

Understanding the connection between liberty, prosperity and security has been lost. The priorities are backwards. Prosperity and security come from liberty. Peace and the absence of war come from a consequence of liberty and free trade. The elimination of ignorance and restraints on do-goodism and authoritarianism in a civilized society can only be achieved through a contractual arrangement between the people and the government, in our case the U.S. Constitution. This document was the best ever devised for releasing the creative energy of a free people while strictly holding in check the destructive powers of government. Only the rule of law can constrain those who by human instinct look for a free ride while delivering power to those few, found in every society, whose only goal in life is a devilish desire to rule over others.

The rule of law in a republic protects free-market activity and private property ownership and provides for equal justice under the law. It is this respect for law and rights over government power that protects the mainspring of human progress from the enemies of liberty. Communists and other Socialists have routinely argued that the law is merely a tool of the powerful capitalists.

But they have it backwards. Under democracy and fascism, the pseudocapitalists write the laws that undermine the Constitution and jeopardize the rights and property of all citizens. They fail to realize that the real law, the Constitution, itself guarantees the rights and equal justice and permits capitalism, thus guaranteeing progress.

Arbitrary, ever-changing laws are the friends of dictators. Authoritarians argue constantly that the Constitution is a living document and that rigid obedience to ideological purity is the enemy that we should be most concerned about. They would have us believe that those who cherish strict obedience to the rule of law in the defense of liberty are wrong merely because they demand ideological purity. They fail to demand that their love of relative rights and pure democracy is driven by a rigid obedience to an ideology as well. The issue is never rigid beliefs versus reasonable friendly compromise. In politics it is always competition between two strongly held ideologies. The only challenge for men and women of goodwill is to decide the wisdom and truth of the ideologies offered.

Nothing short of restoring a republican form of government with strict adherence to the rule of law, and curtailing illegal government programs, will solve our current and evolving problems.

Eventually the solution will come with the passage of the liberty amendment. Once there is serious debate on this amendment, we will know that the American people are considering the restoration of the constitutional republic

and a protection of individual liberty.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. PUTNAM) laid before the House the following communication from NANCY PELOSI, Democratic leader:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE DEMOCRATIC LEADER,  
Washington, DC, January 29, 2003.

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives, The Speaker's Room, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to 50 U.S.C. 401, section 1002(b) of the Intelligence Authorization Act, I hereby appoint to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Representatives Zoe Lofgren (D-CA) and Maurice Sonnenberg.

Best,

NANCY PELOSI,  
*Democratic Leader.*

#### MEDICARE PRIVATIZATION

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

Mr. BROWN of Ohio. Mr. Speaker, last night the President said that seniors deserve enhanced preventative benefits and prescription drug coverage.

Seniors do deserve these benefits. What they do not deserve is being patronized, manipulated, and short-changed, particularly when the quality of their health care and their future financial security are at stake.

When the President said that seniors happy with the current Medicare system should be able to keep their coverage just the way it is, we all applauded. What he obviously means is this: If they are unwilling to leave Medicare and join an HMO, then they actually do not deserve preventative benefits and drug coverage, and they will not get any.

The President has every right to push his privatization agenda, Medicare privatization, Social Security privatization, but not by co-opting an issue as emotional and as important as prescription drug coverage. The President cannot go unchallenged when he mischaracterizes Medicare as a failed program.

My friends on the other side of the aisle continue to lambast, continue to criticize, continue to ridicule the Medicare program as a failed program so that then they can justify their goal of privatizing it.

The President in his budget, in his orders from the White House at HHS, recently dropped provisions to serve the general public, the Medicare public, in seminars asking questions, learning more about Medicare so that when seniors were overcharged, they would have some recourse. The Presi-

dent and his people at HHS are doing all they can to cut those Medicare services to make Medicare function more poorly so that Medicare does not serve the public as well, justifying their privatization of Medicare.

The retirement safety net was not put in place by Democrats because we wanted to make the Federal Government bigger, and it should not be dismantled by conservatives just because they want to make Federal Government smaller. The safety net was put in place because the private sector could not make a profit offering health insurance to seniors; so they did not offer it. That is why when Medicare was begun in 1965 by a Democratic President, Democratic House, Democratic Senate, with only 11 Republicans supporting the vote on Medicare. That is why it was created, because 35 years ago 50 percent of seniors in this country had no health insurance. Today almost every senior has health insurance because of one of the greatest programs in American history: Medicare.

But what the President of the United States basically said last night as he sat in this Chamber looking in this direction, looking out at Members of Congress, looking at the Ambassadors, looking at his Cabinet, the Supreme Court, looking at people in the gallery, the President said basically if they want prescription drug benefits, they have got to join an HMO to get it. And that is the story of the President's Medicare privatization. If they want prescription drug coverage, if they want preventative care, then they have got to join an HMO, and that is the President's efforts to privatize Medicare.

So I ask my friends on the other side of the aisle. I ask people listening today in this Chamber to understand that the President's plan to privatize Medicare, that the President is using the prescription drug benefit to try to get his plans to privatize Medicare into place.

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Again, Mr. Speaker, this whole debate is about the President saying if you want a prescription drug benefit, then you have to drop out of regular Medicare and join one of those HMOs. In some parts of the country there are no HMOs available. In many parts there are. It means you have to give up your choice of physician.

The President talks about choice, but when you are talking about real choice, it is all about fee-for-service traditional Medicare. You can choose your doctor, you can choose your hospital, you can choose your provider.

Under the President's plan, you have a choice. Your choice is stay in Medicare and not have a prescription drug benefit, or you can take a prescription drug benefit and join an HMO.

The Democrats' prescription drug plan is to include a prescription drug benefit inside traditional Medicare. Medicare works very well for the public. It works even better if there is a

decent voluntary prescription drug plan as part of Medicare.

Mr. Speaker, I ask this House to reject these privatization plans and instead put a prescription drug benefit inside Medicare, and continue to serve the Medicare population as well as Medicare has in the past.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EHLERS (at the request of Mr. DELAY) for today on account of accompanying the President on his trip to Grand Rapids, Michigan.

#### 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. BRADY of Pennsylvania) to revise and extend their remarks and include extraneous material:

Mr. BRADY of Pennsylvania, for 5 minutes, today.

Mr. FATTAH, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MARSHALL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. JONES of North Carolina, for 5 minutes, February 5.

#### ADJOURNMENT

Mr. BROWN of Ohio, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Friday, January 31, 2003, 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:

280. A letter from the Administrator, Poultry Programs, Department of Agriculture, transmitting the Department's final rule — Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading [Docket No. PY-02-002] (RIN: 0581-AC10) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

281. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Martin J. Mayer, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

282. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Joseph W. Ralston, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

283. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Total Development Cost [Docket No. FR-4489-F-02] (RIN: 2577-AC05) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

284. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

285. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7797] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

286. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Required by Sections 404, 406 and 407 of the Sarbanes-Oxley Act of 2002 [Release Nos. 33-8138; 34-46701; IC-25775; File No. S7-40-02] (RIN: 3235-AI66) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

287. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Strengthening the Commission's Requirements Regarding Auditor Independence [Release No. 33-8154; 34-46934; 35-27610; IC-25838; IA-2088, FR-64, File No. S7-49-02] (RIN: 3235-AI73) received January 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

288. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; External Quality Review of Medicaid Managed Care Organizations [CMS-2015-F] (RIN: 0938-AJ06) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

289. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 [AD-FRL-6995-3] (RIN: 2060-AJ46) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

290. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects [AD-FRL-7414-5] (RIN: 2060-AE11) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

291. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects [AD-FRL-7414-5] (RIN: 2060-AE11) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

292. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications

Commission, transmitting the Commission's final rule — Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies [MM Docket No. 98-204] received January 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

293. A letter from the Acting Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Jt. Board on Universal Service [Doc No. 96-45]; 1998 Biennial Regulatory Review-Streamlined Contributor Reporting Requirements Associated with Admin. of Telecom. Relay Service, N. Amer. Numbering Plan, Local No. Portability, & Universal Service Support Mechanisms [Doc No. 98-171]; Telecom Services for Individuals with Hearing & Speech Disabilities, & the A.D.A. Act of 1990 [Doc No. 90-571]; Admin. of the N. Amer. Numbering Plan & N. Amer. Numbering Plan Cost Recovery Contribution Factor & Fund Size [Doc No. 92-237, NSD File No. L-00-72]; Number Resource Optimization [Doc No. 99-200]; Telephone No. Portability to the Committee on Energy and Commerce.

294. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-123] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

295. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS-24PT1 Addition (RIN: 3150-AG74) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

296. A letter from the Secretary, Department of Education, transmitting the semi-annual report of the activities of the Office of Inspector General during the six month period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

297. A letter from the Secretary, Department of Energy, transmitting the semi-annual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

298. A letter from the Secretary, Department of the Interior, transmitting the semi-annual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

299. A letter from the Secretary, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

300. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

301. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

302. A letter from the Chairman, Consumer Product Safety Commission, transmitting