waive or reduce postage for absentee ballots.

Sec. 247. Consultation with Standards Board and Board of Advisors

Requires the Commission to consult with the Standards Board and Board of Advisors in performing duties under this subtitle.

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

Sec. 251. Requirements payments

Requires the Commission to make yearly payments to qualifying States to meet the requirements of the Act, including certain retroactive payments, and for other activities to improve election administration.

Sec. 252. Allocation of funds

Sets the size of a payment to an amount based on the relative size of the voting-age population, designates a minimum payment, and stipulates that funds can be retained until expended.

Sec. 253. Condition for receipt of funds

Requires a State, to be eligible, to certify that it has filed a plan with the Commission meeting the requirements of Sec. 254–256 and a plan for implementing the requirements of Sec. 402, that it will use the funds in a manner consistent with Federal laws, as they apply to this Act, and with title III requirements, and that it has provided a 5% match. Gives States discretion to choose the method of compliance.

Sec. 254. State plan

Describes required elements of the State plan and required elements and uses of the State Election Fund. Exempts State and local jurisdictions from legal actions based on information in the plan, except with respect to criminal acts.

Sec. 255. Process for development and filing of plan; publication by Commission

Requires the chief State election official to develop the plan through a committee including local election officials and other citizens, and requires the Commission to publish submitted plans in the Federal Register.

Sec. 256. Requirement for public notice and comment

Requires a State to provide opportunity for public comments on the State plan and to take them into account in finalizing the plan.

Sec. 257. Authorization of appropriations

Authorizes a total of $3 billion for FY2003 through FY2005, to remain available until expended.

Sec. 258. Reports

Requires a yearly report by the State on activities conducted with the use of payments under this part.

PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

Sec. 261. Payments to States and units of local government to assure access to disabled voters

Requires the Secretary of Health and Human Services to make yearly payments to eligible States and local governments to assure access to polling places for individuals

with disabilities, including the blind and visually impaired, and to provide them with information on accessibility.

Sec. 262. Amount of payment

Requires the Secretary to determine payment amounts. Specifies that payments can be retained until expended.

Sec. 263. Requirements for eligibility

Requires a jurisdiction seeking funds to file an application that describes how the payment will be used and provides other required information required by the Secretary. Exempts State and local jurisdictions from legal actions based on information in the application, except with respect to criminal acts.

Sec. 264. Authorization of appropriations

Authorizes appropriations totaling $100 million for FY2003 through FY2005, to remain available until expended.

Sec. 265. Reports

Requires a report by recipients to the Secretary on activities conducted and a yearly report by the Secretary to Congress.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 271. Grants for research on voting technology improvements

Establishes a grant program, to be administered in consultation with NIST, for research and development to improve election systems and technology.

Sec. 272. Report

Requires recipients to submit reports to the Commission describing activities under the grant.

Sec. 273. Authorization of appropriations

Authorizes appropriations of $20 million for FY2003, to be available until expended.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 281. Pilot program

Establishes a grant program, to be administered in consultation with NIST, to test and implement new voting technologies on a trial basis.

It is the intent of the managers that such pilot programs shall include initiatives with regard to election administration methodologies.

Sec. 282. Report

Requires submission of a report to the Commission describing activities under the grant.

Sec. 283. Authorization of appropriations

Authorizes appropriations of $10 million for FY2003, to be available until expended.

PART 5—PROTECTION AND ADVOCACY SYSTEMS

Sec. 291. Payments for protection and advocacy systems

Requires the Secretary of Health and Human Services to award grants to entities in each State that represent persons with disabilities to provide services to ensure such persons full participation in the electoral process and sets minimum grant amounts as specified in the Rehabilitation Act of 1973. Also provides a 7% set-aside for grants for training and technical assistance.

Sec. 292. Authorization of appropriations

Authorizes appropriations of $10 million per year for FY2003 through FY2006 and such sums as necessary in subsequent fiscal years; prohibits recipients from using grant funds for litigation activities involving election-related accessibility.

PART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

Sec. 295. National Student and Parent Mock Election

Authorizes the Election Assistance Commission to award grants to a nonprofit, nonpartisan organization known as the National Student and Parent Mock Election, to simulate national elections that permit participation by students and parents.

Sec. 296. Authorization of Appropriations

Authorizes $200,000 for FY2003 and such sums as necessary in subsequent years.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

Sec. 301. Voting systems standards

Beginning January 1, 2006, requires all voting systems used in federal elections, while maintaining voter privacy and ballot confidentiality, to (1) permit voters to verify their selections on the ballot, notify them of overvotes, and permit them to change their votes and correct any errors before casting the ballot; however, jurisdictions using paper ballot, punchcard, or central-count voting systems (including absentee and mail-in ballots) may instead use voter education and instruction programs for notification of overvotes; (2) produce a permanent paper record for the voting system that can be manually audited and is available as an official record for recounts; and (3) provide to individuals with disabilities, including the blind and visually impaired, the same accessibility to voting as other voters, through use of at least one DRE or properly equipped voting system at each polling place; however, any system purchased with funds made available under Title II on or after January 1, 2007 must provide accessibility; (4) provide alternative language accessibility as required by law; and (5) comply with the error rate standards in the federal voting system standards in effect on the date of enactment. Requires each State to adopt uniform standards defining what constitutes a vote and what will be counted as a vote for each certified voting system.

Stipulates that the above requirements do not compel a jurisdiction to change to a different kind of voting system if the system it uses, including any paper ballot system, meets or can be modified to meet the requirements of this section.

Sec. 302. Provisional voting and voting information requirements

Requires that, beginning January 1, 2004, persons who claim to be registered to vote in a federal election in a jurisdiction but are not on the official list of registered voters or are otherwise alleged to be ineligible be offered and permitted to cast a provisional ballot, the ballot be promptly verified and counted if determined to be valid under State law, and the voter (and no one else) be able to ascertain whether the ballot was counted (and if not, why not) through a free-access system and be informed of that option when the ballot is cast. Stipulates that States that do not require voter registration or that are described in section 4(b) of the National Voter Registration Act of 1993 (NVRA) may use applicable State law.

Requires that a sample ballot and other voter information be posted at polling places on election day.

Requires that, if polling hours are extended as a result of a court order, any ballot cast in a federal election during that extension be provisional and be held separately from other provisional ballots.

Sec. 303. Computerized Statewide voter registration list requirements and requirements for voters who register by mail

Beginning January 1, 2004—or 2006 if the State certifies for good cause that it cannot meet that deadline—requires States to implement and maintain an interactive, centralized, and official Statewide computerized voter registration list accessible to all election officials in the State, and that contains registration information on every registered voter in the State. Requires the system to use a unique identification number for each registered voter and to be coordinated with other State databases. Persons can be removed from the list only under applicable provisions of NVRA. Election officials shall perform list maintenance with respect to the computerized list on a regular basis. If individuals are to be removed from the computerized list, they shall be removed in accordance with the provisions of NVRA. Consistent with NVRA, registrants who have not responded to a notice and have not voted in two consecutive general elections for federal office shall be removed from the official list of registered voters except that no registration may be removed solely by reason of failure to vote. Requires applicants to provide a valid driver's license number or, for applicants who do not have a valid driver's license number, the last four digits of the Social Security number. The State shall assign a unique identifier to individuals who do not have a valid driver's license number or a Social Security number. Requires sharing of information between voter registration and motor vehicle authority databases. Amends Sec. 205(r) of the Social Security Act to establish a mechanism for verifying the accuracy of information provided by a State driver's licence agency with respect to applications for voter registration. Requires States to use the mechanism except those that, in accordance with Sec. 7 of the Privacy Act of 1975, use the full Social Security number for voter registration, for whom this provision is optional.

Beginning January 1, 2003, requires certain voters who register by mail to present identification either when registering or when voting. Applies to persons who have not previously voted in a federal election in the State, or in the jurisdiction if the State does not comply with the requirements for a statewide computerized voter registration list. Accepted identification includes a copy of a current and valid photo identification (the original if voting in person), utility bill, bank statement, or government document that shows the name and address of the voter. Alternatively, the voter may cast a provisional ballot. Does not apply if the mail-in registration includes the voter's name, date of birth, and driver's license number or the last 4 digits of the Social Security number, and they match an existing State identification record. Also does not apply to voters entitled to vote otherwise than in person under federal law.

Requires that mail-in voter registration forms developed under NVRA include questions requiring voters to verify that they are U.S. citizens and old enough to vote, and requires States to notify voters who fail to complete the question on citizenship and provide the applicant with an opportunity to complete the form prior to the next election for Federal office.

It is the intent of the managers that such questions should be clearly and conspicuously stated on the front of the registration form.

Requires States and localities to comply with provisions on mail registration beginning January 1, 2004, except that they must be prepared to receive stipulated mail-in registration materials beginning January 1, 2003.

Sec. 304. Minimum requirements

Allows States to establish election technology and administration requirements stricter than those established under this title.

Sec. 305. Methods of implementation left to discretion of State

Gives States discretion to choose the methods of implementation.

Subtitle B—Voluntary Guidance

Sec. 311. Adoption of voluntary guidance by Commission

Requires the Commission to adopt voluntary guidance to assist States in meeting requirements of subtitle A and to update recommendations adopted with respect to Sec. 301 every four years.

Sec. 312. Process for adoption

Requires that the adoption process include public notice, comment, and hearings, and publication of the final recommendations in the Federal Register.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the Attorney General for declaratory and injunctive relief

Allows for civil action by the Attorney General to carry out the requirements under Sec. 301–303.

Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances

Requires States receiving funds under this Act to establish and maintain administrative procedures to receive, process, and act upon complaints about violations of provisions in title III. Requires States not receiving funds to either certify that they meet complaint-procedure requirements or to submit a plan describing steps to be taken to meet title III requirements. Such plan, if not approved by the Department of Justice, shall result in the State being deemed to be out of compliance with the requirements.

TITLE V—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 501. Establishment of program

Requires the Commission to establish the ''Help America Vote College Program'' to encourage students at institutions of higher learning, including community colleges, to serve as nonpartisan poll workers or assistants and to encourage States and local governments to use students in that capacity.

Sec. 502. Activities under program

Requires the Commission, in consultation with chief State election officials, to develop materials, sponsor seminars and workshops, advertise the program to students, make grants, assist any institution that wishes to participate, and take other appropriate actions. Limits grants to nonpartisan undertakings and requires the Commission to coordinate with institutions of higher learning and to make materials and assistance available without charge.

Sec. 503. Authorization of appropriations

Authorizes appropriations of $5 million for FY2003 and sums as necessary thereafter.

TITLE VI—HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation

Amends Part B of subtitle II of 36 U.S.C. to establish the federally chartered Help America Vote Foundation to mobilize secondary school students to participate as nonpartisan poll workers and assistants, to the extent permitted under State law.

Requires the foundation to act without partisan bias or promotion of any particular point of view and to consult with the chief election officials in the States, the District of Columbia, and Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands.

Establishes a 12-member board of directors with four appointed by the President, two by the Speaker of the House of Representatives, two by the House minority leader, two by the Senate majority leader, and two by the Senate minority leader, and with the chairs and ranking Members of the House Administration Committee and the Senate Rules and Administration Committee as ex officio, nonvoting members.

Sets the term of office at four years and stipulates that members are not employees of the Federal government. Prohibits compensation of board members, but permits payment of travel expenses. Restricts personal liability of members to gross negligence.

Requires the board to meet at least yearly and to select a member as chair, who shall not hold or have held any partisan elected office or national political-party committee office.

Permits the board to appoint and remove officers and employees of the foundation and stipulates that they are not employees of the Federal government except as otherwise provided in this chapter.

Grants the foundation such powers as necessary to carry out this chapter and also the usual powers of a corporation acting as a trustee in the District of Columbia, where the foundation will be located. Requires the foundation to have a designated agent to receive service of process for it.

Permits the foundation to accept gifts, devises, and bequests for its benefit and to let contracts. Also permits it to sponsor an annual conference to honor persons who have served as poll workers or participated in foundation programs and activities.

Requires an annual audit by an independent auditor.

Permits the Attorney General to bring a civil action for relief for behavior by the foundation that is inconsistent with the purposes designated in this title.

Excludes the U.S. government from any liability or obligation incurred by the foundation.

Authorizes $5 million for FY2003 and such sums as necessary thereafter.

Requires a report to the Commission on activities during the prior fiscal year.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs

Amends 10 U.S.C. 1566 to require the Secretary of Defense to establish procedures to provide the time and resources for voting assistance officers to perform voting assistance duties during the period in advance of a general election. Requires the Secretary of Defense, to the maximum extent possible, to implement procedures to ensure that a postmark or other proof of mailing date is provided on each absentee ballot. Requires the secretaries, through voting assistance officers, to provide notice to members of the armed forces of the last date before a general election for which ballots mailed at the facility can be expected to be delivered in a timely fashion to State and local election officials. Requires the secretaries to ensure that members of the military and their dependents have access to information on voter registration and absentee ballot requirements and deadlines. Requires that each person who enlists receive the national voter registration form at the time of enlistment or soon thereafter.

Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State

Amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to require each State to designate a single office to provide information to all absent uniformed services voters and overseas voters who wish to register or vote in any jurisdiction in the State.

Sec. 703. Report on absentee ballots transmitted and received after general elections

Amends the UOCAVA to require States to submit a public report to the Commission on the number of absentee ballots transmitted to absent uniformed services and overseas voters and the number returned and cast in the election, and requires the Commission to develop a standardized format for such reports.

Sec. 704. Extension of period covered by single absentee ballot application

Amends UOCAVA to require that an absentee ballot application pertain to all elections for Federal office held in the State through the next two regularly scheduled Federal general elections.

Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act

Amends UOCAVA to require the Presidential designee to ensure that State officials are aware of the requirements of that Act, and to prescribe a standard oath regarding perjury in completion of a document required under the title. Requires States to use the standard oath if the State requires an oath or affirmation for any voting document.

Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission

Amends UOCAVA to prevent States from refusing to accept or process a valid voter registration or absentee ballot application submitted by an absent uniformed services voter on the grounds that the application was submitted before the first date on which the State accepts or processes such application for that year.

Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters

Amends section 102 of UOCAVA to require a state to provide to each absent uniformed services voter or overseas voter the reason for rejecting an absentee ballot or voter registration application.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971

Amends section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) and transfers to the Commission all functions of the Office of Election Administration of the Federal Election Commission.

Sec. 802. National Voter Registration Act of 1993

Amends section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) and transfers to the Commission all functions that the Federal Election Commission exercises under the National Voter Registration Act.

Sec. 803. Transfer of property, records, and personnel

Transfers to the Commission all personnel, contracts, liabilities, records, property, and other assets or interests of the offices and functions of the Federal Election Commission that are transferred by this subtitle.

Sec. 804. Effective date; transition

Requires that this title take effect upon the appointment of all members of the Commission, which is authorized to utilize services from the entities from which functions will be transferred as needed for an orderly transfer. Directs the Office of Election Administration of the Federal Election to continue its functions in the interim.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws

Amends 5 U.S.C. 7323(b)(2)(B)(i)(I) and 3132(a)(1)(C) to specify that Commission personnel are covered by the Hatch Act and that the Commission is excluded from the Senior Executive Service.

Sec. 812. Coverage under Inspector General Act of 1978

Amends section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) to provide for coverage under that Act.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined

Defines State to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

Sec. 902. Audits and repayment of funds

Requires recipients of grants or payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. Authorizes each office that makes a grant or payment to audit or examine books, documents, papers and records of any recipient which are deemed pertinent to the grant or payment. Stipulates that the provision applies to all recipients of grants or payments under the Act. Requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the grant-making office. Stipulates that the Election Administration Commission is deemed the office making the grant with respect to General Services grants or payments. Requires that, if the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the grant-making office an amount that reflects the excess payment or the proportion representing noncompliance.

Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence

Amends the National Voter Registration Act of 1993 to clarify the ability of election officials to remove from the voter registration list the name of an individual who has not responded to a notice from the registrar of voters and who has not voted in two or more consecutive general elections for Federal office.

The minimum standard requires that removal of those deemed ineligible must be done in a manner consistent with the National Voter Registration Act (NVRA). The procedures established by NVRA that guard against removal of eligible registrants remain in effect under this Act. Accordingly, H.R. 3295 leaves NVRA intact, and does not undermine it in any way.

Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties

Requires the Attorney General to conduct a review of existing criminal statutes to determine whether additional statutory offenses are needed to secure the use of the Internet in elections and whether existing penalties are adequate with respect to such offenses. Requires the Attorney General to submit a report on that review to the House and Senate Judiciary Committees, the Senate Rules and Administration Committee, and the House Administration Committee.

Sec. 905. Other criminal penalties

Stipulates that individuals who provide false information with respect to registering to vote or voting, or conspire to provide such false information, will be fined, imprisoned, or both in accordance with 42 U.S.C.1973i(c).

Sec. 906. No effect on other laws

Stipulates that nothing in the Act, except as specifically provided in section 303(b), authorizes or requires conduct prohibited by the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, the Americans With Disabilities Act of 1990, or the Rehabilitation Act of 1973; or may be construed to supersede, restrict, or limit those Acts.

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

ROBERT NEY,
VERNON J. EHLERS,
JOHN T. DOOLITTLE,
THOMAS M. REYNOLDS,
STENY H. HOYER,
CHAKA FATTAH,
JIM DAVIS,

From the Committee on Armed Services, for consideration of secs. 601 and 606 of the House bill, and sec. 404 of the Senate amendments, and modifications committed to conference:

BOB STUMP,
JOHN M. MCHUGH,
IKE SKELTON,

From the Committee on the Judiciary, for consideration of secs. 216, 221, title IV, secs. 502 and 503 of the House bill, and secs. 101, 102, 104, subtitles A, B, and C of title II, secs. 311, 501, and 502 of the Senate amendments, and modifications committed to conference:

JOHN CONYERS, Jr.,

From the Committee on Science, for consideration of secs. 221–5, 241–3, 251–3, and 261 of the House bill, and sec. 101 of the Senate amendments, and modifications committed to conference:

SHERWOOD BOEHLERT,
CONSTANCE MORELLA,
JIM BARCIA
(Provided that Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Barcia for consideration of secs. 251–3 of the House bill, and modifications committed to conference),
SHEILA JACKSON-LEE,

From the Committee on Ways and Means, for consideration of secs. 103 and 503 of the Senate amendments, and modifications committed to conference:

WILLIAM THOMAS,
E. CLAY SHAW, Jr.,
CHARLES B. RANGEL,

For consideration of the House bill and Senate amendments, and modifications committed to conference:

ROY BLUNT,
Managers on the Part of the House.

CHRISTOPHER J. DODD,
RICHARD J. DURBIN,
MITCH MCCONNELL,
CHRISTOPHER S. BOND,
Managers on the Part of the Senate.

FURTHER CONSIDERATION OF H. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Committee on Education and the Workforce, but in his other life he was a nuclear physicist and a person who certainly knows the danger of weapons of mass destruction.

Mr. HOLT. Madam Speaker, I thank my friend and colleague for yielding me this time.

Madam Speaker, this past Sunday during a pancake breakfast at a firehouse in my hometown, one of my constituents approached me. ''Why have we gotten into this headlong rush into war,'' he asked? ''Why haven't we first exhausted all the other possibilities for dealing with Saddam?''

His questions reflected both my feelings and those of so many other Americans: Where is the pressing need to send our Nation, our servicemen and women, into a potentially bloody, costly war that could threaten rather than strengthen our national security?

I will vote ''no'' on this resolution.

It is true that Saddam Hussein has for years presented a threat to his own people, to the Asian region, to the world. His relentless pursuit of weapons of mass destruction is unconscionable. We have a legal and a moral obligation to hold him accountable for his flagrant violation of international law and his maniacal disregard for human decency.

I applaud the President for refocusing international attention on the Iraqi threat. This is something that I followed with concern since I worked in the State Department 15 years ago on nuclear nonproliferation. However, I believe it is at the least premature and more likely contrary to our national interests, the national interests of the United States, for Congress to authorize military action against Iraq now.

As I reviewed the arguments for and against this resolution, I found myself returning repeatedly to some basic questions. Would a unilateral American military attack against Iraq reduce the threat that Saddam Hussein poses? In other words, would a Saddam facing certain destruction be less likely or more likely to unleash his weapons of mass destruction on his neighbors, his own people, or on Americans? Will a unilateral military attack against Iraq strengthen our greater and more pressing effort to combat al Qaeda and global terrorism? Will it bolster our ability to promote our many other national security interests around the world? In other words, will it make Americans more secure? I believe the answer to all of these questions is a resounding no.

Why should we undertake actions that make more likely the very thing we want to prevent?

Madam Speaker, I also believe that the reaction to such a unilateral act would irrevocably weaken the international coalition we have built to fight terrorism across the globe. Yes, Iraq is one of the major threats facing international order, but it is by no means the only dangerous one. We cannot allow our contempt for the Hussein regime to detract us from achieving our long-term security goals.

Now, while I have no doubt that our military would successfully depose Saddam Hussein, we risk inflaming rather than diminishing the terrorist threat to the United States. We are adding a likely threat to our security.

The administration has tried and failed to prove that Saddam's regime is an immediate threat to American security, and it has simply failed to explain to the American people what would be the costs and what would be our responsibilities in a post-Saddam Iraq.

This resolution would give the President a blank check, in the words of my constituents, and would allow him to use Iraq to launch a new military and diplomatic doctrine, a dangerous, unwise doctrine.

I believe that by taking unilateral, preemptive military action against Iraq, we would set a dangerous precedent that would threaten the international order. I believe that we can and should take the lead in eliminating the threat posed by Saddam Hussein not by taking unilateral military action. I believe that if we consult actively with our allies in the region, in NATO, in the U.N. Security Council, we will be able to undertake effective inspections and end Saddam's threat. I do not believe that we need the permission of our allies to take action, but I do believe that we need their partnership to be successful in the long run.

Madam Speaker, we can and we will disarm Iraq and end Saddam's threat. The United Nations and the international community may recognize the need to take military action. The American people will understand and be prepared for that possibility. Now, they are not. Now, they are saying that, for the United States, war should and must always be our last recourse.

Mr. HAYES. Madam Speaker, it is my privilege to yield 5 minutes to the gentleman from Virginia (Mr. FORBES), an active member of the Committee on Armed Services.

Mr. FORBES. Madam Speaker, I rise in strong support of this resolution, not as some would mistakenly say in strong support of war but, rather, as history will proclaim, in strong support of an America free from the fear of terrorism.

Today, this House finds itself debating at one of the most significant crossroads in our fight against terrorism, as we ask why we must now focus our attention on the most powerful terrorist in the world, Saddam Hussein.

I ask this question of those who would have us close our eyes and sit on our hands: Can we afford to wait any longer?

Since September 11, 2001, the United States has worked to ensure that future attacks on our soil do not occur. We did not choose that fight. We did not choose to have thousands of innocent victims perish in brutal attacks. But we now have to win this fight against all of those who would seek to use force against the American people. It is no longer enough to punish evil after it has destroyed innocent lives. We must fight to ensure that evil does not succeed and protect the innocent as well as punish the guilty. Such a threat lies in Saddam Hussein if he is not disarmed and ousted as leader of his regime in Iraq.

Madam Speaker, the Fourth Congressional District of Virginia is home to many servicemen and women. They are not statistics, they are not numbers, they are my friends, my neighbors, and members of my church. But, Madam Speaker, they are ready to remove the Iraqi leader who seeks to destroy the freedoms that we as Americans hold dear.

The President addressed last night, and I think it is important to reiterate today, that we have a duty to act now to prevent a first strike attack by Iraq. Procrastination will only increase the threat that terrorist agents will once again cross over into our borders. But why now? Because over the past 11 years, the international community agreed on 16 United Nations Security Council resolutions designed to ensure that Iraq does not pose a threat to international peace and security. Because the world witnessed what an unchecked Saddam Hussein was capable of doing, and the world has waited while Saddam Hussein has violated each and every resolution that the United Nations has put forward.

To those who today cry, wait, wait, wait, I ask, if we have waited over 11 years for Saddam to fully disarm his chemical and biological weapons of mass destruction under the supervision of inspectors, how much longer should we wait? If we have waited 11 years for Saddam to disarm all ballistic missiles with a range greater than 150 kilometers, how much longer should we wait?

□ 2115

If we have waited 11 years for Saddam to agree to not use, develop, construct, or acquire any weapons of mass destruction, how much longer should we wait?

If we have waited 8 years for Saddam to agree not to enhance military capability in southern Iraq, how much longer should we wait?

If we have waited 6 years for Saddam to report shipments of dual-purpose items related to weapons of mass destruction to the U.N. and IAEA, how much longer should we wait?

And if we have waited 5 years for Saddam to give immediate, unfettered access to the Iraqi officials whom U.N. inspectors want to interview, how much longer should we wait?

And if we have waited 4 years for Saddam to reinstate U.N. weapons inspectors to have full and unrestricted access to weapons production facilities, how much longer should we wait?

Madam Speaker, we have waited long enough. We cannot wait until Saddam completes reconstruction of his weapons factories. We cannot wait until we are allowed to read the certificate of occupancy posted on the walls of these facilities, announcing more fear and terror to the free world. We cannot wait until he has nuclear capabilities. We cannot wait for history to repeat itself while trying to appease yet another unchecked dictator.

Now is the time to act. Now is the time to fulfill our obligation to protect the American people. Now is the time to pass this resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. SNYDER), a member of the Committee on Armed Services and a person who has personally gone in harm's way in the war between Ethiopia and Eritrea, so he knows the devastation of war.

Mr. SNYDER. Madam Speaker, as one of the 435 Members of this House, I have found this issue facing us for the last several weeks and months just one of those visceral, gut issues that just tears us up.

I have my space shuttle tie on this morning. I got up this morning and wore it because the space shuttle is way there, and right now every 90 minutes they are looking at this magnificent globe and they are seeing this beautiful Earth. We are down here debating about the ugliness; they are up there seeing the beauty. It tears me up, and I know it tears up all Americans as we are debating this.

I have to take some reaction with the previous speaker. Just because I disagree with the resolution on the floor does not mean I have my eyes closed, and it does not mean I am sitting on my hands. It may mean that I have a different and better approach, and we would do better to listen to each other than to accuse folks of being blinded and somehow not seeing the world as it is.

The very process that we have set up here, in which we divide time between yes and no and yes and no, I think there are a lot of people in this House that have a lot of questions, and a lot of questions are being asked by people who are already staking out a position. Even those of us who have decided have a lot of questions about what is happening.

We all want to be loyal to our President. That is not an issue. I know that my Republican friends have had their leadership come and say, we have to be loyal to our President. He is all our President. We all want him to do well. The issue is, how can we best help our President, George W. Bush, do well?

I will tell the Members one thing, overstatements do not help. Comparing, on one side, Saddam Hussein or Iraq to Nazi Germany, or on the other side comparing Saddam Hussein to Vietnam, they do not help. This is a peculiar situation facing the world now, and we had better deal with it, recognizing it is a peculiar situation never before faced in the world.

We all have proof Saddam is a bad guy; that is not the issue. The issue is,

how do we approach this particular bad guy at this moment in history? We had better approach this with some humility. This Congress has done a lousy job of predicting budget surpluses and deficits in our own Congress for 1 year, and yet we are now making predictions on both sides about what the world will look like if we do or do not take certain actions. We had better approach this with a great deal of humility about our ability to predict future events.

One thing that I have done, as a lot of Members have in the last few months, is try to spend time with as many military officers as I can. A lot of them are retired. There are a lot of doubts being expressed by people who have retired from the military.

The Philadelphia Enquirer has a story today: ''Officials' Private Doubts on Iraq War. Some military intelligence and diplomatic sources say hawks are overstating the danger that Baghdad poses,'' talking about doubts being expressed by those in the military.

We still have a couple of days left. I would encourage the Members who are still asking those questions to take the time to sit down with retired military or even their close friends within the military and just say, in complete and honest candor, what do you think? Maybe that will help resolve some of those questions.

The United Nations, those of us who think that the United Nations would be helpful in this process are not turning over the national security to the United Nations, but it is a different fact situation for this Congress and for the American people if we go alone or if we go with the United Nations.

That is not an unreasonable question to ask: Is it different if the United States goes alone? Is it different if the United States does it with the United Nations? I am one of those who thinks that we would be much stronger in the future if we go with the United Nations. It does not mean I am turning over the national security to the United Nations.

Is there anything wrong with the Congress deciding this very specific fact situation several weeks or months from now if the President decides we are going to have to go alone in this business without the United Nations? That is a different fact situation than if the United Nations is behind us. It does not mean we are turning over the national security to the U.N.

Resentment. I do not know how we can predict these future events, but the resentment of the Arab world, I just talked with General Zinni a few days ago, is as great as he has ever seen. If we mishandle the situation, it will be even greater. I would encourage Members to be analyzing this situation: What do our words and actions do for the next few years with our relationships with Arab countries?

I think our number one strategic goal and interest in the Middle East is to solve the security issues for the Israelis and Palestinians, even if it means 40,000 or 50,000 U.S. troops stationed there for years. What best helps that situation to be resolved? I think a lot of Members are saying that taking out Saddam Hussein may help, but we can sure come up with scenarios that it may not help guarantee the security of Israel and a peaceful Palestinian state.

The commitment to rebuild, I was talking to one of my colleagues in Arkansas, talking about our commitment to rebuild Iraq and Afghanistan. He said we have never fulfilled our commitment to rebuild the Delta after the Civil War. Why do we think we may actually follow through with our commitment to rebuild Iraq and rebuild democracy in Iraq? It is a very important issue.

Probably the overriding issue for me is war should only be used as a last resort. So the overriding question for me, in addition to what best helps reduce the risks of something happening to Americans, is have we reached the point where this is the last resort? I do not think we have reached that point.

The President said last night that we may not have to go to war. Those of us who very much are loyal to our President are saying, Mr. President, you would get a bigger vote for your resolution if you would say, first let me try it at the United Nations. If I am not successful, then I will come back to you, because then I would know that war unilaterally for America is the last resort. But we are not at that point today.

The gentleman from South Carolina (Mr. SPRATT) has offered an amendment with several of us that I think resolves a lot of these issues. It will get a bigger vote, if it was the base resolution, it would have a larger vote if the President would support it than the underlying resolution. It would send a strong signal to the international community.

It would say to the President, if you get the U.N. behind you in a way that you find satisfactory, you are authorized to use force; however, if you are not successful, please come back and let the Congress analyze the fact situation representing the American people at that time, and let us together decide what is best with the authorization of force in this very difficult world that we face today.

Madam Speaker, I thank my colleagues who care so much about these issues.

Mrs. WILSON of New Mexico. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I do feel compelled to respond to one point that my colleague, the gentleman from Arkansas, made. We need to make clear that the leadership and the President have not come to any Members of the body and asked them to support him as a matter of loyalty or for anything else.

There are 435 Members of this body who will each come to their own decision on the justness and the rightness of this cause, and each of us will vote as a matter of conscience as individuals; and the President and leadership have not twisted our arms, or even asked us to do anything otherwise.

Madam Speaker, the President has asked the Congress for the authority to use force against Iraq. This week the Congress will consider a resolution giving him that authority. I will be voting in favor of the Joint Resolution.

There is a very high standard and a narrow set of circumstances that would cause me to vote to authorize the use of force other than in self-defense against an armed attack against the United States or its allies.

Over the last month, I have listened to briefings and testimony, reviewed evidence, read reports and sought out independent experts to ask questions about Iraq and its nuclear, chemical and biological weapons program. I believe that, if left unchecked, it is likely that Saddam Hussein will cause these weapons to be used against the American people. The effect of such an attack would be devastating. We cannot wait for him to strike first.

The evidence that Iraq has and is further developing weapons of mass destruction is convincing. Iraq has chemical and biological weapons including mustard gas, sarin nerve gas and anthrax. We believe he may have other deadly diseases he is making into weapons. Iraq had an advanced nuclear weapons program before the Gulf War and is seeking to develop nuclear weapons again.

Saddam Hussein's intent is more difficult to discern. I believe the evidence of his ultimate intent to use these weapons or cause them to be used against the American people is strong enough that we cannot afford to ignore it. Iraq is developing missiles that can hit neighboring states and is building unmanned aerial vehicles to spread chemical and biological agents. I am concerned that Iraq is exploring ways to use these aerial vehicles for missions targeting the United States.

Saddam's aggressiveness, hatred of the United States and willingness to use chemical weapons is clearly established. Iraq has invaded its neighbors and has used chemical weapons against its own people. He is a brutal dictator and a tyrant. Being a brutal tyrant does not justify the use of force by America; the world has plenty of tyrants. But his past behavior provides context and credence to the assessment of his intent.

We are a moral people. We do not covet anyone else's territory or resources. We do not seek to destroy other civilizations or involve ourselves in the internal affairs of other states. The decision to authorize the use of force in advance of any attack is a grave one which I do not take lightly.

One of the defining characteristics of international relations in the twentieth century was the steadily declining legitimacy of the use of force by states other than in self-defense. This trend enhanced the stability and order of the system of sovereign states that has developed since the sixteenth century.

At the zenith of our military power, wielding enormous political, economic and social influence, America must not squander our moral authority by yielding to the temptation to justify using our military power preemptively other than in highly unusual circumstances. While the current threat posed by Iraq meets that high standard, we should be careful to acknowledge just how high the standard is. Otherwise, our rhetoric and actions could be used

to justify erosion of the general prohibition of the use of force by other states, undermining the stability of the system we seek to bolster.

I am voting to authorize the use of force against Iraq because it possesses and is further developing weapons of mass destruction and the means to deliver those weapons and because I believe that Iraq intends to use those weapons against Americans.

We should not go to war because another country represses its own minorities. Repression of minorities is a widespread human rights violation. We should not go to war because another country has failed to account for missing prisoners of war, as disdainful as that is. We should not go to war because another country simply possesses weapons of mass destruction. There are at least 12 states that already posses nuclear weapons, including some of our allies as well as former adversaries. Possession of these weapons alone is insufficient justification. We should not go to war because a country is trading outside of a sanctions regime.

Iraq is doing all of these things. But the set of circumstances that justifies this authorization to use force is very narrow and is related to Iraq's chemical, biological and nuclear weapons program and Saddam's intent to use those weapons against Americans. There is no objection to wait for him to strike first. We have a limited right of anticipatory self-defense and we must exercise it in this case. We cannot make a clear statement about the imminence of the threat from Saddam nor is it likely we would ever be able to until it was too late. In that sense, the threats of the twenty-first century are unlike those of the past. With these weapons, imminence is imperceptible and the risk of inaction is incalculable.

The joint resolution supports the President's diplomatic efforts to build a coalition to confront Iraq. Iraq has defied resolutions of the UN Security Council with impunity. The President was right to go to the UN and make the case for action against Iraq. In some respects, this current crisis is a test of the UN's continued relevance. If the UN is not willing to act collectively, we will have to build a coalition of states outside of the UN to act. This is, without doubt, a turning point for the United Nations as an institution.

Our top foreign policy priority must be to win the war on terrorism. There are ninety-plus states cooperating in that effort—for the most part involving their law enforcement and intelligence services. By building international support for any action against Iraq we can minimize the possibility that any of those states will distance themselves from this cooperation. Perhaps more importantly for the long term, military action against Iraq is bound to stir opposition among some in the Middle East. It will be easier to manage resentment if we build a coalition of states, including states in the Gulf Region.

While much of our attention has been focused on whether we should confront Iraq, in making my decision to support this resolution, I have also considered whether we can. Over the last year our military forces have been at increased operational tempo fighting a war in Afghanistan and defending the homeland. While Saddam's forces are considerably smaller than they were during the Gulf War, so are ours. I have been repeatedly assured by our military commanders and our civilian defense leadership that we have the forces, munitions, logistics, communications systems, spare parts, and the people it will take to prevail. They are trained and combat readiness levels are restored or being restored.

I have also been assured that our military strategy will be tied to our political objective. I opposed the use of force in Kosovo because we had a military strategy that used limited air power to achieve a largely humanitarian mission to prevent door-to-door ethnic cleansing in Kosovo. I have been assured that we will act with the full power of the U.S. military, giving them the force necessary to win and come home again.

The Congress authorizes the President to use force if all other means fail. We do not command the military or instruct the diplomats. I hope that, faced with the military might of a united coalition led by the United States, Saddam will choose to end his nuclear, chemical and biological weapons program and disarm. I hope this will not require military action, but it may.

People who have served in uniform are often the most reluctant to go to war—and I am no exception to that general rule. We know the risks; we know the limitations; and we know many of the likely participants. There are great risks in this potential action. But those risks will not diminish over time. And there are also great risks of inaction.

We did not choose this challenge. But faced with it, we cannot turn away.

Madam Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership tonight; and at this time I would like, as one of the newest Members of Congress and the most junior member of the Committee on Armed Services, to join in support of this bipartisan resolution.

I am here tonight with a number of different perspectives. The first is that I am a military parent. Additionally, I am a member of the Army National Guard. Also, I am a desert war trainee and a Member of Congress.

The most important role that I have tonight is that I am a military parent. I am very proud that I have three sons in the military. My oldest son, Alan, is a first lieutenant in the field artillery of the Army National Guard in South Carolina. He has just returned from advanced training at Fort Sill, Oklahoma.

Additionally, I am very proud of my son, Addison, Jr., who is a Naval Academy graduate and an ensign in the U.S. Navy, and he is currently at USUMS, the uniformed services university medical school here at Bethesda, Maryland.

Finally, I have another son, Julian, who is a junior at Clemson University, which is in the district of my colleague, the gentleman from South Carolina (Mr. GRAHAM). He is a member of the Army ROTC, and his heritage is extremely significant to me. His grandfather, Julian Dusenbury, was awarded the Naval Cross for his service at Okinawa in the seizure of Shuri Castle.

Finally, I am here also as a member of the National Guard. I am the only Member of Congress who is serving currently in the National Guard, and I am very proud of the people that I serve and work with. I know that they are trained and they are competent and they are dedicated to protecting America.

I am here as a person who, 2 years ago, and I may have the most recent desert war training, served at Fort Irwin in California, the Mojave Desert, at the National Training Center in a rotation. I know that the American military is trained and ready for military service.

As a Member of Congress, I know, Madam Speaker, that today we are discussing one of the most important decisions that we as United States Representatives will ever face. The question before us is whether or not to support the bipartisan resolution authorizing the use of American military force against Saddam Hussein and his Iraqi regime as part of the continuing war on terrorism.

There is no doubt that each of us brings different perspectives to this debate, and for good reason. This is the people's House of Representatives; and, therefore, we should reflect the different people across this great country.

In the case of Iraq, Saddam Hussein has proven himself to be a brutal dictator in possession of chemical and biological weapons of mass destruction and aggressively, according to the British Prime Minister, seeking nuclear capabilities. He has shown his willingness to use these weapons even against his own people.

Saddam has continually harbored and supported known terrorist organizations, including members of the al Qaeda, the terrorist group linked to the murderous attacks on September 11 in New York, Pennsylvania, and Washington.

Saddam has also attempted to assassinate a U.S. President and fired thousands of attacks against American and British Air Forces in the no-fly zones of Iraq.

In his own country, Saddam Hussein has carried on one of the most cruel and barbaric regimes in the world, murdering political enemies, raping the wives of his foes, and torturing their children.

So what are we to do about this madman? Saddam Hussein is an enemy of the United States. This is a Stalin and a Hitler who has the capability of murder of thousands of innocent American men, women, and children, and who supports and harbors terrorists.

In history, there have been some enemies of freedom and liberty that respect nothing but the threat of superior military force. Saddam Hussein's Iraqi regime is such a threat. America has become the target because America is the world's symbol of freedom, liberty, and democracy. As one of America's great Presidents, Ronald Reagan, showed us in the Cold War, peace is achieved through strength, as he achieved victory in the Cold War.

While I have no desire to see my children sent to war, we may be left with no other choice. I can assure the Members that as a member of the military, as a military parent, that the American military is ready and willing to answer the call to preserve freedom and liberty for generations to come, and to stop the threat posed by Saddam Hussein to the innocent lives of the American public.

□ 2130

Madam Speaker, I urge my colleagues to support this bipartisan resolution.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations and a fighter for human rights.

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. Madam Speaker, when September 11, 2001, happened, I was in New York City. And as the enormity of what terrorism could do to my city hit me, I was stunned. Then I wept with all of those innocent people who were simply doing their jobs and living their lives when one moment of hate lost their lives. There has, however, not been any conclusive evidence that links al Qaeda to those responsible for the tragedy with Iraq.

Some question whether those who oppose this resolution are forgetting those who died on September 11. Some question our patriotism. Though I should not have to affirm my patriotism, I say simply that I love my country, I love my city of New York, and I am not afraid to deal with those who attacked it. It is the most basic of our purposes as a national government to defend our Nation. But here we speak of a different matter.

If our ultimate goal is to disarm Iraq and all chemical and biological weapons, how does giving our President this right to go to war accomplish that goal? Would not working with the U.N. to implement a program of rigorous inspections move us closer to our goal?

This new doctrine announced by the President that the U.S. has the right to engage in a preemptive strike, which he seeks to implement through this resolution, frightens me and establishes a troubling precedent. This is a doctrine better left unused. It contravenes a half century of developed international law of which the U.S. has been a champion. Taking this idea to its logical conclusion means that India and Pakistan, for instance, nations with nuclear weapons and a history of conflict, may no longer feel bound by the limitations on the use of force that have been agreed to by the family of nations. The U.N. would become irrelevant, and the checks and balances that membership in the U.N. places on its members states will no longer apply.

Even if we have strike and successfully defeat Iraq militarily, will this make our Nation a safer place to live?

The administration often talks about regime change in Iraq and the need to remove Saddam Hussein from power. Yet in 1991 we decided against regime change because of concern of the overall stability of the region. What has happened since that time that has changed the goals of military action?

As a Nation we need to plan and think beyond what passage of this resolution and a military victory would mean. The U.S. would need to expend at least the next 10 years involved in occupation, reconstruction and rebuilding. That is the point that no one seems to talk about, the fact that after we defeat Saddam Hussein we have to stay in Iraq, some experts say, at least for 10 years.

One point also that surprises me that very few people, if any, bring up is, has anyone told us how we will defend Israel when Saddam Hussein and his madness, against the wall, decides to attack Israel? Those of us who support the State of Israel know that that is not part of this discussion at all.

The last point that I would like to make is that we should, in our expending a lot of energy in trying to reach out to young Arab men and women, to tell them, to show them that we are not their enemy. By attacking an Arab country when even our allies in the Arab world do not support us will only, in my opinion, grow the hatred against this country. At the expense of sounding ridiculous, it could be said that it would be an increase in al Qaeda membership.

We were founded on the principles of justice and strong morality. We have to be careful now that as we take and embark on this road we do not hurt ourselves while we try to help ourselves.

We embarked on a war against terrorism. Now we are being told that attacking Iraq is part of that war. Yet Osama bin Laden, from all accounts, is still alive; and there is still work that has to be done.

This is by far the most difficult vote that anyone can take. But I end this speech tonight as I began it and as I spoke 11 or 12 years ago. We have to be careful. We have to know what we are doing, and we have to know the severity of our actions. I will vote against this resolution because I cannot agree with the course that our great Nation is embarking on, one that brings the threat of war closer and the goal of peace further away.

Madam Speaker, it is our children we will be sending to war. It is the people of Iraq we will engage in a war. We should think and think. And, Mr. President, I suspect that you will get the support of this Congress. Use this power wisely.

Mrs. WILSON of New Mexico. Madam Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. KIRK), another member of the Committee on Armed Services and an officer in the Naval Reserve and a veteran of Northern Watch as well as Kosovo.

(Mr. KIRK asked and was given permission to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, 140 years ago a gentleman from Illinois wrote the following:

''The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with this occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and we shall save our country.

''Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.

''We say we are for Union. The world will not forget we say this. We know how to save the Union. The world knows we know how to save it. We, even we here, hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free, honorable alike in what we give and what we preserve.

''We shall nobly save, or meanly lose, the last best hope of Earth. Other means may succeed. This could fail. The way is plain, peaceful, generous and just, a way which if followed the world will forever applaud and God must forever bless.''

Abraham Lincoln wrote those words on the eve of his most important decision. The occasion before us here is also drenched in significance.

I am often asked whether I am a dove or a hawk on the question of Iraq. I prefer to be an owl, one who approaches this with steady, firm judgment.

I believe we must deal with the enforcement of the United Nations Security Council resolutions requiring Iraq to disarm as part of an international coalition. Diplomatic efforts must be our primary effort, with a use of armed force only as a last resort.

Along well-settled principles of constitutional and international law, the United States may declare war only with the formal approval of the Congress; and we should try to endeavor to operate with the approval of the U.N. Security Council.

As a veteran myself, I believe that making the decision between war and peace is the most sacred duty of the Congress. Many people who never saw war are quick to urge military actions. Veterans can report with firsthand experience that waging war is a cruel and blunt instrument to be used only by a free people as their last choice. In my own experience, war has taught me to be the best friend of our State Department, a place where diplomacy is always the preferred course of action.

I used to work in the State Department, and I applaud Secretary of State Colin Powell in his efforts to build a large coalition of like-minded nations

to enforce the will of the Security Council.

In reviewing of the reports of the United Nations, our allies and respected human rights groups, it is clear that the Iraqi regime represents a growing present danger to the United States and its allies and its own people. Given its proximity to Iraq, our allies in Israel probably face the greatest danger. I believe that the disarmament of Iraq is important to the security of the United States but is vital to the security of our allies in Israel.

In my judgment, the existence of Israel hangs on the success or failure of the U.N. efforts to disarm Iraq. This is why the government of Israel, like Her Majesty's government in the United Kingdom, so strongly supports our goal. It is clear that this steadfast, concentrated action by the international community is needed to reduce the danger to the United States and our allies.

While some say that inspections against a government determined to conceal its weapons are certain to fail, I disagree. Unlike the inspectors that we sent into post-war Germany after World War I or even Iraq, a new Security Council resolution could lay out clear rules granting free, unescorted and unannounced access by inspectors to Iraqi programs.

In my work on this issue, I joined with the gentleman from New Jersey (Mr. ANDREWS), a representative of the opposite party, to form an Iraq working group here in the House where we have convened many meetings with U.N. weapons inspectors, Iraqis and administration officials to learn more about this issue. Our meetings with the U.N. inspectors have been some of the most fruitful.

Dr. David Kay, the Chief United Nations Weapons Inspector, reported that if he were to return to Iraq he would need a new Security Council resolution with two major changes: one, complete access to all sites, including presidential sites and Northern Iraq, which were denied to previous U.N. inspectors; and, two, the power to grant permanent asylum to any scientist or their families who could be taken out of Iraq and debriefed on the weapons of mass destruction program that employed them.

Dr. Kay reported that President Bush, Sr., and President Clinton both denied him the authority to force access to key sites and failed to grant him the power to bring any Iraqi and their families. He reported to our working group that, with these two changes granted under a new Security Council resolution, he would be willing to return to Iraq and carry out the will of the United Nations to disarm the government.

We have had several conversations with the National Security Advisor, Dr. Rice, and members of our United Nations Mission in New York who report that, without the credible threat of force, Secretary of State Powell has little chance for passing the kind of Security Council resolution that Dr. Kay outlined would be needed to peacefully disarm Iraq.

I am encouraged that this resolution before the House has the support of senior Democratic and Republican leaders. It underscores the consideration of this issue should be without partisan rancor or advantage, and we should not consider this measure as partisans but as Americans.

This resolution offers the best hope for a new U.N. Security Council resolution to rewrite the rules of inspection to make them more effective. Secretary Powell has asked for this resolution to pass the Congress to give him the tools he needs for U.N. support, and I voted to give him that support.

As a veteran, I see any potential military action first through the eyes of young men and women who volunteered to wear the uniform and would carry out the mission. As I have detailed here, I believe that this resolution unlocks the door for more effective inspections. We must use the opportunities we have to take non-military action through the U.N. to determine if unrestricted inspections of Iraq's weapons of mass destruction program can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. And if they fail, it will rally international support against an isolated Iraq, making any more decisive action quicker and more likely to succeed.

Madam Speaker, 140 years ago, a gentleman from Illinois wrote the following passage—one that applies to the question now before this House:

''The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and we shall save our country.

Fellow citizens we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.

We say we are for Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it. We—even we here—hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve.

We shall nobly save, or meanly lose, the last best hope of earth. Other means may succeed; this could fail. The way is plain, peaceful, generous, just—a way which if followed, the world will forever applaud, and God must forever bless.''

Abraham Lincoln wrote those words on the eve of his most important decision of the Civil War. The occasion before us here is also drenched in historical significance.

I am often asked if I am a ''Dove'' or ''Hawk'' on the question of Iraq. I prefer to be an ''Owl''—one who approaches this with a steady, firm judgment.

I believe that we must deal with the enforcement of the United Nations (UN) Security Council resolution requiring Iraq to disarm as part of an international coalition. Diplomatic efforts must be our primary effort, with a use of armed force only as a last resort. Along well-settled principles of Constitutional and International Law, the United States may declare war only with the formal approval of the Congress and should try to endeavor to operate with the approval of the UN Security Council.

As a veteran myself, I believe that making the decision between war and peace to be the most sacred duty of the Congress. Many people who never saw war are quick to urge military action. Veterans can report with first-hand experience that waging war is a cruel and blunt instrument to be used only by a free people as their last choice. In my own experience, war taught me to be the best friend of our State Department—a place where diplomacy is always the preferred course of action. I used to work in the State Department and I applaud Secretary of State Colin Powell in his efforts to build a large coalition of like-minded nations to enforce the will of the Security Council.

With regard to military force, our founding fathers debated the proper place for the power to make war at the Constitutional Convention and feared it most in a new democracy. They specifically rejected proposals to give such a power to the President and directed that only the elected representatives of the American people in our Congress could declare war. For most of our history, Presidents followed the restrictions of the Constitution when going to war. In the 1950s and 1960s, we deviated from the clear requirements of the Constitution to our profound detriment. I believe that it is far worse to send our uniformed men and women into a conflict the American people do not support than to never send them at all.

In recent years, Presidents Bush and Clinton returned to our historic, constitutional practice of Congress voting before sending uniformed Americans into harm's way. Congress voted on U.S. military actions in Kuwait, Haiti, Bosnia and Kosovo prior to deployment. As a military officer involved in each of these campaigns, I can report that the long congressional debate and formal approval of our missions made a difference improving our morale and clarity of purpose. The Administration should follow these precedents and obtain congressional sanction to engage in military action against Iraq. Congress must approve any military action against Iraq before it happens. Without such formal approval, no action should be taken.

When the United States and our allies emerged victorious after the Second World War, we remade the ineffective League of Nations into a more effective United Nations. Under the charter of the UN, all member states are required by international law to abide by the decisions of the UN's Security Council. By the terms of the UN Charter, permanent members of the Security Council—the United States, China, Russia, France and Britain—retain the power to veto any proposed action by the Council. While the Council has not always been able to take decisive action, it has moved on many occasions to enforce the will of the international community in Korea, Kuwait, Bosnia and Kosovo.

President Bush's decision to seek approval by the UN Security Council to enforce its previously-passed resolutions underscores a fundamental political and military requirement for the United States military to build allied support and to isolate any potential opponent of the international community. By acting under a UN resolution, U.S. armed forces could join as part of a broad coalition opposing an enemy that has little to no international support. For this key reason, the resolution clearly outlines that the United States should try to act with approval of the UN in dealing with Iraq.

The decision to go to war is the most important decision that I can make as a representative in Congress. As a veteran, I see any potential military action first through the eyes of the young men and women who volunteered to wear the uniform and would carry out such a mission. We must use the opportunities we have to take non-military action through the UN to determine if unrestricted inspections of Iraq's weapons of mass destruction can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. If they fail, it will rally international support against an isolated foe, making any more decisive action quicker and much more likely to succeed.

When we look at the situation in Iraq, we should not take military action until two basic questions are answered:

1. Does Iraq Present a Clear and Present Danger to the United States and Our Allies?

2. Will Non-military Action by the International Community Achieve Our Objectives?

So, does Iraq present a clear and present danger?

With regard to Iraq, the United Nations Security Council passed Resolution 686 in March of 1991 requiring Iraq to release all prisoners of war, return Kuwaiti property and pay damages. To date, the UN reports that Iraq failed to return 609 prisoners from 14 UN member states, including one American pilot. Iraq also holds over 5,000 Iranian POWs. In total, the respected human rights group Amnesty International reports that Iraq failed to account for 16,000 people held in its custody. The UN staff reported to the Security Council on this issue that ''no progress [has been] made on return . . .'' Iraq also failed to return Kuwaiti military equipment and items from its state archives.

In April of 1991, the Security Council passed Resolution 687. The resolution required Iraq to ''unconditionally accept'' the destruction, removal or rendering harmless ''under international supervision'' all ''chemical and biological weapons.'' The resolution also required Iraq to ''unconditionally agree not to acquire or develop nuclear weapons or nuclear weapons usable material'' or construct ''any research, development or manufacturing facilities.'' Finally, the resolution also required Iraq to ''unconditionally accept'' the destruction, removal or rendering harmless ''under international supervision'' of all ''ballistic missiles with a range greater than 150 km and related major parts and repair and production facilities.

Despite the requirement not to possess chemical and biological weapons, UN staff reported that Iraq lied to the UN Special Commission on Iraq (UNSCOM) in 1995 after Saddam Hussein's son-in-law defected to Jordan and told of the dictator's still-thriving biological and chemical weapons programs. Iraq then admitted it produced thousands of liters of anthrax, botulinum toxin and aflatoxin for use with Scud missile warheads, aerial bombs and artillery. UNSCOM reported to the Security Council that Iraq concealed its biological weapons program and failed to account for three tons of growth material for biological agents. The UN also reported that Iraq failed to account for 15,000 artillery rockets filled with nerve gas and 550 artillery shells filled with mustard gas.

In January 2001, our Defense Department reported that Iraq converted Czech L–29 jets into chemical and biological delivery vehicles. Iraq also modified a second jet for use as an Unmanned Aerial Vehicle (AUV) to spray chemical and biological weapons. We have evidence that Iraq has built a third unmanned aerial vehicle that is much smaller than the larger jets. There are reports that this smaller AUV is the intended final vehicle for use delivering chemical and biological weapons in a way that would not be detected on radar. There is compelling further evidence on this program which remains classified.

Reporting on the violation of commitments on ballistic missiles, UNSCOM disclosed that, contrary to UN resolutions, Iraq had retained a number of Scud missiles. Iraq also began work on two new missiles, a liquid-fueled missile (the al-Samoud) and solid-fueled missile (the Ababil), both capable of flying far beyond the 150 km limit imposed by the UN Security Council. Such missiles could deliver a weapon of mass destruction against Israel in under 250 seconds. Iraq also rebuilt the al-Mamoun missile test facility that had been dismantled by the UN to prevent the construction of long-range missiles. Work is underway to test a much larger missile engine to support even longer-range missiles.

Despite promises not to acquire or test nuclear components, Iraq has a large nuclear weapons complex. Saddam Hussein regularly makes reference to his ''nuclear mujahadeen'' and UNSCOM reports over 40,000 Iraqis work on the nuclear weapons program. British intelligence services report that Iraq stepped up purchases of nuclear weapons material over the last 14 months. The New York Times recently reported Iraqi agents attempted to purchase 114,000 parts of a nuclear centrifuge to refine fissile material for a nuclear bomb. In September, the British International Institute for Strategic Studies reported that absent the Gulf War, Iraq would have had nuclear weapons by 1993 and could now possess a weapon within months of obtaining fissile material.

Last year, Adnan Ihsan Saeed al-Haideri, an Iraqi defector, reported that he visited 20 secret facilities dedicated to producing nuclear, biological and chemical weapons. He supported his report with copies of Iraqi government contracts and technical specifications. It is clear that Iraq is advancing program to develop weapons of mass destruction in violation of its commitments imposed by the UN Security Council.

Following the deployment of UNSCOM to Iraq, Saddam Hussein barred international inspector access to key individuals, sites and equipment necessary to verify compliance with international law. The UN condemned Iraq for failing to comply with UN Security Council resolutions on August 15, 1991. The UN Security Council subsequently passed 12 more resolutions between 1991 and 1999 condemning Iraq and attempting to enforce the will of the international community. The President of the Council also made 30 statements condemning Iraq's non-compliance.

Beyond commitments to return prisoners and to disarm weapons of mass destruction, the UN Security Council also passed Resolution 688 requiring Iraq to end repression of the Iraqi people ''the consequences of which threaten international peace and security.'' The UN Commission on Human Rights and UN General Assembly reported on ''systematic, widespread and extremely grave violations of human rights'' citing an ''all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror.'' The Iraqi government blocked all visits by the UN Special Rapporteur on Human Rights from 1992 to the present.

Amnesty International reported that in October 2000, Iraq executed dozens of women on charges of prostitution. Amnesty also reported the decapitation of numerous women accused of crimes with victims heads displayed in front of homes for several days. They further reported that the female relatives of prisoners are often raped as part of their torture. The UN Special Rapporteur, Max Van der Stoel, reported that hundreds of Iraqi Kurds were used as subjects in Iraq's testing of new chemical and biological weapons. Van der Stoel also reported at least 1,500 executions of political opponents. Sometime between September of 1998 and December of 1999, the town of Albu 'Aysh was destroyed with extensive civilian casualties. UNSCOM also reported on a special prison for the children of adult prisoners. The Human Rights Alliance also reported that over 500 journalists and intellectuals have been executed.

Under Resolution 688, the United States, France and Britain were directed to operate no-fly zones over southern Iraq to protect the Shia minority (Iraq's governing elite is exclusively Sunni) and northern Iraq to protect five million Kurdish citizens of Iraq. The Iraqis of these communities strongly support the no-fly zones and believe that it is the key to safety for their families. I am a veteran of Operation Northern Watch and was proud to serve my country to protect helpless minorities. On September 16th, Iraq offered the UN Secretary General the opportunity to return UNSCOM to Iraq for ''unrestricted'' inspections. On September 17th, Iraqi armed forces fired on UN aircraft patrolling the no-fly zone. They did so again the following day. To date, the Iraqis have fired on UN aircraft over 60 times since their offer of ''unrestricted'' inspections.

Iraq is also prohibited from carrying out terrorist acts under the terms of the UN Security Council's Resolution 687. Despite this requirement, agents of the Iraqi Intelligence Service attempted to use a car bomb in 1993 to assassinate former President George Bush. Iraq harbors the Mujahedin-e-Khalq (MKO) that killed several Americans. It also housed the Palestine Liberation Front, best known for killing American Leon Klinghoffer and many attacks against Israel. Iraq also sheltered the Abu Nidal organization and now pays $10,000 to the families of Palestinian suicide bombers. Defectors report that Iraq operates an international terrorist training camp at Salman Pak, open to Arab and non-Arabs alike. While there is no clear link between the Iraqi government and the September 11th attacks, Iraq now harbors several members of the Al Qaeda terrorist organization.

Much of this activity by Iraq costs money. Iraq must operate under a UN embargo that allows it to sell oil with proceeds going into an account controlled by the UN. Despite protests from average Iraqis, the government of Iraq regularly applies for the use of the UN oil-for-food money to purchase luxury cars, electronic equipment and elite infant diet formula. Much of the funding under the UN program was used by Iraq to construct several ''presidential palaces'' detailed in a well-covered speech by then Secretary of State Madeline Albright. In order to generate funding for its weapons of mass destruction program and missile development, Iraq exports thousands of barrels of oil on the black market in violation of the UN program, with proceeds controlled by Saddam's two sons, Uday and Qusai. Total proceeds exceed several billion dollars—more than enough to fund a large weapons of mass destruction program.

In reviewing the reports of the UN, our allies and respected outside human rights groups, it is clear that the Iraqi regime represents a growing present danger to the United States, our allies, and its own people. Given its proximity to Iraq, our allies in Israel probably face the greatest danger. I believe that the disarmament of Iraq is important to the security of the United States but is vital to the security of our allies in Israel. In my judgment, the existence of Israel hangs on the success or failure of the UN effort to disarm Iraq. That is why the government of Israel, like Her Majesty's Government in the United Kingdom, strongly supports this goal. It is clear that steadfast, concentrated action by the international community is needed to reduce the danger to the United States and our key allies.

Will Non-military Action by the International Community Achieve Our Objectives?

Between 1991 and 1997, UNSCOM was able to demilitarize a large number of Iraqi weapons of mass destruction and missiles. It is clear that UNSCOM was able to delay the expected 1993 date when Iraq was expected to possess a nuclear arsenal. UNSCOM's two chiefs, Ambassador David Kay and Ambassador Richard Butler, emphasize that while inspections yielded results, they had to be supported by strong international action to bolster the authority of the UN. This support waned in 1997 and allowed Iraq to force the withdrawal of UNSCOM in 1998.

There have been no inspections in Iraq for four years and less is known now about the progress Iraq has made on its weapons of mass destruction program. More is known about the resources Iraq spends on this program with indications that Iraq has substantially increased spending on special military projects over the years since UN inspectors were forced to leave. A steady stream of defectors and reports from other UN members indicate that Iraq is accelerating its work on nuclear, biological and missile programs.

Ambassador Kay testified before the House Armed Services Committee that further inspections would not be effective unless the UN was given a carte blanche to visit any site with no notice, retaining the right to produce any witness at any time. He advised the Committee that he believed Saddam Hussein would never agree to such an inspection policy.

He was wrong.

On September 16th, Saddam Hussein advised the Secretary General of the UN that Iraq would permit the redeployment of UN inspectors in Iraq with no restrictions. Many observers are understandably skeptical that Iraq will actually allow UN inspectors to peacefully disarm Iraq of its most deadly and expensive weapons.

Nevertheless, this is an opportunity that we cannot ignore.

The UN should mount an inspection mission to Iraq with the authority to conduct the most aggressive plan possible. It is possible that non-military action by the international community will achieve our objectives in Iraq.

The history of international arms inspection shows some failures. Eighty years ago, the international community imposed an inspection regime on the government of Germany. The League of Nations created an ''Inter-Allied Control Commission'' for the ''complete execution of delivery, destruction, rendering useless of weapons, ammunition and material carried out at the expense of the German government.'' Inspectors were granted full freedom of movement, all necessary facilities, documents and designs. 337 inspectors were deployed in 11 districts across the country. The Commission reported the following results: Cannons Destroyed, 33,384; Artillery Shells Destroyed, 37,211,551; Machine Guns Destroyed, 87,240; and Poison Gas Cylinders Destroyed, 920 tons.

In sum, they reported that 97% of Germany's artillery and 98% of her men under arms were rendered ineffective.

The Commission's reports on German violations were very controversial. Andre Tardieu, the leading French diplomat for implementing the inspections, wrote to President Wilson on the controversy of inspector reports:

''The pacifist element in each of the nations of the League will be quite naturally inclined to deny reports disturbing to their peace of mind and more or less consciously espouse the cause of the German government which will deny the said reports. We must recall the opposition of these pacifist elements at the time when Germany armed to the teeth and openly made ready the aggression of 1870 and 1914. To sum up:

—Germany will deny.

—Their government will discuss.

—Public opinion will be divided, alarmed, [and] nervous. The League, unarmed, will have brought to pass in the world not general peace but general uncertainty which will give birth to a kind of interior and exterior conflict.''

In the end, Germany rearmed under the eyes of over 300 international inspectors. As evidence of violations mounted, the international community lost its nerve to impose the will of the League of Nations. This lesson of history is instructive and we should use it to make sure international inspections in Iraq do not suffer the same fate.

The record of inspections in Iraq is uneven. While the UN Special Commission on Iraq reported an impressive amount of Iraqi weaponry destroyed, its lack of cooperation from the government and failure to achieve a complete accounting show that it was not a complete success.

While some may say that inspections against a government determined to conceal are certain to fail, I disagree. Unlike the inspectors of Germany or even Iraq, a new Security Council resolution could lay out clear rules granting free, unescorted and unannounced access by inspectors to the Iraq programs. In my work on this issue, I joined with Representative ROBERT ANDREWS of New Jersey—a representative of the opposite party—to form an ''Iraq Working Group'' here in the House. We have convened many meetings with UN Inspectors, Iraqis and Administration officials to learn more about this issue.

Our meetings with UN inspectors have been some of the most fruitful. Dr. David Kay, the United Nations Chief Weapons Inspector, reported that if he was to return to Iraq, he would need a new Security Council Resolution with two major changes to foster success:

1. Complete access to all sites, including ''Presidential sites'' and Northern Iraq, which were denied to previous UN inspectors, and

2. The power to grant permanent asylum to any scientist and their families who could be taken out of Iraq and debriefed on the weapons of mass destruction program that employed them.

Kay reported that President Bush Sr. and President Clinton had denied him the authority to force access to key sites and failed to grant him the power to bring any Iraqi and their family members out of Iraq. He reported to our working group that with these two changes—granted by a new Security Council resolution—he would be willing to return to Iraq to carry out the will of the United Nations to disarm the government.

I have had several conversations with our National Security Advisor, Dr. Rice, and Members of our United Nations mission in New York who report that without a credible threat of force, Secretary of State Powell has little chance for passing the kind of Security Council resolution that Dr. Kay outlined would be needed to peacefully disarm Iraq.

They report that two key permanent members of the Council, Russia and France, have clear interests in this question. Russia is owned over $8 billion by the government of Iraq. She sees a possible war or interfering with debt repayments and—as a good banker—therefore is inclined against it. If the U.S. leads an international coalition to replace the government of Iraq and Russia opposed this move, then Russia would see its debt repudiated. Russia cannot allow that to happen and therefore would have to back an international effort once it forms. France's position is similar. France's number one goal in the region is access to the Iraqi export market. But if a new government is installed and France opposed this action, France would suffer a loss of a key export market. Therefore, if international pressure is formed, France cannot afford to be left out. Diplomats reported to me that this is similar to the situation facing the Council in September of 1990. Most members did not want to rescue Kuwait and preferred to let Iraq administer this former UN member as a new ''19th province of Iraq.'' Once US action was imminent, the Council and many Arab nations supported the United States because they could not afford to offend the newly rescued Kuwaiti government. In similar fashion, if action is inevitable against Iraq, then the support of such nations will come because they cannot afford to be excluded from a new Iraq.

It is for these reasons, I support the action of this resolution. I am encouraged that the resolution has the support of the Senior Democratic and Republican leaders of this House. It underscores that the consideration of this issue should be without partisan rancor or advantage. We should not consider this

measure as partisans but as Americans. This resolution offers the best hope for a UN Security Council resolution to rewrite the rules of inspection to make them effective. Secretary Powell has asked for this resolution to pass the Congress to give him the tools he needs to win UN support. I will vote to support him and this effort.

As a veteran, I see any potential military action first through the eyes of the young men and women who volunteered to wear the uniform and would carry out such a mission. As I have detailed here, I believe this resolution unlocks the door to more effective inspections. We must use the opportunities we have to take non-military action through the UN to determine if unrestricted inspections of Iraq's weapons of mass destruction can take place. If these inspections succeed, we will have accomplished our objectives without loss of life. If they fail, it will rally international support against an isolated Iraq, making any more decisive action quicker and much more likely to succeed.

Mr. PAYNE. Madam Speaker, I yield 5½ minutes to the gentleman from Washington State (Mr. MCDERMOTT), a member of the Committee on Ways and Means, a former Foreign Service employee of the U.S. government, and a person who recently returned from Iraq to ask questions firsthand.

Mr. MCDERMOTT. Madam Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding me time.

Madam Speaker, the true question before us today is: Why should we go to war with Iraq? This is the last chance we will have before it starts.

The rule has been that the people of this country do not wage war and lay down lives when there might be a threat. The rule has been that the people of this country do not wage war and lay down lives to achieve regime change in another country. With Iraq, we are moving into brand new territory. We are not just demanding disarmament. We are demanding that a ruler be removed.

The President's press secretary publicly suggested assassination. This is new, Madam Speaker. This is new, and we should say no today.

Because, first, their resolution is premature. There has been no showing by the intelligence agencies or the White House of imminent danger to the United States. That Saddam Hussein is a brutal dictator who has committed heinous crimes is undeniable. It is likely that he still seeks weapons of mass destruction. But we have a way to thwart his desire: inspection and disarmament.

For regime change, we stand alone. For inspection and disarmament, we have allies, we have a coalition, we have the U.N.

Last march, the Iraq government began discussions with Dr. Hans Blix and UNMOVIC about resuming inspections so that the oppressive sanctions could be lifted. The Iraqi Parliament then invited Members of Congress to come to Baghdad with their own inspectors.

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I spoke with Foreign Minister Naji Sabri in September in New York for an hour about the absolute necessity for unfettered inspections. I told him if I went to Iraq, I wanted ''my inspectors'' to be UNMOVIC, the U.N. inspectors.

As I left he said, ''I think the Congress will be surprised soon.'' Three days later, Sabri wrote to Kofi Annan, accepting the inspectors under the existing U.N. resolutions.

Unfortunately, instead of welcoming the shift in Iraq's position, President Bush could not take ''yes'' for an answer.

Madam Speaker, we must let these inspections take place immediately, with or without a new U.N. resolution. Let Blix do his job. If, God forbid, the Iraqis return to obstruction, we are ready to return to the Security Council for whatever Dr. Blix needs to get the job done. The stakes are high if we make a hasty decision today.

If we focus on disarmament, we may be able to hold onto the coalition we have built to fight terrorism. But if we do not, we force Middle Eastern countries to choose between their Arab neighbors and us.

If we act alone to achieve regime change, the whole Arab world will wonder, who is next? Our President will become the poster boy for al Qaeda recruiters; and Americans will be less, not more, safe at home and abroad.

If we pass this resolution, we are setting precedents that we will regret, that America can start preemptive wars and that Congress can turn over authority to start a war to the President.

Vote ''no'' to honor the constitutional principle that only Congress can declare war. War cannot be started, or launched without declaration, on the word of a President whose attention span for diplomacy is exhausted and who notifies Congress 48 hours after the missiles have been launched.

The legacies of wars remain with us forever. I learned that not from a textbook, but from people who fought in a confusing and undeclared war. From 1968 to 1970, I served in the United States Navy as a psychiatrist treating sailors and Marines suffering from post-traumatic stress disorder. I saw firsthand the price in grief and anger the troops and their families paid when they were sent into a war whose goals were at best obscure, and at worse deceptive.

Under the terms of this resolution, the United States may attack Iraq solely on the basis of the President's view, and only the President's view, that diplomacy has failed. When Congress was given responsibility for declarations of war, the Founders had just finished a war. They knew the human cost. They decided the responsibility for going to war should not reside in one person, but must be the duty of the whole Congress. We cannot cede this responsibility to any occupant of the White House, no matter how wise or from which party he or she comes.

I have a suggestion. Let us adjourn for an hour right now and go down to the Vietnam Memorial before we commit ourselves and our children to an unknown world in which any President can decide to go to war as long as he or she determines it is in the national interest at the moment. Let us look at the names one more time before we wipe away the efforts of 60 years to weave the world together through the U.N. and international law.

After two World Wars in 25 years, world leaders have remained committed to doing their best to prevent such an event ever given. By and large, they have succeeded. Let us not, in pursuit of oil or power or the blandishments of empire, be the ones who lead the world to failure.

Madam Speaker, I include for the RECORD two articles which expand on my position.

[From the Institute for Public Accuracy]

DETAILED ANALYSIS OF OCTOBER 7 SPEECH BY BUSH ON IRAQ

Thank you for that very gracious and warm Cincinnati welcome. I'm honored to be here tonight. I appreciate you all coming.

Tonight I want to take a few minutes to discuss a grave threat to peace and America's determination to lead the world in confronting that threat.

The threat comes from Iraq. It arises directly from the Iraqi regime's own actions, its history of aggression and its drive toward an arsenal of terror.

Chris Toensing, editor of Middle East Report: ''This might indicate that Iraq is actively threatening the peace in the region. There is no evidence whatsoever that Iraq is doing so, or has any intention of doing so. Other powers are actively disrupting the peace in the region: Israel is trying to crush Palestinian resistance to occupation with brute force, and the U.S. and Britain have bombed Iraq 46 times in 2002 when their aircraft are 'targeted' by Iraqi air defense systems in the bilaterally enforced no-fly zones. Most of our 'friends' in the region—Turkey, Saudi Arabia, Jordan—have strongly urged us not to go to war, and to tone down the war rhetoric. Aren't they better positioned than we are to judge what threatens their safety?''

Eleven years ago, as a condition for ending the Persian Gulf War, the Iraqi regime was required to destroy its weapons of mass destruction, to cease all development of such weapons and to stop all support for terrorist groups.

Rahul Mahajan, author of The New Crusade: America's War on Terrorism: Resolution 687 also speaks of 'establishing in the Middle East a zone free from weapons of mass destruction'—which also means Israel's 200-plus nuclear weapons as well as Syria's and Egypt's apparent chemical weapons capabilities, and any nuclear capability the U.S. has placed in the region.''

The Iraqi regime has violated all of those obligations. It possesses and produces chemical and biological weapons.

As'ad Abukhalil, author of Bin Laden, Islam & America's New 'War on Terrorism' and associate professor of political science at California State University at Stanislaus: ''The president fails to credit Reagan's and his father's adminsitrations—prominent members of which included Rumsfeld and Cheney—for their help in the construction of Saddam's arsenal, especially in the area of germ warfare.''

Toensing: ''After being presented with evidence that Iraq had used chemical weapons

to attack the Kurds in 1987–88, the Reagan administration blocked a Senate resolution imposing sanctions on Iraq, and continued to pursue good relations with the regime.''

James Jennings, president of Conscience International, a humanitarian aid organization that has worked in Iraq since 1991: ''The evidence that Iraq gassed its own people is also not about a current event, but one that happened fourteen years ago. If that did not constitute a good enough reason for going to war with Iraq in 1988 (which the U.S. did not even contemplate at the time), it certainly is not a good enough reason now.''

It is seeking nuclear weapons.

Susan Wright, co-author of Biological Warfare and Disarmament: New Problems/New Perspectives: ''How does Bush know this? It's as if the inspections have already been conducted and we know the outcome. We're expected to accept the administration's word for this without seeing any evidence. We have no way of judging the accuracy of these claims and the only way to do so is to hold inspections. The only country in the region that is known to possess a nuclear arsenal is Israel.'' [The Administration says that it does not know if Israel has nuclear weapons: www.commondreams.org/headlines02/0521–06.htm]

Mahajan: ''There's no evidence that Iraq has gotten anywhere with seeking nuclear weapons. The pitiful status of evidence in this regards is shown by claims in e.g. Blair's dossier that Iraq is seeking uranium from Africa, year and country unspecified. South Africa is, of course, the only country in the continent that has potentially the capacity for enrichment of uranium to bomb quality, and claims not to have supplied Iraq with uranium. Unenriched uranium does Iraq little good, since enrichment facilities are large, require huge investment, and cannot easily be hidden.''

It has given shelter and support to terrorism and practices terror against its own people.

The entire world has witnessed Iraq's 11-year history of defiance, deception, and bad faith.

We also must never forget the most vivid events of recent history. On September 11, 2001, America felt its vulnerability—even to threats that gather on the other side of the earth. We resolved then, and we are resolved today, to confront every threat, from any source, that could bring sudden terror and suffering to America.

Members of the Congress of both political parties, and members of the United Nations Security Council, agree that Saddam Hussein is a threat to peace and must disarm. We agree that the Iraqi dictator must not be permitted to threaten America and the world with horrible poisons, and diseases, and gases, and atomic weapons.

Toensing: ''Only two members of the U.N. Security council would appear to agree with the idea that Iraq threatens, or will threaten, 'America and the world' with Weapons of Mass Destruction, making the next sentence disingenuous at best.''

Since we all agree on this goal, the issue is: How can we best achieve it?

Many Americans have raised legitimate questions: About the nature of the threat. About the urgency of action—and why be concerned now? About the link between Iraq developing weapons of terror, and the wider war on terror.

These are all issues we have discussed broadly and fully within my administration. And tonight, I want to share those discussions with you.

Toensing: ''Bush may have shared the discussion, but he did not share the evidence, saying, like the British dossier and CIA reports, that intelligence has established the threat. But Americans apparently will not be seeing it.''

First, some ask why Iraq is different from other countries or regimes that also have terrible weapons. While there are many dangers in the world, the threat from Iraq stands alone—because it gathers the most serious dangers of our age in one place.

Iraq's weapons of mass destruction are controlled by a murderous tyrant, who has already used chemical weapons to kill thousands of people. This same tyrant has tried to dominate the Middle East, has invaded and brutally occupied a small neighbor, has struck other nations without warning, and holds an unrelenting hostility towards the United States.

Stephen Zunes, author of ''Tinderbox: U.S., Middle East Policy and the Roots of Terrorism'' and associate professor of politics at the University of San Francisco: ''The hostility towards the United States is a direct consequence of U.S. hostility toward Iraq. Iraq was quite unhostile to the United States when it was receiving support from the United States during the 1980s. The answer is certainly not to appease Iraq's tyrannical regime, as was done in the past. However, to imply this hostility is unrelated to the U.S. destruction of much of Iraq's civilian infrastructure and other actions during the Gulf War which went far beyond what was necessary to rid Iraqi forces from Kuwait and the U.S.-led sanctions and its impact upon the civilian population is very misleading.''

AbuKhalil: ''If Bush wants to punish nations that 'tried to dominate the Middle East, has invaded and brutally occupied a small neighbor, has struck other nations without warning' then he would have to punish Israel for an occupation of Palestinian lands that lasted far longer than the now famous (yet brief) Iraqi occupation of Kuwait. Of course, Iraq did attack Iran and Kuwait, and Israel in the span of 30 years has attacked Egypt, Iraq, Tunisia, Lebanon, Syria, Egypt, Jordan, not to mention Palestine, and not to mention a civilian Libyan airliner that was downed by Israeli forces in 1973.''

By its past and present actions, buy its technological capabilities, by the merciless nature of its regime, Iraq is unique.

As a former chief weapons inspector for the U.N. has said, ''The fundamental problem with Iraq remains the nature of the regime itself: Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction.''

Some ask how urgent this danger is to America and the world. The danger is already significant, and it only grows worse with time. If we know Saddam Hussein has dangerous weapons today—and we do—does it make any sense for the world to wait to confront him as he grows even stronger and develops even more dangerous weapons?

Zunes: ''He was far more dangerous in the 1980s when the U.S., was supporting him. It will take many years, assuming military sanctions continue to effect, before he comes close to the strength he was then. If U.N. inspectors are allowed to return, it would be impossible—even if they don't find 100 percent of everything—to get much stronger than he is today.''

In 1995, after several years of deceit by the Iraqi regime, the head of Iraq's military industries defected. It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced two to four times that amount.

Zunes: ''If this is really a concern, then why did the United States supply Iraq with the seed stock of anthrax spores back in the 1980s'' [William Blum, ''Anthrax for Export: U.S. Companies Sold Iraq the Ingredients for a Witch's Brew,'' The Progressive, April 1998, p. 18]

This is a massive stockpile of biological weapons that has never been accounted for, and is capable of killing millions.

Zunes: ''This is like saying that a man is capable of making millions of women pregnant. It's a matter of delivery systems, of which there is no proof that Iraq currently has.''

We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, and VX nerve gas. Saddam Hussein also has experience in using chemical weapons. He has ordered chemical attacks on Iran, and on more than forty villages in his own country. These actions killed or injured at least 20,000 people, more than six times the number of people who died in the attacks of September 11.

Mahajan: ''All of this was done with the full support, approval, and connivance of the U.S. government. U.S.-supplied 'agricultural credits' helped fund the sustained counterinsurgency campaign in northern Iraq; the United States supplied military intelligence to Iraq for use against Iran even when it knew Iraq was using chemical weapons in the war; and the United States ran diplomat interference for Iraq at the U.N.''

Toensing: ''The U.S. restored diplomatic relations with Iraq in 1984, while it was in the midst of fighting the first of these wars of aggression, because the U.S. wanted to contain the Islamic Revolution in Iran. The U.S. and Britain tilted toward Iraq throughout the war, and U.S. allies in the region, chief among them Saudi Arabia, bankrolled the Iraqi war effort. The U.S. was still trying to become closer to Iraq when it invaded Kuwait.''

Zunes: ''He attacked Iranian troops because he knew Iran had no allies that would defend it. And we now know that officials from the U.S. Defense Intelligence Agency assisted Iraq in targeting Iranian forces in the full knowledge that they were using chemical weapons. Saddam used chemical weapons against Kurdish civilians because he knew they couldn't fight back. And the U.S. helped cover up the Halabja massacre and other assaults by falsely claiming the Iranians were responsible. In other words, Saddam is a coward. He will use WMDs when he knows he won't have to suffer the consequences, especially when the world's most powerful country is supporting him.''

And surveillance photos reveal that the regime is rebuilding facilities that it has used to produce chemical and biological weapons.

Toensing: ''That it 'has used.' The last time Bush made a big deal of this, he claimed that Iraq was again using the facilities in this way, an assertion which the IAEA promptly rebutted as unverifiable. It still is unverifiable.''

Every chemical and biological weapon that Iraq has or makes is a direct violation of the truce that ended the Persian Gulf War in 1991.

Mahajan: ''There are no credible allegations that Iraq produced chemical or biological agents while inspectors were in the country, until December 1998. The reason we don't know whether they are producing those agents or not since then is that inspectors were withdrawn at the U.S. behest preparatory to the Desert Fox bombing campaign.''

Yet Saddam Hussein has chosen to build and keep these weapons, despite international sanctions, U.N. demands, and isolation from the civilized world.

[The U.S. has maintained for years that it would continue the sanctions regardless of Iraq's behavior regarding weapons, see ''Autopsy of a Disaster: The U.S. Sanctions Policy on Iraq—Myth: The Sanctions Will be

Lifted When Iraq Complies with the U.N. Inspections'': *www.accuracy.org/iraq*]

Zunes: ''Again, the U.S. has yet to produce evidence that Iraq is building such weapons. Also, U.N. Security Council Resolution 687 calls for Iraqi disarmament as part of a region-wide disarmament effort which the United States has refused to enforce or even support.''

Iraq possesses ballistic missiles with a likely range of hundreds of miles—far enough to strike Saudi Arabia, Israel, Turkey, and other nations—in a region where more than 135,000 American civilians and service members live and work.

Toensing: ''That is a neat rhetorical trick. Bush knows that Turkey and Saudi Arabia themselves do not feel under threat from Iraq's WMD, so he doesn't claim that. Rather, it's the threat to U.S. servicemen and oil company employees based in those countries which should concern us. The questions left unasked are why Iraq would attack Americans, knowing the massive response that would incur, and of course why so many American troops 'live and work' in Turkey and Saudi Arabia. They're partly there in forward deployment against Iraq.''

Zunes: ''According to UNSCOM, 817 of Iraq's 819 Soviet-built ballistic missiles have been accounted for and destroyed. They may possess up to a couple of dozen home-made versions, but none of these have been tested and it is questionable whether they have any function launchers.''

We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas. We are concerned that Iraq is exploring ways of using UAVs for missions targeting the United States.

Toensing: ''Other intelligence experts have disputed that UAVs are a threat, because the agents they released might disperse to basically harmless levels by the time they reached the ground if the UAV was trying to cover such a broad area.''

Mahajan: ''The claim that these UAVs have ranges that would enable attacking the United States, and that they could reach it undetected, is a startling new one, and entirely untenable. No one has ever produced evidence of Iraqi capability or intent to target the United States directly.''

And, of course, sophisticated delivery systems are not required for a chemical or biological attack—all that might be required are a small container and one terrorist or Iraqi intelligence operative to delivery it.

Mahajan: ''Bioterrorist attacks and delivery of biological agents aren't that easy—the very limited effects of the anthrax attacks showed that. In fact, the loss of life in the anthrax attacks occurred mostly among the postal workers who were not issued antibiotics, and not among the congressional staff who were. As for chemical attacks with 'a small container and one terrorist,' they would be severely limited in effect.''

And that is the source of our urgent concern about Saddam Hussein's link to international terrorist groups.

Over the years, Iraq has provided safe haven to terrorists such as Abu Nidal, whose terror organization carried out more than ninety terrorist attacks in twenty countries that killed or injured nearly 900 people, including 12 Americans.

Michael Ratner is president of the Center for Constitutional Rights: ''Although U.S. intelligence agencies have not found a relationship between Saddam Hussein and al Qaeda, Bush mentions one, but no evidence is shown. Likewise he tries to frighten Americans by talking about the crimes of Abu Nidal, but Abu Nidal is dead. Again it is an attempt to create fear by association with something from the past, not evidence of a current threat.''

Iraq has also provided safe haven to Abu Abbas, who was responsible for seizing the Achille Lauro and killing an American passenger. And we know that Iraq is continuing to finance terror, and gives assistance to groups that use terrorism to undermine Middle East peace.

Toensing: ''Yes, but neither of these groups is ideologically anti-American. Their attacks are aimed at Israel and Israeli interests, including the killing of Leon Klinghoffer and other Americans. This is a crucial piece of context.''

We know that Iraq and the al Qaeda terrorist network share a common enemy—the United States of America. We know that Iraq and al Qaeda have had high-level contacts that go back a decade. Some al Qaeda leaders who fled Afghanistan went to Iraq.

These include one very senior al Qaeda leader who received medical treatment in Baghdad this year, and who has been associated with planning for chemical and biological attacks. We have learned that Iraq has trained al Qaeda members in bomb making, poisons, and deadly gases.

Jennings: ''The claim that al-Qaeda is in Iraq is disingenuous, if not an outright lie. Yes, the U.S. has known for some time that up to 400 al-Qaeda-type Muslim extremists, the Ansar al-Ialam, formerly 'Jund al-Islam,' a splinter of the Iranian-backed Islamic Unity Movement of Kurdistan, were operating inside the Kurdish security zone set up under U.S. protection in the North of Iraq. For some reason this was kept quiet and has not been much reported in the mainstream media. Finally last Spring the Kurds themselves attacked and killed most of the terrorists in their territory, sending the rest fleeing for their lives across the border into Iran. Since this area was under U.S. protection, and not under Saddam Hussein's rule, it's pretty hard to claim that al-Qaeda operates in Iraq.''

Mahajan: ''Al-Qaeda has carried out no chemical or biological attacks. The anthrax attacks in the fall of 2001 were almost certainly from a U.S. government employee. It's hard to know what, if anything, to make of claims that one ''senior al Qaeda leader'' got medical treatment in Baghdad. Giving medical treatment, even to criminals, is not illegal, and with so little evidence given to us, there's no reason to suppose this isn't another story like the one about a meeting between Mohammed Atta and Iraqi intelligence in Prague (now discredited).''

And we know that after September 11, Saddam Hussein's regime gleefully celebrated the terrorist attacks on America. Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliances with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints.

Mahajan: ''Biological or chemical weapons would undoubtedly leave fingerprints, just as the anthrax attacks in the fall did. Even if Iraq couldn't be conclusively shown to be the source of such materials, the U.S. government would assume Iraq was the source. Iraq has been under the gun ever since the Gulf War, and can't possibly assume that it could get away with such an attack. Moreover, Saddam has traditionally seen WMD as his ace in the hole, protecting him from defeat. Paranoid dictators do not give control of something they see as the foundation of their security into the hands of networks, like al-Qaeda, which they can't control.''

Some have argued that confronting the threat from Iraq could detract from the war against terror. To the contrary, confronting the threat posed by Iraq is crucial to winning the war on terror.

When I spoke to the Congress more than a year ago, I said that those who harbor terrorists are as guilty as the terrorists themselves. Saddam Hussein is harboring terrorists and the instruments of terror, the instruments of mass death and destruction. And he cannot be trusted. The risk is simply too great that he will use them, or provide them to a terror network.

Terror cells, and outlaw regimes building weapons of mass destruction, are different faces of the same evil. Our security requires that we confront both. And the United States military is capable of confronting both.

Many people have asked how close Saddam Hussein is to developing a nuclear weapon. We don't know exactly, and that is the problem. Before the Gulf War, the best intelligence indicated that Iraq was eight to 10 years away from developing a nuclear weapon; after the war, international inspectors learned that the regime had been much closer. The regime in Iraq would likely have possessed a nuclear weapon no later than 1993.

The inspectors discovered that Iraq had an advanced nuclear weapons development program, had a design for a workable nuclear weapon, and was pursuing several different methods of enriching uranium for a bomb.

Toensing: ''Yes, inspectors learned all of this—the inspections worked.''

Before being barred from Iraq in 1998, the International Atomic Energy Agency dismantled extensive nuclear weapons-related facilities, including three uranium-enrichment sites.

Robert Jensen, author of ''Writing Dissent'' and an associate professor at the University of Texas at Austin: ''Bush at least acknowledged that we know little about Saddam's nuclear capability, but he lied about why. Bush claimed that Iraq barred the inspectors of the International Atomic Energy Agency in 1998. In fact, the inspectors, along with those from the U.N. Special Commission, were withdrawn by their agencies—not expelled by Iraq—in December 1998 when it became clear the Clinton administration was going to bomb Iraq (as it did) and the safety of the inspectors couldn't be guaranteed. The inspectors also spied for the United States, in violation of their mandate.''

This same year, information from a high-ranking Iraqi nuclear engineer who had defected, revealed that despite his public promises, Saddam Hussein had ordered his nuclear program to continue. The evidence indicates that Iraq is reconstituting its nuclear weapons program.

Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his ''nuclear mujahedeen''—his nuclear holy warriors.

Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past.

Toensing: ''As Lincoln Chafee said on NPR, if these satellite photos exist, then surely the public has a right to see them. Surely mere photos would not compromise sources and methods.'' [In 1990, after Iraq invaded Kuwait, the U.S. government claimed that Iraqi troops were threatening Saudi Arabia; this turned out to be false.]

Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons.

Mahajan: ''The aluminum tubes can also be used in conventional artillery, which Iraq is allowed to have. In the past, when Iraq tried to build such centrifuges, they used steel tubes. This is an incredibly weak indicator.''

If the Iraqi regime is able to produce, buy, or steal an amount of highly-enriched uranium a little larger than a single softball, it

could have a nuclear weapon in less than a year.

Toensing: ''Both the CIA report and the British dossier say that this is very unlikely as long as Iraqi remains under sanctions.''

Mahajan: ''This means only that it has the technological know-how to create the high-explosive 'lenses' necessary to set off the appropriate nuclear chain reaction. As long as it retains its scientists, this will remain the case.''

And if we allow that to happen, a terrible line would be crossed. Saddam Hussein would be in a position to blackmail anyone who opposes his aggression. He would be in a position to dominate the Middle East. He would be in a position to threaten America. And Saddam Hussein would be in a position to pass nuclear technology to terrorists.

Mahajan: ''Again, such an act is not at all consonant with the history or the mindset of Saddam Hussein. One organization hosted by the Iraqi government, which is classified as terrorist by the State Department, is the Iranian Mujahedin-I-Khalq, whose activities are directed against the current government of Iran. They have never had access to any nonconventional resources from the Government of Iraq. Saddam Hussein sees the radical Islamist terrorist networks like al-Qaeda as a huge potential threat to his own rule, something that concerns him far more than any unrealistic ideas of revenge against the United States. Anything that could allow al-Qaeda (which, in its turn, is likely more concerned with replacing regimes in the Middle East with new radical Islamist regimes) to blackmail him would be the last thing he would give them.''

Some citizens wonder: After 11 years of living with this problem, why do we need to confront it now?

There is a reason. We have experienced the horror of September 11. We have seen that those who hate America are willing to crash airplanes into buildings full of innocent people. Our enemies would be no less willing—in fact they would be eager—to use a biological, or chemical, or a nuclear weapon.

Mahajan: ''Invoking September 11 without showing any kind of link between the government of Iraq and those attacks is just transparent manipulation. What he really means is that after September 11 he thinks he can get away with such a policy.''

Knowing these realities, America must not ignore the threat gathering against us. Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.

As President Kennedy said in October of 1962: ''Neither the United States of America nor the world community of nations can tolerate deliberate deception and offensive threats on the part of any nation, large or small. We no longer live in a world,'' he said, ''where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril.''

Jacqueline Cabasso, Executive Director of the Western States Legal Foundation: ''The hypocrisy in this speech—and in the Bush Administration's overall national security strategy—is monumental. If having weapons of mass destruction and a history of using them is a criteria, then surely the United States must pose the greatest threat to humanity that has ever existed. While Bush warns that 'we cannot wait for the final proof. . . . the smoking gun that could come in the form of a mushroom cloud,' his September 2002 National Security Strategy states that 'America will act against. . . emerging threats before they are fully formed. . . . by acting preemptively.' And his top-secret Nuclear Posture Review, leaked to the New York Times earlier this year, reveals that 'U.S. nuclear forces will continue to provide assurance. . . in the event of surprising military developments. . . Current examples of immediate contingencies include an Iraqi attack on Israel or its neighbors. . . .' It doesn't take a lot of imagination to predict that if Iraq is attacked by the U.S. it might launch whatever it has at Israel-itself a nuclear power. Further, while the U.S. is massively expanding its biological weapons research capabilities for example by upgrading its bioresearch facilities at the Livermore and Los Alamos Nuclear weapons labs to aerosolize live anthrax and genetically modify bioorganisms it is blocking a protocol to the Biological Weapons Convention that would allow international inspectors into U.S. facilities. The Bush Administration's unilateral headlong rush to war threatens to unleash unprecedented regional instability and potentially catastrophic loss of life. It's hard to image a more self-destructive course of action.''

Understanding the threats of our time, knowing the designs and deceptions of the Iraqi regime, we have every reason to assume the worst, and we have an urgent duty to prevent the worst from occurring.

Some believe we can address this danger by simply resuming the old approach to inspections, and applying diplomatic and economic pressure. Yet this is precisely what the world has tried to do since 1991.

The U.N. inspections program was met with systematic deception. The Iraqi regime bugged hotel rooms and offices of inspectors to find where they were going next. They forged documents, destroyed evidence, and developed mobile weapons facilities to keep a step ahead of inspectors.

Eight so-called presidential palaces were declared off-limits to unfettered inspections. These sites actually encompass 12 square miles, with hundreds of structures, both above and below the ground, where sensitive materials could be hidden.

[In fact, there were inspections of these ''presidential palaces.'']

Zunes: ''These are not off-limits. They are open to unfettered inspections as long as an Iraqi official is accompanying the inspectors. Such a proviso is quite legal under U.N. Security Council resolutions authorizing the creation of UNMOVIC, resolutions that were supported by the United States.''

The world has also tried economic sanctions and watched Iraq use billions of dollars in illegal oil revenues to fund more weapons purchases, rather than providing for the needs of the Iraqi people.

Toensing: 'Yes, and all the while, the U.S. and Britain were undermining the logic of sanctions and inspections by speaking of regime change, giving the regime no incentive to cooperate.''

Mahajan: ''The government-instituted food ration program in Iraq has been widely praised, characterized as 'second to none' by Tun Myat, current U.N. Humanitarian Coordinator in Iraq. Money that comes in under the Oil for Food program cannot, despite constant allegations, be used for weapons purchases—all proceeds from such sales are deposited to an escrow account in New York which is controlled by the U.N. Sanctions Committee. The government of Iraq cannot touch any of this money.''

The world has tried limited military strikes to destroy Iraq's weapons of mass destruction capabilities only to see them openly rebuilt, while the regime again denies they even exist.

Mahajan: ''For 'world' here, read 'United States and its lieutenant, the United Kingdom.' Those military strikes were a blatant violation of international law, done without Security Council authorization.''

The world has tried no-fly zones to keep Saddam from terrorizing his own people . . . and in the last year alone, the Iraqi military has fired upon American and British pilots more than 750 times.

Toensing: ''Another remarkable rhetorical trick. The no-fly zones did not protect the Kurds from Iraqi incursions in 1995–96, nor have they protected the Shia or the marsh Arabs from ground-based repression throughout the decade. But rather than mention these somewhat significant failures, Bush concentrates on Iraqi air defenses, which have yet to come close to actually hitting a U.S. or U.K. jet. As with the Saudi-Turkish point above, it appears that U.S.–U.K. attempts to protect the peoples of the region are to be counted as failures because the U.S. and U.K. are in danger.''

Francis Boyle, professor of international law at the University of Illinois College of Law and author of The Criminality of Nuclear Deterrence: ''It is the U.S. government that is violating the United Nations Charter . . . by using military force to allegedly 'police' these illegal 'no-fly' zones that have never been authorized by the U.N. Security Council or by the U.S. Congress, in violation of the 1973 War Powers Resolution as well. Iraq is simply exercising its legitimate right of self-defense under U.N. Charter article 51. The Bush administration has deliberately put U.S. pilots in harm's way in order to concoct a pretext for a catastrophic war of aggression against Iraq. The best way for the American people to protect the lives of our military personnel in the Persian Gulf is to bring them all home.''

Mahajan: ''Again, the no-fly zones don't involve the 'world,' but are a naked projection of American and British power (France, the third partner in the no-fly zones, withdrew in 1996), unsanctioned by the Security Council.''

After 11 years during which we have tried containment, sanctions, inspections, even selected military action, the end result is that Saddam Hussein still has chemical and biological weapons, and is increasing his capabilities to make more. And he is moving ever closer to developing a nuclear weapon.

Clearly, to actually work, any new inspections, sanctions, or enforcement mechanisms will have to be very different. America wants the U.N. to be an effective organization that helps to keep the peace. That is why we are urging the Security Council to adopt a new resolution setting our tough, immediate requirements.

AbuKhalil: ''Bush also fails to mention American violations of the sanctions regime, by using the inspectors to spy on Iraq, and to obtain information unrelated to the U.N. mandate.''

Among those requirements, the Iraqi regime must reveal and destroy, under U.N. supervision, all existing weapons of mass destruction. To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside of the country.

And these witnesses must be free to bring their families with them, so they are all beyond the reach of Saddam Hussein's terror and murder.

And inspectors must have access to any site, at any time, without pre-clearance, without delay, without exceptions.

Susan Wright: ''[The evidence] suggests that the United States and the United Kingdom intend to set such tough conditions for the further arms inspections in Iraq that they would create a double bind. If Iraq rejects the conditions, then war with the United States will follow. If Iraq attempts to comply and an ambiguity triggers action by the security forces of one of the permanent members of the Security Council, which according to this draft, might accompany an inspection team, war could follow anyway.

Other members of the Security Council should reject such traps. It is also essential to avoid a situation in which the inspection force is effectively hijacked by the United States and used for espionage, as was the case with the U.N. Special Commission in the 1990s.''

The time for denying, deceiving, and delaying has come to an end. Saddam Hussein must disarm himself—or, for the sake of peace, we will lead a coalition to disarm him.

Many nations are joining us in insisting that Saddam Hussein's regime be held accountable. They are committed to defending the international security that protects the lives of both our citizens and theirs.

AbuKhalil: ''When Bush speaks about 'many nations' supporting the U.S., he certainly means Israel and U.K., although public opinion in U.K. is running solidly against Bush's war.''

And that is why America is challenging all nations to take the resolutions of the U.N. Security Council seriously.

Zunes: ''There are well over 90 U.N. Security Council resolutions that are currently being violated by countries other than Iraq. The vast majority of these resolutions are being violated by allies of the United States that receive U.S. military, economic and diplomatic support. Indeed, the U.S. has effectively blocked the U.N. Security Council from enforcing these resolutions against its allies.''

Those resolutions are very clear. In addition to declaring and destroying all of its weapons of mass destruction, Iraq must end its support for terrorism. It must cease the persecution of its civilian population. It must stop all illicit trade outside the oil-for-food program. And it must release or account for all Gulf War personnel, including an American pilot, whose fate is still unknown.

Zunes: ''Most of these do not fall under Chapter VII, which allows for the UNSC to authorize the use of force.''

AbuKhalil: ''And Bush's sudden concern for U.N. resolutions should not lead one to believe that he will next move to implement all U.N. resolutions—including those against U.S. allies''.

By taking these steps, and only by taking these steps, the Iraqi regime has an opportunity to avoid conflict. These steps would also change the nature of the Iraqi regime itself.

America hopes the regime will make that choice.

Unfortunately, at least so far, we have little reason to expect it. This is why two administrations—mine and President Clinton's—have stated that regime change in Iraq is the only certain means of removing a great danger to our nation.

I hope this will not require military action, but it may. And military conflict could be difficult. An Iraqi regime faced with its own demise may attempt cruel and desperate measures. If Saddam Hussein orders such measures, his generals would be well advised to refuse those orders. If they do not refuse, they must understand that all war criminals will be pursued and punished.

If we have to act, we will take every precaution that is possible. We will plan carefully, we will act with the full power of the United States military, we will act with allies at our side, and we will prevail.

There is no easy or risk-free course of action. Some have argued we should wait—and that is an option. In my view, it is the riskiest of all options—because the longer we wait, the stronger and bolder Saddam Hussein will become. We could wait and hope that Saddam does not give weapons to terrorists, or develop a nuclear weapons to blackmail the world. But I am convinced that is a hope against all evidence.

As Americans, we want peace—we work and sacrifice for peace—and there can be no peace if our security depends on the will and whims of a ruthless and aggressive dictator. I am not willing to stake one American life on trusting Saddam Hussein.

Mahajan: ''Throughout all of this, there has never been any credible evidence introduced to indicate that Hussein has any policy of trying to target Americans. His depredations have almost always been distinguished by actions against people that the Western powers don't care about.''

Failure to act would embolden other tyrants; allow terrorists access to new weapons and new resources; and make blackmail a permanent feature of world events.

The United Nations would betray the purpose of its founding, and prove irrelevant to the problems of our time. And through its inaction, the United States would resign itself to a future of fear.

That is not the America I know. That is not the America I serve. We refuse to live in fear. This nation—in world war and in Cold War—has never permitted the brutal and lawless to set history's course.

Zunes: ''Then why did the United States support Indonesian dictator Suharto for over three decades, as he oversaw the massacre of over a half million of his own people, invaded the tiny nation or East Timor, resulting in the deaths of an additional 200,000? How about brutal and lawless governments in Turkey, Morocco and Israel that have invaded neighboring countries at the cost of thousands of civilian lives? How about Pinochet and other Latin American tyrants supported by the U.S.?''

Now, as before, we will secure our nation, protect our freedom, and help others to find freedom of their own. Some worry that a change of leadership in Iraq could create instability and make the situation worse. The situation could hardly get worse, for world security, and for the people of Iraq.

The lives of Iraqi citizens would improve dramatically if Saddam Hussein were no longer in power, just as the lives of Afghanistan's citizens improved after the Taliban.

Toensing: ''Given what is known about the return of warlordism and chaos to Afghanistan—not to mention the fiction that Afghan women have all thrown away their burqas—this is a debatable proposition, and indicative of the administration's lack of interest in rebuilding Afghanistan. Why would Iraq be any different?''

Mahajan: ''On every test of justice and of pragmatism, the war on Afghanistan fails. Worse, every one of these aspects, from an increased threat of terrorism to large numbers of civilian deaths to installation of a U.S.-controlled puppet regime is due to play out again in the war on Iraq. In fact, though it has been little noted, the sanctions regime has made Iraqis dependent on centralized, government-distributed food to survive and relief agencies have already expressed their concerns about the potential for a humanitarian crisis once war starts.''

The dictator of Iraq is a student of Stalin, using murder as a tool of terror and control within his own cabinet, and within his own army, and even within his own family.

On Saddam Hussein's orders, opponents have been decapitated, wives and mothers of political opponents have been systematically raped as a method of intimidation, and political prisoners have been forced to watch their own children being tortured.

Jensen: ''All of that and more was going on while Iraq was a 'valued ally' of the United States—hence the hypocrisy of the next few sentences.''

America believes that all people are entitled to hope and human rights—to the nonnegotiable demands of human dignity.

People everywhere prefer freedom to slavery; prosperity to squalor; self-government to the rule of terror and torture.

America is a friend to the people of Iraq.

Anthony Arnove, editor of the book Iraq Under Siege: ''But the people of Iraq have good reason to feel otherwise. As Nichols Kristof of the New York Times noted in his October 4 report from Baghdad, 'while ordinary Iraqis were very friendly toward me, they were enraged at the U.S. after 11 years of economic sanctions. . . . Worse, U.S. bombing of water treatment plants, difficulties importing purification chemicals like chlorine (which can be used for weapons), and shortages of medicines led to a more than doubling of infant mortality, according to the U.N. Food and Agriculture Organization.' Another war on Iraq—this time, a 'preemptive' attack aimed at 'regime change'—will lead to more civilian casualties and damage to Iraq's infrastructure. And Iraqis are right to worry that the regime Washington installs, in violation of their right to self-determination, will be one that serves U.S. interests, not their own. We should recall the impact of the last war. In the words of Gulf War veteran Anthony Swofford, a former Marine corporal, writing in the New York Times, October 2, 'From the ground, I witnessed the savage results of American air superiority: tanks and troop carriers turned upside down and ripped inside out; rotten, burned, half-buried bodies littering the desert like the detritus of years—not weeks—of combat.' We should be skeptical of Bush's stated concern for the Iraqi people. His real interests in this war are not the Iraq people, or defending Americans from attack, but expanding U.S. hegemony in the Middle East.''

Our demands are directed only at the regime that enslaves them and threatens us. When these demands are met, the first and greatest benefit will come to Iraqi men, women, and children. The oppression of Kurds, Assyrians, Turkomans, Shi'a, Sunnis and others will be lifted. The long captivity of Iraq will end, and an era of new hope will begin.

Jennings: ''The president has repeatedly claimed, 'We have no quarrel with the Iraqi people.' In his speech to the nation on Oct. 7, he said, 'America is a friend of the people of Iraq.' Try telling that to a friend of mine in Baghdad who walked out of his house following a U.S. bomb attack to find his neighbor's head rolling down the street; or to a taxi driver I met whose four year old child shook uncontrollably for three days following Clinton's 1998 'Monicagate' bombing diversion. Try telling it to the mother of Omran ibn Jwair, whom I met in the village of Toq al-Ghazzalat after a U.S. missile killed her 13 year old son while he was tending sheep in the field. Try telling it to the hundreds of mothers I have seen crying over their dying babies in Iraqi hospitals, and to the hundreds of thousands of parents who have actually lost their infant children due to the cruel U.S. blockade, euphemistically called 'sanctions.' Are the Iraqi people supposed to rejoice now that a new war is being forced upon them by their so-called 'friends'? It is understandable that people are frightened following the disastrous attacks of September 11. But fear is not a good reason to stop thinking. In fact, when we are in danger is when clear thinking is needed most of all.''

Iraq is a land rich in culture, resources, and talent. Freed from the weight of oppression, Iraq's people will be able to share in the progress and prosperity of our time. If military action is necessary, the United States and our allies will help the Iraqi people rebuild their economy, and create the institutions of liberty in a unified Iraq at peace with its neighbors.

Later this week the United States Congress will vote on this matter. I have asked Congress to authorize the use of America's military, if it proves necessary, to enforce U.N. Security Council demands.

John Berg, director of graduate studies of the government department at Suffolk University: ''Our Constitution makes it clear that Congress, not the President, is to 'declare war'—that is, make the decision that war is necessary in a given situation. For Congress to delegate this determination to the President would be an abdication of its Constitutional responsibility.

Zunes: ''According to the articles 41 and 42 of the United Nations charter, this can only be done if the U.N. Security Council finds the violator in material breach of the resolution, determines all non-military means of enforcement have been exhausted, and specifically authorizes the use of force. Otherwise, it will be illegal. Members of Congress would therefore be obliged to vote against it since—according to Article VI of the U.S. Constitution—international treaties such as the U.N. Charter are the supreme law of the land. Furthermore, if the United States can invade Iraq for its violations of U.N. Security Council resolutions, then Britain could invade Morocco, France could invade Turkey, Russia could invade Israel, etc.''

Approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations, and all nations, that America speaks with one voice and is determined to make the demands of the civilized world mean something. Congress will also be sending a message to the dictator in Iraq: that his only choice is full compliance—and the time remaining for that choice is limited.

Members of Congress are nearing an historic vote, and I am confident they will fully consider the facts and their duties.

The attacks of September 11 showed our country that vast oceans no longer protect us from danger. Before that tragic date, we had only hints of al Qaeda's plans and designs.

Today in Iraq, we see a threat whose outlines are far more clearly defined—and whose consequences could be far more deadly. Saddam Hussein's actions have put us on notice—and there is no refuge from our responsibilities.

We did not ask for this present challenge, but we accept it. Like other generations of Americans, we will meet the responsibility of defending human liberty against violence and aggression. By our resolve, we will give strength to others. By our courage, we will give hope to others. By our actions, we will secure the peace, and lead the world to a better day.

Phyllis Bennis, author of the just-released book Before and After: U.S. Foreign Policy and the September 11 Crisis and a fellow at the Institute for Policy Studies: ''President Bush's speech ignored Congress, and instead was aimed at U.S. public opinion (where his support is dwindling) and international allies in the U.N. (where the U.S. is significantly isolated). It was designed to divert attention from the real reason for this coming war: oil and empire. It is a war designed to rewrite the political map of the Middle East, and is not dependent on the particular threat posed by a particular dictator. The crimes of the Iraqi regime are serious and longstanding—back to the days of massive U.S. economic and military support, and U.S. provision of the biological seed stock for the anthrax and other germs President Bush warned us about. But launching a massive bombing campaign against Baghdad, a city of more than 5 million inhabitants—grandmothers, kindergarten classes, teenagers—will not secure human rights for those living and dying under those bombs.''

Thank you, and good night.

[From the Guardian, Oct. 8, 2002]

INSPECTION AS INVASION

(By George Monbiot)

There is little that those of us who oppose the coming war with Iraq can now do to prevent it. George Bush has staked his credibility on the project; he has mid-term elections to consider, oil supplies to secure and a flagging war on terror to revive. Our voices are as little heeded in the White House as the singing of birds.

Our role is now, perhaps, confined to the modest but necessary task of demonstrating the withdrawal of our consent, while seeking to undermine the moral confidence which could turn the attack on Iraq into a war against all those states perceived to offend US strategic interests. No task is more urgent than to expose the two astonishing lies contained in George Bush's radio address on Saturday, namely that ''the United States does not desire military conflict, because we know the awful nature of war'' and ''we hope that Iraq complies with the world's demands''. Mr. Bush appears to have done everything in his power to prevent Iraq from complying with the world's demands, while ensuring that military conflict becomes inevitable.

On July 4 this year, Kofi Annan, the secretary-general of the United Nations, began negotiating with Iraq over the return of UN weapons inspectors. Iraq had resisted UN inspection for three and a half years, but now it felt the screw turning, and appeared to be on the point of capitulation. On July 5, the Pentagon leaked its war plan to the New York Times. The US, a Pentagon official revealed, was preparing ''a major air campaign and land invasion'' to ''topple President Saddam Hussein''. The talks immediately collapsed.

Ten days ago, they were about to resume. Hans Blix, the head of the UN inspections body, was due to meet Iraqi officials in Vienna, to discuss the practicalities of re-entering the country. The US airforce launched bombing raids on Basra, in southern Iraq, destroying a radar system. As the Russian government pointed out, the attack could scarcely have been better designed to scupper the talks. But this time the Iraqis, mindful of the consequences of excluding the inspectors, kept talking. Last Tuesday, they agreed to let the UN back in. The State Department immediately announced, with more candour than elegance, that it would ''go into thwart mode''.

It wasn't bluffing. The following day, it leaked the draft resolution on inspections it was placing before the UN Security Council. This resembles nothing so much as a plan for unopposed invasion. The decisions about which sites should be ''inspected'' would no longer be made by the UN alone, but also by ''any permanent member of the security council'', such as the United States. The people inspecting these sites could also be chosen by the US, and they would enjoy ''unrestricted rights of entry into and out of Iraq'' and ''the right to free, unrestricted and immediate movement'' within Iraq, ''including unrestricted access to presidential sites''. They would be permitted to establish ''regional bases and operating bases throughout Iraq'', where they would be ''accompanied . . . by sufficient US security forces to protect them''. They would have the right to declare exclusion zones, no-fly zones and ''ground and air transit corridors''. They would be allowed to fly and land as many planes, helicopters and surveillance drones in Iraq as they want, to set up ''encrypted communication'' networks and to seize ''any equipment'' they choose to lay hands on.

The resolution, in other words, could not have failed to remind Iraq of the alleged infiltration of the UN team in 1996. Both the Iraqi government and the former inspector Scott Ritter that the weapons inspectors were joined that year by CIA covert operations specialists, who used the UN's special access to collect information and encourage the republican guard to launch a coup. On Thursday, Britain and the United States instructed the weapons inspectors not to enter Iraq until the new resolution has been adopted.

As Milan Rai's new book War Plan Iraq documents, the US has been undermining disarmament for years. The UN's principal means of persuasion was paragraph 22 of the security council's resolution 687, which promised that economic sanctions would be lifted once Iraq ceased to possess weapons of mass destruction. But in April 1994, Warren Christopher, the US secretary of state, unilaterally withdrew this promise, removing Iraq's main incentive to comply. Three years later his successor, Madeleine Albright, insisted that sanctions would not be lifted while Saddam remained in power.

The US government maintains that Saddam Hussein expelled the UN inspectors from Iraq in 1998, but this is not true. On October 30, 1998, the US rejected a new UN proposal by again refusing to lift the oil embargo if Iraq disarmed. On the following day, the Iraqi government announced that it would cease to cooperate with the inspectors. In fact it permitted them to continue working, and over the next six weeks they completed around 300 operations.

On December 14, Richard Butler, the head of the inspection team, published a curiously contradictory report. The body of the report recorded that over the past month ''the majority of the inspections of facilities and sites under the ongoing monitoring system were carried out with Iraq's cooperation'', but his well-publicised conclusion was that ''no progress'' had been made. Russia and China accused Butler of bias. On December 15, the U.S. ambassador to the U.N. warned him that his team should leave Iraq for its own safety. Butler pulled out, and on the following day the U.S. started bombing Iraq.

From that point on, Saddam Hussein refused to allow U.N. inspectors to return. At the end of last year, Jose Bustani, the head of the Organisation for the Prohibition of Chemical Weapons, proposed a means of resolving the crisis. His organisation had not been involved in the messy business of 1998, so he offered to send in his own inspectors, and complete the job the U.N. had almost finished. The U.S. responded by demanding Bustani's dismissal. The other member states agreed to depose him only after the United States threatened to destroy the organisation if he stayed. Hans Blix, the head of the new U.N. inspectorate, may also be feeling the heat. On Tuesday he insisted that he would take his orders only from the security council. On Thursday, after an hour-long meeting with U.S. officials, he agreed with the Americans that there should be no inspections until a new resolution had been approved.

For the past eight years the U.S., with Britain's help, appears to have been seeking to prevent a resolution on the crisis in Iraq. It is almost as if Iraq has been kept on ice, as a necessary enemy to be warmed up whenever the occasion demands. Today, as the economy slides and Bin Laden's latest mocking message suggests that the war on terrorism has so far failed, an enemy which can be located and bombed is more necessary than ever. A just war can be pursued only

when all peaceful means have been exhausted. In this case, the peaceful means have been averted.

Mrs. WILSON of New Mexico. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, it is difficult not to respond in full to the comments of the previous speaker. Those of us on both sides of the aisle who support this resolution understand the impact of war as well as the gentleman does, and we walk by with sadness not only at the Vietnam Memorial but also at the Holocaust Museum.

There are risks of action, but there are also risks of inaction. We take our responsibility here tonight seriously, and we face this resolution and the situation that we cannot turn away from.

Madam Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. HAYES), a member of the Committee on Armed Services.

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. Madam Speaker, I have a rule, too; and that rule is I will not go to an enemy's country and say that that leader is telling the truth and our President is misleading the American people.

As Winston Churchill said, the price of greatness is responsibility. Today we have the responsibility to do what is right and what is just, and what will provide for the security of the American people. We all without exception seek peace, but not at any price. We seek a lasting, long-term peace. That peace is obtainable because our President has forced Saddam Hussein to the negotiating table. And because we will speak with one voice, lasting peace through disarmament is possible, nothing less is acceptable.

I would first like to highlight the strikes that Iraq fires on our pilots. Acts of Iraqi aggression against our American and British air patrols in the no-fly zone occur on a daily basis. U.S. and allied forces have patrolled the no-fly zone since 1991. In the past 2½ years alone, U.S. fighters have been fired upon more than 2,300 times. In fact, just an hour after the letter was delivered to the U.N. stating that Iraq would again consider allowing weapons inspectors to their facilities, an American jet patrolling a no-fly zone was fired on six times.

Following the Gulf War in April 1991, the United Nations as a cease-fire condition ordered Iraq to completely open themselves to arms inspectors to ensure that Saddam Hussein was not developing weapons of mass destruction. The U.N. Security Council enacted Resolution 687 requiring Iraq to declare, destroy or render harmless its weapons of mass destruction in production infrastructure. Eleven years have passed; nothing has changed. Saddam Hussein continues to defy that order, and there is overwhelming evidence indicating that Saddam Hussein is developing mass quantities of chemical, biological, and nuclear weapons.

Saddam is using weapons against other nations and against his own people. With these weapons Saddam Hussein will become the merchant for weapons of mass destruction for terrorists around the globe. Saddam Hussein is also aggressively trying to build nuclear weapons. He has the technology and know-how to build such devices. All he lacks is the fissile material. Once he acquires that material, he will be months or days away from being able to fire nuclear weapons beyond his own border.

Once he has that technology, he can bind U.S. hands through blackmail and intimidation and rule the Gulf region through threat and coercion. Saddam Hussein and his regime pose serious threats to peace and stability in the world. We cannot stand idly by and watch this happen.

Pursuing Iraq is a continuing of the war on terrorism, and our forces are up to the test. We must ask ourselves what is the responsible course of action for our country. Are we obliged to sit by and idly wait for a chemical, biological or nuclear 9–11? Or is it our responsibility to take steps to deal with the threat before we are attacked?

We have an obligation to defend against an attack on our people. We should be clear on the issue before us. It is not enough to get inspectors in. We have done this before, and we know this mad man has biological weapons.

To quote the wise words of my friend and colleague, the gentleman from Illinois (Mr. HYDE), we cannot entrust our fate to others, for others may never come. If we are not prepared to defend ourselves and to defend ourselves alone if need be, if we cannot convince the world that we are unshakeably resolved to do so, then there can be no security for us, no safety to be purchased, no refuge to be found.

Today Republicans and Democrats alike are concluding that this resolution needs to be passed to ensure that Saddam Hussein never has the opportunity to use his weapons of mass destruction against the United States. Iraq needs to not only subject itself to full inspections, but also disarm itself of all existing weapons.

The legislation in front of us gives the President the authority he needs to protect the American people and U.S. interests from Saddam Hussein's weapons of mass destruction while at the same time respecting the prerogatives of Congress. We have the responsibility to act.

I encourage all Members to keep the constituents in mind and support this resolution. The way to peace is through strength. As President Bush said on Monday night, war is neither imminent nor inevitable. Compliance without exception to the resolutions in place and total disarmament equals peace. Anything less is an unacceptable risk to the safety and the lives of all Americans.

Without disarmament, we will lead an international coalition that will disarm Saddam Hussein. Churchill said an appeaser is one who feeds a crocodile hoping it will eat him last. A vote for appeasement, not on my watch.

Mr. BERMAN. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, previous speakers have referenced the fact that supporters of this resolution, supporters of authorizing force as a way of maximizing our chances of putting together meaningful Security Council action and multilateral action for the use of force, if necessary, this is being done on a bipartisan basis.

I simply want to reiterate that because I think our colleagues here and the American people should understand that this is not simply a position that the Bush administration or the Republican Party endorses, that a number of key people in the Clinton administration's national security team agree that an ''aye'' vote on this resolution is the right vote on this resolution.

Each of the following people have indicated that to me and to other Members of Congress in their visits to the Hill in the last month: our National Security Adviser, Sandy Berger; the Deputy National Security Adviser, James Steinberg; our Ambassador in the Clinton administration to the United Nations and the man rumored as likely to have become Secretary of State if Al Gore had become President, Richard Holbrooke; the architects of the dual-containment policy in the early 1990s who recognized that at this particular time containment of Saddam Hussein is no longer a sensible policy, Martin Indyk, first with the National Security Council and then Assistant Secretary for Near East Affairs; Dennis Ross, Special Envoy to the Middle East; and Ken Pollack in charge of implementing the containment policy in the Clinton administration for the National Security Council; and Under Secretary of Defense for Policy, Walter Slocum. All of these top Clinton administration officials, dealing with critical national security issues, say that for us building the right vote is an ''aye'' vote.

Mr. PAYNE. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. SANCHEZ), a member of the Committee on Armed Services.

Ms. SANCHEZ. Madam Speaker, I rise today in opposition to the base resolution authorizing the use of military force in Iraq. First and foremost, the administration has failed to demonstrate that we face such an imminent threat to our national security that a unilateral, preemptive strike is critical to our continued well-being.

Yes, we know that Iraq possesses biological and chemical weapons. Yes, we know that Saddam Hussein has used them against the Iranians and the Kurds in northern Iraq. But we also know that Iraq has not demonstrated an intent to use weapons of mass destruction against the U.S., our interests abroad, or any of our allies.

And as a result of expert testimony given before the Committee on Armed

Services, we also know Saddam Hussein is a decade away from acquiring nuclear-equipped ICBMs capable of reaching the United States.

In contrast, we have been presented evidence that a war in Iraq would significantly destabilize the Middle East.

□ 2200

Even worse, it could potentially topple friendly governments in countries such as Pakistan, Kuwait, and Jordan. If President Musharraf were to lose control of Pakistan, nuclear weapons would fall into the hands of a fundamentalist regime.

We have been presented evidence that a war in Iraq would cost the United States between $100 billion and $200 billion at the time when funds are desperately needed elsewhere, especially in our fight against Afghanistan and the war on terrorism. And we do know that deterrence has worked. The fact is that Hussein has failed to use his vast arsenal of biological and chemical weapons thus far because the threat of collective, immediate retaliation from the global community has kept Saddam within his own borders. In a worst-case scenario, the threat of his impending downfall could finally compel him to use these weapons, and our troops would be the ones to suffer the consequences.

Thus far, I have not seen evidence that warrants the loss of American lives in Iraq. Under no circumstance should our servicemen and women be asked to risk their lives unless there is no recourse.

Clearly, the United States and the rest of the international community, for that matter, is accurately aware that Saddam Hussein is a brutal, repressive dictator who has ruthlessly tormented his people for decades, but it is evident that any action we take against the state of Iraq, if it is to be successful, will require the help of our allies. It should require the cooperation of the United Nations and its Security Council. These things should be in place before we tilt against our enemy. Otherwise, we risk becoming what we are fighting so hard against, a nation that creates its own rules and does not care about the international community. By taking unilateral action prior to exhausting all diplomatic efforts, the U.S. would set a dangerous precedent and undermine decades of relative international stability.

According to former President Jimmy Carter, one of the most basic principles for making and keeping peace within and between nations is that in political, military, moral and spiritual confrontations there should be an honest attempt at the reconciliation of differences before resorting to combat.

In light of this, I will support the gentleman from South Carolina's (Mr. SPRATT) amendment. In the event that diplomacy fails, in the event that Saddam Hussein again obstructs access to military facilities, it is imperative that Congress readdress this issue. If Saddam does not let unfettered inspections in, I will join with my colleagues in Congress to authorize the unilateral use of force, but until then we must act within the boundaries of international law if we expect our allies to emulate our actions when resolving a crisis of their own.

Harry S. Truman once said there is a right kind and a wrong kind of victory, just as there are wars for the right things and wars that are misdirected. And based on evidence that I have received, this potential war is misdirected. Our enemy was named on September 11. It is al Qaeda. Its name is Osama bin Laden.

On March 12, CIA Director Tenet testified before the Senate Armed Services Committee that al Qaeda remains the most immediate and serious threat to our country, despite the progress that we have made in Afghanistan and in disrupting the network elsewhere. We have seen what al Qaeda is capable of, that it is al Qaeda, not Saddam Hussein, that has continually restated its desire to continue a wave of crippling, devastating attacks against us. U.S. and military intelligence resources should be focused on seeking out and disbanding the al Qaeda network. We owe it to the loved ones of those lost on 9/11. We owe it to every American family, for that matter, to finish what we have started.

As the most powerful military force in the world, a successful military strike can be easily carried out. Diplomacy, however, is immensely more difficult but shows more strength.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MCKEON), another member of the House Committee on Armed Services as well as one of the leaders on education in this House.

Mr. MCKEON. Mr. Speaker, I thank the gentlewoman for yielding me this time. I also thank her for the great leadership she has provided on this issue and many other issues before us in Congress.

Mr. Speaker, I have been here now almost 10 years, and we have heard before from our leadership that this will be the most important vote we take or this will be the most important vote we take, and granted those were important votes but I think they pale in significance to the vote that we will take on this issue. I think that is the reason why our colleagues for the most part have addressed this in a very serious manner, and I want to congratulate my colleagues for the way that this debate has been conducted.

This is something that I think that none of us wants to be discussing. We would much rather live in a world of peace, and none of us would have liked to have happen what happened September 11 or in other places around the world, but we do not have those wishes. We have to deal with reality.

During August and during my other trips home since then, I do not think I talked to a single person that did not ask, are we going into Iraq and what is happening? As we discussed issue, some of them expressed to me strong reservations against going into Iraq. Some expressed strong support for going into Iraq or whatever we needed to do to defeat terrorism.

Today, we face a dilemma much like the dilemma that challenged Neville Chamberlain in the 1930s. He was confronted with the prospect of waging war against a madman or brokering peace based on thin promises. Chamberlain signed a treaty with Hitler hoping against reason that it would mean peace. Hitler mocked Chamberlain and he mocked the world when he ignored the treaty and broke his promises. Inaction in trying to appease Hitler resulted in ruin. By the war's end, Hitler's death toll had reached over 30 million people.

If we do not learn from history's mistakes, we are doomed to repeat them. Saddam Hussein is one of today's madmen and, like Hitler, he makes promises that last just long enough to quiet international fears. When the eyes of the world are not carefully trained on him, he returns to his evil ways.

The publicly available evidence against Saddam Hussein is compelling:

His aggressive invasion of Kuwait and brutal impression of the Kuwaiti people in 1990.

His record in complying with UN inspections. In total, Saddam Hussein currently stands in violation of 16 United Nations resolutions.

His repeated attempts to gain access to nuclear weapons.

His public praise of the attacks of September 11. While ideologically al Qaeda and Saddam are opposites, their common goal is the destruction of America. These two evils united pose a great threat to our security.

Because of the real threat that Saddam poses, President Bush has petitioned Congress to adopt the resolution before us. And as has been pointed out, leaders on both sides of the aisle, on both sides of this Chamber have worked with the President in drafting this resolution.

Today the debate is not really whether Saddam wants to gain nuclear weapons and use them on the U.S. and our allies. This is a frightening and well-documented truth. The true debate is whether or not America should seek permission from the UN before ridding the world of a regional and international danger.

While the resolution supports the President's efforts to work with the United Nations, it does not require that the U.S. receive U.N. approval before taking military action against Saddam Hussein. President Bush is committed to confronting the Iraqi regime with or without the support of the international community. He is committed and this Congress should be committed because, post-September 11, we know the harm that can be caused by combining Saddam's arsenal with al

Qaeda's will. Evidence of al Qaeda forces in Iraq is growing by the day, which means that the time to act is now.

Throughout our Nation's history, we have always led the cause of freedom, but even with freedom and security so clearly in danger we have treaded lightly when considering whether to wage war. We have treaded lightly because we value human life. Now we must move boldly because Saddam Hussein does not.

I urge support of the resolution.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, last night, our President explained very clearly that Saddam Hussein is a malicious tyrant with weapons of mass destruction and the ability to use them. He has ignored U.N. resolutions more than a dozen times. He has supported terrorism. He cannot be trusted, and he can no longer be tolerated.

I have met with President Bush twice in the past 2 weeks to discuss Iraq and the threat that Saddam Hussein poses to America. President Bush provided me the evidence I need to support this resolution. Saddam Hussein is training terrorists to make and use weapons of mass destruction. He has these weapons, and I believe he will use them against our country and our people.

I have a brother-in-law in the United States Air Force and a first cousin in the United States Army. I do not want war. None of us want war. We all want peace. We all want to know America like we did before September 11, 2001. I do not want war, but what I do want is to prevent another attack on our people.

September 11, 2001, taught us a painful but unforgettable lesson about the evil that our enemies are capable of displaying and, yes, carrying out against our country and its people.

Our world has changed, our enemy has changed, and our approach must also change. This is a decision I never thought I would have to make. It is a difficult decision that has weighed heavily on me. But for the sake of my family, my neighbors, my constituents, and our country, I know it is the right decision, and that is why I will reach across party lines and stand by our President.

This resolution authorizes our President to use military action against Iraq as a last resort. He has said that he will continue to work with the U.N. and that he will seek to form a coalition of allies to disarm Iraq, if necessary.

Our responsibility is clear. We must rise to meet this challenge and pass this resolution so our men and women in the military, our allies across the globe, members of the United Nations, and, yes, even Saddam Hussein himself will know that we are united in our mission to make America safe again.

Our world has changed, our enemy has changed, and our approach must also change.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, this will probably be the last time I speak on the floor of the House. It just suddenly dawned upon me. I do not know what the future holds for me, but I am not really worried about me tonight.

We have dealt with weighty issues during my 8 years here but none more important than this. I rise in support of the resolution, and I appreciate all of our Democratic colleagues who made it happen. I know the pressures on some of our friends on the other side are probably a lot more immense than they have been on me, and I applaud their courage.

□ 2215

I applaud your courage. For those who vote ''no,'' I respect you and I understand you are voting your conscience, and that is the way it should be. The resolution, I do believe, is balanced, is firm, and is focused on defending the United States, in my opinion.

People in America need to know the following: this passage is a certainty. Debating is almost over. Action will soon follow.

Please make no mistake about what faces our Nation. The U.N. will act; Saddam Hussein will not comply; the United States and its allies, sooner rather than later, will use force to bring about regime change; U.S. lives will be lost; civilians will be killed and harmed. Victory will come at a very large price.

We are setting in motion tonight forces long overdue. When the smoke clears, the Iraqi people will taste freedom for the first time in decades, the terrorists will have one less ally, the world will be much smaller.

Evil is about to face the forces of good. Thanks to the men and women who serve us and their counterparts worldwide, one more domino will soon fall in the war on terrorism.

Regardless of how we vote, we will pull together soon and we will be one people, supporting our President. I ask for God's protection and guidance of our President and for all who serve under him. With God's guidance and his grace, we will prevail; and the world will soon be a better and safer place.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Committee on Financial Services and the Committee on Government Reform, a person who speaks for truth and justice and has the courage of her convictions.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, these are the letters and e-mails that I have received from my district, about 5,000 of them. These support authorizing the President to launch a preemptive unilateral war on Iraq, 14 of them; and all the rest of them are saying no to war.

These are letters from veterans and teachers, mothers and fathers, Republicans and Democrats. In many different voices they are all saying, ''War is not just another policy option. It must be the very last resort.'' These are serious and thoughtful letters from patriots who are deeply concerned, not only about the security of the United States, but the soul of the United States.

One constituent said, ''Unilateral behavior is not the example we as Americans should display to the rest of the world. We should support and ensure the United Nations resolutions to the fullest. And, if necessary, we should lead in enforcing the United Nations resolutions.''

Many others believe the President has provided no convincing evidence that going to war with Iraq is necessary or is the only option the U.S. has at this time. If the President does have the compelling evidence of imminent threat that my constituents want, he has not shown it to the Congress.

If Saddam is such a grave threat, why has the administration waited until this moment to try to make its case? And why, as recently as 1998, was Halliburton, the company headed by Vice President CHENEY, doing business with Iraq and helping them rebuild their oil fields?

Some of my constituents suggest that oil might have something to do with this, and some suggest it has more to do with November 5 than September 11. Many others raise the concerns of the constituent that says, ''There are far too many other things that need to be dealt with in our country today, including health care, the state of the economy, corporate corruption, as well as a host of environmental and international issues, for us to make preemptive war.''

The two things never suggested in these letters are, first, that Saddam Hussein is anything other than an evil and merciless dictator, and, second, that the United States should sit back and do nothing to disarm him. Yet the President in his speech dismissed those who oppose a preemptive strike by saying, ''We could wait and hope that Saddam does not give weapons to terrorists or develop a nuclear weapon to blackmail the world.''

Well, with all due respect, Mr. President, there are no waiters or hopers in this pile or in this Congress. This is not about action versus inaction, and certainly not about appeasement. No one in this Chamber is a Neville Chamberlain.

As Chicago Tribune columnist Steve Chapman, who wrote a column called ''Appeasement Myths,'' said, since Desert Storm, ''No one has been appeasing him. On the contrary, we have let Hussein know that if he ever sets one toe across any of his borders, we will stomp him flatter than a straw hat on the interstate. The policy of containment backed by nuclear deterrent

is the same policy the United States employed against the Soviet Union for 40 years with successful results.''

Mr. Speaker, I will include the full article for the RECORD.

A preemptive strike, in my view, puts America and the world in more danger, not less. CIA Director Tenet wrote, ''Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions.''

To me, this means Israel, our greatest ally in the Middle East, would become a target of those attacks, Saddam would likely unleash whatever chemical and biological weapons it may have on Israel, the Middle East would be in flames and the Arab and Muslim world united against the United States and Israel. The careful coalition that the United States assembled to fight what is an imminent threat, the terrorist threat of al Qaeda, would come apart. The United States would be at war, bearing all the costs and all the cleanup, which could take many years alone.

We would be putting our young men and women in uniform, as many as 300,000 of them in harm's way, in the way of very serious harm.

Information provided by the General Accounting Office and the Inspector General of the Department of Defense raises very serious questions about our ability to adequately protect our troops from chemical and biological weapons. Can we justify sending them off to war with protective suits that may have holes in them when there are viable alternatives?

After World War II, the United States took the lead in creating the United Nations for the purpose of extending the rule of law. We took the lead in creating the United Nations for the purpose of extending the rule of law around the world in order to prevent future wars.

That goal, though too often elusive, is even more compelling today in a shrinking world in which technology makes it possible to virtually destroy the planet. The United States, the undisputed superpower, has the opportunity to use its great strength to lead the nations of the world toward accepting the rule of law; or we can, as the new Bush doctrine spells out, use our power to attack at will those who may in the future pose a threat. This dangerous and contagious idea of preemptive strike will usher in a new century of violence and even catastrophe.

We should vote ''no'' on this resolution granting the President the power to go to war, but we can vote ''yes'' for more appropriate and more sensible options. The gentleman from South Carolina (Mr. SPRATT) and the gentlewoman from California (Ms. LEE) have provided us with resolutions that allow us to address the threat from Iraq without first choosing war.

Mr. Speaker, I include for the RECORD the article written by Steve Chapman, ''Appeasement Myths, the Realities of Iraq.''

[From the Chicago Tribune, Oct. 6, 2002]

APPEASEMENT MYTHS, THE REALITIES OF IRAQ

(By Steve Chapman)

Should we go to war to stop Hitler? That question may surprise you—at least if you operate on the assumption that Hitler is dead and not about to go anywhere.

But conservatives insist that Hitler has been reincarnated in the form of Saddam Hussein. They say that like the British of the 1930s, who had to choose between the concessions offered by Prime Minister Neville Chamberlain and the military action urged by Winston Churchill, we have to decide between cowardice and courage.

The Weekly Standard magazine labels all the opponents of this pre-emptive war ''the axis of appeasement.'' The Daily Telegraph of London sneers, ''Just as the prospect of invading Iraq provokes clerical and secular hand-wringing now, so did the prospect of taking up arms against Nazism then.'' When Illinois Sen. Dick Durbin announced he would vote against a resolution authorizing the president to invade Iraq, his Republican opponent Jim Durkin immediately detected the stench of ''appeasement.''

Exhuming the Nazis to justify war is not a tactic unique to conservatives. Liberals accused the United States of shameless appeasement in refusing to send troops to stop the war in Bosnia. Both sides claim to have learned the lessons of history, but the only episode they can ever seem to remember is the rise of the Third Reich.

But they don't even known much of that history. Anyone trying to apply the experience of Nazi Germany to the case of Iraq can see two obvious things: Saddam Hussein is no Hitler, and our policy over the last 11 years looks nothing like appeasement.

Hitler had been in power just five years when he annexed Austria in 1938. Before that year was over, he had coerced Britain and France to surrender part of Czechoslovakia. In 1939 he invaded Poland. Denmark, Norway, Belgium and France soon followed. In 1941, he marched on Moscow.

It was a plan of conquest breathtaking in its speed and scope. Just eight years after gaining power, Hitler was on the verge of controlling an empire stretching from the Atlantic to the Pacific.

And where is Saddam's imperial plan? He has been in charge of Iraq for some 30 years, and so far he's initiated hostilities with only two countries, Iran and Kuwait. Hitler dreamed of ruling the world. Hussein's grand vision was to control the whole of the Shatt al Arab waterway and some oil fields to his south.

For all his vicious nature, he has shown no interest in building an empire. In any case, that would be an impossibility for Iraq, which has just 23 million people and is surrounded by bigger nations.

As for his domestic realm, Hussein is unquestionably a ruthless despot willing to kill anyone who stands in his way. But that description would not begin to capture Hitler, who slaughtered innocents across the continent on a gargantuan scale. To equate Hussein with Hitler is like equating a snow flurry with an ice age.

If finding someone to impersonate the Fuhrer is tough, finding a modern-day Neville Chamberlain is even harder. When Hitler demanded the Sudetenland from Czechoslovakia, Britain and France meekly gave it to him. When he proceeded to swallow up the rest of the country, nobody tried to stop him. When Hussein invaded Kuwait, by contrast, he unleashed Operation Desert Storm on himself.

No one has been appeasing him since then, either. On the contrary, we've kept the Iraqi regime confined to a tight little cage.

The two no-fly zones enforced by British and American fighters cover most of Iraq. Meanwhile, economic sanctions have kept him from buying weapons and spare parts, or doing much of anything to rebuild his army. ''Hitler got more powerful with time, while Saddam has gotten weaker,'' notes John Mearsheimer, a defense scholar at the University of Chicago.

We've stationed thousands of troops in Kuwait, we have air bases in Saudi Arabia, and we generally keep an aircraft carrier within striking distance of Iraq at all times. In short, we've let Hussein know that if he ever sets one toe across any of his borders, we'll stomp him flatter than a straw hat on the interstate.

''Everyone agrees we have to take action against him,'' says Mearsheimer, who says the choice is not between war and appeasement, but ''containment versus rollback.'' The policy of containment, backed by our nuclear deterrent, is the same policy the United States employed against the Soviet Union for 40 years, with successful results.

Hawks claim to be rejecting the policies of Neville Chamberlain that brought on World War II. What they're really rejecting is the policy of Harry Truman and Ronald Reagan—which won the Cold War and can win this one.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I have to respond to my colleague from Illinois. I respect your feelings and your reasons for voting the way that you are going to vote when this resolution comes to a vote, and you are very honest in your expression of them. But I have to say that those who are supporting this resolution have similarly honest feelings and reasons for doing so.

It bothers me a little that you are questioning the motivation of those who support this resolution, and indeed the motivations of the President and the Vice President of the United States, at least indirectly.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. THORNBERRY), also a member of the Committee on Armed Services.

(Mr. THORNBERRY asked and was given permission to revise and extend his remarks.)

Mr. THORNBERRY. Mr. Speaker, I rise in support of the resolution. Authorizing the use of military force is not a decision for any Congress or any individual Member to take lightly. I approach the issue recognizing that American service men and women may well sacrifice their lives as a result. I also recognize that American use of force may have strategic repercussions that extend far into the future and into all areas of the globe.

Making this decision may well be the most somber responsibility that any Member of Congress has. Just because a decision is difficult, however, does not mean that we should try to avoid it or that we should automatically look for some option that makes us all feel more comfortable. There are those who seem to think that we should just continue along, waiting for an international consensus or deferring to the

United Nations, and thus avoiding having to make hard choices.

But wishful thinking and further delay will not lessen the dangers we face, but actually will increase them. History is replete with instances where failure to face up to a difficult circumstance in a timely manner ultimately resulted in a far greater price being exacted.

However difficult the choices, however uncertain the future, however alone we feel, we must do our best with the facts before us.

And there are certain facts that are beyond dispute. One is that Saddam Hussein heads an evil, aggressive regime which has brought immeasurable misery upon the Iraqi people and their neighbors. We know Hussein is a merciless killer who does not hesitate to massacre innocent civilians and has an intense hatred of the United States.

Another fact beyond dispute is that Saddam Hussein will stop at nothing to obtain the most deadly, terrifying weapons possible. As one of his former scientists has said, Iraq has been turned into ''one giant WMD factory.'' We know he now has relatively advanced dangerous chemical and biological weapons. We know he is willing to use them, because he has used them before. We know for certain he is actively trying to acquire nuclear weapons, and we should not forget how badly we underestimated how close he was to actually building a nuclear device at the time of the Persian Gulf war.

So we know the character of the man and the regime, we know the kinds of weapons he has and is trying to acquire, and we know he is perfectly willing to use them. The only relevant facts we do not know are when Saddam Hussein will act and exactly what his tactics will be. But those are details that do not really affect the essential choice before us.

That choice is quite simple. On one hand, we can continue the approach of the past 10 years, hoping that Iraq can be contained and that Hussein will not use the weapons he has hungered for and that he has sacrificed so much to acquire. We can hope that one day he will choke on a chicken bone and be replaced by somebody who will voluntarily dismantle Iraqi weapons and weapon-making capability. With that option, we stake our future and our security upon wishful thinking.

The other option is to act. We can act with as many other nations as will responsibly join us to rid the world of the menace that Iraqi's weapons of mass destruction present. And we can act to better prepare our homeland for the kinds of dangers Hussein and those like him present.

There is no doubt that the United States is Hussein's primary target. Acting to eliminate this threat is acting to defend the country and the lives of our citizens. But given the unique position we occupy in the world, acting to eliminate this threat also fulfills a special responsibility America has, a responsibility to lead, to be a force for good.

Some argue Hussein will not use his weapons, that he wants to possess them only for prestige in the region. They do not believe that he would ever assist terrorist networks like al Qaeda from acquiring and using such weapons against us, in spite of the fact he has a history of relations with these terrorists.

Mr. Speaker, I cannot risk the lives of my constituents or my children on guesses about what course this tyrant might take. I believe there are no limits to what Hussein will do if he, in his perverted world view, believes something is in his best interests, and that includes assisting other terrorists in attacking us.

With all of the uncertainties and risks, with less international support so far than we would like, the responsibility to deal with this evil still rests with us. I believe we should authorize the President to use military force to address this threat, and that we should fully support the President and the troops carrying out his commands as they strive to make this a safer, more just world.

Mr. BERMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I wanted to get on the record a response to one of the prior assertions about the level of preparedness, equipment and training for U.S. troops who might be sent into harm's way.

□ 2230

I am proud to serve on the Committee on Armed Services, along with many of the Members who are here on the floor at this time. I believe we may be the most bipartisan or nonpartisan committee in the House.

As we led up to this debate, we have been briefed by the Joint Chiefs of Staff and other leaders of the military who have assured us that every conceivable means of protection, every conceivable tool that can be made available to the men and women who serve in uniform will be made available to them. We, in turn, have assured the military leaders that we as a committee and we as a Congress will spare no expense to make sure that is the case.

I just do not want there to be any misconception that if it is necessary to send these young men and women into combat that they will not have the very finest and best tools of protection.

Mr. BERMAN. Mr. Speaker, reclaiming my time, we hear over and over again this reference to preemptive war. I reject the notion that this is under the legal doctrine of preemptive war. We are dealing with a country, Iraq, under the leadership of Saddam Hussein, that has violated resolution after resolution adopted by the Security Council of the United Nations, including resolutions adopted under Chapter VII, the peacemaking, peace-enforcing provisions of the United Nations charter. To engage in acts to seek to assure compliance with those resolutions and enforcement of those resolutions is not preemptive war in the traditional legal sense of the word; it is the enforcement.

I would remind my colleagues in my own party that this body voted on, and 181 of my democratic colleagues supported, the authorization of the use of air strikes to bomb key targets in Yugoslavia in order to stop humanitarian slaughter of Kosovars without a Security Council resolution, after the bombing had already started, and thought, properly so, that we were engaging in the right position for the United States. I would suggest that not only the humanitarian arguments in favor of dealing with Saddam's regime but the national security arguments, which I would suggest are even greater than those that existed when we authorized the use of force against Yugoslavia, compel a very similar conclusion here in the name of enforcing U.N. Security Council resolutions.

Mrs. WILSON. Mr. Speaker, I thank the gentleman from New Jersey for pointing out that fact; and he is accurate, that the Committee on Armed Services has received those assurances.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana, (Mr. HOSTETTLER), another member of the Committee on Armed Services.

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Speaker, I thank the gentlewoman from New Mexico for yielding me this time.

Today the question before this body, Mr. Speaker, is not ''How shall we respond to the unprovoked attack by a foreign nation upon the United States or its fielded military forces abroad?''

We are not debating ''How will we respond to the menace of a political and/or cultural movement that is enveloping nations across the globe and is knocking on the door 90 miles off the coast of Florida?''

Nor, Mr. Speaker, are we discussing a response to an act of aggression by a dictator who has invaded his neighbor and has his sights on 40 percent of the world's oil reserves, an act that could plunge the American economy, so dependent on energy, into a deep spiral.

Finally, Mr. Speaker, and this point must be made very clear, we are not discussing how America should respond to the acts of terrorism on September 11, 2001. That debate and vote was held over a year ago; and our men and women in uniform, led by our Commander-in-Chief and Secretary of Defense, are winning the war on terrorism. It is with their blood, sweat, and tears that they are winning, for

every one of us who will lay our heads down in peace this night, the right to wake up tomorrow, free.

No, Mr. Speaker, the question before us today is ''Will the House of Representatives vote to initiate war on another sovereign nation?''

Article I, Section 8 of the governing document of this Republic, the United States Constitution, gives to Congress the power to provide for the common defense. It follows that Congress's power to declare war must be in keeping with the notion of providing for the common defense.

Today, a novel case is being made that the best defense is a good offense. But is this the power that the Framers of the Constitution meant to pass down to their posterity when they sought to secure for us the blessings of liberty? Did they suggest that mothers and fathers would be required by this august body to give up sons and daughters because of the possibility of future aggression? Mr. Speaker, I humbly submit that they did not.

As I was preparing these remarks, I was reminded of an entry on my desk calendar of April 19. It is an excerpt of the Boston Globe, Bicentennial Edition, March 9, 1975. It reads, ''At dawn on this morning, April 19, 1775, some 70 Minutemen were assembled on Lexington's green. All eyes kept returning to where the road from Boston opened onto the green; all ears strained to hear the drums and double-march of the approaching British Grenadiers. Waving to the drummer boy to cease his beat, the Minuteman Captain, John Parker, gave his fateful command: 'Don't fire unless fired upon. But if they want to have a war, let it begin here.''

''Don't fire unless fired upon.'' It is a notion that is at least as old as St. Augustine's Just War thesis, and it finds agreement with the Minutemen and Framers of the Constitution.

We should not turn our back today on millennia of wisdom by proposing to send America's beautiful sons and daughters into harm's way for what might be.

We are told that Saddam Hussein might have a nuclear weapon; he might use a weapon of mass destruction against the United States or our interests overseas; or he might give such weapons to al Qaeda or another terrorist organization. But based on the best of our intelligence information, none of these things have happened. The evidence supporting what might be is tenuous, at best.

Accordingly, Mr. Speaker, I must conclude that Iraq indeed poses a threat, but it does not pose an imminent threat that justifies a preemptive military strike at this time.

Voting for this resolution not only would set an ominous precedent for using the administration's parameters to justify war against the remaining partners in the ''Axis of Evil,'' but such a vote for preemption would also set a standard which the rest of the world would seek to hold America to and which the rest of the world could justifiably follow.

War should be waged by necessity, and I do not believe that such necessity is at hand at this time. For these reasons, Mr. Speaker, I urge my colleagues to please vote ''no'' on the resolution to approve force at this time.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. MEEKS), a new, strong voice on the Committee on International Relations.

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, today we have an opportunity to debate an issue that is of great importance, an issue that involves both the known and unknown consequences that only a war can produce, for America, the Middle East, and indeed, the entire world. This will be by far the most difficult vote that I have had to take since I became a Member of this body in 1998. It comes at a time when many Americans, particularly many New Yorkers from the Sixth Congressional District which I am proud and honored to represent, are still in pain from the trauma of the attack on 9/11.

I have no love for Saddam's brutal regime, and I would support any action that the international community and the United Nations and our friends in Europe and Asia and the Islamic world would agree was in the best security interests of the world community. I, however, do have questions about why we must take this vote now. What is different between now, 4 months ago, 12 months ago, 24 months ago, or 48 months ago?

More importantly, I have deep concerns, many echoed by allies and Iraq's neighbors, about the unforeseen consequences and instability which would be caused by the U.S. military attack on Iraq.

At a time when the economy is faltering and so many other domestic issues are being left unattended, this Congress is being forced to consider the authorization of the use of force, perhaps unilaterally, against a regime we have known about for 20 years, a regime which has always been undemocratic and brutal against its own people. Yet our government once ignored those facts because it was felt it was in our best interests to support the regime with the very same capabilities we now say threaten America.

At a time when we are in the middle of a war against terrorism with the help of a number of majority Muslim nations who are protecting American lives against known threats, this authorization of use of force against potential threats could result in the reduction of help from new friends and allies and, thus, put the lives of Americans at risk. Is that what we want to do?

It is not surprising that during a time of mourning and healing and, most of all, fear, we would speak of the evils of Saddam as a threat to America and a threat to the world but yet not provide this Congress with the evidence to support such claims.

Certainly, when it comes to our security, there is no debating that I stand with all Americans when it comes to protecting Americans, and that is why I fully supported any and all actions to bring those who committed attacks on 9/11 to justice.

Yet, as of last night, no evidence has been offered linking Saddam Hussein to those who attacked us on 9/11.

More importantly, let us not tell the American people and the world that we would use force against Iraq in the name of the world's freedom and security. Let us not say we are authorizing the President to use force against Iraq to protect the credibility of the United Nations by enforcing all U.N. security resolutions pertaining to Iraq.

I have yet to see the world, nor Iraq's neighbors, ask America to protect it from Iraq. In fact, many friends and allies in our own intelligence agencies say a number of other nations pose far greater threats to security.

Others, both inside and outside this administration, speak about ''sending a message'' and that the ''credibility'' of our Nation and the world is at risk if we do not stand ready to act with force.

I want every Member to say that they are ready to comfort a loved one of an American soldier who might give their life for their country not to confront a threat but because it was important to send a message. Since when do we authorize the use of force not to address a threat but because not to use the force would hurt our credibility?

It is not surprising that during a time of mourning and healing and, most of all, fear, we would speak of these potential threats from Iraq and mix them with the war against terror as a pretext for bringing back an old approach to national security and call it a new policy.

The ideas of using pre-emptive military strikes against unknown threats and even the ability to potentially threaten, as stated in the administration's new national security strategy on September 20, 2002, are not new. The very same ideas can also be found in the 1992 Draft Defense Planning Guidance document and the 1993 Defense Strategy for the 1990s document. Both of these documents were written under the direction of the current Vice President, the Deputy Defense Secretary and Secretary of State when they served in various Defense Department-related positions in the last Bush administration.

If we truly live in the new world, then why is the Bush administration presenting us with what it calls a ''new approach'' to national security for Americans in a new world, using the same old ideas that were once rejected by the American people, ideas which even Nelson Mandela said could be a threat to world security?

Mr. Speaker, I have come to the conclusion that this debate about Iraq raises two fundamental questions for our Nation and for our generation, questions which, depending upon how they are answered, will affect the lives of generations to come.

One, what kind of world do Americans want our children to live in?

Two, in the 21st century, do Americans think the best way to achieve security is by U.S. global military dominance or U.S. global cooperation?

I believe that after 9/11 it is now more important than ever for the American people to have a greater say on whether they believe they will be safer in America and, in an increasingly smaller world, if their government adopts a posture of global military dominance or a posture of global cooperation.

Many Americans feel that increased public diplomacy must be a part of the war against terrorism because one of the reasons why a murderer like bin Laden was able to recruit individuals to attack Americans is because some in the world are isolated and do not know the truth about America.

Fighting terrorism requires global solutions, which can only be obtained through cooperation, not by threatening the world that we will go it alone whenever the world does not see things our way.

The use of the world's greatest military power in a preemptive strike against others is not a foreign policy of strength. It is a foreign policy of fear.

I will always stand for protecting America and given the fact that we will soon begin spending more money on defense than the combined spending of the next 19 nations in the world, I am confident that our military power assures that any nation that attacked us would be defeated in battle.

We were not attacked by any nation on 9/11. When it comes to protecting America from terrorist groups like Al Qaeda, recent history shows that we can beat them as well, when we have the help and cooperation of others.

A pre-emptive strike against Iraq will squander the opportunity to build on the existing cooperation we now enjoy and to create even greater levels of global cooperation on other issues of concern to the world—including issues which are the root causes of terrorism.

We can take action and we should. We can work with others in the same way we are working with the world to combat Al Qaeda. We can demonstrate true leadership by exhausting all diplomatic means rather than by simply falling back on the use of force.

I'm sure that this Administration and this Congress will always reserve the right to pursue a course of action to protect America's national security. However, we must realize that no matter how powerful our military is, our security is linked to the world's security. If this crisis is truly an issue of global peace, I urge America to work with the world to secure the peace for all.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, much has been said today, and I am sure over the next few days much more will be said, as it should. The issue of authorizing the use of our Armed Forces is a momentous one, and it demands the thorough consideration of this Congress, and I believe we will be giving this some 30 hours of debate.

September 11 was a cruel wake-up call. After the Cold War, I am afraid our country indulged in the notion that we could shut out the world.

□ 2245

The Soviet military power that existed, coupled with the expansionist ideology of Marxism, had vanished as a threat to the United States. There was exuberance that America could cruise on the international front. During that time, we lowered our defenses and downplayed many troubling developments, including the rise of al-Qaeda and the rise of Saddam Hussein's capabilities, with his development of weapons of mass destruction, to harm our Nation.

September 11 harshly brought home the fact that the world is a dangerous place, it has always been, and that threats must be dealt with before they hit home, as they did hit home last year with such terrible impact.

Last night, President Bush made a powerful case against Saddam Hussein's regime. It has hostile intentions; it possesses weapons of mass destruction; it has means to harm us massively, means that are increasing daily; and that it is only a matter of time before Saddam strikes again against America's interests.

The President spoke even of Iraq possessing, and I am going to quote from his speech, ''a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas.''

Well, that is why I urge my colleagues to support this resolution. We have had a long debate today, and I would like to address a point that was raised earlier.

Iraq was described as an impoverished Third World nation. The suggestion was that there is no threat there. Many Americans may think of Iraq in this way. If so, they must realize that while many Iraqis are suffering under Saddam, his regime is not impoverished. As a matter of fact, our General Accounting Office, our GAO, did a study in which they found that some $6.6 billion between 1996 and 2001 was siphoned off for use by the regime.

British intelligence, that did their own analysis all the way up until several weeks ago, tells us that between 9 billion and $10 billion has been siphoned off in surcharges, kickbacks, illegal exports. Let me tell the Members, Mr. Speaker, that $9 billion to $10 billion pays for the development of a lot of weapons of mass destruction. One could buy a lot with that amount of money.

It is not improbable that Saddam Hussein is developing nuclear weapons and the means to deliver them. I tell the Members that U.N. inspectors found plans for a bomb that would require 34 pounds of enriched uranium. I had an opportunity in the Committee on International Relations to ask our former CIA Director, James Woolsey, how long it would take if Saddam obtained the U-235, the enriched uranium, that he is attempting to obtain right now. He said if he had the uranium, it would take them about 4 months before a nuclear weapon was ready.

He may already have that uranium; and as we know from other reports, if he is not able to buy it on the world market, it is only a matter of time, 3 years at the most, before he develops that capability himself. So it is only a matter of time.

The Iraqi regime has long employed very capable scientists and technicians. Those of us who have traveled to Moscow talked to the Russians who ran their program, who have shared with us that some of their very capable scientists are in the Middle East today, some of them working in Iraq.

Iraq has access to a developed infrastructure. The regime has ample resources from its oil wealth, giving it the ability to bid for the considerable scientific and technological expertise. They use front organizations and front companies in order to obtain this technology into Iraq. They have key materials that have been floating around since the break-up of the East bloc.

So this is not a ragtag dictatorship we are dealing with; it is an able tyranny dedicated and capable of doing us real harm. That is why action has to be taken to disarm Saddam Hussein.

I would like to address some of the other concerns that have been expressed on the floor of this House today. Some opponents of this resolution have asked, why now? I would like to point out to my colleagues that it was in 1998, 4 years ago, that Congress concluded that Iraq's continuing weapons of mass destruction program threatened vital U.S. interests. Congress then urged the President to take appropriate action to bring Iraq into compliance with its international obligations, including relinquishing its weapons of mass destruction.

The Iraqi Liberation Act that Congress passed that year endorsed a change of the Iraqi regime, and that was 4 years ago. Our Nation did not do anything to effectively address this, but Congress recognized it as being a real threat.

By authorizing action to forcefully address this challenge now, we are hardly being rash. If anything, this action is overdue. The fact is that Iraq for years has pursued weapons of mass destruction with great determination. It had a crash nuclear weapons program prior to the Gulf War. It is estimated that were it not for the war, Iraq would have had nuclear weapons no later than 1993.

Neither Saddam's Gulf War defeat nor a slew of U.N. resolutions were a deterrent. In 1998, the International Atomic Energy Agency dismantled extensive nuclear weapons facilities in

Iraq, including three uranium enrichment sites, as President Bush noted last night. This regime has been operating free of inspectors for the last 4 years. Is there any reason to believe that Iraq is not near acquiring a nuclear weapon?

Some have charged that all questions have not been answered. What will a post-Saddam Iraq look like? Yes, it is our responsibility to best anticipate what a post-Saddam Middle East will look like and best account for it, but we cannot allow ourselves to be paralyzed by the uncertainty that is part and parcel of international politics. To resist acting in the face of a mortal threat because we do not have a crystal ball would be folly.

Did we have all the answers when we intervened in Afghanistan? No. We heard that we would get bogged down in a bloody quagmire, as the Russians did a dozen years earlier. We did not. Yes, we have much work left to do in Afghanistan, but our military has performed in the stellar way many of us expected it would. The Taliban was routed, as was part of al-Qaeda.

Those who oppose this resolution based upon concerns about stability in Iraq and the region should ask why their vision of stability in Iraq and the region is based upon Saddam's continued role. Is that the best this region can do?

Some have raised concerns about the Iraqi people, suggesting they will suffer. If war comes, there certainly will be suffering, but I suggest that nothing is harming Iraqis more than Saddam's tyranny. We do have Iraqi children without food and medicine, but let us lay responsibility where responsibility belongs: on this palace-building dictator who squanders his nation's resources.

This is one of the most repressive regimes in the world. Amnesty International has reported that Iraq is the country with the greatest number of people missing or unaccounted for. One human rights group reports that Saddam has killed over 500 journalists and intellectuals, and tens of thousands of political opponents and ordinary Iraqi citizens have been subjected to arbitrary arrest, imprisonment, torture, burning, electric shocks, starvation, mutilation, and rape. This is how Saddam's regime makes Iraqis suffer. I can only imagine its disdain for Americans.

Saddam is in possession of weapons of mass destruction. He is working to advance his deadly arsenal. Can there be any doubt that we must act before our Nation is hit?

It is always easier to kick a problem down the road, to deal with it later. We do that too often around here. What is required to beat that syndrome is leadership, leadership willing to deal with an unpleasant situation head on. That is what our President and his national security team are showing.

Critics say that the administration is not exploring all options. It is exploring options. We may avoid war. What option the President has no interest in, though, and I think this is to his credit, is shirking his responsibility for the defense of our Nation. He certainly is not willing to allow the nations of the United Nations Security Council to dictate the terms by which our Nation is defended, which is what some are calling for.

After any military action, it will be incumbent upon our country to stay the course to see that the new Iraq no longer threatens us. That means ridding the country of weapons of mass destruction, but also helping to see that Iraq has a chance of becoming a successful state. This will mean helping the Iraqi people, to whom, it should be emphasized, we hold no hostility.

Helping build stability is our current challenge in Afghanistan, and helping to give Afghanistan and Iraq a chance for stability and a decent government will require a substantial U.S. commitment. Given the threat to our security that Iraq and Afghanistan pose, we must make this investment.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, the Committee on Armed Services had a couple of minutes left, but I yield back the balance of our time.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in this House, and indeed, in homes across America, we are debating whether to use force to disarm Saddam Hussein if he fails to comply with the resolutions of the United Nations, if he fails to submit to unfettered inspections, and even if we must go it alone.

The President has come before the Nation to make the case for strong intervention and to attempt to answer many of the difficult questions being posed by the American people: Why is Iraq unique when other nations possess weapons of mass destruction? Why now, when Iraq has been ignoring the U.N. resolutions for 11 years? What effect will this have on the broader war on terrorism? Will an invasion of Iraq in the end make us safer or more at risk?

All of these questions are legitimate. None admits of a simple answer; and none can be answered completely, depending, as they do, upon the unknowable caprice of a despot. But there are certain facts which I believe are indisputable.

First, Saddam Hussein has chemical and biological weapons, and is developing a nuclear weapons capacity.

Second, an inspection regime in which hundreds of acres of so-called palace grounds are off limits is no inspection regime at all. In fact, it is worse than no inspections, giving, as it does, a false sense of security and effectiveness.

Third, Saddam Hussein will never submit to a real inspection regime without the credible threat of force.

Fourth, we cannot continue to allow Saddam Hussein to fire on American pilots who seek to enforce United Nations resolutions.

Finally, the threat posed by Saddam Hussein's weapons program will only grow over time; and in time, he will have the atomic bomb.

Of all the dilemmas facing our Nation in light of these facts, the central issue is this: How imminent is the threat to this country from Iraq?

The threats we face after September 11 are different in kind than those we have faced in the past. We will never likely see enemy troops massing on our borders, threatening to dominate Europe, or attacking our bases with large fleets of ships or planes. The predominant threat we must now address comes from terrorists and the states that sponsor them, terrorists who cannot be contained and cannot be deterred, and terrorists that can act with great suddenness and ferocity, causing dramatic loss of life.

It is fair to ask ourselves whether, on September 10, prior to the devastating attacks on this country, we would have adjudged al Qaeda an imminent enough threat to justify the strenuous use of force to rout out the terrorists in Afghanistan. Apparently, we did not. Just as plainly, we cannot wait until 3,000 more Americans lie in their graves to warrant our intervention when other threats materialize.

□ 2300

The narrow question before Congress right now is whether the threat from Iraq is imminent enough to support a resolution authorizing the use of force to compel this armament if persuasion fails. On the basis of information I have received, both classified and unclassified, from meetings with the President, National Security Advisor, Secretary of State, regional experts, defectors and others, I believe it is; and I am concerned that the failure of such a resolution at a time when our Commander-in-Chief is before the United Nations would be deleterious to our efforts to engage that world body.

The original resolution drafted by the President was too broad, and I did not support it. Through negotiation with the Democratic leadership, the resolution was considerably narrowed to require the President to exhaust all efforts through diplomatic and other peaceful means before any resort to force could be made, to limit the scope of his authority to Iraq, rather than the entire region, to require compliance with the War Powers Act and to compel frequent consultation with Congress.

In the House Committee on International Relations on which I serve, I supported amendments to narrow the President's authority further still, including the Biden-Lugar amendment, which contained even stronger language compelling the use of force to compel disarmament. These amendments were unsuccessful, and I supported the bipartisan compromise resolution on final passage out of the committee, and I will support it here on the floor.

My vote in favor of this resolution and my desire to support the administration's efforts that the United Nations should not, however, be taken as an unequivocal endorsement of the administration's handling of Iraq over the last year. It is not. The administration must not go about this alone or unilaterally but redouble its effort to enlist the support of our allies until it is successful, as I believe it can be. The administration must change the nature of its rhetoric, rhetoric which on a host of issue has shown too great a willingness, at times an eagerness, to go it alone on a whole range of issues, a policy and a tone which has made the process of gathering international support much more difficult than it should have been.

I share the concerns expressed by hundreds of my constituents that this country not rush to establish a precedent that every country is justified in unilateral military action against all perceived threats and that the best way to distinguish our conduct from other nations considering their own preemptive actions in the future is to persevere in our determination to build international support for international action.

I hope that military force is not necessary. As the President said in his speech last night, ''Approving this resolution does not mean that military action is imminent or unavoidable.'' But if force is required to disarm Iraq, I have great faith in the men and women of the U.S. Armed Forces. They will do their job bravely and effectively, and we will be successful. We will win the war.

Let us resolve also to take the longer and no less complex task of winning the peace. We must not risk the lives of American soldiers to replace one Baath party dictator with another, to allow Iraq to disintegrate or degenerate into tribal warfare. We must be committed to the long-term prosperity of the Iraqi people, to the establishment of the democratic institutions, and to the rights of speech and association and the free exercise of religion.

We must embrace a broad vision, one that works to democratize the Middle East, to secure its rebirth and the elevation of its civilization, and a vision comparable to the Marshall Plan at the end of World War II. This will be no minor undertaking and will represent a significant departure from past policies, which have too often favored oil and friendly autocracy over principle and popular democracy. It will also require an investment in the very future of the very nations which now threaten us. But as post World War II Europe has illustrated, with every effort we make and every dollar we contribute, our own peace, security and prosperity will be rewarded.

On September 10, the danger from terrorists was imminent, and we took no action. On September 11, we were devastated. Now it will forever be September 12, the day we realized that our military might alone, stationary and defensive, could not deter, could not prevent, could not contain the threats against us. And so we must gather the freedom-loving nations of the world and act to disarm Iraq peacefully if at all possible, but to disarm. And in time also to rebuild so that what was once a cradle of civilization can again be a light to the world.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is with some regret but strong conviction that I rise today to express my support for House Joint Resolution 114.

No member of this body ever wishes to cast a vote that could ultimately lead to the loss of even one American life. Yet that is exactly what all of us, those who vote for this resolution and those who vote against, are doing today. Those of us who vote for the resolution must know that granting the President the authority to use force could lead to an invasion of Iraq and the possible loss of American troops. Those who vote against the resolution must know that denying the President the authority to use force could allow Saddam Hussein to use his weapons of mass destruction against us, costing untold loss of American lives.

So the question before us is not whether there is a safe course of action that will guarantee no loss of American life. Unfortunately, there is no such guarantee and no such option. Instead, the question is whether the threat posed by Saddam Hussein can best be removed by granting our President the authority to use force against him. In short, is this mission in our vital national interest?

Well, I say there is no interest more vital to the United States than protecting our citizens from the kind of attacks we suffered on 9/11 and could well suffer again at the hands of Saddam Hussein's weapons of mass destruction.

Must we grant the President the authority to use force in order to achieve this goal? In my view, the answer is yes. Force and the threat of force are the only message that Saddam Hussein understands. He is not a rational leader who acts in the interest of his citizenry. He is a despotic dictator who terrorizes his own people, his neighbors and the world community at large.

President Bush put it best in his address to the United Nations when he said that Saddam Hussein has made the case against himself. He has ignored with impunity every promise made, every commitment undertaken and every Security Council resolution passed.

Why has he done this? Because he can. We must grant our President the tools he needs to make it clear to Saddam Hussein that he no longer can. He no longer can fire at our aircrafts, evade U.N. inspectors or continue his quest for weapons of mass destruction.

If granted this potent authority, will our President do the right thing? I say he will do the right thing.

No President of the United States ever wants to live again a day like 9/11. No President ever wishes to account for a fatal breach in national security. No President ever wishes to send our troops into harm's way for the sake of anything short of our vital national interest. And I have no doubt that no President, least of all this President, will use force unless it is the best means possible to keep America and Americans safe and secure.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on Financial Services and the Committee on the Judiciary. But, more importantly, for many decades she has been a strong voice for women, for those who have no voice.

Ms. WATERS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding me time; and I commend him on the tremendous work that he does in this Congress dealing with the many complicated problems of foreign relations. I thank him for the time that he is allocating to me this evening.

Mr. Speaker, I rise to oppose this resolution which would authorize the President to use unilateral military force against Iraq.

Mr. Speaker, I do not believe the President has provided sufficient evidence to conclude that Saddam Hussein currently possesses significant quantities of weapons of mass destruction. Although I am aware that weapons inspectors found significant amounts of chemical and biological weapons in Iraq between 1991 and 1998, those materials have been destroyed. Since that date, there have been allegations of a growing arsenal of chemical and biological weapons, but there is to date no credible evidence of such an arsenal's existence.

□ 2310

Even if Saddam Hussein does possess weapons of mass destruction, Iraq does not represent an imminent threat to the United States of America. There is simply no evidence connecting Saddam Hussein with the 9–11 terrorist attacks. There is also no evidence to indicate that Saddam Hussein has ever given weapons of mass destruction to terrorist groups.

Furthermore, Iraq is 6,000 miles away from the United States and the Iraqi regime lacks the capability to strike the United States from within its own borders.

The ultimate weapons of mass destruction are nuclear weapons. If administration officials are really concerned about other countries having weapons of mass destruction, they should turn their attention to Russia, China, India, Pakistan, and Israel, all

of which are known to possess nuclear weapons.

No one doubts that Saddam Hussein is a potential threat to his neighbors in the Middle East. He has attacked them in the past, and certainly he could do it again. However, Saddam Hussein's neighbors do not support military action against Iraq at this time, and it would be diplomatically and militarily unwise for the United States to initiate a war in the Middle East without the support and participation of a coalition of countries in the region.

If administration officials are concerned about countries that support terrorism, perhaps they should turn their attention to our friend and ally, the most undemocratic country, Saudi Arabia. Saudi Arabia has been financing extremist Islamist madrassahs in Pakistan and other Islamic countries. These madrassahs, or schools, teach young boys an extreme interpretation of Islam, combined with a support for terrorism and hatred for America. But they are our friends, and I do not see talk or discussion from this administration about trying to bring about democracy in Saudi Arabia, or being concerned about the financing of the madrassahs and the things they have been doing for so very long.

The human and economic cost of a war on Iraq are completely unjustified. It has been estimated that a war on Iraq would cost between $100 and $200 billion. This would come at a time when we are already spending billions of dollars to wage a war against terrorism in Afghanistan. A war on Iraq could lead to the deaths of thousands of innocent citizens in Iraq and unknown numbers of American servicemen and women.

Mr. Speaker, we would like the President to finish the war on terrorism. While we have had some success in Afghanistan, we still have not located Osama bin Laden. Our servicemen have been fired on in Afghanistan every day, and they are all set to assassinate the President or the leader that we have supported in Afghanistan, and it could happen at any time.

I am deeply concerned that a unilateral war on Iraq would make Americans more vulnerable to terrorist attacks at home. A unilateral war on Iraq could lead to an increase in anti-American extremism throughout the Muslim world. This could destabilize countries in the Middle East and South Asia. It could also provide al Qaeda with an opportunity to recruit additional terrorists within these countries.

Al Qaeda is America's greatest enemy. We should be focusing our efforts on confronting the al Qaeda threat, while encouraging the people of the Middle East and South Asia to support democracy and oppose terrorism.

Instead of authorizing a unilateral war, Congress should support the efforts of the United Nations to resume weapons inspections in Iraq. The resumption of weapons inspections would allow us to determine whether Saddam Hussein has the weapons of mass destruction that the Bush administration claims he has. Working with the United Nations would also illustrate to our allies and people throughout the Muslim world that the United States respects the rule of law and considers war a last resort.

I urge Members to oppose unilateral use of America's Armed Forces and give United Nations weapons inspectors an opportunity to do their work. I urge my colleagues to oppose this resolution.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me respond to the gentlewoman and to the argument in terms of what has not been found regarding weapons of mass destruction. The Committee on International Relations had a hearing on this very recently.

During that hearing we heard testimony to the fact that Saddam Hussein was on the edge of a precipice with regards to the ability to unleash weapons of mass destruction. I am just going to briefly mention some of the work of Jeffrey Goldberg, who spent many months inside Iraq; and as he says, when Saddam Hussein maneuvered UNSCOM, the weapons inspectors, out of the country in 1998, the weapons inspectors had found a sizable portion of his arsenal, but were vexed by what they could not find. His scientists have produced and weaponized anthrax. They have manufactured botulinum toxin which causes muscular paralysis and death. They have made a bacterium which causes gas gangrene, a condition in which the flesh rots. They have also made wheat-cover smut which can be used to poison crops, and ricin, which, when absorbed into the lungs, causes hemorrhagic pneumonia.

And according to Gary Milhollin, the director of the Wisconsin Project on Nuclear Arms Control, whose Iraq Watch project monitors Saddam's weapons capabilities, inspectors could not account for a great deal of weaponry that is in Iraq's possession, including 4 tons of nerve agent VX, 600 tons of ingredients for VX, as much as 3,000 tons of other poison gas agents, at least 550 artillery shells filled with mustard gas; nor did they find the stores of aflatoxin which have been manufactured there that have been put on warheads.

I guess I would just echo the words of Jeffrey Goldberg when he says Saddam Hussein's motives are unclear because for the past decade the development of these weapons has caused nothing but trouble for him. His international isolation grows not from his past crimes, but from his refusal to let weapons inspectors dismantle his nonconventional weapons programs.

When Iraqi dissident Kanan Makiya was asked why Saddam Hussein is so committed to these programs he said, ''I think this regime developed a very specific ideology associated with power and how to extend that power, and these weapons play a very important psychological and political part.''

So yes, we do have ample evidence.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. ROYCE. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I think it is important for us to talk about what really has happened with the relationship that we have had with Saddam Hussein.

Does the gentleman understand that we are the ones that gave him anthrax?

Mr. ROYCE. No, I do not understand that. I respectfully disagree with the gentlewoman.

Ms. WATERS. I disagrees with the gentleman, also; and I appreciate the time that the gentleman is giving me to counter some of his points.

In addition, would the gentleman agree that our inspectors decided to leave Iraq after it was discovered that they were there doing some of the work of the CIA instead of doing the inspections that they were supposed to be doing?

□ 2320

Mr. ROYCE. Mr. Speaker, I understand that Saddam Hussein was very effective in maneuvering our inspectors out of Iraq and has not allowed in our inspectors or any other inspectors for 4 years; and I also understand that during that 4-year time frame he has been developing not only chemical and gas weaponry, biological weaponry, but also nuclear weaponry. That is what I know. And I would commend to the gentlewoman to review our transcript of our hearing on this very subject.

Reclaiming my time, I would just say there may be some debate among arms controls experts about exactly when Saddam will have nuclear capability, but there is no disagreement that Iraq, if unchecked, will have them soon and a nuclear-armed Iraq would alter forever the balance of power in the Middle East. I think there is very little doubt that Saddam, if he had an atomic bomb and with these stocks of biological and chemical weapons, might not use that for the purpose of power.

Because when Jeffrey Goldberg talked about Saddam's past with the medical geneticist Christine Gosden, who has been there on the ground in Kurdistan working with Kurds, some 4 million of which are estimated to have been affected at one point or another by chemical attack, she said one thing. She said, please understand the Kurds were for practice. They were practicing with different types of chemical and biological weapons on the Kurdish population.

I think, under these circumstances, if we do not move forward with a plan to disarm Saddam Hussein, it would be folly.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE), a member of the Committee on International Relations.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me time; and I appreciate being part of this historic debate.

It has often been said that the most difficult decision a Member of Congress will ever have to make is a decision to send people in America to war. We are often told that we ought to approach it as if we are sending our own child to war. I do not have any children old enough to participate in a war at this time, but I do have one family member who will likely participate in this conflict. That adds extra gravity to this debate for me.

Earlier in this debate it was also mentioned that we ought to visit some of the war memorials around town. I did so last night. Late last night, I visited the Vietnam Memorial; and I can tell my colleagues that seeing so many names on that wall adds importance to the debate that we are having tonight, that we will have throughout this week.

We ought to let history be our guide here. But the most recent history in this case that we ought to look at is the vote that took place in this Chamber 12 years ago. During that time, we faced a very similar decision. Should we thwart Saddam Hussein in his attempt to go beyond his boundaries or should we appease him? Fortunately, the majority of this body and the other body agreed we ought to thwart him; and I think we can all agree that, had we not done so, that the biological and chemical weapons that Saddam Hussein possesses would be added to nuclear weapons which he would certainly possess today had he not been thwarted at that time.

We are in this position today, I would submit, because we have no other choice. This is our only reasonable option. War will no doubt come at great cost. When we visit the war memorials, we see that cost, but the cost of appeasement is far greater.

I commend the House leadership for bringing this resolution forward and for shepherding it through process. I especially commend our President who so forcefully pushed for this resolution and who has so deliberately pushed for this resolution.

I urge support for the resolution.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I would like to make a short statement that I am not so sure that the attempt to avoid war, the attempt to avoid death and destruction, the attempt to use as a last resort the horrific weapons of destruction and death that we have in our arsenals, weapons, smart weapons, weapons 10 times more accurate and deadly than we used 10 years ago, is necessarily appeasement. I think that we should use every deliberate ounce of strength in our bodies to avoid death and destruction, and to avoid that I think is stretching it when that is considered appeasement.

I yield 5 minutes, Mr. Speaker, to the gentlewoman from North Carolina (Mrs. CLAYTON), a person who serves on the Committee on Agriculture and whose strong voice we will miss as this is the last term she will be serving in this august body. She has made a strong mark for the great State of North Carolina.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, like most persons of deeply held conscience, I come to the House floor tonight deeply troubled. I am concerned about the threat of national security. I am concerned about the threat that Saddam Hussein poses to the world at large, and I am concerned about Saddam Hussein's willingness to thumb his nose at rest of the world.

However, these are not my only concerns. I am also deeply concerned about the way in which the administration is approaching this state of affairs. President Bush has said that Iraq possesses weapons of mass destruction, but he has not made a convincing and compelling case that Saddam Hussein poses such a dangerous, verifiable and immediate threat that the President should be granted the authority to attack Iraq preemptively or unilaterally. We have known for years that Iraq possesses chemical and biological weapons and, sadly, that he has used these weapons on people from his own country. We know factually that Iraq has refused to obey the resolutions of the United Nations.

Two troubling questions remain, Mr. Speaker.

First, why, after so many years, do the actions of Saddam Hussein become so immediate and so pressing that they cloud the consideration of any other matter of similar importance, especially on the domestic agenda?

The second question, Mr. Speaker, is who should enforce international law?

The President's latest address to the American people did not provide any new information about Saddam's weapons of mass destruction. Neither did it provides any conclusive evidence of Iraq's ability to develop nuclear weapons or a timetable for such development. We need more evidence. Therefore, I am calling on the United States to work with the United Nations to assure immediate resuming of unfettered inspection of Iraq's chemical, biological, and nuclear weapons capacity. Only in this way can the President and the Congress make the case to the American people and our friends and allies that Saddam Hussein poses a real and dangerous and verifiable threat not only to his own people and Iraq's neighbors in the Middle East but to the United States and the cause of world peace. Only this way can we demonstrate to the American people and the rest of the world that we are committed to exhausting all potential diplomatic and international efforts before taking violent action.

Committing our Nation to war is a grave action in any circumstances. I cannot without personal struggle decide to end an effort for peace, send our young people into terrible danger and put the lives of countless innocent citizens at risk. My faith, my humanity requires me to always seek peace over war, diplomacy over military action, compassion over aggression. In the current circumstances, when we have no clear reason to believe that Iraq poses imminent threat, though threat he has, we must act decisively, with all possible caution and humility. This is the only reasonable way to proceed.

Before we move to military action, we must assure that all other methods to resolve the situation has been tried and there is no other alternative. It is worth noting, Mr. Speaker, that this is the strategy that President Bush followed in getting other nations to join us in the fight against terrorism.

□ 2330

He would be well advised and we would be well advised to follow that same course. A unilateral first strike action would undermine the moral authority of the United States, result in untold loss of life, destabilize the Middle East, and undermine our ability to address pressing domestic needs. The Congress should, therefore, authorize the President to use force only in concert with the United Nations and only if weapons inspections fail.

Mr. Speaker, I would like to include for the RECORD an editorial on Patsy Mink. I remind my colleagues that we lost Patsy Mink almost 10 days ago. In the Honolulu Advertiser, the editorial is entitled ''Remember Patsy Mink: Slow the Rush to War.''

Mr. Speaker, that is very wise advice for us too.

REMEMBER PATSY MINK: SLOW THE RUSH TO WAR

As Patsy Mink is honored today in our state Capitol's atrium, her colleagues in the nation's Capitol begin in earnest a debate on the language of a resolution authorizing the use of military force against Iraq.

How we wish she were there to participate in that debate.

Thirty years ago, Mrs. Mink, seemingly tilting at windmills, ran for president of the United States in the Oregon primary election in a campaign that made withdrawal from Vietnam its only issue. Ignoring such epithets as ''Patsy Pink,'' she won a scant 2 percent of the vote—and the moral high ground.

Today a handful of voices have been raised in warning as this nation teeters on the brink of war. They warn of ''unintended consequences.'' By 1972, of course, most of the dreadful consequences that Presidents Eisenhower, Kennedy, Johnson and Nixon had failed to foresee in Southeast Asia had become painfully clear. What had begun as a war against a backward peasant nation became in many ways, both home and in Vietnam, a wasted decade.

Mrs. Mink, of course, would not fail to recognize the evil intent of Saddam Hussein. Yet in today's debate, she would not stand for one minute for her party's strategy that says the quicker they can settle the war question, the quicker they can turn the page to the domestic issues on which they think they can get the traction needed to make gains in the upcoming midterm elections.

In this unseemly haste, the debate ignores momentous issues: whether the United States must fight and pay for this war alone, and what it would do to our global standing; whether the Bush administration has any plan at all for a post-Saddam Iraq; whether it has considered the destructive forces that might be released from this nation hastily carved from the Ottoman Empire after World War I, with its disparate population of Shiite, Sunni, and Kurd and Turkmen peoples; whether it has accurately assessed the cost of treasure and young blood in what could become another decade of armed neo-colonialism.

The Democrats have allowed this debate to become so narrowly framed as to be nearly meaningless. The debate, in essence, is over how soon we invade Iraq. That is, if the Democrats get their way, they will need to be assured by President Bush that he has exhausted diplomatic means; that U.N. sanctions and inspections haven't worked; and that the new war won't set back the ''old'' one—the war against terrorism.

These conditions may slow the coming war by weeks or months, but they won't stop it.

Omitted entirely from the debate is Bush's new National Security Strategy, which advances a doctrine of ''pre-emptive'' war-making that suggests that Iraq is only the first step in a violent reordering of the world.

Congress has already effectively ceded to Bush the authority to wage a unilateral, preemptive war against Iraq, whether or not the United Nations approves.

We urge the rest of Hawaii's congressional delegation to reflect well on Mink's honorable legacy of peacemaking—and to carry it back with them to the debate in Washington.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE), a Member of the Committee on Appropriations.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of House Joint Resolution 114, the resolution to give the President authority to use force against Iraq, if necessary, to protect our vital national security interests and to enforce the multiple resolutions of the United Nations calling for disarmament of that country.

I do not cast this vote lightly, as I know the President does not commit American forces to battle lightly. I have served in the Armed Forces of this country, and I have been in combat in Vietnam. I pray that no young American man or woman will ever have to go to war again.

But if we are to avoid war, we must be prepared to wage it. Iraq is a clear threat to this Nation and to all peaceable nations in the world. Saddam Hussein is a brutal tyrant, whose cruel and evil acts against his own people would make Joseph Stalin proud. But it is the threat he poses to other nations and other peoples that demands action now by this Congress and by this Nation.

He has previously invaded and subjugated other countries. He has used weapons of mass destruction against his own people and those of neighboring Iran. He has launched missiles against other Middle East countries. He has brutalized and starved and murdered minorities and opponents, real and imagined, in his own country. He has defied the United Nations demands that he submit to inspectors and disarm his ghastly weapons of mass murder. He has supported elements of terrorism operating around the world.

For 10 years, the civilized world has maintained a policy of containment for Iraq that includes economic sanctions, no-fly zones, diplomatic isolation, and a credible military presence in the region. While it has contained Iraqi aggression to this date, it is no longer sufficient. Now we must be prepared to take stronger action.

In his speech Monday evening, President Bush made a persuasive argument for immediate steps to destroy the deadly weapons Saddam Hussein possesses. I will support this resolution, which gives the President authority to use force to accomplish that goal.

We all hope conflict can be avoided, but there should be no doubt in the minds of any here today or any in the world that the best hope of avoiding conflict is for the United States and the United Nations to adopt strong, unequivocal positions, making crystal clear our intentions to destroy those deadly weapons.

There must be no crack in our resolve that allows Saddam Hussein to slip through. There must be no glimmer of equivocation that can give rise to further delay on his part. If war is to be avoided, he must disarm, and he must disarm now.

As chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, I am very conscious of the responsibilities we and other nations in our coalition will assume in the aftermath of conflict. We must be prepared for large movement of refugees, particularly if Saddam Hussein uses chemical and biological weapons against populated areas. We must be prepared to treat victims of his cruel crimes. We must be prepared to provide humanitarian assistance to those who need it.

In the longer term, we will also need to be prepared to deal with the reconstruction of Iraq, physically and politically. The former will be easier, for this is a country with revenues that can be generated from oil and with an infrastructure that is excellent by developing-country standards.

Providing transition to a democracy will be more difficult. This is a country ruled by a tyrant that has brooked no dissent for a generation. It lacks the most rudimentary institutions that can be used to create a pluralistic, multi-ethnic democratic form of government. Achieving this will require a sustained, long-term commitment on our part, as well as from other nations in Europe, in Asia, and most important, in the region surrounding Iraq.

This commitment, if sustained, could have benefits far beyond Iraq's borders and far beyond the events that bring about a new regime. Democracy in Iraq could speed a settlement of the terrible Israeli-Palestinian conflict. It could convince other countries in the region that transition to democracy is possible without cataclysmic political upheaval.

No one should imagine this will be easy. No one must doubt the difficulties that lie ahead of us, the dangers that lurk at every corner. But if we are prepared to assume the responsibility for the future of Iraq in war, we must also be willing to shoulder that burden in the peace that follows.

My colleagues in this House, not one of us relishes this moment. The burden falls heaviest on the President, but it also falls on our shoulders as we prepare to authorize the use of force. Our men and women in uniform will be put in harm's way. And if there is to be a war, civilians will die.

But the consequences of not acting are much graver, far worse. The prospect of Saddam Hussein having more weapons of death to use is too real, the possibilities of loss of life numbering in the tens of thousands or hundreds of thousands too monstrous to contemplate.

We act with great reluctance, but this Congress will act. We seek peace, but Saddam Hussein must know this President, this Congress, this Nation, will not flinch when called upon to protect our national interests. We will vote to give the President the authority he needs to wage war that we might secure peace.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume to respond briefly to a couple of the comments made by my colleague from North Carolina.

Although we agree on many of the same underlying facts, we have disagreed on the conclusion to be drawn from those facts. But there was one point in particular on which I wanted to note my agreement, and that is the point that I think it would be very important for the administration to show more of the evidence it possesses of Saddam Hussein's possession of weapons of mass destruction.

The President in his speech last night quoted, quite appropriately, from President Kennedy during the Cuban missile crisis. But probably the most vivid image that most Americans have of that period was the demonstration of the aerial photographs of missile silos in Cuba, the very direct, very unequivocal proof of that threat 90 miles from our shore.

So, too, I think it would be important for this administration to be more forthcoming with the evidence it possesses, to demonstrate unequivocally to the American people, for whom many still have questions that Saddam Hussein does in fact possess chemical and biological weapons, because he does possess them; is in fact working to acquire nuclear weapons, because in fact he is working in that direction.

Now, I realize that that chore is made more difficult in some respects, but easier in others. More difficult in the fact that some of the technology we are talking about is dual-use technology, and from aero-satellite it may

not be possible to determine whether the rebuilding of chemical and biological weapon facilities which is currently ongoing can be argued to be done in the interests of some civilian application.

But while there are those challenges, and, of course the challenge that once we disclose our knowledge of the whereabouts of chemical or biological weapons, those weapons will be moved, thwarting later inspections, while those challenges are, nonetheless, real and great, we also have a commensurate increase in our technological ability. Our ability to gather intelligence is much greater than it was in the early 1960s. And, notwithstanding the cost of sharing some of that evidence, the benefit that would accrue to the administration in making its case to the American people would be substantial.

□ 2340

Iraq, Saddam Hussein, his foreign minister, his spokesman, all unequivocally deny the presence of chemical and biological weapons. Showing the proof of that lie, I believe, is very important for the administration to do and very much within its capability.

The second point I wish to emphasize tonight which I think the administration will be well served to emphasize and which was lacking, perhaps, in the President's speech, and that is the importance of talking more deliberately and more thoroughly about the Iraq that America would like to see in the future, an Iraq with free institutions, an Iraq that is once again prosperous. Our long-term commitment for that is what it will have to be, a prosperous and free Iraq.

This is not only important I think in terms of the American people understanding that this is not about oil, that this is about the long-term peace and security of that region and our own long-term peace and security, but it is also important for the rest of the world to understand. And I think it may be even most important for the Iraqi people to understand, the possibilities that the future holds for the people of Iraq once the regime in Baghdad changes.

So I would urge the administration, notwithstanding the support that I think will come from this body and from the Senate for the resolution, to be more demonstrative in the proof that it does possess of the evidence of weapons of mass destruction now and also to be more thoughtful and more articulate in describing the type of Iraq the administration is committed to seeing.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, over the last weeks I have heard from and spent time with many of my western Pennsylvania constituents. Some are World War II veterans, Korean veterans, some steelworkers, homemakers, business people, teachers. As I stand here tonight on the House floor, though, foremost in my thoughts is a small group of constituents who marched and prayed in support of peace outside of my office in Bridgewater, Pennsylvania.

I share these individuals' desire for peace.

Following the attacks on September 11, we Members of Congress were asked to do all that we can to prevent anything like that from ever happening again. It is our responsibility to defend this Nation.

America stands as a beacon of freedom to the world, one that blazes even more brightly as a result of our response to last September 11. Unfortunately, we continue to be despised by madmen like Saddam Hussein, a madman who has access to chemical and biological weapons of mass destruction and has been increasing his capacity to use them.

Our deliberations on this resolution can follow but one light, the light of experience, and our experience has shown that Saddam Hussein has ignored countless peaceful overtures that would have prevented our current dilemma. He has murdered his own people in barbaric and horrible ways. He has attacked his neighbors and continues to build weapons of mass destruction unchecked. Given this and his stated pathological hatred for America, the devastation he can inflict upon us is a severe risk. Simply allowing this risk to increase is unacceptable.

We cannot continue to deceive ourselves. This is a problem that will not disappear and will not take care of itself.

As this chart shows, Saddam Hussein has ignored the United Nations and the very resolutions to which he agreed following the Gulf War over and over again. Today, 11 years later, he continues to ignore the United Nations, retains chemical and biological weapons, and amasses more offensive weaponry as each day passes.

Our resolution makes it abundantly clear that this must stop.

Patrick Henry once said, ''It is natural to indulge in illusions of hope, to shut our eyes to a painful truth.'' We must, however, open our eyes to the looming threat Saddam Hussein poses to the world.

As I said, I and the rest of this Congress share my constituents' hope for peace. I believe that passage of this resolution can prompt a peaceful outcome by making it clear to our enemy that it is time for him to comply with disarmament requests. In light of this resolution, the U.N. Security Council's resolve can be buttressed. This resolution can guide the U.N. to pass a new set of resolutions, ones that will be tough and effective and, more importantly, resolutions that will be enforced.

This Congress has a responsibility to protect the American people. It is our duty to deal with the threats that face this great Nation and the world. This resolution shows that we are a united America, that we stand firm in our resolve to rid the world of terrorism. It shows the United Nations and the world what leadership means: We prepare for action while pursuing avenues to peace.

Yes, our goal is peace, but a lasting peace, and not continued appeasement.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), a member of the Committee on Appropriations and one who is a strong voice for our Federal employees.

Mr. MORAN of Virginia. Mr. Speaker, I think it is instructive to review the history of how we got to this debate tonight.

Yes, Saddam Hussein does deserve to be demonized, but after the Shah of Iran was overthrown in the late 1970s, Saddam became our guy in the Persian Gulf. During the Reagan years, we helped train his army and equipped him with weapons we now deplore his using against Iran in their deadly 10-year war. In fact, The New York Times reported back then that our satellites provided the coordinates for some of the deadly attacks against the Kurds and Iranians. We even inadvertently, I trust, gave him some reason to believe that the U.S. would not react if he attacked Kuwait over disputed oil fields.

Well, President Bush did react, but, in retrospect, he reacted in a more responsible manner than what his son now proposes. He waited until just after the mid-term congressional election. He sought and got the support of the other Arab nations. He worked with and through the United Nations Security Council.

When the U.N. deadline for withdrawal arrived, Saddam ordered a retreat out of Kuwait. We attacked the next day. While we killed tens of thousands of retreating Iraqi conscripts, we lost very few American lives, but we did leave a Republican Guard largely intact and Saddam still in charge. He proceeded to massacre the Shiites and the Kurds we had encouraged to rebel from his rule.

We stationed our troops in Saudi Arabia as a residual measure to prevent further Iraqi aggression, motivating a homicidal terrorist, Osama bin Laden, also trained by the United States in the Mujahedin's war against the secular Russian presence in Afghanistan, to attack this country on that infamous day in September.

Now, a decade after the Persian Gulf War, President Bush's son is still stuck with the same demon. This President Bush had followed his father's example in preparing to attack Iraq by working through the United Nations Security Council and getting the support of his Arab neighbors. But Kuwait recently

agreed to a bilateral trade agreement with Iraq, and no other Arab nation thinks it is in their interests or ours to attack Saddam at this time, particularly with the intensity of animosity generated by the Israeli-Palestinian conflict.

What we should do is lay out the same arguments the President presented to the American people last night to the United Nations and to the rest of the free world. Do we really think that other nations are less concerned about homicidal tyrants in their midst, less protective of their families and their freedoms? But when we go it alone, we create resentment, even among our allies. We become a singular target for vengeance for the deaths that we cause, and it will likely become our principal responsibility to rebuild the human and the fiscal infrastructure we destroy.

We should be focusing on making Saddam weak and irrelevant by discovering and destroying all weapons of mass destruction, their storage and production facilities and any missile capability to deliver them. The President cannot obtain a sufficiently robust, coercive resolution from the United Nations that includes all Saddam's palaces and all 500 to 600 potential sites or, if Iraq again interferes with U.N. inspectors as they did during the 1990s, this Congress will assuredly give our President authority to use all necessary military force on an expedited basis.

□ 2350

But, Mr. Speaker, we should be marginalizing Saddam Hussein, not marginalizing the United States Congress. We should vote for the alternative resolution that has been made in order, consistent with Senator LEVIN's and Senator BIDEN's approach in the Senate.

Preemptive unilateralism is not what made us the undisputed leader of the free world. Constructive cooperation and resolution, principled leadership is what has made us great and is what should guide us in this profoundly important vote.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), who is a West Pointer, an infantry officer who was trained as a Ranger and paratrooper, and he still serves as a lieutenant colonel in the Army Reserve.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, on July 29 I joined with my colleagues on the other side to support the resolution that said the President needed to come to the House, make the case, have a vote, and have a debate. That is what we are doing here tonight.

I supported it for three reasons: the constitutional reasons that we would get more information, we could give that information to the country, and we could help unify the international community with this debate. The President has done that by the U.N. speech and provided more information to Members.

I have had many briefings since that time; and with his resolution and the changed resolution, I am now convinced that Iraq has not complied with a ceasefire agreement; has weapons of mass destruction, chemical and biological; is pursuing the nuclear option; has used mass destruction on his own citizens and his neighbors; and al Qaeda operates in Baghdad.

Many people asked for the smoking gun, but the smoking gun is a gun that has already been fired. We cannot allow the use of weapons of mass destruction on our own citizens.

I would like to quote Geoffrey Goldberg's article in the New Yorker Magazine where he says, "'My uncle said we should go outside,' Nasreen said. We knew there were chemicals in the air. We were getting red eyes, and some of us had liquid coming out of them. We decided to run. Nasreen and her relatives stepped outside gingerly. 'Our cow was lying on its side . . . it was breathing very fast, as if it had been running. The leaves were falling off the trees, even though it was spring. The partridge was dead. There were smoke clouds around, clinging to the ground.'"

We cannot allow that to happen in our country. The primary role of the national government is the protection of its citizens. That is what we are doing with this resolution. We are about that work here tonight.

Mr. Speaker, we need to support this resolution. May God bless America.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a member of the Committee on Financial Services.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, clearly, the most painful and difficult and important decision that any of us here in Congress will ever face is the decision to send young men and women to war, knowing, as we all do, that many will be injured, some will die, as will, sadly, but unavoidably, soldiers and civilians in the country we are fighting.

So we have an obligation to think very long and hard and wrestle with many questions, including those that have been raised by a number of my friends and colleagues who oppose this resolution, and to consider those questions before we take that decision.

I wanted to reflect on two questions that have been raised several times today in this debate. First is the question of whether or not Saddam Hussein poses a sufficient and a sufficiently imminent threat to Americans to justify American military action against his regime. Let us consider what we know for facts.

First, we know he has massive stockpiles of chemical weapons, we know he has huge stockpiles of biological weapons, and we know he has full-scale and urgent programs under way to develop nuclear weapons, as well. No one disputes that he has these terrible weapons.

So the next question becomes, well, is there much chance that he would ever consider using them against us? Well, consider this is a regime that has invaded its neighbors without provocation, resulting in untold thousands of deaths; that Saddam Hussein has ordered chemical attacks on Iran, and on more than 40 villages in his own country, resulting in the death of his own people.

In the last year alone, the Iraqi military has fired upon American and British pilots more than 750 times. He has repeatedly expressed his deep hatred of the United States. Also, Iraq is and continues to harbor terrorists and to finance terrorism.

Given his weapons, his history, his threats, and his relationships with known terrorists, my question is, How could we possibly sit back and just wait? The first and most important responsibility of the Federal Government is to protect the lives of our citizens, and the catastrophe that would result if he used weapons of mass destruction on Americans is so great that we simply cannot risk that event.

Now, the President has described Saddam Hussein as presenting a grave and gathering threat. I think he aptly invokes the term that Winston Churchill used in the title of the first volume of his seminal series on the history of World War II, which he called "The Gathering Storm."

Hitler and the Nazis were, in the 1930s, a gathering threat; and today Saddam Hussein is a gathering threat, gathering in the sense that it is a growing, accumulating, worsening threat and becoming more and more dangerous as his weapons grow in size and sophistication.

For these reasons, I believe that the threat is sufficient and sufficiently imminent that, should we fail to eliminate that threat, we would be shirking that first and foremost responsibility that we have to protect our fellow citizens.

Others have suggested that, unless we get permission for this action from the U.N., we would basically lack the legal and moral authority to use military force. Mr. Speaker, to that I respond that our Constitution does not delegate to the U.N. responsibility to provide for the common defense of our citizens. That is our responsibility. We would be wrong to abdicate that responsibility.

While I hope that we get a strong resolution from the U.N., and I hope we have a broad international coalition to support this effort, if we cannot get that broad support, our responsibility is to proceed with those allies who will join us.

Still others have suggested that using the Armed Forces to preempt an adversary is without precedent in

American history. That is just factually wrong. On other occasions, including in 1962 when the United States Government imposed a naval blockade of Cuba, it did so to prevent a threat from emerging.

There are many other legitimate questions, Mr. Speaker; and I have tried to evaluate them honestly and dispassionately. The conclusion that I keep coming to is that this is a grave and gathering threat that is simply too dangerous and could result in too many lost American lives, should we ignore it any longer.

We have tried diplomacy, embargoes, inspectors, all forms of political and economic pressure; and all the while the threat has gathered and grown. We cannot afford to wait any longer. Unless Saddam Hussein immediately, completely, openly acknowledges and destroys all of his weapons of mass destruction and allows immediate, unfettered access to really every inch of his country, to weapons inspectors that can operate freely, whenever, wherever, without providing notice, failure to do that means we must achieve this disarmament by force.

That is what this resolution authorizes the President to do. That is why I urge my colleagues to support it.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I rise tonight in strong support of the resolution; not with joy nor with blood lust nor with a sense of vengeance, but instead, with a clear-eyed analysis of the threat that is presented.

Mr. Speaker, I give thanks for the fact that this debate is occurring not via satellite television from Baghdad, but, as it should, on the floor of the United States House of Representatives, where people of good will and honest conviction can disagree.

In the preceding few minutes, Mr. Speaker, we have heard some embrace a collective multilateralism as the doctrine and seeming salvation of this new century.

□ 0000

There is one major flaw with that notion, and it is expressed in the first action all 435 of us who serve here take when we raise our right hand and take the oath of office. Because, Mr. Speaker, when we do so, we pledge to uphold not the charter of the United Nations but the Constitution of the United States.

Do not mistake the desirability of coalitions. There is a place. They are desirable. Our own Secretary of Defense has told us in this war there will be many different coalitions. There will be those that come to support us out front. There will be others behind closed doors. There will be different ways different nations will show their support.

But, Mr. Speaker, make no mistake, our Founders quite properly, in enumerating the responsibilities of this government in a document of limited and specified powers, first and foremost, we are to provide for the common defense. We do that not by seeking the permission of the Congo or Cameroon or France or Germany. We do that by clearly, unmistakenly, and unashamedly protecting the lives and interests of the American Nation.

Make no mistake, this will not be easy. This will not be pleasant. This war has been thrust upon us when, on a beautiful morning a year and a month ago, innocent Americans were attacked and killed by a regime of terror, a regime that our Commander-in-Chief just informed us last night has had repeated contacts with the government of Iraq.

The dictator of Iraq cares not a whit for the world community, and he certainly cares not for the welfare of American citizens, nor our interests.

Mr. Speaker, it is reluctantly but with a sense of resolute faith that I stand in support of the resolution to protect the American people and to protect the American Nation.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I wanted to see if I could add something to this debate that had not been covered tonight, because I think on both sides of the aisle we have had very articulate arguments. So I have brought with me a book called The Threatening Storm by Mr. Kenneth Pollack. Mr. Pollack was the expert on Iraq in the Clinton administration in both the CIA and at the Security Council, and I would like to read a quick passage about the kind of regime that Saddam Hussein imposes on his own people.

''This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This a regime that will crush all of the bones in the feet of a 2-year-old girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from its mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great creativity. This is a regime that in 2000 decreed that the crime of criticizing the regime, which can be as harmless as suggesting that Saddam's clothing does not match, will be punished by cutting out the offender's tongue. This is a regime that practices systematic rape against its female victims. This is a regime that will drag in a man's wife, daughter or other female relative and repeatedly rape her in front of him. This is a regime that will force a white-hot metal rod into a person's anus or other orifices. This is a regime that employs thalium poisoning, widely considered one of the most excruciating ways to die. This is a regime that will behead a young mother in the street in front of her house and children because her husband was suspected of opposing the regime. This is a regime that used chemical warfare on its own Kurdish citizens, not just on the 15,000 killed and maimed at Halabja but on scores of other villages all across Kurdistan. This is a regime that tested chemical and biological warfare agents on Iranian prisoners of war, using the POWs in controlled experiments to determine the best ways to disperse the agents to inflict the greatest damages.

''This is the fate that awaits thousands of Iraqis each year. The roughest estimates are that over the last 20 years more than 200,000 people have disappeared into Saddam's prison system, never to be heard from again. Hundreds of thousands of others were taken away and, after unforgettable bouts of torture that left them psychologically and often physically mangled, eventually were released or escaped. To give a sense of scale, just the numbers of Iraqis never heard from again would be equivalent to about 2.5 million Americans suffering such a fate.''

Mr. Speaker, not since Hitler and not since Stalin have we seen so much evil delivered by one man. On top of that, these are the least of the reasons why this authorization is needed. This tyrant has amassed a large cache of chemical and biological weapons of mass destruction and is aggressively seeking nuclear weapons. He sees America as the only obstacle to his perverse ambitions, and that is what he shares with al Qaeda, these terrorists against us, this deep hatred for America. We must not let him share anything else with these terrorists, Mr. Speaker.

With that, Mr. Speaker, it is a painful vote, it is a painful subject, it is a painful issue, but this is a cause that we cannot go unanswered. I urge a yes vote, and I urge passage of this resolution.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a member of the Committee on Agriculture.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, these are times that try our souls. These are decisions that all Members of Congress hope they will never have to make. All of us have in our own way prayed for the wisdom of Solomon.

As the gentleman from Illinois (Mr. HYDE) said earlier in quoting Abraham Lincoln, ''We cannot escape history.''

Our ancestors understood that negotiation alone would not bring freedom or peace to the colonies. Today we stand on the shoulders of the patriots who knew that freedom is not free. Patrick Henry warned that peace could always be purchased at the price of chains and slavery. He closed with, ''Forbid that Almighty God.''

Nearly 64 years ago to this very week, Prime Minister Neville Chamberlain believed that he could reason and negotiate with a despot. He returned from Munich smiling, waving a paper, touting, ''Peace in our time.''

A few days later, a wiser Winston Churchill went to the House of Commons and said, ''Mr. Prime Minister, you have been given the choice between war and dishonor. You have chosen dishonor, and we shall surely have war.''

How much blood? How much treasure could have been spared had we have stopped the despot when all he wanted was liebensprau?

Last year I led a delegation of Members from the House to Northeastern Germany. We toured a small camp near the Baltic called Peenemunde. It was there, understand total secrecy, that the Nazi war machine perfected the lethal buzz bomb rockets that set Great Britain ablaze.

We did not know until after the war that they were also working on nuclear weapons and a multi-stage rocket capable of hitting the United States. Our delegation saw a cartoon drawing on the wall of one of labs that showed these rockets raining down on New York City. We liberated Germany just in the nick of time.

Today our intelligence is far from perfect, but it is much better than it was in 1940. We know that Saddam is rebuilding his arsenal of death. We know that he has used chemical and biological weapons to kill thousands of his own people. We know that he is attempting to acquire nuclear capabilities. We know that he has attacked his Arab neighbors. We know that he plotted the assassination of a former U.S. President. And worst and most sobering, we know that he has repeatedly pledged to lead a holy war against the United States.

For more than a decade the terrorists and the rogue states that harbor them have been at war with the United States. They have killed hundreds of innocents at our embassies in Tanzania and Kenya. We launched a few Scud missiles. They killed dozens of our sailors on the U.S.S. *Cole*. We did little. So September 11 they crossed the ocean and killed thousands.

□ 0010

They crossed the line. They attacked we the people on our home soil. We the people will do everything in our power to make sure that this never happens again. Now the battle is joined.

In many respects the confrontation with Saddam Hussein is an important chapter in ridding the world of the vicious hatred which bred those bloody attacks on American soil. In our bones we all know that sooner or later we will have to lead the effort to confront this despot. The only real question is when. It is once again left to the Americans to liberate Iraq.

We must join together and speak with one voice. We must give our President the authority to make the peace, to free the Iraqi people of this despot and leave to all the children of the world a safer planet. No, we cannot escape history; and history expects no less.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS) who, as a member of the Committee on Government Reform, has done extensive work on the issue of terrorism.

Mr. SHAYS. Mr. Speaker, based on all we have learned during 4 years of hearings by the Committee on Government Reform, Subcommittee on National Security and International Relations, it cannot be disputed, Saddam Hussein had a robust chemical, biological and nuclear weapons program before the Gulf War. He had a robust program after the war. And he ejected United Nations inspectors when we had successfully begun to dismantle his weapons of mass destruction, particularly when we got below the weeds to the real roots, the engineers and scientists who sustain the program.

No credible source, public or classified, has met the burden of proof on Iraq to demonstrate Saddam Hussein has stopped pursuing weapons of mass destruction and disarmed. Having learned the hard lesson that we cannot be defeated in conventional combat, he is more determined than ever to deploy chemical, biological, radiological, and nuclear weapons against us. His support of terrorist groups also means he is likely to deploy these weapons using surrogates.

Some say until Iraq poses an imminent threat to the United States and until he both has a nuclear weapon and threatens to use it, or until we have smoking-gun evidence Saddam Hussein launched the planes into the World Trade Center, we should be content to contain and deter an Iraqi regime openly amassing weapons of mass death.

I could not disagree more. Saddam Hussein will not be deterred, and he will not be contained. Testifying before our committee all three national commissions on terrorism stressed the need for a real-time threat assessment, a new strategy to confront the threat, and a restructured Federal Government to implement the strategy. Containment, deterrence, and mutually assured destruction no longer assure our national security.

Our policy, and the structure of government to carry it out, must be proactive and preemptive.

As a free and open society, we are vulnerable to catastrophic attack by those who see no moral or political ''red line'' to constrain them.

As former Israeli Prime Minister Benjamin Netanyahu reminded us, September 11, 2001, was a wake-up call from hell. We need to wake up. On that day, quaint Cold War doctrines justifying action only against clear and present dangers died with those 3,000 innocents in the World Trade Center, the Pentagon, and Pennsylvania.

The dangers we face may never be clear again. The mere existence of weapons of mass destruction in the hands of despots, tyrants, and terrorists constitutes an imminent threat to our security. That threat must be addressed before it manifests itself full-blown in a smallpox epidemic or a mushroom cloud.

Ironically, only the possibility of unilateral action by the United States will draw our allies into effective multilateral action. So we must maintain the right to act in our sovereign security interests, with our allies whenever we can, alone if we must.

Over the course of 41 hearings and briefings since 1999, our Subcommittee on National Security has learned that weapons of mass destruction proliferation possess a grave threat to the United States.

Iraq is both a producer and potential consumer of illicit weapons and materials. Dr. Hamza, a former head of the Iraqi nuclear program, told us recently Saddam Hussein will never yield access to the scientists who sustain his weapons programs.

Dr. Alibek, former deputy director of the Biopreparat, the civilian arm of the Soviet Union biological weapons program, testified he considered it inevitable biological weapons will fall into terrorist hands.

According to the British Government's recent analysis of Iraq's weapons of mass destruction program and a similar dossier by the respected International Institute for Security Studies, Saddam Hussein need only acquire a core of highly enriched uranium the size of a single softball to become nuclear capable within a matter of months.

With uncertain controls over the weapons grade material in the former Soviet Union, Saddam Hussein has already tried to go shopping for the missing core of his malevolent nuclear aspirations. Lucky for us, he has fallen prey to black market scam and bought atomic junk. But we cannot base our fundamental security on his continued bad luck.

As proposed, U.N. inspections will never succeed in disarming an Iraqi regime determined to hide or reacquire weapons of mass destruction capability. We heard testimony from former UNSCOM inspectors and U.S. nonproliferation experts who concluded nothing short of utterly unfettered, that is anytime, anywhere unannounced, inspections would ever get close to discerning Iraq's true capabilities.

Even then, without a powerful incentive for Iraq to point inspectors in the

right direction, most conclude even those inspections would not guarantee complete disarmament. Only the option of force authorized in this resolution can provide the incentive for the Iraqi regime to step out of the way and allow the civilized world to assert its rights to security and peace.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I represent 81 families who lost loved ones in the attacks of 9–11 and the World Trade Center. I have visited with these families, consoled them, wept with them, and each of them share a common thread.

What I heard from these families over and over and over again was a plea, please do everything in your power to prevent this heartache, this destruction, these attacks from ever happening again.

Today we face a tyrant, a cowardly dictator in Iraq who we know is building an arsenal of biological, chemical and, yes, nuclear weapons; weapons that have the potential to deliver untold destruction upon freedom-loving people, and innocent civilians of the United States are clearly in his sights. He has made no secret of his intent to use these weapons of mass destruction on America or Israel or other allies, just as he has brutally used them on his own people.

Saddam Hussein has lied over and over and over again, deceived the international community and the United Nations for 11 years promising to disarm and to allow inspections, and then betraying our trust and our goodwill. He has clear ties to terrorists and to terrorist organizations like Hamas, Hezbollah and, yes, even al Qaeda. His goal, to kill as many people as possible and to force the civilized world to live in fear.

As we heard from the President of the United States last night, we refuse to live in fear. The cost of action may be high, but I would suggest that the cost of inaction is far, far greater. This is a dire situation, and it calls for action. It calls for good and noble action from freedom-loving people around this Nation and around the world.

Mr. Speaker, I made a promise to the 81 families in my district to take action, to do all in my power to prevent the devastation of terrorist attacks like those we saw on 9–11.

□ 0020

I will keep that promise by voting in favor of this resolution which will authorize the President and administration and the men and women of our Armed Forces to protect the United States from future 9/11s or worse. Diplomatically if we can, but militarily if we must, we all have an obligation to keep our promise to do all we can to protect those we serve; and I will do it by voting for this important resolution. I urge my colleagues to do the same.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODE), a member of the Committee on Appropriations.

Mr. GOODE. Mr. Speaker, I thank the gentleman from California for yielding me this time. I noticed that the clock is ticking past 12, and I shall remember the words of the country preacher who said, blessed be the brief, for they shall be invited back.

I rise to support the resolution to respond to the threat that Iraq poses to us and to most nations of the world. If we adopt this resolution, the position of the President will be strengthened in dealing with foreign nations and those in the Middle East. If we present a strong front and indicate to Saddam Hussein that the United States is resolute in seeing the United States and other nations safe from attack by Iraq, then Iraq may recognize that further stalling and prevaricating are futile and open itself up for unfettered inspections.

Appeasement and ignoring clear violations of past resolutions and agreements does not guarantee peace and safety. It will only lay us open to a sneak assault. As the President said, war should be the last resort.

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me the time.

As this greatest of all deliberative bodies debates this resolution tonight, we are confronted with the same questions that every nation, every family, and every individual must answer when deciding matters of monumental proportions.

The first question embodies many avenues of inquiry, and that question is, simply, why? After all, Iraq is half a world away and lacks long-range missile capability. Under normal circumstances that would be a valid reason to withhold action. But we all know that chemical, biological, and even nuclear weapons can be delivered through unconventional methods such as suitcases, trucks and cargo containers.

Secondly, the question, why now? Why authorize force before all diplomatic approaches have been exhausted? Unfortunately, for those who expect the United Nations to resolve this issue, thus far the U.N. has failed miserably. If the U.N. expects to maintain the respect of the United States or any other member nation, it must show that its resolutions mean something.

Why did the U.N. not take action when the weapons inspectors were kicked out of the country? Why has the U.N. not responded to the attacks on our aircraft as they patrol the no-fly zones in Iraq? If the U.N. wants to maintain its relevance and prove that it is more than an international social club, now is the time and this resolution gives it that opportunity.

Some have also insisted that any action on our part must occur only if our allies are with us. That would be nice, but I do not think it is essential. If we are in the right, we should act whether others choose to join us or not.

Throughout this debate both sides have drawn conclusions from the lessons of history. As we attempt to probe the fog of the future, certainly the established facts of the past are relevant; and some of those facts are as follows: Saddam Hussein has refused to abide by the peace agreement that ended the Gulf war. Instead of eliminating weapons, he has continued to build and buy more sophisticated and dangerous ones. Iraq has aided, abetted, and harbored terrorists that intend to harm us or our allies.

How can our future be bright when it is polluted with these alarming facts of history that are consistently being transformed into the realities of the present? The fruit our actions on this resolution may require that they be harvested by our men and women in uniform. That is the reality of a world where old men give speeches while young men wage wars. All of us sincerely pray that force will not be necessary, but those who fail to do what righteousness requires for fear of resistance have sounded the call of retreat before the enemy is engaged.

Mr. Speaker, I support this resolution, for there is another lesson of history that we cannot avoid, and that is that every generation must engage the forces of evil that confront it. We cannot defeat evil by displaying the medals of valor that have been won by our forefathers, nor can we appease evil in the hope that it will behave until our time has passed. So the answers to the questions of why and why not are simple. It is our time and our obligation to make our down payment on our heritage of freedom.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise tonight in support of the joint resolution to authorize the use of military force against Iraq. Mr. Speaker, we are a peaceful Nation, a Nation that wants and promotes peace and a Nation that uses force only as a last option. I believe that the President, my constituents, and the American people do not want to wage war against Iraq. Unfortunately, we face a very real and dangerous situation.

The information the President presented to us confirms that Saddam Hussein has and continues to develop weapons of mass destruction. We have the cold, hard facts; and as a Nation we must now decide how we confront this serious threat. Do we proceed with our eyes wide open, or do we wait until Saddam has uses the weapons of mass destruction, killing thousands of innocent people?

Many people are asking the question why now, why can't we wait? We must remember that Saddam Hussein has repeatedly violated obligations set forth

by the United Nations Security Council, has ignored 16 U.N. Security Council resolutions and diverts money intended to buy food for his people to purchase lethal chemical and biological materials, missile technology and nuclear fission materials.

Why does Saddam need biological and chemical weapons? While we can only guess his intentions, we must not let Saddam and his regime have the opportunity to use his weapons of mass destruction or sell these weapons to a terrorist group. Therefore, the purpose of this joint resolution is to give Saddam and his regime a clear choice: Allow complete and unfettered inspections or face the consequences of military action. It is that simple. If Saddam allows complete and unfettered inspections and we destroy his weapons of mass destruction, then he can avert military action.

Soon a special independent commission will investigate our intelligence lapses that led to the tragic and horrible events of September 11. If we compare the intelligence information we had before September 11 to the volumes of known information we have today about Iraq's weapons of mass destruction capabilities, then the President's case against Iraq is clear and undisputable.

Some still believe that we should take Saddam at his word. That is foolishness. Saddam cannot be trusted. Look at what he agreed to do and what he failed to do. He shoots at our planes, he murders and tortures his own people, and he develops weapons that can only do harm to innocent people.

While I have voted on many important issues, this is the most important vote I will take. I believe the right vote is to support this joint resolution to disarm Iraq. We can no longer allow Saddam to thumb his nose at the U.N., the international community, and at the United States. His madness must end, and we must send a strong message that the world will not tolerate terrorism in any form.

I close by telling you what Lieutenant Colonel Walt Piatt, a constituent of mine from Somerset, Pennsylvania, told me after I visited with him in Afghanistan. Colonel Piatt said the American military strength is not our smart bombs, our state-of-the-art aircraft, or our brave troops. Our support lies in the support and will of the American people.

Let us reflect on Piatt's words, and let us send a message to Saddam that America stands united. We will act if necessary. Vote yes on this resolution and end Saddam's threat to the world and to the American people.

□ 0030

Mr. SCHIFF. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to conclude tonight by noting that we have spoken of chemical weapons of mass destruction, and I would like to bring to my colleagues' attention some of the observations of New Yorker writer Jeffrey Goldberg, who traveled to Northern Iraq, spent quite some time there interviewing hundreds of women now barren, hundreds of people now blind, as a result of chemical attack. As he interviewed the survivors of the attacks on the Kurds, he had some observations that I think we should pay attention to, because during his research he found that a biological agent called aflatoxin had been manufactured.

In 1995, the government of Saddam Hussein admitted to UN weapons inspectors that his scientists had weaponized this deadly biological agent. Aflatoxin is unique, because what it does is it causes liver cancer. It produces it particularly well in children. Weapons inspectors found that Saddam was able to load aflatoxin into two warheads capable of being fitted on to Skud missiles.

Americans need a good sense of who we are dealing with. This is a race against time.

In answer to the question, of all the dictatorships, why this one, we have this answer from the man who interviewed all of these survivors of those chemical attacks. He said, ''Because this is a figure of singular danger. To review,'' he said, ''there is no dictator in power anywhere in the world who has so far in his career invaded two neighboring countries, fired ballistic missiles at the civilians of two other neighboring countries, tried to have assassinated an ex-president of the United States, harbored al Qaeda fugitives, attacked civilians with chemical weapons, attacked the soldiers of an enemy country with chemical weapons, conducted biological weapons experiments on human subjects, committed genocide, and then there is, of course, the matter of the weaponized aflatoxin, a tool of mass murder, a tool of nothing else except mass murder.''

He said, ''I do not know how any thinking person could believe that Saddam Hussein is a run-of-the-mill dictator. No one comes close to matching his extraordinary and variegated record of malevolence.''

So, Saddam Hussein, in his words, is ''uniquely evil, the only ruler in power today and the first one since Hitler to commit chemical genocide.''

''Is that enough of a reason to remove him from power?'' He asked himself that question, and he says, ''I would say yes, if never again is in fact actually to mean never again, because Saddam is a man without any moral limits. That is why it is so important to keep nuclear weapons from his hands.''

Well, the current threat posed by Iraq is not like the Gulf War, and I appreciate that the case for action may not appear as clear-cut to some. A hostile army has not crossed a border, as Saddam's did then; an invaded state has not asked us for help, as Kuwait did.

But the battlefield in the new war on terrorism is not the desert of Iraq and Kuwait. Unfortunately, we must now be concerned with the conniving of a relatively few number of terrorists and the regimes that harbor them.

Today's world, with modern technology, sadly, has been transformed. I have no doubts that the regime of Saddam Hussein, its generals, its intelligence service, scientists and technicians, poses a mortal threat to our country, and we must act.

Finally, I would like to commend the men and women of the U.S. Armed Forces. We hope that they do not have to go into battle against Iraq. We hope to defend Hussein's regime without firing a shot. We hope to disarm him of his chemical, biological and nuclear program.

But if that is not the case, if our troops are dispatched against Iraq, we know that the American people will stand behind the brave Americans wearing the uniform. They have served us well in Afghanistan and in so many other regions of the world, defending our great country and its enduring values. We owe our service men and women and all who have served before a great deal of gratitude.

Mr. SULLIVAN. Mr. Speaker, tonight, an impending threat to our nation and its allies sits ready to strike at a given opportunity. Weapons of mass destruction, both chemical and biological, have been developed and stockpiled. Saddam Hussein, a dictator who has performed unthinkable atrocities, commands the soldiers who could launch them on Israel, on Saudi Arabia or even a city in the United States.

Tonight, as I see it, there is two very different kinds of hope—hope that is reasonable and hope that is not.

Hope that is reasonable understands the consequences of inaction. By preventing a madman addicted to weapons of mass destruction from slaughtering innocent people, we can imagine a new democratically elected government committed to peace and prosperity.

Hope that is not reasonable relies on a dictator who strives for power and destruction to abdicate his authority and allow unconditional searches of his production plants and palaces by the United Nations and the United States.

Hope that is not reasonable thinks that Saddam Hussein will comply with the 16 U.N. Security Council Resolutions that he has defied for more than a decade.

Hope that is not reasonable will trust this murder of innocent lives to stop gassing, intimidating and killing people that live within his countries borders.

Tonight, I rise to encourage my colleagues to provide reasonable hope to the people of Iraq by granting President Bush the authority to take care of the threat posed by Hussein and his regime, either diplomatically or with our armed forces.

This resolution is one of the most important votes each of us will ever cast. I urge support for reasonable hope and encourage my colleagues to pass this resolution.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of H.J. Resolution 114, the Authorization for the Use of Military Force

against Iraq and in strong support of President Bush as he leads our nation in this most dangerous time.

We are here today to debate a resolution which would authorize the United States to sue military force to disarm and possibly remove Saddam Hussein from his tyrannical reign in Iraq. But let's be clear, this vote is about whether we, the United States House of Representatives, supports going to war to stop Saddam Hussein. It means putting our brave young men and women in uniform in harm's way and possibly putting them on the most dangerous of battlefields—one where the enemy may resort to weapons of mass destruction in his final desperate hour.

In deciding on how to vote on this resolution we must debate and answer one question; does the Iraqi regime under Saddam Hussein pose enough of an immediate danger to the United States and peace to warrant going to war to end that danger?

In my opinion, the answer is a resolute but somber yes.

To me, these vital facts stand out in this debate.

First, Saddam Hussein possesses chemical and biological weapons of mass destruction. He has enough anthrax to kill millions of people. Most of his biological stockpile has never been accounted for. He has thousands of tons of chemical weapons to include VX gas, sarin gas, and mustard gas. And we know, as President Bush revealed on Monday, that he is feverishly working to gain nuclear weapons.

Second, Saddam Hussein has a clear history of using weapons of mass destruction. During the Iraq-Iran war in the eighties, he ordered that chemical weapons be used against his enemy on the battle field. He ordered chemical attacks against his own people and tens of thousands of innocent men, women, and children died a horrible death.

Third, Saddam Hussein has unabashedly disregarded the rule of international law and the demands of the United Nations. Since his aggression against Kuwait was stopped in 1991, the Iraqi regime has ignored U.N. resolution after U.N. resolution to disarm. Over a period from 1991 to 1998, the Iraqi regime has lied and deceived in the most systematic way to conceal its collection of weapons of mass destruction. To make matters worse the forces of Saddam Hussein have also aggressively fired on American and British pilots enforcing the United Nation's no-fly zones with the intent to kill over 750 times.

And fourth, and potentially most chilling, Saddam Hussein is working in concert with terrorist organizations around the world including al Qaeda. We know that agents of the Iraqi regime and al Qaeda have held high level contact dating back more than a decade. We know that many al Qaeda members fled Afghanistan and now reside in Iraq. And we know that Saddam Hussein proudly celebrated the terrorist attacks on our Nation on September 11, 2001.

Given Saddam's violent history, the weapons of mass destruction in his possession, his flagrant disregard for the United Nations, and his current association with al Qaeda, the answer to the question I posed earlier is clear. Yes, we must pass this resolution and yes we must be willing to go to war to end the threat from Saddam Hussein once and for all.

It is my hope that the U.N. Security Council will vote to support military action against the Iraqi regime if it does not submit to international rule and allow U.N. inspectors complete and unfettered access to the country. Although I do not hold out hope that Saddam Hussein, given his duplicitous actions of the past, will submit to the United Nation's will to allow U.N. inspectors in his country to find and dismantle all of Iraq's weapons of mass destruction, we must attempt all diplomatic options. I also urge President Bush to continue to work with our allies to build an international coalition in support of any necessary military action. His speech before the United Nations on September 12 of this year laid an excellent groundwork for this coalition.

Mr. Speaker, let me say that I am supremely confident that if it comes to war that our brave young men and women in uniform will grandly succeed and perform to the highest standards of their proud traditions. I am also secure in the leadership of President Bush and his administration and the counsel he will receive from this body.

Let us go forth with this debate in the spirit that good and honest people—including the Members of this House—can disagree, but with the knowledge that in the end should we go to war we are as one. One voice for peace, one voice for defense of our freedom, and one voice for the security of the world.

I strongly urge all my colleagues to support this resolution.

Mr. ISSA. Mr. Speaker, I join my many esteemed colleagues today in support of this resolution authorizing the President to use force against Iraq. This is an historic moment for our country—a moment that should not be taken lightly. This is hopefully the last chapter in a long saga of our country's effort to deal with the threats of Saddam Hussein and his cruel regime. We have already given Saddam every chance to prevent war. We have spent ten years working through multilateral institutions, diplomatic channels, and the United Nations, trying to convince him to change. We have tried using sanctions to control his access to weapons. We have tried sending weapons inspectors into Iraq to find and dismantle his weapons of mass destruction.

Mr. Speaker, none of these efforts have brought any success. On the contrary, Saddam has only continued his brutal oppression of his own people, his weapons of mass destruction programs, and his support for terrorist groups that are committed to attacking America. Over the past ten years, he has made a mockery of the United Nations and multilateral diplomacy. He has systematically undermined United Nations resolutions that were designed to disarm and reform his regime. He threw out weapons inspectors in 1998 and has aggressively rebuilt his weapons of mass destruction programs. And he has targeted America, attempting to assassinate former President George Bush in 1993.

The proverbial ''last straw'' that pushed us to action was when we realized that Saddam could strike us on our home soil just as easily as Osama bin Laden and the Al Qaeda network did on September 11, 2001. We know that Saddam is all too willing to use weapons of mass destruction against his enemies. To hope that he will keep these weapons as ''deterrent'' and never use them is to stick our heads in the sand and ignore over 20 years of history. Mr. Speaker, we have an obligation to defend ourselves in the face of Saddam's threats. We cannot afford to remain silent while our enemies plot their next attack.

We make this decision because we have exhausted all other options. King Solomon, in his wisdom, wrote, ''There is a time for everything: a time to be born and a time to die, a time to kill and a time to heal . . . a time to be silent and a time to speak . . . a time for war and a time for peace.'' Mr. Speaker, now is the time to break our silence, now is the time to finish the process Saddam himself began in 1990. It is time for the United States to use the full force of its military to remove Saddam and give the people of Iraq the opportunity to live in peace and security. I urge my colleagues to support the President during this critical time in our nation's history and to vote in favor of this resolution.

Mr. PITTS. Mr. Speaker, today we are considering a resolution that, without a doubt, weighs heavy on everyone's heart. To cast a vote on whether or not to authorize our President to use military force against an enemy is one of the most important responsibilities we have as Members of Congress.

This is not an easy decision. It is a very complex state of affairs that will have foreign policy and national security implications for many years—beyond the service of many Members here today.

So, we must not simply think about today, but we must also think about what the future holds. With this said, we must look at the big picture. It is a complex picture, but there are several things we do know for sure.

(1) For many years, Saddam Hussein has brutally oppressed his people. He has committed mass murder, mass starvation, and gross violations of human rights.

(2) Saddam Hussein has developed chemical and biological weapons with the capability to attack neighboring countries, like Israel, Jordan, and Saudi Arabia—our allies.

(3) Saddam has already used chemical and biological weapons against his own people and his enemies—we know he is not afraid to use them.

(4) Saddam has vowed to use these weapons against anyone or any country that stands in his way, including the U.S., our allies, and even the Shia population in his own country.

(5) Saddam is seeking nuclear weapons and is not far from obtaining this capability, and

(6) For over a decade, Saddam has routinely disregarded the will of the U.N. and obstructed its weapons inspectors.

I could go on, but the point is clear. Saddam is a tyrant and a madman that poses a direct threat to the United States, our allies, and his own people. His reign of terror must end.

That is why we are here today. And that is why we must pass this resolution and show the international community and Iraq that the United States speaks with a single voice. We should show Saddam and his regime that his days are numbered.

Mr. DAVIS of Florida. Mr. Speaker, as we debate this extremely important resolution, I feel compelled to voice my concerns and those of my constituents who are very uneasy with the way President Bush has presented his case. In the minds of many, President Bush has failed to make a convincing case for using military force against Iraq. Throughout our history, this country has not militarily attacked another nation-state for any other reason except for self defense.

As a member of the House International Relations Committee, I offered an amendment

that would have addressed many of these concerns by making the resolution more narrow and precise in scope. Unfortunately, this amendment was not passed in Committee, and I was not allowed to offer my alternative on the floor today.

Thus, I face what will certainly be the most important vote I will ever cast with a very heavy heart, knowing that my vote could put our men and women in harm's way. While the resolution we are voting on today does not address all of my concerns, it has come a long way since the early days of the Administration rhetoric. Just two months ago, President Bush and his advisors where talking albout using force first, rather than last, and taking unilateral action to facilitate regime change in order to confront an imminent threat from Iraq. While the President has not convinced me that Iraq is a clear and present danger to the security of the United States, today, as reflected in this resolution, the President is committed to working with the United Nations to build a coalition to disarm Saddam Hussein. Furthermore, knowing the historical background of Saddam Hussein, only a resolution that gives the President the credible threat of force will give America and the world a chance to disarm him without engaging in war. Thus, I will support House Joint Resolution 114.

Mr. Speaker, if force proves necessary, we must forge a coalition of other countries supporting and participating with our armed forces to the greatest extent practical. A formidable, multilateral alliance, similar to the one assembled during the Persian Gulf War, is necessary before, during and after the war, and will help continue the momentum in the international war on terrorism. The United States should resolve the situation using all of the political and diplomatic resources at our disposal, keeping in mind that military action is sometimes the only option available.

Although I will support this resolution, I still have a number of concerns: this resolution will give the President broad authority to make war form any reasons well beyond disarming Saddam Hussein of his weapons of mass destruction (WMD), and the resolution's standard to justify going to war is too low.

In an attempt to address this and other concerns, I offered an amendment in the House International Relations Committee, similar to a proposal authored by Senators BIDEN and LUGAR, which makes perfectly clear that the goal of the resolution is disarmament. To that end, the amendment would have limited the President's war-making power by focusing the authorization to use military force on securing the dismantlement of Iraq's weapons of mass destruction, not human rights violations, prisoners of war, or the failure to return property as called for under the resolution we debate today.

In addition, my amendment emphasized the importance of international support and encouraged the President to exhaust diplomatic efforts at the UN, while reserving the right to act unilaterally if the UN fails to approve a new resolution requiring the dismantlement of Iraq's weapons of mass destruction in a timely fashion.

Lastly, the amendment would have raised the standard for justification of going to war by elevating the risk assessment from ''continuing'' to ''grave''. The U.S. faces many continuing risks but they do not warrant the use of military force. By requiring the President to inform Congress that Iraq's weapons of mass destruction pose a ''grave'' risk to the United States, the amendment raised the standard which must be met before placing American men and women in harm's way, something President Bush's resolution fails to do. Remember, President Bush warned that Iraq is a ''grave and gathering'' danger during his excellent speech to the United Nations General Assembly on September 12, 2002.

Unfortunately, as I mentioned earlier, my amendment did not pass the House International Relations Committee and it was not made in order by the Rules Committee.

The authority this Congress is about to give to the President must be used judiciously. After all, war is the ultimate failure of diplomacy. I expect that after this important authority is granted, Congress and the President will closely work together.

Mr. ROYCE. Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to section 3 of House Resolution 574, the Chair postpones further consideration of the joint resolution until the legislative day of Wednesday.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for October 7 and today on account of official business.

Mr. KANJORSKI (at the request of Mr. GEPHARDT) for today until 2:00 p.m. on account of official business in the district.

Ms. SOLIS (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. FERGUSON (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 150. Concurrent resolution welcoming her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes; to the Committee on International Relations.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes a.m.), the House adjourned until today, Wednesday, October 9, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9540. A communication from the President of the United States, transmitting his request to make funds available for the Department of the Treasury's Counterterrrorism Fund; (H. Doc. No. 107—271); to the Committee on Appropriations and ordered to be printed.

9541. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Regulation Z; Truth in Lending [Docket No. R-1130] received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9542. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 2002, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

9543. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone [CGD01-02-114] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9544. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA [COTP New Orleans-02-005] (RIN: 2115-AA97) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9545. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Continguous to Waterfront Facilities [USCG-1998-4302] (RIN: 2115-AE22) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9546. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland [CGD05-01-071] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9547. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Shipping; Technical and Conforming Amendments [USCG-2002-13058] (RIN: 2115-AG48) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9548. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Transportation, transmitting the Department's final rule — Safety Zones; Ponce Bay, Tallaboa Bay, and Guayanilla Bay, Puerto Rico and Limetree Bay, St. Croix, U.S. Virgin Islands [COTP San Juan 02-038] (RIN: 2115-AA97) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9549. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lapeer, MI [Airspace Docket No. 02-AGL-04] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9550. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tecumseh, MI; Correction [Airspace Docket No. 02-AGL-02] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9551. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Athens, OH [Airspace Docket No. 01-AGL-17] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9552. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airpsace; Zanesville, OH [Airspace Docket No. 02-AGL-12] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9553. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Gasparilla Island Causeway Swingbridge, Gulf Intracoastal Waterway, Boca Grande, Charlotte County, FL [CGD07-02-120] received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9555. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2002-SW-11-AD; Amendment 39-12886; AD 2002-19-06] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9556. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 212 Helicopters [Docket No. 2002-SW-28-AD; Amendment 3912885; AD 2002-19-05] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9558. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed C-130A Airplanes, Type Certificated in the Restricted Category [Docket No. 2002-NM-235-AD; Amendment 39-12894; AD 2002-19-14] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9559. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9560. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Certain Airplanes Originally Manufactured by Lockheed [Docket No. 2002-NM-220-AD; Amendment 39-12893; AD 2002-19-13] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 912 F and 912 S Series Reciprocating Engines [Docket No. 2002-NE-18-AD; Amendment 39-12889; AD 2002-19-09] (RIN: 2120-AA64) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9562. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9563. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Compensation of Air Carriers [Docket OST-2001-10885] (RIN: 2105-AD06) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9564. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Marine Inspection Zone and Captain of the Port Zone [CGD01-02-023] (RIN: 2115-AA97) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9565. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Revision to Periodic Tire Check Requirement for Motor Carriers Transporting Hazardous Materials [Docket No. FMCSA-02-13376; Docket No. RSPA-02-12773 (HM-232B)] (RIN 2126-AA74; RIN: 2137-AD69) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9566. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Approval Authority for Contract Actions Pending Resolution of an Agency Protest (RIN: 2700-AC33) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9567. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Broad Agency Announcements (RIN: 2700-AC33) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9568. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Net Value and Pre-Foreclosure Debt Waivers (RIN: 2900-AG20) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9569. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Commission of Capital Crimes (RIN: 2900-AJ77) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9570. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule — Duty-Free Treatment for Certain Beverages Made with Caribbean Rum [T.D. 02-59] (RIN: 1515-AC78) received October 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9571. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Annuities; Certain Proceeds of Endowment and Life Insurance Contracts (Rev. Rul. 2002-62) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9572. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Bureau of Labor Statistics, Department Store Inventory Price Indexes by Department Groups (Rev. Rul. 2002-64) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2037. A bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce; with amendments (Rept. 107–727, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY: Committee of Conference. Conference report on H.R. 3295. A bill to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes (Rept. 107–730). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3758. A bill for the relief of So Hyun Jun (Rept. 107–729). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HANSEN (for himself and Mr. RAHALL):

H.R. 5569. A bill to provide for boundary adjustments and conveyances involving public lands, to protect and enhance National Parks, National Forests, and other public lands, to ensure the availability of water resources, energy, and minerals, to improve wildlife conservation and oceans and fisheries management, to address Native American and insular affairs, and for other purposes; to the Committee on Resources.

By Mr. ABERCROMBIE:

H.R. 5570. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii; to the Committee on Resources.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5571. A bill to clarify the boundaries of the Plum Island Unit of the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. KANJORSKI:

H.R. 5572. A bill to amend the Solid Waste Disposal Act to authorize the Secretary of Housing and Urban Development to guarantee loans to homeowners with properties contaminated by leaking underground storage tanks, to assist such homeowners in moving from such properties on a temporary or permanent basis; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING (for himself, Mrs. MALONEY of New York, Mr. BAKER, Mr. BACHUS, Mrs. KELLY, Mr. MASCARA, Mr. SHAYS, Mr. GRUCCI, Mr. ROGERS of Michigan, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. WAMP, Mr. HANSEN, Mr. FOSSELLA, Mr. WALSH, Mr. BLUNT, Mr. BOEHLERT, Mr. WOLF, Mr. FROST, Mr. MCHUGH, Mr. QUINN, Mr. CLYBURN, Mr. MCINNIS, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. PETERSON of Pennsylvania, Mr. BORSKI, Mr. TANCREDO, Mr. POMEROY, Mr. SAXTON, Mr. FOLEY, Mr. HINCHEY, Mr. KENNEDY of Minnesota, Mr. SOUDER, and Mr. SERRANO):

H.R. 5573. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Financial Services.

By Mr. KINGSTON (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. COLLINS, Mr. LINDER, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. BARR of Georgia, Mr. BISHOP, Mr. LEWIS of Georgia, and Ms. MCKINNEY):

H.R. 5574. A bill to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the ''Michael Lee Woodcock Post Office''; to the Committee on Government Reform.

By Mr. KIRK (for himself, Mr. LANGEVIN, Mr. THOMAS, and Mr. PLATTS):

H.R. 5575. A bill to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 5576. A bill to amend title 38, United States Code, to provide for a pilot program to be conducted by the Department of Veterans Affairs to assess the benefits of establishing a nurse preceptor program; to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 5577. A bill to disqualify certain persons from receiving Federal funds; to the Committee on Government Reform.

By Mr. PAUL (for himself, Mr. KINGSTON, and Mr. JONES of North Carolina):

H.R. 5578. A bill to support the domestic shrimping industry by eliminating taxpayer subsidies for certain competitors, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 5579. A bill to promote rural development, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Mr. PICKERING):

H.R. 5580. A bill to amend title 18, United States Code, to provide mandatory restitution in certain cases, and for other purposes; to the Committee on the Judiciary.

By Mr. WILSON of South Carolina:

H.R. 5581. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.J. Res. 119. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on House Administration.

By Mr. SENSENBRENNER:

H. Con. Res. 503. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215; considered and agreed to.

By Mrs. NAPOLITANO:

H. Con. Res. 504. Concurrent resolution congratulating the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship; to the Committee on Government Reform.

By Mr. HOEKSTRA:

H. Con. Res. 505. Concurrent resolution expressing the sense of the Congress that there should be established a National Safety in Numbers Month; to the Committee on Government Reform.

By Mr. SHUSTER:

H. Con. Res. 506. Concurrent resolution urging the States to include in their driver's license exams at least one question about highway-rail grade crossings safety by fiscal year 2005; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Illinois (for himself, Mr. KIRK, Mr. WELLER, Mr. SHIMKUS, Mrs. BIGGERT, Mr. DAVIS of Illinois, Mr. CRANE, Mr. HYDE, Ms. SCHAKOWSKY, Mr. LAHOOD, Mr. GUTIERREZ, Mr. RUSH, Mr. JACKSON of Illinois, Mr. PHELPS, Mr. COSTELLO, Mr. EVANS, Mr. MANZULLO, Mr. BLAGOJEVICH, Mr. LIPINSKI, and Mr. HASTERT):

H. Res. 575. A resolution honoring Erika Harold, Miss America 2003; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WILSON of South Carolina introduced A bill (H.R. 5582) for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. CRAMER.
H.R. 168: Mr. JEFF MILLER of Florida.
H.R. 488: Mrs. CHRISTENSEN and Mr. LANGEVIN.
H.R. 536: Ms. SOLIS.
H.R. 548: Mr. DOOLEY of California.
H.R. 831: Mr. ENGEL and Mr. WYNN.
H.R. 854: Ms. MCCARTHY of Missouri and Mr. STENHOLM.
H.R. 952: Mr. GOODE.
H.R. 1280: Mr. GREEN of Wisconsin.
H.R. 1307: Mr. SHOWS and Mr. HOEFFEL.
H.R. 1309: Mr. ENGLISH and Mr. GREENWOOD.
H.R. 1331: Mr. GEKAS.
H.R. 1343: Mr. BASS.
H.R. 1509: Mr. BALDACCI.
H.R. 1599: Mr. JEFF MILLER of Florida.
H.R. 1624: Mr. HALL of Texas.
H.R. 1983: Mr. GREEN of Wisconsin.
H.R. 2012: Mr. ISRAEL, Mr. KIND, and Mr. PAUL.
H.R. 2173: Mr. FORD.
H.R. 2353: Mr. RANGEL.
H.R. 2442: Mr. GILLMOR.
H.R. 2717: Mr. CHAMBLISS.
H.R. 2874: Mr. SAWYER and Mr. FOLEY.
H.R. 2908: Mr. DAVIS of Florida.
H.R. 2953: Mr. GALLEGLY.
H.R. 3109: Mr. ROGERS of Michigan.
H.R. 3273: Mr. WICKER.
H.R. 3414: Mr. REYES.
H.R. 3602: Mr. ALLEN, Ms. DELAURO, Mr. STUPAK, Mrs. WILSON of New Mexico, Mrs. THURMAN, Mr. WALDEN of Oregon, Mr. KILDEE, Mr. HOEFFEL, Mr. BOYD, Mr. LUCAS of Kentucky, and Mr. KUCINICH.
H.R. 3794: Mr. TIERNEY.
H.R. 3831: Mr. THUNE.
H.R. 3915: Mrs. CAPPS.
H.R. 4003: Ms. LOFGREN and Mr. FRELINGHUYSEN.
H.R. 4099: Mr. ENGLISH.
H.R. 4483: Ms. BALDWIN and Mr. MICA.
H.R. 4614: Mr. PETERSON of Minnesota.
H.R. 4650: Mr. TANCREDO.
H.R. 4666: Mrs. JO ANN DAVIS of Virginia.
H.R. 4704: Mr. NEAL of Massachusetts.
H.R. 4760: Ms. MILLENDER-MCDONALD, Mr. SANDLIN, and Mr. MENENDEZ.
H.R. 4825: Mrs. MORELLA.
H.R. 4843: Mr. SNYDER, Mr. HOLT, Mr. REHBERG, and Mr. PAYNE.
H.R. 4963: Mr. GUTIERREZ.
H.R. 5104: Mrs. MORELLA, Mr. HASTINGS of Florida, and Ms. WATSON.
H.R. 5211: Mr. KELLER.
H.R. 5227: Mr. SCHAFFER.
H.R. 5250: Mr. CAPUANO and Mr. DIAZ-BALART.
H.R. 5251: Mr. SUNUNU.
H.R. 5252: Mr. GEPHARDT, Ms. PELOSI, Mr. FROST, Ms. DELAURO, Mr. SPRATT, Mr. LAFALCE, Mr. LANTOS, Mr. GEORGE MILLER of

California, Mr. EVANS, Mr. DOGGETT, Mr. POMEROY, Mr. BECERRA, Mr. STARK, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. THURMAN, Mr. DAVIS of Florida, Ms. BALDWIN, Mrs. MCCARTHY of New York, Mr. PALLONE, Mr. PHELPS, Mr. ALLEN, Mr. SHOWS, Mr. HOLDEN, Mrs. CAPPS, Mr. HINOJOSA, Mr. CROWLEY, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. RODRIGUEZ, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. BERKLEY, Mrs. MALONEY of New York, Mr. ANDREWS, Mr. WYNN, MR. FILNER, Mr. MARKEY, Mr. PAYNE, Mr. VISCLOSKY, Mr. RUSH, Ms. BROWN of Florida, Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, Mr. FARR of California, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. PASTOR, Mr. OWENS, Mr. LYNCH, Ms. WATSON, Mr. REYES, Mr. TOWNS, Mr. FRANK, Mr. BERMAN, Ms. KILPATRICK, Ms. WATERS, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. SERRANO, Mr. HINCHEY, Ms. LEE, Mr. HILLIARD, and Ms. MILLENDER-MCDONALD.

H.R. 5293: Ms. MILLENDER-MCDONALD and Mr. EVANS.

H.R. 5300: Mr. HINCHEY.

H.R. 5310: Mr. PLATTS and Mr. SCHAFFER.

H.R. 5311: Mr. PLATTS.

H.R. 5334: Mr. ACKERMAN, Ms. CARSON of Indiana, Mrs. CAPPS, Mr. COYNE, Mr. HAYES, Mr. MARKEY, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Ms. WATSON, Mr. FRANK, Mr. LARSEN of Washington, Mr. SCHIFF, and Mr. LANGEVIN.

H.R. 5359: Mr. CAPUANO.

H.R. 5383: Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. CONYERS, Mr. MCNULTY, and Mr. HOUGHTON.

H.R. 5403: Mr. GEKAS, Mr. KIND, and Mr. DOOLEY of California.

H.R. 5414: Mr. TIBERI.

H.R. 5433: Mr. YOUNG of Alaska.

H.R. 5441: Mr. MCGOVERN.

H.R. 5446: Mr. VITTER.

H.R. 5466: Mr. SOUDER.

H.R. 5471: Mr. FROST, Mr. HALL of Texas, and Ms. BROWN of Florida.

H.R. 5485: Mr. SCHAFFER.

H.R. 5491: Mr. ENGEL, Mr. NADLER, Mr. BACA, and Mr. ABERCROMBIE.

H.R. 5499: Mr. JACKSON of Illinois, Ms. NORTON, Mr. TOWNS, Mr. CUMMINGS, Mr. DAVIS of Illinois, and Ms. KILPATRICK.

H.R. 5503: Mr. DICKS.

H.R. 5533: Mr. SKELTON.

H.R. 5541: Mr. BERRY, Mr. PHELPS, Mr. ISRAEL, Mr. MATSUI, Mr. VISCLOSKY, Mr. HOLDEN, Mr. MCGOVERN, Ms. WATERS, Mr. RUSH, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. PICKERING, Mr. WEXLER, and Mr. NEAL of Massachusetts.

H.J. Res. 93: Mr. DEMINT and Mr. TANCREDO.

H.J. Res. 110: Mr. HILLIARD.

H.J. Res. 114: Mr. GIBBONS, Mr. ISRAEL, Mr. JENKINS, Mr. ROSS, Mr. RYUN of Kansas, Mr. FROST, Mr. BACHUS, Mr. BERMAN, Mr. SCHROCK, Mr. PHELPS, Mr. WILSON of South Carolina, Mr. FORD, Mr. CHAMBLISS, Mr. HOLDEN, Mr. SMITH of Michigan, Mr. MCNULTY, Mr. KOLBE, Mr. STENHOLM, Mr. KELLER, Mr. SANDLIN, Mr. GILMAN, Mr. ACKERMAN, Mr. PORTMAN, Mr. EDWARDS, Mr. TOM DAVIS of Virginia, Mr. ROEMER, Mr. SESSIONS, Mr. LUCAS of Kentucky, Mr. GRUCCI, Mr. HALL of Texas, Mr. BALLENGER, Mr. CRAMER, Mr. SHAYS, Mr. ANDREWS, Mr. YOUNG of Florida, Mr. DOOLEY of California, Mr. COMBEST, Mr. LANTOS, Mr. BOOZMAN, Mr. TURNER, Mr. PICKERING, Mr. FALEOMAVAEGA, Mr. SHADEGG, Mr. DEUTSCH, Mr. GRAHAM, Mrs. NORTHUP, Mr. PENCE, Mr. OSBORNE, Mr. BURTON of Indiana, Mr. ARMEY, Mr. RADANOVICH, Mr. PETERSON of Pennsylvania, Ms. DUNN, Mr. GARY G. MILLER of California, Mr. GILLMOR, Mr. ROHRABACHER, Mr. WATTS of Oklahoma, Mr. CRENSHAW, Mr. BARTON of Texas, Mr. HYDE, Mr. HAYWORTH, Mr. HANSEN, Mr. JEFF MILLER of Florida, Mr. MCCRERY, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. DOOLITTLE, Ms. HART, Mr. SHUSTER, Mr. MCKEON, Mr. RILEY, Mr. OSLEY, Mr. ISSA, Mr. BLUNT, Mr. SKEEN, Mr. SAXTON, Mr. WICKER, Mr. AKIN, Mr. LINDER, Mr. BOEHNER, Mr. CALVERT, Mr. FERGUSON, Mrs. MYRICK, Mr. WELDON of Florida, Mr. DEMINT, Ms. ROS-LEHTINEN, Mr. DAN MILLER of Florida, Mr. FLAKE, Mr. TANCREDO, Mr. THUNE, Mr. SMITH of New Jersey, Mr. KINGSTON, Mr. PITTS, Mr. SWEENEY, Mr. KERNS, Mr. PUTNAM, Mr. LEWIS of California, Ms. PRYCE of Ohio, Mrs. BIGGERT, Mr. CANNON, Mr. EVERETT, Mr. GILCHREST, Mrs. ROUKEMA, Mr. KIRK, Mr. BRADY of Texas, Mr. GANSKE, Mr. MCINNIS, Mrs. CUBIN, Mr. POMBO, Mr. HEFLEY, Mr. COLLINS, Mr. VITTER, Mr. ROYCE, Mr. MCHUGH, Mr. CANTOR, Mr. GALLEGLY, Mr. HORN, Mr. STUMP, Mr. BUYER, Mr. DELAY, Mrs. JO ANN DAVIS of Virginia, Mr. CUNNINGHAM, Mr. FLETCHER, Mr. SIMPSON, Mr. HILLEARY, Mr. DREIER, Mr. THORNBERRY, and Mr. YOUNG of Alaska.

H. Con. Res. 177: Mr. MORAN of Virginia.

H. Con. Res. 406: Mr. KENNEDY of Minnesota.

H. Con. Res. 445: Mr. SMITH of Michigan, Mr. UPTON, Mr. HYDE, Mr. COBLE, and Mr. BLUNT.

H. Con. Res. 466: Mr. SOUDER.

H. Con. Res. 473: Mr. BLUMENAUER.

H. Con. Res. 479: Mr. NEAL of Massachusetts, Mr. ANDREWS, Mr. GRUCCI, Mr. FATTAH, Mr. TOWNS, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Ms. BERKLEY, Mr. ENGLISH Ms. KILPATRICK, Mr. PAYNE, Mr. LANGEVIN, and Mr. MATSUI.

H. Con. Res. 487: Mr. FROST and Mr. UDALL of Colorado.

H. Con. Res. 500: Mr. WATKINS and Mr. AKIN.

H. Con. Res. 502: Mr. SABO, Mrs. NAPOLITANO, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. FOLEY, Mr. PICKERING, Mr. BARRETT, and Mrs. ROUKEMA.

H. Res. 108: Mr. BOEHLERT.

H. Res. 115: Mr. BROWN of Ohio, Mr. ABERCROMBIE, and Ms. NORTON.

H. Res. 532: Ms. CARSON of Indiana.

H. Res. 534: Mr. BROWN of South Carolina.

H. Res. 535: Mr. BROWN of South Carolina.

H. Res. 557: Mr. LIPINSKI and Mr. LANTOS.

H. Res. 565: Mr. CAMP, Mr. LEVIN, and Mr. STUPAK.