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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 18, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT 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 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

DEPARTMENT OF DEFENSE EXEMPTIONS

Mr. BLUMENAUER. Mr. Speaker, throughout history, nothing has more profound impact on the world than the consequences of war; but as we examine that history, we often see the greatest devastation is in its aftermath, starvation, chaos, instability, retribution, unleashing a chain of events that continues centuries later, as we are currently seeing in the Balkans.

The destructive power of today's military weapons and techniques used to develop them and practice with them can leave in its wake danger for generations to come. The consequences of past military action are not just limited to the mine fields in the Balkans or Asia or Africa. There is a toxic legacy right here in the United States as a result of 2 centuries of testing, training, weapons manufacturing from unexploded bombs to nuclear waste. This affects millions of acres of land, actually in some cases inside city limits to some of the otherwise most pristine countryside in America.

The good news is not only are our Armed Forces the most powerful fighting force the world has ever seen, but they know how to deal with environmental problems. Given the right resources and instructions, they are not just ready, but eager, to do a world-class job of clean up.

The bad news is that as part of its approach to denying problems and avoiding the costs and consequences of its activities, this administration is pursuing policies that would avoid responsibility for environmental impact. For example, just last week the subject of Thursday's hearing in the Committee on Armed Services was a proposal from the administration to exempt the Department of Defense from five key environmental laws from the Clean Air Act to the Endangered Species Act.

These laws not only protect endangered species and eco-systems, they protect the health of people living on and around military bases. If the exemptions were granted, American taxpayers and State and local governments would bear the burden of clean-up costs and face public health risks from toxic contamination resulting from military operations. The evidence shows there is no reasonable case for such exemptions. The environmental laws already allow the Department of Defense to apply for exemptions on a case-by-case basis if they really need it. Both the GAO and EPA Administrator Whitman have testified that environmental laws have not affected military readiness. There is no evidence that the military has ever been refused an exemption from laws that were necessary and that they sought it.

Even with the current environmental laws in place, sadly, the Department of Defense has too often fallen short of the mark on environmental and public health. A critical area that I have been working on deals with unexploded ordnance: the bombs, missiles, shells that are scattered throughout the United States in all 50 States. We have made progress, but we have got a long way to go. We have millions of acres of current or former military installations spread across the 50 States that contain unknown numbers of high-explosive military munitions that failed to explode when dropped or fired or which were buried for disposal.

In 1998, the Defense Science Board found that we were simply ill equipped to address the unexploded ordnance challenge. We have been working with a bipartisan group of men and women in Congress to address this issue. We have been making headway, but we have got a long way to go. If we were to exempt the Pentagon from its responsibility for environmental clean up, it would be absolutely the wrong direction. Congress instead should be funding and encouraging the clean up, not exempting the Department of Defense from environmental laws.

At the current rate of clean up, it is going to take us hundreds of years to be able to solve this problem. And that is at the current rate of funding. The President's budget just cut $400 million from the Department of Defense environmental programs.

Putting off the toxic legacy of past military activities means we must delay the ultimate cleanup, we put more families at risk, and we set a terrible precedent as we ask others to obey environmental laws and respect nature at home and abroad.

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In preparing to protect this country, the administration should not give the Department of Defense authority to put at risk the environment that Americans cherish and the clean and healthy communities it demands. As the largest owner of infrastructure in the world, and sadly, as the biggest polluter, the Department of Defense should be setting the best example, not getting permission from Congress to cut corners on the protection of the environment and the health of our community. We should be working together in these troubled times to make our community healthy, safe, and economically secure.

TAX CUTS AFFECT NEW JERSEY PROGRAMS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, this week, probably tomorrow and Thursday, we will probably have a final vote Thursday on the Republican budget resolution in the House; and I wanted to speak to that resolution today because I think it really sets a terrible precedent for where we are going in terms of spending programs, tax cuts, as well as the economy in general, which as we all know has experienced a major downturn in the last year or so.

My major point is this, that essentially what the President is doing, what the Republicans are doing in this budget is to give huge tax cuts, primarily to wealthy Americans and to corporate interests. As a result of that, there will be a major slash of programs that are important to the average American and also a major increase in the deficit. A few years ago under President Clinton we actually had a surplus with the budget. We were paying down our debt. We were paying back the Social Security and Medicare trust funds. Now the opposite is happening.

With this Republican budget, which the President essentially supports, we are building huge deficits once again. We are borrowing from the Social Security trust fund. We are borrowing from the Medicare trust fund. And those two retirement security programs, basically Social Security and Medicare, the day when they will go broke or will run out of funds will come closer and closer because of the drain on those trust funds and their resources.

But, Mr. Speaker, I was pleased to see that over the weekend, in fact Sunday, in the New York Times there was an editorial that basically says how I feel with regard to the Republican budget and gives some information of which I would like to read certain sections.

It is entitled, ''How Tax Cuts Trickle Down.'' In the beginning it says, Mr. Speaker, ''In a sorry effort to protect President Bush's tax cut mania, the Republican leaders of Congress have unveiled proposals for slashing the most basic government programs for years to come. With rationalizations running from tragic to ludicrous, House budgeteers envision cuts of $470 billion in Medicare, Medicaid, education, child care and other vital programs, from transportation to health care, the environment, to science research.'' And it goes on. And I will go back and give other sections of it, Mr. Speaker.

But I just wanted to give Members an idea of how these Republican cuts in the budget would specifically affect my State of New Jersey. And keep in mind that the only reason these cuts are being made is to pay for tax cuts to wealthy Americans and corporate interests.

An analysis of the President's budget shows drastic cuts in critical services in New Jersey; and the terrifying fact is that the House Republican budget approved last week in the committee, which we will be voting on tomorrow or Thursday, is even worse than the President's budget in this respect in what it slashes.

In New Jersey, the President's budget cuts $9.9 million for after-school programs leaving 14,110 children without after-school services through the 21st Century Community Learning Center's program. The President's budget cuts $1.8 million in teacher-quality funding for New Jersey and cuts funds nationally for grants to improve teacher quality by $80 million.

Now this is the President who has said that no child should be left behind. The President's budget cuts more than $27 million in Federal highway funding for New Jersey. The President's budget slashes clean water funding for New Jersey by more than $20 million this year.

This is so important to my district because my district is primarily along the shore, along the ocean, the Raritan Bay and the Raritan River; and we are dependent on this Federal funding to keep our waters clean and for sewage treatment.

The President's budget cuts more than $3 million in low-income home energy assistance for New Jerseyans and the President's budget cuts more than $4 million in community service block grants which provide local organizations the funds to help reduce poverty, revitalize low-income communities, and provide families with the help they need to become fully self-sufficient.

Now, I could go on and on, Mr. Speaker; but I do not want to keep stressing what is happening in my home State, but I have to say that this is happening all over the country.

Now, why are we doing this? Well, the President says it is because of tax cuts. And if I could go back to the New York Times, they say, ''The estimated shortfall,'' this is the deficit now, ''of $2.7 trillion could have been an $890 billion surplus but for the Bush proposal, according to the Congressional Budget Office.''

So the fact of the matter is, the reason we will have a deficit because of the President's budget is because of tax cuts. The next $1.4 trillion cut geared to the affluent will average $80,000 a year for millionaires. So what we are seeing, Mr. Speaker, is primarily we are going into deficit and slashing these programs to pay for tax cuts for the wealthy. The President has suggested otherwise, but there is another New York Times article that gives the specifics and I just wanted to read it to you.

It says, ''The average tax cut is over $1,000,'' this is what the President is saying, ''because a few rich taxpayers would get such large reductions.'' For example, for households with incomes over $200,000, the average tax cut is $12,000; but if you are making less money, you will get about $300.

HONORING FRANCISO JAVIER BLANCO

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) is recognized during morning hour debates for 5 minutes.

Mr. ACEVEDO-VILÁ. Mr. Speaker, I am here today to recognize Mr. Francisco Javier Blanco, a man whose commitment and service to Puerto Rico and the environment has resulted in countless achievements and a legacy that will last for generations.

Mr. Blanco recently retired as director of the Conservation Trust of Puerto Rico. During his more than 30 years of dedicated service, Mr. Blanco was responsible for guiding the conservation trust through its formation stage and into the impressive organization that exists today.

The Conservation Trust of Puerto Rico, which was created in 1968 through a Memorandum of Understanding between the Interior Department and the Commonwealth Government, is now recognized as a leader among the Nation's land trusts in the area of environmental conservation and preservation.

Under Mr. Blanco's direction, the trust has protected 17,000 acres of land as reserves of incalculable natural, aesthetic, and cultural value. Thanks to the efforts of Mr. Blanco, the trust continues to make significant contributions to protect Puerto Rico's environment and important history. The efforts and commitment of Mr. Blanco have left a legacy for Puerto Rico to enjoy for generations to come, and for that we are grateful.

As Resident Commissioner, I am building upon the strong conservation and historic preservation efforts of Mr. Blanco.

□ 1245

The partnership between the Trust, the Commonwealth of Puerto Rico and

the United States Government has brought about important protection and restoration of limited resources on a small island, like Puerto Rico, with a high population density.

Last year, thanks to the support of my colleagues, I was able to designate portions of three rivers in Puerto Rico as wild and scenic. Soon I will introduce legislation that will protect, through a partnership between the Federal Government and the Commonwealth of Puerto Rico, critical water resources in the karst region of Puerto Rico. Furthermore, I will also introduce legislation to designate the El Toro Wilderness Area in the Caribbean National Forest, known in Puerto Rico as El Yunque. These efforts, I am proud to say, are of the spirit and dedication of Francisco Javier Blanco.

Mr. Speaker, I ask for the Chair's consideration in these endeavors, and hope to work with the bipartisan support in Congress to enact these bills into law.

THE PRESIDENT'S HEAD START PROPOSAL

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized during morning hour debates for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to talk briefly about the President's budget for 2004. One of the specific areas is the area of Head Start.

The President's budget introduced this new Head Start initiative and wages a war on the poor. The Head Start has been working great, despite the fact that we only have funds to represent and only give to about 40 percent of Americans that are out there that are in need. Yet he is choosing to take these resources and decided to put it on the block grant, when right now, on the local control basis, it has been working in a way, and all the studies indicate that the Head Start has been doing a great job.

The administration claims that his proposal will sharpen the focus on school readiness, improve teacher training and mandate a system to assess the success of Head Start programs in preparing children for school. The reality is it is already doing that. Why mess with it? It is a great program.

The intent is to send the money to the States. The reason we started the Head Start program is because the States have been negligent in providing early childhood education. The States have not been responsive in putting in the resources, and I will give my colleagues an example.

Texas, to this day, only funds half-day kindergartens. The rest of the local school districts have to come up with the local property tax in order to provide full-day kindergartens. So when we look at Head Start that has early childhood preparation, this is where the resources need to be. They need to stay there. They have been doing a great job. Let us not mess with it.

In order to address what the administration suggests is uncoordinated efforts, he wants to give this to the Department of Health and Human Services, or take it away from that Department and give it to the Department of Education. The reason it has been with the Department of Health and Human Services is because Head Start is not only an educational program, but it has been there to reach out to the families of these youngsters and also work with them when it comes to the issue of health and providing that early education that is needed to help those parents also address those needs.

When we send that money to the Department of Education, I can already see they are going to be earmarking it to the existing programs that they have and not addressing the specific programs that this program was intended to do.

Under the President's plan, the transition would begin in 2004, and the Department of Education would assume full responsibilities for Head Start, and instead of having the local community do it, we would have 50 State agencies throughout this country with each State having the bureaucracy, and, of course, they would need 16 to 20 percent off the top in order to make that happen. Then they would be looking at providing those resources.

So we must ensure that Head Start continues to provide our children with comprehensive services and that it is strong for parental involvement and parental participation.

One of the key things that this program has resulted in is the studies show that those kids that show up at Head Start do a great deal better than the average youngster in the same category that is not under Head Start, and not only that, but they also found that they are less likely to drop out.

One of the realities is that youngsters who drop out, one of the characteristics is that they fail twice before they reach junior high, and one of the realities is that Head Start has helped them not to fall into that category of failing twice, and being able to get that, as the name implies, a head start in education.

One of the things that we do need to do is provide additional moneys for Head Start, because right now we are only providing 40 percent of those that are eligible to participate for this program, and there is a need for us to provide additional resources.

Besides trying to dismantle the Head Start program, the President also announced in his 2004 budget an increase of only $148 million for Head Start. At the same time that he has identified education as one of his priorities, this is not sufficient money to be able to make this happen. Not only would this tiny increase not cover inflation and reach those kids that are needed in Head Start, but it would also have to turn away over 1,200 children from the existing programs.

Questions must be asked as to the rationale for the initiative and for the transfer. Our concern is that we are transferring a program that has been working well under the Department of Health to another Department that has chosen not to address this problem, and who has chosen not to deal with early childhood education.

The President's 2004 budget proposal also includes legislative proposals to introduce an option available to all States to participate in alternative financing systems and in terms of grants, and so this initiative in terms of these grants are basically to take away from the existing program.

So I want to encourage the Members to really look closely at Head Start because it is a program that has been working. It is program that has been there for us, and we need to keep that up.

RECESS

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

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

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

Critical moments in the life of any person or any nation, as well as momentous undertakings, Lord God, bring us to our knees before You. We humbly seek Your guidance and rely on Your faithfulness. Be with us in the days and weeks ahead. Bless the Members of this Chamber, all who work here and our guests. Listen to our heartfelt prayers.

We seem to be entering a passageway of darkness which may fill us with fear and anxiety or move us forward with hope and expectation. Bring us safely to the light at the end of the tunnel. For Jews this may recall the Exodus; for Christians, cross and resurrection; for Muslims, a spiritual hijra. Only You, O Lord, can bring good out of evil and gift us with lasting peace; so we turn to You now and forever. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

REPORT ON H. RES. 68, REQUESTING THE PRESIDENT TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES DOCUMENTS RELATING TO IRAQ'S DECLARATION ON ITS WEAPONS OF MASS DESTRUCTION

Mr. SMITH of New Jersey, from the Committee on International Relations, submitted a privileged report (Rept. No. 108–38) on the resolution (H. Res. 68) requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the President's possession relating to Iraq's declaration on its weapons of mass destruction that was provided to the United Nations on December 7, 2002, which was referred to the House Calendar and ordered to be printed.

THE PRESIDENT'S COMPELLING CASE

(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 laid out a compelling case for immediate action against Saddam Hussein. After 12 years of denial and deception, trust in his sanity and in his restraint is not an option. The President addressed not only the American people but the Iraqi people, not only our military but its military. And he made it clear that our problem is not with the Iraqi people, that we do not want to harm the Iraqi people, that we will help the Iraqi people rebuild their great country.

Our problem is with Saddam Hussein. He has chosen this moment. He chose to deny and deceive the international community for 12 years. He chose to use chemical and biological weapons on his own people, and he chose to engage in mass murder. Now he has one last choice: go into exile or be removed and disarmed by force. If he chooses force, America and other free nations must forcibly remove him, his murderous regime and his arsenal. Our military will take great care to spare the lives of innocent Iraqis. My hope and prayer is that the Iraqi dictator will take action to do the same.

POLITICS-AS-USUAL MUST NOT HIJACK AMBER BILL

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

Mr. FROST. Mr. Speaker, when it comes to protecting our children, this House should never allow politics as usual to stand in the way of action. The House Republican leadership could allow Members to vote today to send legislation strengthening America's Amber Alert to the President. It is time to stop playing politics on this issue. So in a moment I will request unanimous consent to immediately take up the Amber bill in the House. This is the exact same legislation that passed the Senate earlier this year.

Five children have already been rescued with the aid of the Amber Alert in March alone. By passing the Amber bill, we can make this lifesaving program even more effective, but that will only happen soon if we listen to people like Ed Smart and others and stop allowing politics to hijack the Amber bill.

REQUEST FOR CONSIDERATION OF S. 121, THE NATIONAL AMBER ALERT NETWORK ACT ON TUESDAY, MARCH 18, 2003

Mr. FROST. Mr. Speaker, I ask unanimous consent that as the first order of business on Tuesday, March 18, it shall be in order without intervention of any point of order to consider in the House S. 121, the National Amber Alert Network Act.

The SPEAKER pro tempore (Mr. TERRY). The gentleman has not been recognized for that purpose. The gentleman may proceed with his 1-minute speech under the Speaker's guidelines.

Mr. FROST. Mr. Speaker, I regret the ruling of the Chair. House Republican leaders have prevented us from voting on the Amber bill for over 6 months now and counting. This issue should not be treated like just another horse trade with the Senate. I implore the leaders of this House to let us do the right thing for our children and send the Amber bill to the President this week.

SADDAM HUSSEIN'S THREAT MUST BE DEALT WITH

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

Mr. WILSON of South Carolina. Mr. Speaker, the debate about Iraq has ended. Saddam Hussein has failed to disarm. Today men and women who have volunteered to protect freedom and liberty stand ready to take action against the corrupt and evil regime of Saddam Hussein. America is not eager to go to war, as we have sought peace through diplomacy for 12 years.

Yet Saddam Hussein is not a peaceful man who can be reasoned with. He is a blood-thirsty dictator willing to kill and torture his own people in the pursuit of power. Saddam has aggressively pursued weapons of mass destruction and harbors and supports terrorists. We cannot wait until another September 11 tragedy before we take action to disarm this threat. Thankfully, we have a President in George W. Bush that clearly understands the threat to the American people. As we face possible conflict and as the father of three sons in the military, I want our troops and their families to know that our prayers are with them and that we are ever thankful for their service and patriotism. May God bless our troops.

THE BUDGET'S EFFECT ON CHILDREN AND FAMILIES

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

Ms. WOOLSEY. Mr. Speaker, I rise today to highlight how the administration's budget leaves children and families behind. As we begin debating this budget, we must remember that the biggest challenge facing American families is how to bridge work and caring for their children and families at the same time. And, Mr. Speaker, as we stand on the brink of preemptive war, this is especially true for the families of our troops, our National Guard and our Reservists. Whether already deployed or waiting for their orders, these brave men and women and their families are wondering how they will make ends meet as their loved ones fulfill their military duty, how will they juggle their work and family responsibilities while fulfilling their Nation's call.

I urge my colleagues to consider the struggles of military families and ask if this fiscal year 2004 budget proposal invests adequately in the programs that help all families balance their work and family responsibilities.

A DEFINING MOMENT IN HISTORY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, we are at a defining moment in the history of our Nation and of the world. Last night the President of the United States stood up for the security our Nation, of our allies, and the world. He said that no longer will tyrannical dictators be allowed to flaunt international will and hold the world hostage with weapons of mass destruction and perhaps give those horrible weapons to terrorists who would not hesitate to use them against innocent civilians. The President has gone the extra mile to achieve a diplomatic solution to the crises in Iraq. The President has worked to build a larger international coalition of the willing to finally end Iraq's refusal to disarm. Our coalition is strong. It is prepared for the task at hand, and it will be victorious.

Our Army is not an Army of conquest, but one of liberation; and as the President said last night, the day of liberation for the Iraqi people is close at hand.

I urge my fellow Americans to keep the men and women of our Armed Forces in their thoughts and prayers as they fight to make America and the world safer.

LIBERTY WILL PREVAIL

(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 President George W. Bush spoke with vision and courage and in keeping with the highest ideals of this Nation and its storied history. It is clear that the long nightmare of the Iraqi people is about to come to an end. Diplomacy may have failed, but liberty will prevail.

Saddam Hussein was offered disarmament and peace. He has chosen exile or war.

As our troops labor in encampments across the Middle East, let us, in every form of prayer and petition, labor in prayer on behalf of them, their families, our leaders, and innocent civilians in harm's way in the difficult days that lie ahead.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:00 p.m. today.

CONDEMNING THE PUNISHMENT OF EXECUTION BY STONING AS A GROSS VIOLATION OF HUMAN RIGHTS

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 26) condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

The Clerk read as follows:

H. CON. RES. 26

Whereas death by stoning continues to be imposed as a form of punishment in several countries, as documented by the Country Reports on Human Rights Practices of the United States Department of State;

Whereas the brutal sentence of death by stoning is applied to women who have been accused of adultery, some of whom are coerced into prostitution, or even raped;

Whereas execution by stoning is an exceptionally cruel form of punishment that violates internationally accepted standards of human rights, including those set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Whereas women around the world continue to be disproportionately targeted for discriminatory, inhuman, and cruel punishments by governments who refuse to protect the rights of all their citizens equally;

Whereas in some places stoning has also been invoked as punishment for ''blasphemy'', thereby suppressing religious freedom and diversity and stifling political dissent;

Whereas, in July 2002, Amnesty International referred to execution by stoning as ''a method specifically designed to increase the victim's suffering'';

Whereas, in 2002, the European Union, the Secretary General of the Council of Europe, the Australian Government, the Minister of Foreign Affairs and Trade of New Zealand, the President of Mexico, the Congress of the Deputies of Spain, and other world leaders each condemned stoning and called for clemency for individuals sentenced to stoning; and

Whereas, in 2002 there were acquittals or dismissals of sentences to death by stoning: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the practice of execution by stoning, and calls upon the international community to recognize this practice as a gross violation of human rights;

(2) requests that the President formally communicate this resolution to governments imposing this cruel punishment and urge the suspension of sentences of death by stoning; and

(3) requests that the President direct the Secretary of State to work with the international community toward the repeal of stoning laws and adherence to international standards of human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

□ 1415

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 26.

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

There was no objection.

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

Mr. Speaker, I rise in support of this resolution condemning the punishment of execution by stoning as a gross violation of human rights. I am a proud cosponsor of this resolution, and I commend the gentlewoman from Minnesota (Ms. MCCOLLUM) for her work on this issue. As chairman of the Subcommittee on Africa, I am pleased that the House is taking this action.

Mr. Speaker, there can be no doubt that stoning is a gross violation of human rights. When someone is put to death by stoning, they are guaranteed a slow, painful, cruel death. Stones are carefully chosen so they are large enough to cause maximum pain, but not so large as to kill the condemned immediately.

Stoning brings out the worst in human nature. It may surprise many that this barbaric practice has entered the 21st century, but it has. Sharia law governs family law in a wide range of countries. It is only applied to criminal offenses in a handful of states.

In Nigeria, 12 of the country's 36 states put Sharia criminal law into effect in recent years, displacing Nigeria's secular laws.

The case of Amina Lawal, a young woman sentenced to death by stoning for adultery, has brought international attention to Sharia-mandated stoning. Her case is pending. We all hope she is spared this brutal treatment.

This resolution rightfully condemns the practice of stoning and calls upon the President and Secretary of State to work with their counterparts toward the repeal of stoning laws and adherence to international standards of human rights.

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

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

Mr. Speaker, I rise in strong support of this resolution.

First I would like to congratulate my good friend and colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM), the principal author of this important resolution, for bringing it to our attention. She is a valued member of our committee, and I want to thank her personally for this important initiative.

Mr. Speaker, it is a sad commentary on the 21st century that we have seen the resurgence under Islamic Sharia religious law of the practice of execution by stoning, where an individual is buried up to his or her neck in sand, and witnesses are invited to throw stones until that person is dead, while shouting, ''God is great.'' It is the ultimate oxymoron on the face of this planet that as a human being is buried up to her neck in sand and is pelted with stones, the phrase can be heard ''God is great.''

The stones in this vile practice are carefully chosen so that they are large enough to cause horrendous pain, but not so large as to kill the condemned individual immediately. Victims of stoning are guaranteed a slow, torture-filled death. Sometimes, Mr. Speaker, their children are forced to watch.

This past year, the world was horrified as mothers were tried, convicted and subjected to this horrible death sentence. The fact that these women have been given the recourse to court appeals does not make the punishment any more acceptable. Execution by stoning violates all international standards of human rights and decency.

We must let the world know, Mr. Speaker, that civilized nations and the United States in particular reject with disgust and horror this form of punishment. I urge all of my colleagues to support H. Con. Res. 26.

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

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me time.

Mr. Speaker, as the condemned, as I think the gentleman from California (Mr. LANTOS) pointed out so well and it bears repeating, prepare for their execution by stoning, they begin to pray, asking for the inner strength to endure with faith and fortitude what awaits them. They are wrapped head to foot in white shrouds and buried up to their waist, and then the stoning begins. The victims are guaranteed a very difficult and horrific death. In many cases kids have to watch this agonizing death.

Unfortunately, Mr. Speaker, this heinous practice is not limited to Iran, but is employed in so many other countries as well. Under the extremist interpretation of Sharia law, pregnancy alone is considered sufficient evidence to condemn a woman for adultery. Women in these countries who have been raped and want the state to prosecute their case must have no less than four Muslim men testify that they witnessed the assault. Absent these witnesses, these male witnesses, the rape victim has no case. If she cannot prove the rape allegation, she runs the high risk of being charged with adultery, as we all know an offense that is punishable by stoning.

Although this heinous practice is disproportionately used against the female population of these countries, it is also used against men and also used to suppress political dissent and the activities of religious minorities.

H. Con. Res. 26 is a resolution which reflects the full extent of the problem. As such, it calls on the United States and the international community to condemn the practice of execution by stoning as a gross violation of human rights and urges U.S. officials to work with their global counterparts toward the repeal of all stoning laws.

Mr. Speaker, stoning sentences have been commuted in the last year due to the United States' and international pressure. Lives have been saved because we spoke out against this abhorrent practice, a method which, according to Amnesty International, is specifically designed to increase the victim's suffering.

Today we have the ability, I would respectfully submit, to save more lives by rendering our strong support for this resolution. This measure can help deter the application of extreme Sharia law and execution by stoning in emerging nations, such as Afghanistan.

Mr. Speaker, I urge my colleagues to vote for H. Con. Res. 26.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from Minnesota (Ms. MCCOLLUM), the author of this resolution.

Ms. MCCOLLUM. Mr. Speaker, today I rise to support House Concurrent Resolution 26, a resolution that I introduced to condemn the punishment of execution by stoning as a gross violation of human rights.

I would like to express my sincere appreciation to the Committee on International Relations for their support and thank my colleagues who have cosponsored this measure.

This issue was first brought to my attention over 1 year ago when I learned of a woman named Safiya Hussaini, who had been sense sentenced to death by stoning in Nigeria solely based on the evidence she was divorced and pregnant. Safiya was convicted of adultery, sentenced to be buried in a pit and pelted with stones until dead.

The authorities ignored her claims that she had been raped. The father of the baby was acquitted of all charges, as the law requires the testimony from four male witnesses to prove him guilty of the same crime, a virtually impossible task.

The international outcry helped save Safiya's life. Her sentence was overturned on a technicality. However, on the day that Safiya was set free, it emerged that another young Nigerian mother had been sentenced to death by stoning, Amina Lawal. She has also been convicted of adultery; her crime, giving birth to a child more than 9 months after divorcing her former husband. Unless Amina's sentence is overturned, she will be stoned to death in a public square as soon as her baby is weaned, about this time next year.

At her trial, Amina had no legal representation. She did not receive an adequate explanation of the charges against her. Frightened and unaware of the consequences of her response, Amina confessed. However, not much of a confession was needed, as her newborn daughter was proof enough to find her guilty of adultery. The man Amina identified as the father of her child denied the charges, and he was set free.

On the day that Amina's case was last heard on appeal, dozens of people crammed into the small village courtroom to observe the proceedings. Amina sat alone on a bench as her daughter slumbered against her back. When the judge announced that Amina would be stoned to death, observers shouted their approval, while Amina clutched her baby and wept.

A court will hear Amina's next appeal on March 25, but it may be a matter of hours or months until they issue a decision. Until then Amina must wait. She is hopeful that her life will be spared, but worries about what might happen to her daughter. If the court determines stoning her to death is justified, it will happen.

Tragically, Amina is only one of a number of individuals who are at risk of being executed by stoning. Laws authorizing this punishment remain on the books in a number of other countries. Until these laws are repealed, many more people could face this inhumane punishment. Women remain particularly at risk for receiving this sentence due to double standards that exist in these laws.

This resolution is important because it will send a message to the most remote corners of the globe that the sentence of stoning, particularly when used as a tool of gender persecution to control women and girls, is far beneath any minimum standard of human rights recognized by this House, by the people of the United States and by the world community.

At the same time this resolution is not intended to be disrespectful to any nation, religion or culture. But I do believe so strongly that the most basic rights of every woman, man and child on this planet must be respected, protected and defended. It is this belief of fundamental human rights that compels me to speak out and encourage my colleagues to join me in the effort to extinguish this brutal punishment from the face of the Earth.

I do not know the women who have been sentenced to death by stoning. I will likely never visit their villages in Africa or the Middle East, but I will stand with them as my sisters, as my fellow citizens of the world. I will work to defend their rights, the most basic human rights we all deserve to enjoy.

Safiya and Amina are just two women in a distant land, far away from us here and far away from my constituents in Minnesota. Nevertheless, these women are targets for abuse and violence, and wherever women are targets for abuse and violence or death simply because they are women, I have an obligation to speak up, speak out and to fight for their rights, because they are my rights and your rights, too.

My home in the State of Minnesota has a strong tradition of defending basic human rights, from former Congressman Don Fraser to the late Senator Paul Wellstone and his wife Sheila. Minnesota also is proud to be the home for the Center for the Victims of Torture, the American Refugee Committee and the Minnesota Advocates for Human Rights. I am proud to stand here today to continue this tradition.

It is high time that the United States join the many nations who have condemned the inhumane punishment of stoning. I am pleased that House leadership has brought this resolution to the floor for its consideration, and I urge all of my colleagues to support this measure, to send a clear and a powerful message to every nation that stoning is an extraordinarily cruel form of punishment, and it must end today.

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

Mr. Speaker, I have no additional requests for time, but before yielding back my time, I want to join my colleague from Minnesota in paying tribute to the people of Minnesota for their extraordinary commitment to human rights and to their commitment to protecting victims of torture.

I also want to make an observation concerning the absurdity of the current composition of the United Nations Commission on Human Rights, where

countries serve where the practice of stoning women to death is legal and practiced. This is just one more example of the absurdity of many of these international organizations, pretending to be something totally different from what they are.

□ 1430

Stoning women to death and serving on the International Commission for Human Rights are incompatible activities, and it is high time we focus on bringing some reality to international organizations.

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

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

Let me just echo the words of the distinguished gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations. It is indeed ironic that Sudan, a country that uses stoning, should serve on the Human Rights Committee of the United Nations. It is even more ironic that Libya should be the current chairman of that committee.

Mr. Speaker, in 1999, along with Colin Powell, I had the opportunity and the privilege of coleading an election-monitoring team to Nigeria for its first democratic elections there in over a decade. After years of military rule, we observed a fair and free election; to wit, firsthand those exercising the simple virtues of democracy was truly inspiring. Along with other election monitors, I came away with great hope for Nigeria's future.

Unfortunately, in the last 3 years, Sharia criminal law has swept through the northern half of Nigeria. The chief prosecutor of a Katsina state in northern Nigeria has even called Sharia law a ''dividend of democracy.''

Mr. Speaker, since that election, 10,000 Nigerians have died in religiously inspired rioting across that country. Nigeria seems to be on the verge of being torn apart along Muslim-Christian lines. Besides being barbaric and being a gross abuse of human rights, stoning is fueling this religious divide, undermining Nigeria's democratic prospects. Stoning is not a ''dividend'' of any type of democracy that I know many Nigerians are struggling to establish.

Nigeria is but one country of concern for us. It was only after September 11 that the American public began to learn about the brutal living conditions for women under the Taliban, including being subject to public stonings. Afghanistan remains a fragile state. Many parts of Afghanistan are struggling with the questions of how to govern. This resolution is our message that stoning should have no role in today's Afghanistan, or anywhere else in today's age.

It is important for this body to bring attention to this abysmal practice. This resolution deserves strong support of all Members here.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H. Con. Res. 26 to condemn execution by stoning as a gross violation of human rights. I want to commend my colleague, Congresswoman BETTY MCCOLLUM for raising awareness of this issue by introducing this resolution. I oppose the death penalty in any instance, and I certainly oppose the cruelty of death by stoning.

Execution by stoning is particularly cruel and discriminatory in that it is often used to punish women for adultery, even in cases where women are victims of coerced prostitution or rape. Women around the world, as well as in the United States, continue to experience horrendous acts of physical and sexual violence against them. It is absolutely unacceptable that some governments would then sanction death as a punishment for being a victim of such violence. Unfortunately, this continues to be the case in some countries.

The United States has a moral obligation to speak out against violence, intolerance, hate, and discrimination throughout the world. Without clear, strong condemnation and action from the United States and all people of conscience, these violations of fundamental human rights will continue to occur.

I urge my colleagues to support this resolution and to take a stand against all human rights abuses.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 26.

The question was taken.

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

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

The yeas and nays were ordered.

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

NICARAGUA PROPERTY DISPUTE SETTLEMENT ACT OF 2003

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 868) to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to require that certain claims for expropriation by the Government of Nicaragua meet certain requirements for purposes of the prohibition on foreign assistance to that government.

The Clerk read as follows:

H.R. 868

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nicaragua Property Dispute Settlement Act of 2003''.

SEC. 2. CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.

Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370a) is amended by adding at the end the following new subsection:

''(i) CERTAIN CLAIMS FOR EXPROPRIATION BY GOVERNMENT OF NICARAGUA.—(1) Any action of the types set forth in subparagraphs (A), (B), and (C) of subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, shall not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2)

''(2) An action shall be deemed presented for purposes of paragraph (1) if it is—

''(A) in writing; and

''(B) received by the Department of State on or before 120 days after the date specified in paragraph (3) at—

''(i) the headquarters of the Department of State in Washington, D.C.; or

''(ii) the Embassy of the United States of America to Nicaragua.

''(3) The date to which paragraph (2) refers is a date after the enactment of this subsection that is specified by the Secretary of State, in the Secretary's discretion, in a notice published in the Federal Register.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, section 527 of the ''Foreign Relations Authorization Act, fiscal years 1994 and 1995,'' sanctions or stops certain U.S. bilateral assistance and U.S. support for assistance from International Financial Institutions for a government of a country that has confiscated a U.S. citizen's property. Nicaragua sadly falls amongst these rules of section 527, but has received Presidential waivers of the sanctions every year since the legislation was enacted.

American citizens have had nearly 12 years to come forward to file property claims with the American embassy. This bill amends section 527 to afford American citizens a reasonable opportunity to file a claim with the American embassy in Managua.

Any American citizen who has not yet filed a property claim with the American embassy will have 120 days after the notice is published in the Federal Register to do so. Any claims already on file or that are filed within the 120-day period can continue to be considered by the State Department in making its annual determination as to whether to apply the waiver or the sanctions authorized under section 527.

This bill would not, however, prevent American citizens from filing property

claims after the 120-day period and seeking help from the American embassy in Managua to engage on their behalf with the Government of Nicaragua regarding their claim.

At the same time, the bill sets a date certain that the Nicaraguan government can look to as an end date for registering new property cases for the purpose of the prohibition on assistance currently in law. This will provide important encouragement for the government of President Enrique Bolanos, who is an ally of the United States. Nicaragua is one of the poorest countries in the Western Hemisphere and continued American assistance to Nicaragua is vitally important.

Mr. Speaker, the Government of Nicaragua has incurred $236 million in debt to pay these claims. The Bush administration supports the bill. I also want to thank my friend, the gentleman from Massachusetts (Mr. DELAHUNT), for cosponsoring this bill with me. I urge my colleagues to support this resolution.

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

Mr. LANTOS. Mr. Speaker, I rise in support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I first would like to applaud the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, for expediting consideration of this very important bill in support of President Enrique Bolanos and his administration. I also want to acknowledge the two cosponsors of this bill, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from Massachusetts (Mr. DELAHUNT), my good friend, who has been one of our leaders on all Western Hemisphere affairs.

Mr. Speaker, the world last year witnessed the constitutional and peaceful transfer of power in Nicaragua from one democratically elected president to another. The inauguration of President Bolanos thus represented the further consolidation of democracy in Nicaragua after many decades of authoritarian rule.

Since his inauguration, President Bolanos and his administration have struggled to reinvigorate the Nicaraguan economy, create jobs, reduce widespread poverty, and battle institutionalized corruption. Although the task is daunting, as Nicaragua remains to this day the second poorest country in the Western Hemisphere after despairingly devastated Haiti, it is not insurmountable with the help of allies like the United States.

H.R. 868 reflects our commitment to assisting Nicaragua in meeting its many challenges in a couple of ways. First, the Nicaragua Property Dispute Settlement Act enables us to bolster the efforts of the Nicaraguan administration to address the claims of U.S. citizens who have had property expropriated by previous Nicaraguan administrations. Equally importantly, our legislation signals our strong support for the new administration as it attempts to purge Nicaraguan institutions of cronyism and corruption.

As we consider H.R. 868, I am confident that President Bolanos is as resolved as we are to strengthen the ties between our two countries by working together on issues of common concern like voting patterns at the United Nations.

I encourage all of my colleagues to support this bill.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), my good friend and distinguished colleague.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

Mr. Speaker, a constituent once asked if minor pieces of legislation that we consider on the suspension calendar actually matter, particularly those that concern foreign nations. My response was that it is important to remember, especially in this era of the Internet and instant communication and CNN, that what might appear to be trivial to us is seen quite differently elsewhere and can have significant long-lasting effects. This bill, for example.

While to some it may seem to be an obscure piece of legislation dealing with a tiny, impoverished nation, one that is not on the Security Council, and given the challenges that we face with the war against terrorism and imminent invasion of Iraq, a distressed economy, a health care crisis, it might even seem to be an afterthought. But it is not an afterthought for the people of Nicaragua, and it should not be an afterthought for the United States. In fact, this bill has the potential to be critically important for Nicaragua's future, for Central America's future and, ultimately, for our own future.

As the gentleman from North Carolina (Mr. BALLENGER) indicated, Nicaragua, after Haiti, is the second poorest nation in the hemisphere. It was battered by years of war. It is a place where the magnitude of corruption by the political leadership has been enormous, especially recent ones. Now Nicaragua finally has a president in Enrique Bolanos, an honest man who genuinely wants to make a difference. This bill can help him and that fragile democracy that he presides over.

As the gentleman from California (Mr. LANTOS) and the gentleman from North Carolina (Mr. BALLENGER) have indicated, current U.S. law prevents us from providing certain kinds of foreign aid to countries that have seized the property of American citizens. Never mind that these seizures occurred under previous governments. Never mind that some of these claimants were not U.S. citizens at the time of the seizures, which I believe violates international law; but that is a debate for another day. This legislation changes that.

As the chairman of the subcommittee indicated, after a certain period of time, new claims will no longer prevent Nicaragua from receiving U.S. aid and will not prevent the United States Government from assisting our fellow citizens who seek and deserve justice, and it will not end the Government of Nicaragua's responsibility to settle these claims. But this bill will do much to nurture Nicaragua's efforts to develop its democracy; and it will encourage a new spirit of respect and cooperation between that impoverished nation and the United States.

Mr. Speaker, I want to commend my friend, my colleague, my chairman, the gentleman from North Carolina (Mr. BALLENGER), for introducing this bill. It is just more evidence of his attention to this hemisphere and his love for its people. He and I do not always agree on how to deal with all of our neighbors, but we do agree that they deserve far more of our attention, and our respect. So I am grateful to him for inviting me to cosponsor this important piece of legislation.

□ 1445

Mr. Speaker, it is my hope that the passage of this legislation is followed quickly by an increased program of U.S. assistance to Nicaragua, particularly to develop its judicial system and strengthen its legislative body. While I have full confidence in President Bolanos, it is the development of strong democratic institutions that will allow democracy to prosper and flourish in Nicaragua.

Reports speak of a reconstruction program for Iraq in excess of $100 billion. For far too long we have failed to adequately engage in our own neighborhood. We cannot continue to ignore our neighbors in Central America, the Caribbean, and South America. To do so, we do so at our own risk.

Once upon a time, Nicaragua was front and center in our policy debates. That war that many in this Chamber spent enormous time and effort on this floor debating and discussing has faded from our memories, and Nicaragua has receded from the spotlight. However, this modest bill, in a rather nuanced and subtle way, will help Nicaragua move closer to the democracy its people so justly deserve and desire. I urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 868.

The question was taken.

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

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

The yeas and nays were ordered.

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

URGING PASSAGE OF RESOLUTION ADDRESSING HUMAN RIGHTS ABUSES IN NORTH KOREA AT 59TH SESSION OF UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 109) urging passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights, and calling on the Government of North Korea to respect and protect the human rights of its citizens, as amended.

The Clerk read as follows:

H. RES. 109

Whereas the Democratic People's Republic of Korea (in this preamble referred to as ''North Korea'') is, in the words of the United States Department of State, ''a dictatorship under the absolute rule of the Korean Workers' Party'' that ''prohibits freedom of speech, the press, assembly, and association . . . [and] restricts freedom of religion, citizens' movements, and worker rights'';

Whereas according to the State Department, ''[t]he [North Korean] Penal Code is Draconian, stipulating capital punishment and confiscation of assets for a wide variety of 'crimes against the revolution,' including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing 'reactionary' letters, and possessing reactionary printed matter'';

Whereas, as noted in the State Department Country Reports on Human Rights Practices, the North Korean regime executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and school children;

Whereas the North Korean regime subjects all its citizens to systematic, intensive political and ideological indoctrination in support of the cult of personality glorifying Kim Jong Il and the late Kim Il Sung which, in the words of the State Department, ''approaches the level of a state religion'';

Whereas the North Korean regime divides its population into categories, based on perceived loyalty to the Party and the leadership, which determine access to employment, higher education, place of residence, medical facilities, and other resources;

Whereas the North Korean regime attempts to control all information, artistic expression, and academic works inside North Korea and strictly curtails freedom of speech;

Whereas the Government of North Korea holds an estimated 150,000 to 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, and in which many prisoners also die from disease, starvation, and exposure;

Whereas according to eyewitness testimony provided to the Committee on International Relations of the House of Representatives by camp survivors, camp inmates have been used as sources of slave labor for the production of export goods, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons;

Whereas according to eyewitness testimony provided to the Committee on International Relations by a camp survivor, female camp prisoners are not permitted to have children and their newborn babies are routinely and brutally killed by camp authorities;

Whereas according to the State Department ''[g]enuine religious freedom does not exist'' in North Korea and, in the words of the United States Commission on International Religious Freedom, ''[t]he North Korean state severely represses public and private religious activities'';

Whereas the United States Commission on International Religious Freedom has highlighted ''reports that [North Korean] officials have arrested, imprisoned, tortured, and sometimes executed North Korean citizens who were found to have ties with overseas Christian evangelical groups operating across the border in China, as well as those who engaged in such unauthorized religious activities as public religious expression and persuasion'';

Whereas according to eyewitness testimony provided to the Committee on International Relations in May 2002, a North Korean prison camp survivor witnessed a group of Christian prisoners being tortured to death in 1990 for refusing to repudiate their faith;

Whereas more than 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea;

Whereas the risk of starvation and the threat of persecution in North Korea have caused many thousands of North Koreans to flee their homeland, primarily into the People's Republic of China;

Whereas the Governments of the People's Republic of China and North Korea have been conducting aggressive campaigns to locate North Koreans who are in the People's Republic of China without permission and to forcibly return them to North Korea;

Whereas North Koreans who seek asylum while in the People's Republic of China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea; and

Whereas the 59th session of the United Nations Commission on Human Rights is scheduled to be held in Geneva, Switzerland from March 17 to April 25, 2003: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Secretary of State to support efforts to draft, introduce, and pass a resolution addressing human rights abuses in North Korea at the 59th session the United Nations Commission on Human Rights;

(2) urges all members of the United Nations Commission on Human Rights to support a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights; and

(3) calls on the Government of the Democratic People's Republic of Korea to respect and protect the human rights of its citizens, such as those recognized in the Universal Declaration of Human Rights.

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

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

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

Mr. Speaker, I rise in strong support of this resolution.

I thank our cosponsors for being a part of this, including the gentleman from Virginia (Mr. WOLF), the gentleman from Pennsylvania (Mr. PITTS), the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the gentleman from Ohio (Mr. CHABOT), the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Pennsylvania (Mr. HOEFFEL), the gentleman from Florida (Mr. WEXLER), the gentleman from Massachusetts (Mr. MARKEY), the gentlewoman from Guam (Ms. BORDALLO), the gentleman from Iowa (Mr. LEACH), the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentleman from California (Mr. GALLEGLY), and the gentleman from Tennessee (Mr. WAMP), a good cross-section of Members, a bipartisan group, supporting House Resolution 109.

Mr. Speaker, the Government of North Korea is an historical anachronism, a totalitarianist Stalinist regime under the control of the Korean Workers Party, the so-called Dear Leader, or Kim Jong-Il, a man who demands godlike reverence and enjoys a decadent, opulent lifestyle while hundreds of thousands of children and their parents starve to death.

His regime, his dictatorship, Mr. Speaker, is one of the worst systematic abusers of human rights in the world today. Inside North Korea, there are no genuine freedoms of speech, religion, or assembly. The penal code imposes a penalty of death for a wide variety of crimes against the revolution, including defection, attempted defection, slander of party policy, listening to foreign broadcasts, and imagine that, one listens to a radio show and one can be charged with crimes against the revolution, and writing letters or possessing printed material that is considered reactionary.

The regime maintains an extensive system, Mr. Speaker, of political prison camps that hold an estimated 200,000 prisoners, including entire families of those suspected of disloyalty toward the dictatorship.

As confirmed by eyewitness testimony presented before the Committee on International Relations last year, camp conditions are horrific. Starvation, overwork, and disease kill most of the camp inmates. Others are used as targets for martial arts practice or as guinea pigs for lethal tests of chemical weapons.

Christians are tortured to death for refusing to renounce their faith in one who is greater than the Dear Leader. Female prisoners are not allowed to bear additional children, and their newborns are routinely and brutally killed before their eyes, usually by smothering or having their necks broken.

Based on reputable reporting, Mr. Speaker, House Resolution 109 recounts the abominable conditions inside North Korea and exhorts the dictatorship in Pyongyang to respect human rights for its citizenry. More immediately, it urges the Department of State to support the introduction and passage of a resolution on human rights abuses in North Korea at the current session of the U.N. Commission on Human Rights in Geneva.

At the State Department's suggestion, we included language that urges other members of the Commission to support that effort. While the Commission has censored numerous countries in recent years, North Korea has inexplicably escaped its notice. We hope that oversight will be corrected during this session.

I want to thank those 19 bipartisan cosponsors, particularly the gentleman from Illinois (Chairman HYDE); the gentleman from Iowa (Mr. LEACH), the chairman of the Subcommittee on Asia and Pacific; and the gentleman from California (Mr. LANTOS), the ranking member of the committee, for their support.

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

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

Mr. Speaker, I rise in strong support of this resolution. First, I would like to commend my good friend, the gentleman from New Jersey (Mr. SMITH), the vice-chairman of our committee, for his continued and steadfast leadership on all issues relating to human rights.

The political, human rights and security situation in North Korea is deteriorating rapidly, Mr. Speaker. It is critically important that our Nation have a strategy for addressing the whole host of our concerns with North Korea. We indeed have a crisis on the Korean Peninsula, and the sooner the executive branch engages at the highest levels to deal with that crisis, the better.

When policymakers, journalists, academics, and Members of Congress discuss the North Korean situation, the natural focus of attention is on North Korea's dangerous and destabilizing nuclear and missile programs. North Korea's nuclear program poses a clear and present danger to all civilized nations, particularly with North Korea's increasingly advanced medium- and long-range missile program. But this legitimate focus on North Korean security issues often obscures the horrendous human rights situation in that country.

Mr. Speaker, the United States must develop a comprehensive approach to North Korea, one that allows us to tackle North Korea's weapons of mass destruction and the destruction that North Korea's leaders are imposing on their own people by their human rights policies.

Mr. Speaker, it is evident that the world has no greater abuser of internationally recognized human rights than the Government of North Korea. Over the past 8 years, North Korea's leaders allowed more than 1 million citizens to starve to death rather than to implement economic and agricultural reforms. The children who survive starvation face a life marred by permanent physical and mental disabilities caused by their severe and long-term malnutrition. Meanwhile, the North Korean leader, Kim Jong-Il, imports the finest foods and luxury items for himself and his entourage, living in the lap of luxury in Pyongyang.

Unfortunately, Mr. Speaker, death and destruction are only part of North Korea's pattern of gross violations of human rights. Those citizens who make even the mildest criticisms of the government are immediately imprisoned, tortured, or killed. There is no freedom of assembly, no freedom of worship, no freedom of speech, no political freedom.

In short, Mr. Speaker, North Korea is the worst kind of totalitarian police state. The United States and other civilized nations must make it clear that vast improvements in North Korea's human rights situation must be part of a dialogue with North Korea, and normalization of relations will not occur under current circumstances.

The best way to send that signal from the international community is for the United States to pursue a resolution critical of North Korea's human rights record at the United Nations Human Rights Commission in Geneva. Our resolution urges the administration to undertake this initiative, and I strongly urge all of my colleagues to support this resolution.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the distinguished chairman of our Subcommittee on Africa and a leader on issues of human rights relevant to North Korea.

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in support of this resolution urging the United States to work towards passage of a resolution on North Korean human rights abuses at the U.N. Commission on Human Rights.

I am a cosponsor of this resolution, and I commend the Committee on International Relations vice-chairman, the gentleman from New Jersey (Mr. SMITH), for his attention to this issue. I also want to commend the ranking member, the gentleman from California (Mr. LANTOS), for his attention. Both of these gentlemen have spent much time, have spent much of their careers, trying to focus this body on human rights and to address human rights concerns around this world.

Last year, this House passed legislation, House Concurrent Resolution 213, recognizing the horrific plight of North Korean refugees who risk their lives to escape into China. That legislation at the time included language encouraging the Secretary of State to work to pass a resolution regarding human rights in North Korea at the 59th session of the United Nations Commission on Human Rights. That session began yesterday.

Mr. Speaker, North Korea is one of the worst systemic abusers of human rights in the world today. North Koreans are held hostage to their so-called Dear Leader, Kim Jong-Il. North Koreans are put to death for a very wide variety of crimes against the revolution, as he calls it, including listening to foreign broadcasts or possessing printed material that is considered reactionary by that regime.

The prison camps in that regime hold an estimated 200,000 prisoners. Last year, the Subcommittee on Asia held a hearing to look at the nightmarish conditions in these North Korean prison camps. We heard testimony from North Koreans who had escaped the camps, and these were North Koreans in disfavor with that Stalinist regime, those who had been convicted of ''anticriminal acts.'' They were basically political prisoners.

As we heard their testimony, they reported to us that the inmates in those camps were being slowly worked to death. These were work camps. We heard from North Koreans who witnessed prisoners being gassed as part of a chemical weapons experiment. We also heard testimony from Dr. Norbert Vollersten, a German physician and one of the few Westerners to spend extended time in North Korea. Dr. Vollersten has launched a worldwide campaign to tell anyone who will listen what he witnessed in North Korea. Dr. Vollersten has asked why the world does not hear more and does not know more about what he describes as Nazi-type atrocities that are occurring to North Korean people.

As we know, the North Korean regime uses food as a weapon against its own people, apportioning and withholding resources based on citizens' perceived loyalty to the regime. In many parts of that country, in many counties, whole counties, whole provinces, are perceived not to be loyal enough to receive food aid.

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It is largely an untold story that from 1994 to 1998 at least 2 million North Koreans perished from starvation and related diseases while nearly 50 percent of North Korean children are malnourished to the point that their physical and mental health is compromised. Responsibility for this unparalleled cruelty lies squarely with the regime of Kim Jong Il.

The upcoming session provides an opportunity, the session in the United Nations, for the administration and others throughout the world to focus on these horrific realities in North Korea which have unfortunately been overlooked. And I am convinced that a

concerted international focus on the North Korean regime's human rights abuses would advance stability in Northeast Asia. I am hard pressed to see how turning away from this ugly reality is in the interest of anyone but the North Korean regime.

Mr. Speaker, we face a critical challenge on the Korean peninsula. I urge the passage of this timely resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Guam (Ms. BORDALLO), my friend and our distinguished colleague, who in the short time she has been with us has already made significant contributions to the work of this body.

Ms. BORDALLO. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS) for his very kind words and the gentleman from New Jersey (Mr. SMITH) for their leadership on human rights around the world and in particular for introducing this resolution for which I rise in strong support.

The Korean people are great friends of the United States and have a proud history and a vibrant culture. I, therefore, follow with great sadness the daily oppression suffered by the people of North Korea. Through meeting the many Koreans that come to Guam and by having personally traveled to Korea on many, many occasions, I have come to appreciate how difficult life is under Kim Jong Il's dictatorship.

The United States Commission on International Religious Freedom has described the North Koreans as being amongst the least-free people on this Earth with no personal freedoms or protections for their rights. In their most recent report on the Democratic People's Republic of Korea, the commission said that North Koreans are barely surviving under a regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction.

Yesterday, Mr. Speaker, the United Nations Commission on Human Rights opened its 59th session in Geneva. Human rights are perhaps the most important issue the international community can address. Human rights is the most important guiding principle underlying the work of the United Nations. The commission must and should address the human rights abuses in North Korea. It is my fervent hope that one day Koreans from both North and South will come to visit my island of Guam in unity and peace.

Mr. Speaker, I urge passage of House Resolution 109. I strongly support it.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 109 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I would like to thank the gentlewoman from Guam (Ms. BORDALLO) for her very eloquent remarks and my good friend from California (Mr. LANTOS). We need a very strong show of support by our colleagues today, Mr. Speaker, on behalf of this resolution. The U.N. committee is meeting as we speak. This issue must be brought so the kind of scrutiny and, I would say, condemnation for these egregious abuses of human rights can be brought to the fore. North Korea has a horrific record on human rights; and it is about time the international community said so in one loud voice: no more.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to support H. Res. 109 urging passage of a UN Resolution addressing human rights in North Korea, and to commend my colleague, the Honorable CHRIS SMITH, a true leader on the issue, for introducing this resolution.

The human rights abuses in North Korea are a human tragedy of the worst proportions. Kim Jong Il's prison camp system is a chilling reminder of the methods used by totalitarian dictators to suppress their people. Behind the veil of North Korea's closed society, countless citizens starve to death while the regime continues to spend its limited resources on building nuclear weapons. Public executions are common, newborn babies of prisoners are routinely killed by being smothered or by having their necks broken, and prisoners are used as guinea pigs for chemical weapon experiments.

A truly disturbing tactic of the North Korean regime seeks submission from dissidents by exacting retribution on family members. Persons who resist the regime are punished, but their parents, siblings, and other relatives may also be punished. Many fear for their families particularly if they flee as refugees. According to Human Rights Watch, one man who had suffered years in a political prison camp because of his father's supposed disloyalty and eventual defection feared trying to flee himself. He stated, "I thought it would be all right to lose my own life, but I hated to think that my act might harm my mother and brother."

According to the State Department there continue to be reports of extrajudicial killings and disappearances. The penal code is draconian, and stipulates capital punishment and confiscation of assets for a wide variety of "crimes against the revolution," including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter.

I urge my colleagues to vote for this resolution which would urge the State Department to draft, introduce, and work toward the passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights. The United Nations must highlight the atrocities of the North Korean regime.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 109, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

TED WEISS FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 145) to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

The Clerk read as follows:

H.R. 145

SECTION 1. DESIGNATION.

The Federal building located at 290 Broadway in New York, New York, shall be known and designated as the "Ted Weiss Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ted Weiss Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 145 designates the Federal building located at 290 Broadway in New York City as the Ted Weiss Federal Building. Ted Weiss was born in Gava, Hungary, in September of 1927. He and his family fled Eastern Europe to escape Nazi persecution on the last passenger ship to leave Hamburg, Germany, arriving in the United States in 1938.

Ted Weiss graduated from Hoffman High School in South Amboy, New Jersey, in 1946. He served for 1 year in the United States Army. He then went on to earn a bachelor's and a law degree from Syracuse University, graduating in 1952. Ted Weiss became a naturalized citizen in 1953, the same year that he was admitted to the practice of law in New York.

In 1955 Congressman Weiss became an assistant district attorney for New

York City and in 1962 was elected to the New York City Council where he was an influential advocate on a number of critical issues. After 15 years of service as a councilman, he was elected to the United States House of Representatives in 1976 for the 95th Congress and was reelected to each of the succeeding seven Congresses. During his tenure in the House, Congressman Weiss diligently served as a leader on the House Banking Committee, as well as on the Committees on Foreign Affairs and Government Operations.

He faithfully served this body and his adopted country until his untimely death in September of 1992. The naming of this Federal building in his honor is a fitting tribute to a respected former colleague.

I want to commend our colleague and former committee member, the gentleman from New York (Mr. NADLER), for his persistence in bringing this legislation, not only this Congress, but in the past Congress. For reasons of schedule and other matters, it was not successfully negotiated through the other body. I hope by bringing it up today and moving it through the House in an expeditious fashion we can receive the same result in the Senate and get this fitting bill to the President of the United States for his signature so that this building may be appropriately named.

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

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

Mr. Speaker, I wish to thank the gentleman from Alaska (Mr. YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from Ohio (Mr. LATOURETTE), the subcommittee chairman; and the ranking member, the gentlewoman from the District of Columbia (Ms. NORTON), for their bipartisan support and expeditious handling of this bill on behalf of our former colleague, Ted Weiss.

Ted Weiss was my predecessor in this House. Ted Weiss first ran for Congress in 1966. I was a freshman in Columbia College, and I worked on that campaign. He ran on an anti-Vietnam War platform, and he was not successful. But whereas the previous candidate had lost to the incumbent by 2,500 votes, Ted Weiss lost by 61 votes. Two years later in 1976, Ted Weiss was elected to be Congress where we owe him a great debt of thanks for his dedication for increased funding for AIDS research. In fact, Ted Weiss was the sponsor of the very first funds for AIDS research in this House.

He was a staunch supporter for the human rights movement, and he worked to ensure dignity and equality for Vietnam veterans. He was a great supporter of the rights and aid to Vietnam veterans. These were a few of the causes of which Ted was a tireless advocate and worker.

He was born in Hungary, as was mentioned. He escaped with his family on the last ship out of Hungary before World War II. He settled in New Jersey. He graduated from South Amboy High School in 1946. After his service in the Army, he attended Syracuse University, earning both undergraduate and law degrees.

In 1953 Ted entered public service as an assistant district attorney in New York City. He served as assistant D.A. for a number of years. As a matter of interest, he roomed with a friend of his while he was assistant district attorney. The friend went on to become the minority leader of the State Senate in later years.

In 1961 Ted was elected to the New York City Council, being the first reformed Democratic member of the city council and served on the city council until his election to Congress in 1976.

The Almanac of American Politics for many years when it talked about Ted's election to Congress mentioned that he had become so recognized as a tribune of the people that in an open, solidly Democratic seat he was unopposed for an open Democratic seat in the primary. He declared his candidacy and no one else ran. During his tenure in Congress, he was a staunch supporter of civil liberties. His legislative record was built around the service of the Government Operations Committee where he chaired the Subcommittee on Human Resources and Intergovernmental Relations.

He was instrumental in establishing procedures for the timely planned conversion of surplus military bases to peacetime uses. He was the recipient of numerous awards and honors, including the NAACP's National Legislative Award.

It is most fitting and proper that we honor Ted Weiss by designating the Federal building at 290 Broadway as the Ted Weiss Federal Building. It is in what was Congressman Weiss's district. It would be a fitting tribute to his memory and to the great service he rendered to the State of New York and to the United States.

Mr. Speaker, I urge support for H.R. 145. I do hope this time the Senate will not be totally tied up in bureaucracy and we will manage to pass this bill in time. I know of no opposition to the bill. I again thank the other people who have helped with this, including the gentleman from Ohio (Mr. LATOURETTE). Mr. Speaker, I urge the passage of this bill unanimously.

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

Mrs. MALONEY. Mr. Speaker, I am delighted to join my colleagues in honoring Congressman Ted Weiss and encouraging them to support H.R. 145 to name a federal building in his honor.

Ted Weiss was often referred to as the conscience of the House for his idealism, independence and unwavering commitment to improving the quality of life for all Americans.

He exemplified all the attributes of a great member of Congress—he championed the disadvantaged, stood up for his principles and used the oversight power of Congress to effect real improvement in health care and food safety.

By naming a building in his honor, we will be recognizing his legacy.

Congressman Weiss relished his position as a member of Congress, saying after his election that at last, he was "where the clout is."

Even his strongest critics were impressed by his appetite for hard work, his intellectual honesty and his zest for thorough research.

He was a staunch supporter of civil rights, criticizing the Reagan Administration for its handling of civil rights complaints against schools and colleges.

An unrepentant liberal, Congressman Weiss was best known for his advocacy on health care issues and food safety.

Millions of Americans benefitted from his dedication and keen desire to investigate problems presented to him.

As Chairman of the Subcommittee on Intergovernmental Relations and Human Resources, Congress Weiss had jurisdiction over the Department of Health and Human Services.

He used his position to advocate tougher testing of food additives, stricter government oversight of Federally financed scientific research and new regulations to allow AIDS medication to reach the marketplace quickly.

He was the first to hold Congressional hearings to seriously question the safety of breast implants.

Following the appearance of Acquired Immune Deficiency Syndrome (AIDS) in the early 1980s, he became one of the most active members of Congress in seeking a strong federal response.

His committee was the first to hold hearings on AIDS in 1983.

Eventually he held more than 20 hearings to push the federal government to dedicate more funding and staff to combat the epidemic.

Congressman Ted Weiss brought real humanity and a sense of decency to public office.

He was a dedicated New Yorker who truly cared about the people he served.

For all of the foregoing reasons, I am hopeful that we will recognize the achievements of Congressman Ted Weiss by naming 290 Broadway in his honor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 145.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 145, the bill just passed.

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

There was no objection.

MORTGAGE SERVICING CLARIFICATION ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 314) to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes.

The Clerk read as follows:

H.R. 314

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mortgage Servicing Clarification Act''.

SEC. 2. MORTGAGE SERVICING CLARIFICATION.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following new section:

''§ 818. Mortgage servicer exemption

''(a) EXEMPTION.—A covered mortgage servicer who, whether by assignment, sale or transfer, becomes the person responsible for servicing federally related mortgage loans secured by first liens that include loans that were in default at the time such person became responsible for the servicing of such federally related mortgage loans shall be exempt from the requirements of section 807(11) in connection with the collection of any debt arising from such defaulted federally related mortgage loans.

''(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COVERED MORTGAGE SERVICER.—The term 'covered mortgage servicer' means any servicer of federally related mortgage loans secured by first liens—

''(A) who is also debt collector; and

''(B) for whom the collection of delinquent debts is incidental to the servicer's primary function of servicing current federally related mortgage loans.

''(2) FEDERALLY RELATED MORTGAGE LOAN.—The term 'federally related mortgage loan' has the meaning given to such term in section 3(1) of the Real Estate Settlement Procedures Act of 1974, except that, for purposes of this section, such term includes only loans secured by first liens.

''(3) PERSON.—The term 'person' has the meaning given to such term in section 3(5) of the Real Estate Settlement Procedures Act of 1974.

''(4) SERVICER; SERVICING.—The terms 'servicer' and 'servicing' have the meanings given to such terms in section 6(i) of the Real Estate Settlement Procedures Act of 1974.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

''818. Mortgage servicer exemption.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 314.

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

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of this bipartisan legislation, H.R. 314. This is the Mortgage Servicing Clarification Act, which I have introduced with my colleague, the gentleman from Pennsylvania (Mr. KANJORSKI).

This carefully written legislation addresses a specific problem for consumers and businesses involved in the mortgage servicing industry by simply clarifying the existing law governing mortgage servicing. This uncontroversial bill enjoys strong bipartisan support and has been approved for consideration under the suspension of the rules by both the chairman and the ranking member of the Committee on Financial Services.

Mr. Speaker, I introduced this bill to fix a problem in the mortgage servicing industry which has hampered the abilities of this industry to serve its clients effectively and to conduct its business efficiently for too long.

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Currently, when a mortgage servicing company acquires the rights to service a portfolio of home loans, it is exempt from the unnecessary strictures of the Fair Debt Collection Practices Act under the creditor exemption that was also extended to the originator of the mortgage. The new mortgage servicer is extended this exemption because its relationship to the borrower is more like a relationship between a borrower and a lender than it is like the relationship between a borrower and a true collections agency. The law already recognizes this reality.

However, in the typical loan servicing portfolio transfer, a small percentage of the loans acquired by a new servicer will inevitably be delinquent or technically in default at the time of transfer. These loans are currently treated by the law as being subject to the Fair Debt Collection Practices Act, and subsequently, the new servicers of these loans are required to provide certain form notices, known as Miranda warnings, to the borrower.

The law also currently requires that in every subsequent contact, both written and oral, whether initiated by the servicer or the borrower, the servicer is required to provide a shorter mini-Miranda notice disclosing that the communication is an attempt to collect a debt, and that any information provided by the borrower will be used toward that end.

The purpose of these cookie-cutter warnings is to prevent unscrupulous debt collectors from using false or misleading tactics, such as a phony winning sweepstakes claim, to trick consumers into divulging private financial information or personal details like their home address or their phone number.

The Fair Debt Collections Practices Act has worked extremely well in preventing bad actors in the debt collections business from using lies and deceit to harm consumers, and this legislation would in no way prevent it from continuing to protect American consumers.

However, as I have already mentioned, mortgage servicers are not like debt collectors. Their role to consumers is much more like that of a mortgage originator, and in the context of a mortgage servicing transfer, these Miranda notices are both detrimental to consumers and unnecessary and inefficient for mortgage servicers' operations.

First, the notice misleads the borrower about the nature of the relationship between him- or herself and the new servicer. Unlike true debt collectors, mortgage servicers have a long-term relationship with their client, and these harshly worded notices often have the effect of discouraging a borrower who was slightly late on a mortgage payment from contacting their new servicer for fear that the servicer is a true third-party debt collector. This ends up frustrating the servicer's efforts to work with delinquent borrowers on developing strategies to bring their loans current and keep their credit ratings intact.

A mortgage servicer's biggest hurdle in helping delinquent borrowers to help themselves is getting them on the phone, and these threatening Miranda notices only contribute to that unnecessary fear without doing anything to help the borrower. Additionally, the information protected by the Miranda notices is information already in the servicer's possession. So nothing new is truly protected by requiring these additional legalistic and threatening notices be provided.

Finally, these warnings simply make consumers feel unnecessarily defensive and antagonistic toward their new servicer during the first step of their new association, which can have a chilling effect on the rest of their relationship.

Mortgage servicers typically send these Miranda notices along with a new customer's welcome letter as required by the Real Estate Settlement Procedures Act, and this letter also includes important consumer information about the new servicer and the borrower's monthly payment arrangements. This preliminary contact is the first opportunity that a servicer has to create a positive relationship with a new client, and the harsh language used in the Miranda warning can create animosity between the servicer where none need exist.

Additionally, because the mini-Miranda is required in all subsequent contacts, they can continue for decades,

even after customers bring their loans current and keep them that way for years.

H.R. 314 resolves this problem by creating a narrow exemption from Miranda notices for the servicers of federally related first lien mortgages whose primary function is servicing current loans, not collecting third-party debts. It exempts these servicers only from the Miranda notices, leaving all other substantive borrower protections required by the Fair Debt Collections Practices Act in place.

This legislation is consistent with the long-standing recommendation from the Federal Trade Commission to improve the mortgage servicing process. I urge my colleagues on both sides of the aisle to support this bipartisan legislation to improve the mortgage servicing process for both the consumer and for the companies who serve them.

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

Mr. MEEKS of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 314, the Mortgage Servicing Clarification Act. As an original cosponsor of the bill, I would like to thank the gentleman from Pennsylvania (Mr. KANJORSKI) for his leadership on this bill. My thanks also go to the lead Republican sponsor of this legislation, the gentleman from California (Mr. ROYCE), who worked on a bipartisan basis to bring this bill to the floor.

I also want to thank the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, and the gentleman from Massachusetts (Mr. FRANK), the ranking member, and the other cosponsors of the bill from both sides of the aisle for their support and help for bringing this bill to the House floor.

The bill before us is largely technical in nature and seeks to address a change in market practices not anticipated by the original Fair Debt Collections Practices Act. This act is a consumer protection statute which was established in order to protect consumers from deception and abusive practices by third-party debt collectors.

Under the FDCPA, debt collectors are required to give certain notices to debtors regarding the nature and the amount of the delinquent debt. The original intent of this notice was to ensure the debtor understood why the collector was calling and what was owed.

Under the act, collection activities by the original creditors were generally exempt from the FDCPA. However, third parties such as debt collectors are generally considered to be covered and are required to provide such written or oral communications to consumers. These notifications are generally referred to as the Miranda warnings to consumers.

The reason for the bill before the House is to distinguish between mortgage servicers and third-party debt collectors. In the mortgage market, mortgages are bought and sold on a regular basis in order to provide liquidity for lending and better rates for the borrowers. In some cases, originators will keep loans on their books, but will decide to sell the servicing rights to other parties.

This legislation was developed in response to a growing concern that some mortgage servicers were unclear whether these transfers were covered by the FDCPA and what the appropriate communication should be between the mortgage servicer and the consumer. H.R. 314 would clarify this problem by providing a narrow exemption from the requirement to provide Miranda warnings under the FDCPA for a mortgage servicer who acquires responsibility for servicing mortgage by assignment, sale or transfer. Under this exemption, a mortgage servicer would not be required to provide a Miranda warning for any loan that is actually in default at the time of the transfer of servicing rights. This means that the exemption is narrowly drawn so as to affect a small number of mortgages.

In addition, this bill ensures that this exemption only applies to collection activities in connection with these specified loans. As a result, a mortgage servicer cannot use this exemption with respect to other loans which may become in default after the transfer occurs.

I also want to highlight the fact that this bill does not provide an exemption from other substantive borrowers' rights. Rather, this exemption is narrowly drawn to apply only to the Miranda warning which third-party debt collectors are required to give to consumers.

I urge my colleagues to support this bill.

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

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Speaker, I want to first commend the gentleman from California (Mr. ROYCE) for introducing this bill. This bill was actually introduced in the last Congress by the gentleman from California and passed almost unanimously. He has enlisted broad support for this bill, both in the committee and from the rank and file. It is also a bill which has bipartisan support. It has people who have sponsored it from both sides of the aisle.

It was drafted to be consistent with the previous recommendations by the Federal Trade Commission to apply the Fair Debt Collection Practices Act protections based on the nature of the overall business conducted by the party to be exempted rather than the status of individual obligations when the party obtained them.

H.R. 314 is actually even narrower than the FTC recommendation. It only exempts mortgage servicers from the Miranda warnings required by section 8071 on original first lien Federal-backed mortgages. All other borrower protections provided by the Fair Debt Collection Practices Act remain in full force.

I want to read a portion of a letter explaining why the Miranda warnings are clearly appropriate for third-party debt collection activities, but they are actually inappropriate for the type of situation addressed in this bill, and that is where a new servicer comes in and takes over the mortgage and the mortgage is in default.

What the letter says, first of all, is that by requiring these Miranda warnings, it actually does two things. It puts borrowers at greater risk in mortgage servicing transfers, and two, it impairs the ability of the new mortgage servicers to establish a strong customer relationship.

This letter was drafted by the gentleman from Pennsylvania (Mr. KANJORSKI), has a signature of the gentlewoman from New York (Mrs. MALONEY), the gentleman from California (Mr. SHERMAN), the gentlewoman from Ohio (Mrs. JONES) and the gentleman from New York (Mr. MEEKS). Of course, the gentleman from New York (Mr. MEEKS) is a cosponsor of the bill. These are all Democrats and all members of the Committee on Financial Services. They say this about the present state of the law and the need for this legislation which the gentleman from California (Mr. ROYCE) is offering.

One, the present Miranda notice misleads the borrower about the nature of the new servicers' relationship. The most important thing a delinquent mortgage borrower can do is call his or her servicer to work out options. The harshly worded warnings actually discourage borrowers from contacting the new servicer out of the fear that the company is simply another debt collector.

Two, the notice ''protects borrowers from providing information that the mortgage servicer already has in its possession. Mortgage servicers already possess detailed information about the borrower in the loan files.''

Third, the notice hurts customer relationships for the remaining term of the mortgage. The mini-Miranda is required in all subsequent contacts with the borrower, even after the customers have brought their loan current and maintained them that way for years.

In closing, as the gentleman from New York said earlier, mortgages now are transferred. They are assigned. They are bought. It is a normal course of action in a businessplace. When this happens, people need to know whether they are dealing with a debt collector or with their mortgage servicer. This new law will allow that.

So I would urge the membership to endorse this bill with a strong yes vote.

Mr. MEEKS of New York. Mr. Speaker, I have no additional requests for

time, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself the remaining time.

In closing, I urge all my colleagues to stand up for consumers and help to increase the efficiency of the mortgage servicing industry by supporting this common-sense and bipartisan legislation.

I would, again, like to thank the coauthor of this legislation, the gentleman from Pennsylvania (Mr. KANJORSKI), and thank the gentleman from New York (Mr. MEEKS) and thank the gentleman from Alabama (Mr. BACHUS) for their comments.

□ 1530

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 314.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 3 o'clock and 31 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KOLBE) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

House Concurrent Resolution 26, by the yeas and nays;

H.R. 868, by the yeas and nays;

House Resolution 109, as amended, by the yeas and nays.

Proceedings on H.R. 314 will resume tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CONDEMNING THE PUNISHMENT OF EXECUTION BY STONING AS A GROSS VIOLATION OF HUMAN RIGHTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 26.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 26, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 65]

YEAS—417

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

NOT VOTING—17

Barton (TX)
Carson (IN)
Combest
Doyle
Fletcher
Fossella
Gephardt
Gordon
Gutierrez
Hinchey
Hulshof
Hyde
Lee
Mollohan
Payne
Slaughter
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1821

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the remainder of this series will be conducted as 5-minute votes.

NICARAGUA PROPERTY DISPUTE SETTLEMENT ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 868.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 868, 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 414, nays 7, not voting 13, as follows:

[Roll No 66]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Flake
Gillmor
Goode
Goodlatte
Miller (FL)
Paul
Tancredo

NOT VOTING—13

Barton (TX)
Carson (IN)
Combest
Doyle
Fletcher
Fossella
Gephardt
Gordon
Gutierrez
Hyde
Mollohan
Slaughter
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1828

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGING PASSAGE OF RESOLUTION ADDRESSING HUMAN RIGHTS ABUSES IN NORTH KOREA AT 59TH SESSION OF UNITED NATIONS COMMISSION ON HUMAN RIGHTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 109, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 109, 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 419, nays 1, not voting 14, as follows:

[Roll No. 67]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth

Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—14

Barton (TX)
Carson (IN)
Collins
Combest
Doyle
Fletcher
Fossella
Gephardt
Gordon
Gutierrez
Hyde
Mollohan
Slaughter
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE) (during the vote). Members are reminded that there are 2 minutes remaining on this vote.

□ 1836 So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1114

Mr. KIRK. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island (Mr. KENNEDY) be removed as a cosponsor of H.R. 1114.

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

There was no objection.

MEDIA ACCOUNTABILITY

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

Mr. STEARNS. Mr. Speaker, recent media interviews, both print and television, have subjected our young troops to questions which in my mind have no business being posed days before possible military action. These interviews are asking questions regarding fratricide, combat deaths, chemical or biological weapons, ''personal demons,'' and ''bloody urban fighting.'' As many of us in the House are veterans, we know the sacrifices that come with service, including the loss of life. Our troops and their commanders know they must focus on the task assigned and the mission objective that must be completed. I believe that focus can be hindered when certain media personalities continue to dredge up these feelings purely for national coverage. We must be mindful that reporting facts is quite different from generating an emotional story for rating purposes.

Today's media has a tremendous amount of access, much more so than they did in Desert Storm. There are 600 journalists embedded in our military operations. I ask that the media let our troops focus on the mission at hand and let them do their job and return home safely.

Mr. Speaker, recent media interviews both print and television have subjected our young troops to questions, which in my mind, have no business being posed days before possible military action.

These interviews are asking questions regarding fratricide, combat deaths, chemical or biological weapons, ''personal demons,'' and ''bloody urban fighting.'' As many of us in the House are veterans, we know the sacrifices that come with service, including the loss of life.

Our troops and their commanders know they must focus on the tasks assigned and the mission objectives that must be completed. I believe that focus can be hindered when certain media personalities continue to dredge up these feelings purely for national coverage.

Let me state that I do not advocate censorship. I do advocate common sense. Providing media access to our troops is necessary to assist in providing accurate information for the American public and to counter false propaganda from other sources seeking to undermine our objectives.

However, we must be mindful that reporting facts is quite different from generating an emotional story for ratings purposes. Today's media has a tremendous amount of access—much more so than during Desert Storm in 1991. There are 600 journalists embedded in our military operations. With that access comes responsibility . . . responsibility to the troops, their families and the public. I ask that the media let our troops focus on the mission at hand, let them do their job and return safely home.

SPECIAL ORDERS

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

EXTENDING STATUTE OF LIMITATIONS FOR AUTISM VICTIMS

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

Mr. BURTON of Indiana. Mr. Speaker, it used to be that one child in 10,000 was autistic. Now it is one in 200. We have had a 50-fold increase in the number of children that are autistic in this country. It is an absolute epidemic.

One of the causes, according to leading scientists around the world, is the mercury that was in children's vaccines. Mercury, can we believe that, being in a child's vaccine? It is toxic to the brain, it causes neurological disorders, and yet we have been using it as a preservative for years and years and years.

One of the things that I am very concerned about is that many of the parents who have autistic children missed the 3-year statute of limitations to file for money to help with their child's damaged brain because they did not even know their child was damaged by mercury, and the thimerosal in these vaccines until the 3-year statute of limitations had expired.

Now, there has been legislation proposed at various times, especially last year in the homeland security bill, which would have eliminated any possibility of those people going to court to get satisfaction for their child's damaged brain. Their child is ruined for life, and they cannot get into the Vaccine Injury Compensation Fund, so there is no recourse.

Mr. Speaker, there is legislation that I have sponsored this year and legislation that Senator FRIST has sponsored

in the other body that will deal with this problem. But we have to make absolutely sure that the legislation does open up the process so that these parents will have an opportunity to participate in the Vaccine Injury Compensation Fund, which has $1.8 billion in it right now.

Now, every night I am going to be coming down here reading letters from these parents who have had damaged children. I have thousands of them. It is extremely important that my colleagues and people across this country know what has been going on.

Here is a letter from a lady named Mary Cutler from Brick, New Jersey. She said, ''Shortly after my son received his second and third rounds of DTP/Hib at 5 months and 7 months of age and then hepatitis B at 9 months of age, he began to be continually sick with ear infections and diarrhea and was late on meeting his milestones. After he received his first MMR shot at age 15 months, he began to head bang and wake up during the night.

''It was not until 2000 when I came across a report on thimerosal in vaccines and the comparison of the symptoms of mercury poisoning and autism did I find a true answer. My son has been tested. Mercury was found in his body and he has been undergoing chelation treatment for mercury poisoning. We test his urine often and after 2 years of chelation, there is still mercury coming out of his body.''

Mercury that in all probability was put in by these shots that children get before they go to school.

''He has since made and continues to make steady improvements,'' but there is still mercury in him and it is coming out. ''He became more and more verbal,'' and so and so forth.

She ends up by saying, ''All of this has come at a great cost, both financially,'' and they have heavy credit debt and they have had to take out second and third mortgages on their home, ''and emotionally to our family. My husband and I have not had a night out or a vacation in years or even been able to get a babysitter.

''Since we did not find out about the vaccine thimerosal ingredient until 2000, the 3-year limitation rule has put us outside the statute of limitations for the current Vaccine Injury Compensation Act. We hope someday our son may live a normal life, but it is a constant worry as to what will happen to him as we age and/or die and we are no longer able to take care of him. The money that autism costs to families and society at large in terms of special education, Social Security, disability, et cetera cannot be ignored or hidden from the general public. Thimerosal/mercury is a known neurotoxin and that the vaccine manufacturers could use it at all and that they still use it especially without looking at the cumulative effects on babies is unconscionable and must be addressed so it does not happen again.''

Mr. Speaker, we need to reopen the Vaccine Injury Compensation Fund with a look-back provision for at least 1 year or 18 months so these families will have some recourse. They are losing their homes, they are going bankrupt, there are divorces being caused because they have no recourse and there is nothing they can do about their child's damaged brain. Our society and the pharmaceutical companies that had thimerosal in these vaccines should bear a responsibility, and that is why the Vaccine Injury Compensation Fund, which was designed to protect the pharmaceutical companies as well as to provide a nonadversarial procedure so parents could get financial assistance for their damaged children who were damaged by vaccines, that we need to make sure that it is open to these people who have damaged children, who have been damaged through the mercury that is in the childhood vaccines.

□ 1845

Children get 26 vaccines before they go to school, vaccinations. Many of them, many of them become autistic. It has gone, as I said before, from 1 in 10,000 to 1 in 200.

This is something our government and our society can no longer ignore. We must hold the pharmaceutical companies accountable. We can do that with the kind of legislation we have been talking about; that is, to open up the Vaccine Injury Compensation Fund for those families who missed that 3-year window of opportunity.

This is something we cannot forget. We must get on with it. Here are a few pictures of some of these kids that have been damaged.

DESPITE PENDING WAR WITH IRAQ, BUSINESS AS USUAL IN HOUSE OF REPRESENTATIVES

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

Mr. DEFAZIO. Mr. Speaker, some would say that the United States House of Representatives has walked away from its constitutional duties under Article I, Section 8, wherein Congress and only Congress, the House and Senate, have the sole authority to declare war; and then, on the eve of the first ever preemptive war in our Nation's history, that the House of Representatives, under the Republican leadership, has slipped into irrelevance, silent and compliant.

Just this evening we have just finished our regular business, three noncontroversial bills, and the Republicans have fled downtown for what they expect to be the largest ever fundraiser in their history, business as usual, while 300,000 of our young men and women sit in the desert wondering what tomorrow or the day after will bring.

They have not been, I must admit, totally irrelevant over the last few weeks. Just last week, tremendous actions were taken here by House Republican leaders. They launched an attack against French fries. After a flurry of activity, hand-wringing, planning, and massing an assault, they wiped out the dread French fries from Capitol Hill. It is rumored that this week they are planning an assault on Russian dressing, and even tomorrow's turkey menu is a potential target. Meanwhile, 300,000 of our young men and women and a few allies sit in the desert wondering what their elected leaders are doing and thinking.

Have we done everything we could for those young men and women? Did we examine and push toward options short of war, war, which should always be only used in an extreme circumstance and a last case? I do not think so. We voted on October 14 on this issue, under pressure of the coming election, and gave the President a blank check. Since then, not one official act by this body has dealt with the issue of the looming war in Iraq.

Have we given all our young men and women everything they need? We spend a lot of time on the defense contractors, their profits and exotic weaponry, but I hear from dads and moms and from some of the troops themselves that they do not have all the things they need. Some of them were sent over there with the wrong camouflage. They got the forest camouflage. Others are worried about the huge number of defective chemical/biological suits which have slipped into the inventory due to the fraud and criminal acts of some of our defense contractors.

Have we served them well in terms of a plan? Have we had discussions here about how the U.S. will conduct this war? Those are scant. Those are all being kept downtown, or at the Pentagon.

Do we have and have we discussed and pushed to hear about an exit strategy? General Shinseki, in a candid moment which Secretary Rumsfeld tried to squash, and Assistant Secretary Wolfowitz demeaned, says he expects we will have to leave 250,000 to 300,000 of our young men and women in that country as an occupying force for quite some time. He said that. They said, oh, no, he is mistaken. He is only the head of the Army. He does not know anything. Then he came up to Capitol Hill again last week, and he repeated that statement. They did not want to hear it. They do not want the American people to hear it.

They do not have an exit strategy; they have a plan, when I cannot get unemployment benefits extended for the people in my State, to pay 2 million members of the Iraqi military and bureaucracy salaries out of the United States Treasury, and to rebuild the country quickly with U.S. defense contractors when I have bridges crumbling in my State.

If we paid half as much attention to the needs of the American people in our States, or the needs of our young men and women, I do not believe that

this war would have been such an inevitable result and foregone conclusion.

But the clock ticks towards zero, and the President's ultimatum has 25 hours and 12 minutes yet to run. The Republican leadership has adjourned downtown for a big fundraiser, and the House is going dark.

IN SUPPORT OF H.R. 837, FUELS SECURITY ACT OF 2003

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

Mr. OSBORNE. Mr. Speaker, I rise this evening in support of H.R. 837, the renewable fuels agreement.

Mr. Speaker, at the present time U.S. fuel prices are at an all-time high, $3 per gallon in parts of the country, and $2 per gallon in most other parts. We are nearly 60 percent dependent on foreign oil. We currently import 13 million barrels of petroleum a day, and we produce only 6 million barrels per day domestically, so there is a tremendous imbalance there.

The Mideast crisis points up the uncertainty of our fuel supply. The renewable fuels agreement would increase ethanol production to nearly that of Iraq by 2012. Right now, we see by this chart that this is our current ethanol production. This is the amount of fuel that we import from Iraq, and by 2002 we would have ethanol production ramped up to somewhere near what we currently import from Iraq.

The way the ethanol industry is going, I would predict that we will far surpass by 2012 the 7 billion gallons or 7 billion barrels that we are currently importing from Iraq.

Many times agriculture and environmental groups are at odds. This is one case where I hope we are all on the same page, because ethanol production certainly benefits the environment. First of all, it decreases carbon monoxide emissions, which lead to ozone pollution; secondly, it decreases carbon dioxide and methane emissions by as much as 35 percent, which causes global warming.

In 2002, the ethanol industry reduced greenhouse emissions by 4.3 million tons in 1 year, 2002. Then, of course, ethanol does replace MTBE, which has been proven to pollute groundwater, so we think it is a win-win, in many cases.

Another common myth people do not correctly understand is that ethanol somehow is a negative use of energy. In actual fact, we find that ethanol production results in a positive use of energy. For every Btu of energy of fossil fuels used to produce ethanol, we get 1.389 Btus in return, a gain of almost four-tenths of a Btu. By contrast, gasoline, for 1 Btu of energy to produce, yields only eight-tenths of a Btu. MTBE produces roughly 6.75. So this is one area where we actually are increasing the amount of energy that we have available to us.

Implementation of the renewable fuels agreement will result in lower prices at the pump. This, again, is something most people understand; but this legislation, H.R. 837, will create much more flexibility within the refinery industry, which will allow ethanol to be produced at certain places at certain times when it is most cost-effective. Therefore, there will be a reduction in price at the pump.

Renewable fuels legislation will boost the United States' economy. I think this, again, is something people are not aware of. This legislation will reduce crude oil imports by 1.6 billion barrels while cutting the trade deficit by $34 billion over the next 9 years.

Currently the greatest part of our trade deficit has to do with petroleum imports. This will substantially reduce that. Also, this legislation will reduce government payments to farmers by $5.9 billion while adding $51 billion to the farm economy through 2012. So again, we feel this is a win-win situation.

H.R. 837 will result in roughly 5 percent of our fuel supply coming from ethanol. Actually, there is much greater potential than this 5 percent. In Brazil, for instance, 22 percent of the fuel supply comes from ethanol. We have many automobiles, and fleets of automobiles and trucks in our country that currently use a formulation 85 percent ethanol, so the opportunity is practically limitless here.

Also, we would like to mention biodiesel, which uses soybeans. This has expanded very rapidly.

I urge, Mr. Speaker, passage of H.R. 837. This is part of the energy bill at the present time. If it does not go in the energy bill, we will introduce it and have introduced it as stand-alone legislation. I urge passage of H.R. 837.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 975, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–42) on the resolution (H. Res. 147) providing for consideration of the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the 5 minutes of the gentlewoman from Indiana (Ms. CARSON).

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

There was no objection.

ERRONEOUS JUSTIFICATIONS FOR WAR IN IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, I listened to the President's speech last night. I have no doubt that the President loves this country as much as I do, and he wants to do what is right. My problem with what he said is this: Many of the facts he cites and the things he believes about Iraq and about international law, and I hate to say this, are just plain wrong.

There is a very good article in today's Washington Post buried on page 13 which is entitled ''Bush Clings to Dubious Allegations About Iraq,'' which I will submit for the RECORD. It reminds us of some things we have forgotten.

For instance, does Iraq have nuclear weapons? Is it trying to make them? The President has said that Iraq tried to buy high-strength aluminum tubes to use in machinery to enrich uranium. The International Atomic Energy Commission determined the tubes were for conventional weapons.

The administration has pointed to 30 pounds of fissile material that was being smuggled into Iraq in a taxi from Turkey. It turned out to be less than 3 ounces of nonradioactive metal.

In his State of the Union Address, the President relied on a report that Iraq tried to buy uranium in Niger, in Africa. That turned out to be a forgery, and it was a forgery that the CIA had warned the administration about.

Last week the Vice President said Iraq has ''reconstituted nuclear weapons.'' Later in the same interview, he said that Iraq would get nuclear weapons, and it was only a matter of time. But the International Atomic Energy Commission, which has people on the ground in Iraq, or did until we told them to get out, says that there is no indication of resumed nuclear activities.

Does Iraq have ballistic missiles that can strike Saudi Arabia, Israel, and Turkey, as the President said? U.N. arms inspectors found the missiles, determined they could not fly as far as those three countries, but they ordered them destroyed anyway. The Iraqis destroyed them, but the President said Hussein has ordered continued production, apparently based on nothing more than an electronic intercept where someone said they could build missiles in the future.

Does Iraq have an extensive ongoing weapons program? Well, a graduate student 12 years ago wrote a paper that

says so. It was plagiarized by the Blair government and passed on to Secretary Powell and cited in the United Nations as a news-breaking British intelligence document. When I weigh a plagiarized graduate school paper against the U.N. inspector's report, my inclination is to go with the United Nations report.

□ 1900

But this administration sticks with the plagiarized paper. The President also threw in some misconceptions about international law. He believes that various U.N. resolutions add up to enough authority to go to war. That is not true. When the President takes his oath, he agrees to follow the treaties in article 6, clause II: ''This Constitution and all treaties made shall be made under the authority of the United States and shall be the supreme law of the land.''

When we go to war in Iraq, we are breaking that law. Now I hope the President, who still has 2 days to do some thinking, will consider drawing back from the brink.

Mr. Speaker, I listened to the President's speech last night. I have no doubt that the President loves this country as much as I do, and wants to do what is right.

My problem with what he said is simply this: many of the facts he cites and the things he believes about Iraq and about international law are—and I hate to say this—just wrong.

There is a good article in the Washington Post today called ''Bush Clings to Dubious Allegations About Iraq,'' which I will submit for the RECORD. It reminds us of some things we have forgotten.

Does Iraq have nuclear weapons? Is it trying to make them?

The President has said that Iraq tried to buy high-strength aluminum tubes to use in machinery to enrich uranium. The International Atomic Energy Commission determined that the tubes were for conventional weapons.

The Administration has pointed to 30 pounds of ''fissile material'' that was being smuggled into Iraq in a taxi from Turkey. It turned out to be less than 3 ounces of nonradioactive metal. In his State of the Union Address, the President relied on a report that Iraq tried to buy uranium in Niger that turned out to be a forgery, and a forgery that the CIA had warned the Administration about.

Last weekend, on Meet the Press, Vice President CHENEY said Iraq has ''reconstituted nuclear weapons.'' Later in the same interview, he said Iraq would get nuclear weapons and it was ''only a matter of time.''

But the International Atomic Energy Commission which has people on the ground in Iraq—or did until we told them they should get out—says ''there is no indication of resumed nuclear activities.''

Does Iraq have ballistic missiles that can strike Saudi Arabia, Israel, and Turkey, as the President said? U.N. arms inspectors found the missiles, determined that they couldn't fly as far as those three countries, but ordered them destroyed.

The Iraqis destroyed them, but the President says Hussein has ordered their continued production—apparently based on nothing more than an electronic intercept where someone says they could build missiles again in the future.

Does Iraq have an extensive, on-going weapons program? Well, a graduate student wrote a paper that says so and it was plagiarized by the Blair government, and passed on to Secretary Powell and cited as a newsbreaking British intelligence document.

When I weigh a plagiarized grad school paper against the U.N. inspector's report, my inclination is to go with the U.N. inspector's report—but this administration sticks with the plagiarized paper.

The President also threw in some misconceptions about international law in his speech last night. He believes that various U.N. Resolutions add up to enough authority for the U.S. to launch an air and ground invasion of Iraq.

This is not true. When we joined the U.N., we signed a treaty. The treaty says a member state can attack another country under two conditions—when attacked or in imminent danger of attack or when an attack is authorized by the Security Council.

The President said last week that we were going to the Security Council for authority and we'd have a vote ''no matter what the Whip count is.'' Well, we didn't. We didn't because we were going to lose.

Mr. Bush came up here to the Capitol steps on January 20, 2001 and said, ''I do solemnly swear that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.'' That's the Oath of Office, friends.

The Constitution he pledged to uphold says, Article 6, Clause 2: ''This Constitution . . . and all Treaties made, or which shall be made under the Authority of the United States, shall be the Supreme Law of the Land.''

Treaties are the Supreme Law of the Land, on a par with the Constitution. The Constitution says so. We aren't supposed to pick and choose.

We've never before in the history of the United States invaded another country without some kind of immediate provocation. But from now on, under the Bush Doctrine, we're going to invade when we think it's a good idea whether the Security Council agrees or not.

This is a dangerous course—and it's especially dangerous when the information used to decide whom to invade is so very, very bad.

Mr. Speaker, there is still time for the President to pull back from this course of action, to re-examine the so-called ''facts'' he's relying on and to find another path. Let us pray that he does.

[From the Washington Post, Mar. 18, 2003]

BUSH CLINGS TO DUBIOUS ALLEGATIONS ABOUT IRAQ

(By Walter Pincus and Dana Milbank)

As the Bush administration prepares to attack Iraq this week, it is doing so on the basis of a number of allegations against Iraqi President Saddam Hussein that have been challenged—and in some cases disproved—by the United Nations, European governments and even U.S. intelligence reports.

For months, President Bush and his top lieutenants have produced a long list of Iraqi offenses, culminating Sunday with Vice President Cheney's assertion that Iraq has ''reconstituted nuclear weapons.'' Previously, administration officials have tied Hussein to al Qaeda, to the Sept. 11, 2001, terrorist attacks, and to an aggressive production of biological and chemical weapons. Bush reiterated many of these charges in his address to the nation last night.

But these assertions are hotly disputed. Some of the administration's evidence—such as Bush's assertion that Iraq sought to purchase uranium—has been refuted by subsequent discoveries. Other claims have been questioned, though their validity can be known only after U.S. forces occupy Iraq.

In outlining his case for war on Sunday, Cheney focused on how much more damage al Qaeda could have done on Sept. 11 ''if they'd had a nuclear weapon and detonated it in the middle of one of our cities, or if they had unleashed . . . biological weapons of some kind, smallpox or anthrax.'' He then tied that to evidence found in Afghanistan of how al Qaeda leaders ''have done everything they could to acquire those capabilities over the years.''

But in October CIA Director George J. Tenet told Congress that Hussein would not give such weapons to terrorists unless he decided helping ''terrorists in conducting a WMD [weapons of mass destruction] attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.''

In his appearance Sunday, on NBC's ''Meet the Press,'' the vice president argued that ''we believe [Hussein] has, in fact, reconstituted nuclear weapons.'' But Cheney contradicted that assertion moments later, saying it was ''only a matter of time before he acquires nuclear weapons.'' Both assertions were contradicted earlier by Mohamed ElBaradei, director general of the International Atomic Energy Agency, who reported that ''there is no indication of resumed nuclear activities.''

ElBaradei also contradicted Bush and other officials who argued that Iraq had tried to purchase high-strength aluminum tubes to use in centrifuges for uranium enrichment. The IAEA determined that Iraq did not plan to use imported aluminum tubes for enriching uranium and generating nuclear weapons. ElBaradei argued that the tubes were for conventional weapons and ''it was highly unlikely'' that the tubes could have been used to produce nuclear material.

Cheney on Sunday said ElBaradei was ''wrong'' about Iraq's nuclear program and questioned the IAEA's credibility.

Earlier this month, ElBaradei said information about Iraq efforts to buy uranium were based on fabricated documents. Further investigation has found that top CIA officials had significant doubts about the veracity of the evidence, linking Iraq to efforts to purchase uranium for nuclear weapons from Niger, but the information ended up as fact in Bush's State of the Union address.

In another embarrassing episode for the administration, Secretary of State Colin L. Powell cited evidence about Iraq's weapons efforts that originally appeared in a British intelligence document. But it later emerged that the British report's evidence was based in part on academic papers and trade publications.

Sometimes information offered by Bush and his top officials is questioned by administration aides. In his March 6 news conference, Bush dismissed Iraq's destruction of its Al Samoud-2 missiles, saying they were being dismantled ''even as [Hussein] has ordered the continued production of the very same type of missiles.'' But the only intelligence was electronic intercepts that had individuals talking about being able to build missiles in the future, according to a senior intelligence analyst.

Last month, Bush spoke about a liberated Iraq showing ''the power of freedom to transform that vital region'' and said ''a new regime in Iraq would serve as a dramatic and inspiring example of freedom for other nations in the region.'' But a classified State Department report put together by the department's intelligence and research staff

and delivered to Powell the same day as Bush's speech questioned that theory, arguing that history runs counter to it.

In his first major speech solely on the Iraqi threat, has October, Bush said, ''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.''

Inspectors have found that the Al Samoud-2 missiles can travel less than 200 miles—not far enough to hit the targets Bush named. Iraq has not accounted for 14 medium-range Scud missiles from the 1991 Persian Gulf War, but the administration has not presented any evidence that they still exist.

HONORING LEONARD ASH

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

Mr. FEENEY. Mr. Speaker, I stand here tonight to honor a fallen hero from America's greatest generation. Leonard Ash was a Marine whose life richly illustrated President Ronald Reagan's observation. President Reagan said, ''Some people live their entire life and wonder if they ever made a difference in the world. Marines don't have that problem.''

Mr. Ash served in the 4th Marine Division and fought at Iwo Jima. Seventy-five percent of the 4th Marine Division were killed or wounded at Iwo Jima. Mr. Ash belonged to that 75 percent. His leg was nearly blown completely off. But some good emerged from that very dark battle. Iwo Jima's airfields provided a refuge for American bomber crews. As one of the Army Corps pilots observed, ''Whenever I land on this island, I thank God and the men who fought for it.''

While recuperating, Mr. Ash met Lt. Genoveve Durocher, a Navy nurse who eventually became his wife for 55 years and the mother of his four children. While often overlooked by history, Mrs. Ash and her fellow nurses proudly served our country. They healed and comforted the wounded, and they bravely stood by the side of servicemen who at times were on the threshold of eternity.

On January 31 of this year, 78-year-old Sergeant Major Ash watched a television documentary about protests of America's possible action to liberate Iraq. He scrawled out some notes in response to the anti-war protest that he had just watched. The next day he and his wife, Genoveve, attended an anti-war rally in Port Orange, Florida, near their home and in my district. He brought his notes in case he had an opportunity to speak and many of the protesters against America's participation in liberating Iraq did not want him to speak.

At the rally, one of the protesters yelled that they would rather bomb President Bush than Iraq. At that point Mr. Ash, outraged, clutching his notes, stood up to defend our President and our country. The following is what he intended to say:

''I am sickened at this propaganda against our country. Saddam is a murderous dictator. He has exhibited no remorse or hesitation in killing thousands of his own population with poisonous gases and other hideous means. His intent is to delay his defeat until he is able to use weapons of mass destruction against his enemies, the United States and his Arab neighbors.

''Those old enough to remember the few years prior to World War II should recall Mussolini and Hitler executed similar strategies against neighboring countries. Saddam must be stopped before he is able to deliver weapons of mass destruction into the hands of terrorists.

''Our country is blessed to have Colin Powell, DICK CHENEY, Donald Rumsfeld, and President Bush with their commitment to protect Americans and our allies.

''No one wants war. America has only entered a war because war has already commenced itself upon us. America enters war to protect and to honor the freedoms of this great Nation. That is the duty of the President. America is here today because she has not fallen short and because she is not fearful.

''The time to stand firm is now. My wife and I both dislike war. We have seen it firsthand as Marine sergeant and Navy nurse. We stand here today as witnesses that the freedoms we share today have not come without a grave price.''

Mr. Speaker, Mr. Ash never got a chance to finish his speech. After standing up and explaining that he and his wife were World War II veterans, he clutched his heart and he collapsed and he died of a heart attack. But because his proud and loving daughter Annette shared his notes with me, while he was unable to finish his speech, I have had the great honor and privilege of doing it for him.

Mr. Speaker, to my friend, Mr. Ash, who I never met but feel like I know, all I can say is, Job well done, America's good and faithful servant.

SAVE HEAD START

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise today to address a potential problem hidden deep in the President's budget. The budget says that the President is seeking to give States the opportunity to exercise more control over Head Start and that he would like to move responsibility of Head Start from the Department of Health and Human Services to the Department of Education.

Now, this may not seem like a big deal to many listening tonight, but I believe that it will have a damaging effect on our most vulnerable children. They say this change is intended to focus Head Start on school readiness and teacher training.

Well, for those who do not know what Head Start is, that may seem like an admirable goal. Head Start already does that and I agree that these are important goals and should be worked on continuously. Moving the program to the Department of Education will fundamentally alter the philosophy of the program.

Head Start is already a readiness program and more. It is a program that prepares the whole child for life. The program teaches families about proper nutrition. It also provides health and mental health screenings and other important services that many of these children would not have if Head Start did not exist. It is important to remember why we created Head Start to begin with under the War on Poverty. Poor children and the children of working-class families did not have the opportunity to have a preschool experience before going into kindergarten. These were children that often times had never had a physical examination. And we were able to discover that there were children with dyslexia, with learning disabilities, with hearing problems, with sight problems. We caught that in Head Start, and we were able to truly give these young people a chance to be successful.

Prior to Head Start, children were going into school with these deficiencies and getting put in special education classes because they thought they could not learn. President Johnson began Head Start and the War on Poverty because he saw a need to help families prepare their children for school and to break the cycle of poverty that many low-income families fall into.

Head Start has been a tremendous success. Study after study has shown that children who were enrolled in this program were more ready to learn when they entered kindergarten than their counterparts who were not enrolled. In addition, they were less likely to repeat a grade and more likely to graduate from high school; and these same students experienced greater long-term social and economic benefits than those students who were not enrolled in the program. Put simply, this is a program that works.

Instead of fundamentally altering this program, ruining its core philosophy that has guided it over the past 37 years, we should be nurturing it. I am here tonight to urge the President and my fellow Members of Congress to fully fund Head Start, resist the urge to provide funding in the form of block grants, and to keep the program within the Department of Health and Human Services. All of these would strip the program of its effectiveness.

Mr. Speaker, I have received many letters from parents and students who are asking that Congress not make any changes to Head Start. I would like to read you have a couple of lines from

them. One simply states, ''I have 3-year-old twins and a 9-year-old daughter, all of whom have been in Head Start and it has been a wonderful experience for them.''

Another says, ''It not only taught my daughter her 1–2–3s and ABCs but it also taught her self-esteem.'' And it concludes, ''It has brought my family closer together.''

Said another, ''I cannot express to you how grateful I am for the life-changing experience Head Start gave to me.''

Mr. Speaker, we must not change Head Start. It is too important, and it has helped too many people to improve their lives.

I am not simply speaking about what I heard. I worked in the Head Start program, first as an assistant teacher, then as supervisor of parent involvement and volunteer services where I got parents understanding that they could be in control of their children's educational destiny. These parents become successful parents in the PTA programs once they are transitioned into kindergarten. And that is what it is all about, involving parents in their children's education, helping them to know that they can make their children successful. So we do not want to mess with Head Start. We want to make sure, again, we support and nurture it.

CONTROL AMERICAN BORDERS

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

Mr. TANCREDO. Mr. Speaker, I rise tonight to add another family to the list of what we are calling ''homeland heroes.'' These are people who have faced incredible odds and very, very difficult times, who live on the border, northern and southern borders of this country, and are really in the middle of a war zone. And I do not use that term just figuratively. The things that are going on on our borders and the way these people are having to deal with them are truly worthy of note here on the floor of the House.

Tonight, I want to bring to the attention of the floor of the House Tom and Betty Jo Kuykendall. They own and operate a ranch only 34 miles from the U.S.-Mexico border of Douglas, Arizona. Their children and grandchildren have stayed in the ranching business and all live on nearby ranch lands.

The Kuykendalls are the heart of a 6-generation ranching family. For over 6 years they have lived in a war zone, as I say. All three of their grandchildren have been either threatened or physically attacked by illegal trespassers on their own property. When I say trespassers, I am not talking about folks who just are out for a Sunday walk. These are people coming across their property from Mexico and coming into the United States illegally.

It has been over the last 6 years that something has happened dramatically and caused a dramatic difference, I should say, in the life-style of the people on that border. There have always been people coming from Mexico across that border, many of them illegal; but they have been in relatively few numbers. They will stop and ask for a job. The Kuykendalls in the past have offered jobs to these folks. They have gone on and come into the interior of the country. But in the last 6 years something has happened.

They are now coming across that border in hundreds, in fact, in thousands. The Border Patrol estimates that over a thousand people cross that border every single night in the area of the Kuykendall ranch. And what happens as a result of it? Well, their property is essentially destroyed. I was privileged to be a guest in their home, the Kuykendalls, and this is not too long ago, just several weeks ago. And, frankly, from their front yard, we could see people crossing their property, people coming into the United States illegally and crossing their property. You can see it any time of the day or night. It is, of course, more evident, more observable in the evening when the numbers become significantly higher than when there are people coming through in the daytime.

The Kuykendalls have had their dog poisoned because it had committed the crime of barking at the illegal trespassers when they came close to the ranch house. So their dog was poisoned. Illegal aliens have been caught trying to steal their horses, vehicles and ATVs on more than one occasion. One of the children's horses was stolen and found 3 days later several miles away.

A group of illegals accosted the Kuykendalls in their truck, beat on the truck and threatened them and ran only when a Border Patrol came on the scene. Some of the illegals who were apprehended were later proven to have criminal records as felons here in the United States, records of crimes ranging from murder to child molestation.

The Kuykendalls have personally observed and photographed drug smugglers crossing their land dressed in dark camouflage clothing and carrying assault rifles. The land itself is littered with discarded plastic bags, water bottles, and clothing items. The Kuykendalls' fences are torn down, gates are destroyed, water lines are cut, and unauthorized trails blazed by illegal immigrants while they trample the range land into bedrock.

These tribulations are typical of what all the ranchers in southern Arizona are experiencing to one degree or another. They suffer from a daily assault on their property and implicit assaults to their safety.

Tom and Betty Jo Kuykendall are trying to earn a living and raise a family by managing a ranch, which is hard work even in the best of circumstances. All of these assaults and intrusions on their property damage their property, cost these ranchers money, money for repairs, for lost cattle, for damaged equipment, money many ranchers simply do not have; and several of their neighbors are now taking up bankruptcy.

The Kuykendalls have lived and worked under these outrageous conditions because we, this government, refuse to take the steps needed to secure our border. Unofficial numbers, as I say, from the Border Patrol say over a thousand cross every evening in that area.

□ 1915

They know that that is actually a very conservative amount.

I hope that this Congress will take the steps necessary to secure the border. By failing to do so, we are betraying not only the Kuykendalls, but the liberties of every citizen affected by a growing tide of illegal immigration flooding across our borders day after day.

I salute Tom and Betty Jo Kuykendall and their children for their efforts in defense of their land, their property and their way of life and add them to the list of homeland heroes.

ACTIVE RESERVISTS AND NATIONAL GUARD STUDENT LOAN RELIEF ACT OF 2003

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

Mr. RYAN of Ohio. Mr. Speaker, I rise tonight to speak a little bit about H.R. 1168, which is the Active Reservists and National Guard Student Loan Relief Act of 2003.

As we heard the President speak last night, this country will soon be going to war, and we will soon be sending many young men and young women off to fight for this country. Some of these soldiers who will be fighting in the Middle East and around the world have attended school, have attended college. They have student loans that they owe back to the government, and my legislation is very simple. It does two things.

Once a soldier is activated, there is an automatic deferment of the loan, and the Federal Government will pay and subsidize the interest on that loan. I believe that is the least we can do for the soldiers that are going off and sacrificing. Many of these soldiers have mortgages, car payments, expenses. They are leaving their wives, their children behind, and many of them are taking a cut in pay.

I think it is a very simple piece of legislation. I encourage this body to pass it and include it in the supplemental. This was included and used by the first President Bush during Operation Desert Storm, and I think it should be promised to our troops today.

One example is that if a soldier has $50,000 in loans taken out, that the Federal Government will step in and

will save this soldier $2,600 a year. If a person is off, they are away from their family, they are away from their kids, can we please provide a little bit of peace of mind for some of our soldiers who will be over there?

I think the Active Reservists and National Guard Student Loan Relief Act of 2003 has received thus far strong bipartisan support. The liberals, the conservatives and everyone in between have supported this legislation, and I think it is because it is good for the soldiers and it is good for this country, and I think it sets a tone, Mr. Speaker, that we are behind our servicemen and women. We are behind our soldiers, and those of us who have been opposed to the war and those who have been supportive of the war, regardless now, our job is to support our troops, and this is a simple piece of legislation I think where we can put the talk into action and make sure that we provide a little bit of peace of mind for some of the soldiers who have been in college and have student loans.

I encourage this body to pass this piece of legislation, and it really should be included in the supplemental that is going to fund the war.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FISCALLY CONSERVATIVE

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

Mr. DUNCAN. Mr. Speaker, I believe and certainly hope that our Armed Forces will achieve a quick and decisive victory in Iraq, and certainly we all hope that this can be done without the loss of even one American life and very few, if any, and hopefully no innocent Iraqi civilians, but every article we read, every analyst we hear says that winning the peace, the aftermath will be much more difficult than the war itself.

I know that people in the White House, the State Department and the Defense Department have been working on this aftermath plan for many months now. Because of something I heard on a news broadcast last week, I want to briefly discuss this.

Last Wednesday night, as I drove to a meeting here in Washington, I heard on the national news that the Baghdad stock market was booming. The report said prices had gone up more than 50 percent in the last 7 months because investors there feel that the war will be very short and that the U.S. will then spend hundreds of billions of dollars there over the next 10 years or so. Last week, the National Journal, a very nonpartisan publication, said we will spend at least $156 billion in a best-case scenario and as much as $1.9 trillion in a worst-case scenario over the next 10-years in Iraq.

Already, big multinational companies like Halliburton, Bechtel and others are lining up to get part of the pie and to make sure that we spend this money in Iraq. If I and my fellow conservatives, who were so critical of the previous administration about nation-building, do not speak out against this, this will end up being by far the biggest foreign aid program in the history of the world.

The same people who have told us how great the threat from Iraq is also tell us the war will be over with very quickly. Iraq's military budget is only about 2/10 of 1 percent of ours, counting our supplemental appropriations. So this will be about the most lopsided war in history if the mentally sick, evil Saddam Hussein does not back down. Everyone should hope that we achieve a quick and decisive victory, as I said, without the loss of even one American life.

Service in our Nation's Armed Forces is one of the most honorable ways one can serve this Nation. When we put young American soldiers and sailors into harm's way, I know all Americans hope for the best and support our troops. I wish we would get in and get out quickly and bring our troops home as soon as possible.

I have never believed that U.S. foreign policy or military decisions should be dictated or controlled by the United Nations. Yet it is also somewhat inconsistent to say, as some have, that this proves the U.N. is irrelevant and maybe we should get out, but then say we have to go to war because Iraq has violated 16 U.N. resolutions. It is not fair, Mr. Speaker, to the U.S. taxpayers or the U.S. military to place almost the entire burden of enforcing U.N. resolutions on them.

Also, the Congressional Budget Office has predicted we will run deficits of $1.8 trillion over the next 10 years. This is not counting State and local deficits. If we spend hundreds of billions in Iraq over the next decade, we will not be able to meet all our own needs here at home. We have already spent about $25 billion or so just moving our troops, planes, ships and equipment into place. Also, most of our allies are demanding billions for their support.

If we do not become more fiscally conservative, especially in regards to this war, we may have difficulty in paying all our Social Security, Medicare, veterans' and Federal retirements and so forth. We could end up then doing what most governments around the world have already done, and that is a combination of decreasing benefits, raising taxes, or, most likely, inflating our currency, which means pensions will buy less.

Iraq should use their humongous oil wells to rebuild their own country. U.S. taxpayers should not have to pay our bills and theirs, too.

Conservatives have traditionally been the strongest opponents to turning our military into international social workers. Conservatives have also been the strongest opponents of big deficit spending, huge foreign aid programs, nation-building and world government. Most conservatives are against an interventionist foreign policy, but all conservatives unify behind our troops and support the patriotic young men and women who are simply following orders.

However, after this war is over, I hope my fellow conservatives will unite once again and urge that our troops be brought home quickly and that we in the American Congress start putting Americans first once again. Let us achieve victory in Iraq, but not follow that up with the biggest foreign aid program in history.

PRESIDENT BUSH AND THE REPUBLICANS' BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, I rise tonight to discuss President Bush and the House Republicans' proposed budget. As my colleagues may recall, back in the year 2001, President Bush entered his office enjoying a fiscal surplus that no previous President had ever experienced, over $127 billion in that fiscal year alone, a 10-year surplus projected at $5.6 trillion. Our President also took office with an ambitious plan to provide tax cuts, the number of $1.7 trillion.

Democrats warned that a tax cut of this magnitude and time would prove irresponsible. We warned that the tax cuts would reduce the size of the future economy, raise interest rates and prove fiscally unsustainable, but our President chose not to listen. Instead he squandered $1.7 trillion of our Nation's surplus to advance his tax agenda, aiding a very small proportion of Americans, particularly the very wealthy.

By the summer of 2001, before the tragedies of September 11, our economy had begun to slow down, and our 10-year surplus was now down from $5.6 trillion to only $575 billion. I bring this point up because we cannot afford to ignore the connection between the current state of our economy and the President's first round of tax cuts.

Now that our economy is clearly faltering, Republicans would like to offer still more fiscally irresponsible tax cuts. How do Republicans expect to pay for the second round of $1.7 trillion in tax cuts? By cutting the programs that are essential to our collective well-being and the well-being of our families.

The President's budget cuts domestic programs important to our livelihood while enacting tax cuts that will add to our public debt. More specifically, the Bush budget sacrifices the health of

our Nation. In fact, 41 million Americans right now have no health insurance. Many of them are Hispanics.

The Bush budget cuts funding for Medicaid coverage for children, low-income seniors and the disabled. The budget also eliminates funding for programs that increase the number of minority health care providers, desperately needed in communities like mine, where we need linguistically and culturally appropriate health care providers.

It is also important to note that the President's budget will only create 190,000 jobs this year, less than the number of jobs that we lost this February. The Bureau of Labor Statistics reports that the U.S. economy lost 308,000 jobs this past month. Latinos are also particularly heavily impacted. In my own district, unemployment rates are far beyond the 9 percent, way above what the national level is at 5.6.

These unemployment rates are outrageous, and our President's solution to create only 190,000 jobs is not even nearly enough where we need to be. The President should focus his budget on funding important Federal programs that create opportunity or self-sufficient jobs for the 8.5 million unemployed Americans, and instead, the President's budget cuts job training and employment programs for dislocated workers. It fails to extend unemployment benefits for the 1 million Americans who cannot access Federal assistance, but are still jobless.

As bad as the President's budget is, I am even more disappointed by the budget that the Republicans want to offer, and the Republican budget resolution requires that almost every authorizing committee cut spending within its jurisdiction, and it fails to explain which programs those will be that will be on the chopping block. I think it is questionable that we somehow implement a 2.9 percent across-the-board cut in these programs without giving us specifics. In reality, what it means is there will be more cuts for veterans, our children and the elderly.

For example, the Republican budget fails to provide any specific funding for a Medicare prescription drug benefit. It provides only $28 billion in new funding over 10 years for all the programs under the jurisdiction of two committees that are responsible for this, for Medicare, the Committee on Ways and Means and Committee on Energy and Commerce. From my own home district it would actually translate into $233.2 million of cuts in Medicare over the next 10 years, and the State of California would lose more than $18 billion.

Let us take a closer look at the Republican's budget and how it will impact education. Republicans, running on the assumption that every program harbors substantial waste and fraud, are requesting the Committee on Education and the Workforce to cut out $10 million from their budget. So what is it going to be, school lunch programs for kids or student loans?

We need to be responsible in our budget deliberations.

□ 1930

COMMUNICATION FROM THE ATTENDING PHYSICIAN OF THE HOUSE

The SPEAKER pro tempore (Mr. BONNER) laid before the House the following communication from the Attending Physician of the House of Representatives:

U.S. CONGRESS,
Washington, DC, March 12, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the grand jury subpoena for documents and testimony issued to me by the Superior Court for the District of Columbia is not consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to move to quash the subpoena.

Sincerely,

DR. JOHN EISOLD,
Attending Physician.

COMMUNICATION FROM THE ASSOCIATE ADMINISTRATOR, HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, Human Resources, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that the Office of Payroll and Benefits has been served with a subpoena duces tecum issued by the Superior Court of San Bernadino County, California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator, Human Resources.

RESPONSIBILITIES IN WAR AGAINST IRAQ

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

Mr. MCINNIS. Mr. Speaker, Members who were not here during the first Persian Gulf War, the next few days will probably be some of the most serious time that we have served in the House. The consequences of the action of our Nation will be consequences that will go down in history. I think it is a good time this evening for us to sit back and take a look at what are our responsibilities.

What are our responsibilities as Republicans? What are our responsibilities as Democrats? On what issues should we act in a bipartisan fashion? On what issues should we go out and be willing to stand up for the issues, for the very standards that this country stands for? I think in the next 48 hours or so, our country, it is pretty obvious, will engage in a military conflict; and I think it is for the right reasons.

President Bush's speech last night was simple, not a lot of fancy language. It was straightforward. He did not mince any words; but more than anything else, it was appropriate. It spoke of the responsibility of the Commander in Chief. It spoke of the responsibility of the United States of America. It spoke of the responsibility of the allies and the willing coalition that has the gumption, has the foresight to stand up to one of the most vicious men and one of the most vicious regimes in the history of the world. It is time for us to stand united.

When we speak about responsibility, let us talk about what another President thought about responsibility. Let us talk about Bill Clinton, the former President of the United States. He recognized, and whatever issues Members have with Bill Clinton, he recognized what Iraq was about and what Saddam Hussein was about. Unfortunately, in the last few days I think the former President has violated kind of an unspoken rule and that is past Presidents do not interfere or try to interfere or play politics on foreign matters especially at a time of war. But President Clinton and, of course, former President Jimmy Carter have decided to speak out.

But I want to relate to Members and show exactly what President Clinton recognized; he recognized what the responsibility of this Nation was against the horrible regime of Saddam Hussein. This is what Bill Clinton said about it on February, 18, 1998. President Clinton on Saddam Hussein and Saddam's threat: ''What if Saddam Hussein fails to comply and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop his program of weapons of mass destruction and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude he can go right on and build an arsenal of devastation and destruction.'' Bill Clinton 1998.

That President recognized the responsibility of this country, and President Bush and his team at the White House have correctly recognized and stood up for the responsibility of this country and our willing allies. I want to talk about what are the responsibilities of the United Nations; what can the United Nations do and what should we expect from the United Nations; and

what can they not do or what would be defined as an overexpectation of the capabilities of the United Nations.

Let me say first of all, we have to look at the structure of the United Nations to understand why, when it comes to standing up militarily or taking a tough police action which involves military engagement, we can see why the United Nations the way it is structured cannot possibly come to an agreement on how to do that. They could not come to an agreement in Kosovo where we had clear and resounding agreement on Slobodan Milosevic. They could not come to an agreement on the Cold War or on Somalia. The United Nations, time after time when we take a look at particular actions that require military engagement, the United Nations cannot come to a decision. Why can they not come to a decision? Because of the makeup of the United Nations.

The United Nations has 192 separate countries. The United Nations has chosen to put Libya as head of the Human Rights Commission; and they actually had Iraq to chair the U.N. conference on disarmament. Mr. Speaker, Iraq was chairing the United Nations conference on disarmament. How can we expect much more from the United Nations. The United Nations has failed to act.

The United States and its willing coalition has stood up to its responsibilities. The United Nations, unfortunately, was bulled over, as they always are, in my opinion, in part by the French. And the French, the only success that I have seen in the last month or 6 months or 12 years, frankly, the only success I have seen from the French and the Germans and the Belgians is to successfully isolate themselves.

It is interesting to think that the members of the United Nations like North Korea, Libya, Iraq and Iran consider the French their ally. Who could have ever imagined, who could have ever imagined that the French, the perception out there in the country of renegade nations, that those nations would recognize France as their ally?

We all grew up with the understanding that the French were a democratic society, a society that stood strong with the United States, although the French never really led the battle. Keep in mind in World War II, it was the French, and frankly when we look at it, take a look at where they were. It was the French that adopted the constant policy negotiate, negotiate, negotiate, talk, talk, talk. In World War II some of these countries in Europe wanted to do everything they could to get rid of Adolph Hitler, except for one thing. They did not want to fight him. They did not want to take him head on.

But back to the United Nations. How can the United Nations function when it is 192 separate countries from 192 different economic levels from a variety of different types of governments within those countries, whether it is democracy, communism, socialism, dictatorship or run by a bunch of thugs like we saw in Somalia? Those 192 different countries have different economic levels and cultural environments that they have adopted over the years, and different treatments of human rights. Take a look at the treatment of women in Iraq or the treatment of children in Iraq and the so-called theory of education in Iraq, and the starvation and prejudice that we see in North Korea; but yet all of those countries are standing members of the United Nations, and I am being told that we can expect the United Nations to come together on an issue of serious consequences such as the engagement of a military conflict? We can understand why it has taken the United Nations 12 years to reach a decision that they cannot reach a decision. The United Nations is in fact on military engagement a paper tiger.

Does the United Nations have an appropriate location and what is their responsibility? One, their responsibility right now at the very beginning, and the responsibility of the French and the responsibility of the Germans and the responsibility of the Belgians, they should all adopt resolutions supporting the troops of the willing coalition. They should all put out a resolution supporting a regime change of Saddam Hussein. The door has closed on the so-called diplomatic relations as stated by the President.

If the Germans and French want to continue what I think were good allies or at least an alliance that withstood a lot of pressures through the years, they need to come out and support the Americans troops and the troops of their neighbors, the troops of Spain and Italy and the British troops. The French, the Germans, and the Belgians need not go any further to be identified as allies of North Korea, as allies of Libya, as allies of the regime in Iraq, and as allies of Iran. They need to distinguish themselves, and all they have done in the last several months is to isolate themselves in a corner with those rogue countries.

We have had the debate and discussions. We are going to engage in a military conflict, barring some miracle in the next 24 hours. The French, it is time for our allies to stand up. We are not asking for much, they would not give us much, but they at least ought to stand up and support the American troops, and that is the responsibility I think; and I am not asking too much of those allies who I feel this time around, as in the past, have let us down.

But going back to the United Nations, where does the United Nations fit in this puzzle? How can the United Nations be an effective institution? I think they can be an effective institution as long as we focus very narrowly on the responsibilities. Again coming back to the responsibilities, one, responsibilities that they can handle; and, two, responsibilities that they can effectively carry out.

As I have made clear in my statements, the United Nations cannot effectively handle nor can they come to any kind of decision when it comes to military conflict in the world. They just do not have the structure to do it. We cannot have 192 nations with that kind of diversity with those different kinds of governments come to an agreement.

But the United Nations can play a role. What role do I see them play? I see the United Nations as a social institution, as an institution that can probably effectively deliver food to starving countries such as Ethiopia, maybe even help under certain circumstances to deliver what human aid they can to North Korea, what human aid will not go straight to the military, what will go to the people.

I see the United Nations as a social institution which can help facilitate and lead the world's fight against AIDS, and be a leader against breast cancer and prostate cancer and health in general. I think they can be effective in those areas. But it is a huge mistake, and it has been proven in the last several weeks, for us to assume that the United Nations can really play an effective role in standing down a regime like Saddam Hussein.

To me the United Nations is kind of like Chamberlain was in 1938 with Hitler. I have a well-written article, and let me give credit to the author, Alistair Cook. Throughout the ceaseless tide, there was a voice of an old man, Prime Minister Chamberlain, saying instead of taking on Hitler, I believe it is peace for our time. When he made that statement, instead of going to war to stop Hitler from taking Czechoslovakia and other countries, he said, I believe it is time for the peace of our time.

□ 1945

The entire House of Commons applauded. They stood up. They gave him a standing ovation. Only one old grumpy man in the back of the room said much of anything, and he said, ''I believe we've suffered a total and unmitigated defeat when we look at somebody like Hitler and say it is, Peace for our time. Appease him.''' That grumpy old man happened to be a guy named Churchill. The scene concluded in the autumn of 1938 with the British Prime Minister's effectual signing away of most of Czechoslovakia to Hitler, the appeasement. The rest of it, within months, Hitler went ahead and walked into it and conquered it. ''Oh, dear,'' said Mr. Chamberlain, ''he has betrayed my trust. Oh, my gosh, Hitler has betrayed my trust.''

What do you think you are dealing with when you are dealing with a Saddam Hussein? That is why in my opinion the United Nations really, I think, have tremendously weakened themselves. I do not see any circumstances whatsoever. I mean, we have a history of 12 years of the United Nations, and I have got a poster over there that shows

resolution after resolution after resolution after resolution, appeasement after appeasement after appeasement after appeasement. And where has it gotten us? It has not gotten us anywhere. Frankly, I think, in fact, it has gotten us into a war.

I think if the United Nations would have taken just their first resolution and followed through with what they said they were going to do, if they would have put inspectors in there that really meant something, if they would have enforced that, we could have done it diplomatically. The United Nations probably could have done it during that period of time diplomatically. But instead they adopted the doctrine of appeasement. They adopted the doctrine of the French. Negotiate, negotiate, negotiate, negotiate. Do whatever you can to get rid of the problem except fight it.

The policy that was adopted by the United Nations, the policy that has been adopted by the French and the Germans and the Belgians is the policy of going to the cancer doctor, and when he tells you that you have cancer, you say, ''Doctor, I don't want to believe it. I'm going to go out of this room and hope I can talk to some friends about what a horrible thing it is, and it's going to go away on itself. Don't talk to me about cutting my foot off, Doctor. There's got to be some other way to handle this cancer, maybe some warm talk or maybe prayer.'' Prayer helps, by the way, but it usually does not get rid of the cancer. ''Maybe there is some other alternative other than going in there under the knife, Doc, to attack this cancer.''

The fact is that had you attacked the cancer when you first went to the doctor, the next time you go to the doctor, it probably would not be all over your body. The fact that here in the United Nations, had the United Nations not let the world down, had the French and the Germans been as insistent on the United Nations enforcing their first resolution as they are insistent on the United States and its allies not enforcing 1441, the 16th or 17th resolution, we would not be here today. We would not have a war.

It amazes me that the French stand out to the world as the peacemakers of the world, as if they are the Chamberlains. Where were they in 1993 and 1994 and 1995 and 1997? By the way, those were years that Saddam Hussein was using mustard gas, nerve gas and anthrax against his own population. Where were the French? Where were the Germans?

I honestly think we could have avoided war today had we tackled that cancer back then, but they did not do it.

The United Nations has, as the President says in dealing with the French, the United Nations has played their hand. They are not fit. They are not structurally designed to do this. They do not have the gumption or the leadership to do this. They cannot get the votes to do this. They are not a military institution. They are not an institution that can issue resolutions and then back it with discipline.

It is kind of like going to school. I knew some teachers that became principals. They were not successful as principals. They were great teachers. In fact, in most cases they were too nice to be a principal. They could not bring it upon themselves, one, to discipline other teachers, and they could not bring it upon themselves, even though we were friends with the principal, we knew we got away with misbehavior because the principal was too nice, he just could not bring it upon himself in this particular case to discipline us. We read that like a clock, just like a clock.

Saddam Hussein can read the United Nations like a clock. It is not complicated, by the way. You figure it out pretty soon. It is like going to the cookie jar. You find out pretty soon whether you are going to get in trouble or not for getting your hand in the cookie jar. If you are not in trouble, you tend to find your hand going to the cookie jar a little more frequently.

I think the United Nations unfortunately, or maybe fortunately, now that I think about that, maybe it is good that this has occurred so we really can figure out what focus the United Nations should take. Maybe it is good in that we can understand, look, we have overassigned the United Nations, we have expected too much from a structure that simply cannot handle the responsibility that is handed to it. With that vision, I think once we resolve this situation in Iraq, there will be other problems. There is going to be the North Koreas. There is going to be the Irans. There are other problems out there. But I think we are best, I guess, situated or to our advantage to approach those problems understanding that the United Nations really should not be the vehicle, the wagon that we put all our gear in and expect the United Nations' horses to be able to pull that wagon up the hill. They cannot do it.

But as I said earlier, there is an appropriate spot for them, to help us in the worldwide fight on AIDS, the worldwide fight on starvation, to help education throughout the world. Those are passive, social science issues that are very, very important to the international community and very, very important, whether my colleagues are Republicans or Democrats, very, very important for the whole world. Our Nation can help in that, but I think the United Nations is appropriate in that location.

I want to switch from the United Nations. I think I have made it pretty clear. I think they have dropped the ball on this. I think it was the Wall Street Journal today, and I may even have a copy of an editorial out of the Wall Street Journal. They are right. The Wall Street Journal said today, ''The fighting will likely soon commence, but it is not in fact the start of this war. It is the beginning of the end of the war that began when Saddam Hussein invaded Kuwait on August 2, 1990.''

Keep in mind that the reason Saddam Hussein remained in power is not because Bush, Sr., did not want to go into Baghdad, it is because Bush, Sr., frankly listened to the advice and the demand from the United Nations that the regime be left standing; that the only mission out there was to free Kuwait, to push Iraq out of Kuwait, but to leave Saddam. We could not go into Baghdad. People blame the Vice President, DICK CHENEY, whom I think is one of the outstanding leaders of this Nation. People say, ''Why didn't you guys kill him 10 years ago?'' It is because we listened to the United Nations, and the United Nations insisted, demanded that the United States not go in and kill Saddam Hussein. That was the United Nations. Just another example. They cannot do it.

I am critical of the United Nations, but I also understand. It is kind of like getting mad at a child. You know they misbehaved, but you have also got to look at all the circumstances around it. Does that child have some reason that they cannot behave, that they cannot really control? It is the same thing with the United Nations, structurally the way it is built. You think North Korea? You think Iraq who is head of the disarmament convention, or you think Libya which the United Nations just installed as the head of the Human Rights Commission are going to come to some kind of agreement to restore human rights, for example, in any country in the world?

Let me move off the United Nations and talk about something else. I have heard time and time again, in fact, I was surprised, over the weekend, time and time again I heard commentators who know better talking about the United States' war against Iraq, the United States' effort against Saddam Hussein. The United States. I have heard this so often, it almost makes me ill. The United States acting alone. I used to be a police officer. Somebody asked me the other day, my friend, Fred Cheney, ''What is it you took out of your police career? What is it that you took that was the most benefit to you being a police officer?''

I said, ''I can't tell you how many times I rolled up to the scene of an accident or rolled up to the scene of a crime, made an assumption as to what happened there only to find out later I was completely wrong once we looked at all the facts.'' I guess the best case is the Smart case in Utah. Take a look at that. Everybody probably assumed that the deceased suspect was the one who kidnapped her. They found stolen goods in his car, everything pointed to him, so it must be him. Once the facts are looked at more carefully and more carefully, we find out, in fact, that he was an innocent man.

It is the same kind of thing here. Before these journalists start making the

statement that the United States goes it alone, or they somehow downplay the fact that the Brits, Tony Blair, who stands up as a profile in courage, they downplay the courage that he has shown, they downplay the United Kingdom as if it is not much of a country, and so the fact that they are joining the United States really is not of much substance because, after all, who is the United Kingdom? The responsibilities, again coming back to that word responsibilities, the responsibilities of the national media and the worldwide media are to look at the facts.

Let me show you the facts on the coalition, the willing coalition, as President Bush puts it. To my left are the member countries that are joining the United States, joining the United Kingdom, joining the Spanish, joining the Italians, joining the Turks, joining the Polish, joining the Hungarians. Look at all of these countries. These countries, even Poland, the Polish are sending 200 troops into this action. You tell me that any of those commentators that talk about the U.S. going it alone or the U.S. and the Brits going it alone, this does not take a lot of intellectual ability to figure out what this coalition is. You can pull this list right off the Internet. Take a look at these countries that are supporting us in our effort. Denmark, Afghanistan. I will just jump around. Hungary, Japan, Lithuania, Nicaragua, Rumania, Turkey, Slovakia, Philippines, Macedonia, South Korea, Iceland, Ethiopia, El Salvador, Colombia, Albania, Australia, they are sending forces in there, Czech Republic, Georgia, Italy, I talked about Italy earlier, the Netherlands, Poland, I talked about them, Spain. This is what that coalition looks like, and the momentum is building by the day. The momentum is building by the day.

Why are these countries doing it? Because they understand the word ''responsibility.'' We cannot afford to shirk our responsibility. We cannot walk away from this fight. This is a cancer you cannot walk away from and hope it is better tomorrow. This is a cancer that you cannot go away and say, if I sleep on it and wake up tomorrow, it is actually going to recede. That cancer is going to go in remission because I simply sleep on it and give it a little time. Give cancer a little time, and it will go backwards. It will go into remission. That is not what happens. You have to reach out and attack it.

I was at a town meeting not too long ago, actually a group meeting, not an official town meeting. Somebody said, the United States, what is our responsibility as a government to protect this government from terrorism, and are they tied together? I said, of course they are tied together. A lot of these people feed from the same trough, frankly. They have the same coffee together. Of course it is tied together. But the fact is in order for us to protect, we cannot have security at every mall in America. We cannot have armored guards and meters and checkpoints when you go to some theater somewhere, you go to a mall, you go to a restaurant somewhere in this country, you go to a football game, a high school football game.

The fact is our responsibility, and frankly, Democrats, it falls on you as well, but our responsibility is to reach out. We cannot defend this country completely. We have got to go out and attack the terrorists, in their field. We cannot sit, and every country in this list to my left understands, you cannot sit and let that cancer grow. We have let Saddam Hussein flaunt his weapons, flaunt the United Nations, flaunt the international community for over 12 years and many, many resolutions.

By the way, I find it somewhat appalling when we talk about responsibility. I listened over the weekend, and I am not trying to be partisan here, but I am talking about facts. Howard Dean stands in front of the Democrats at their convention in California. They give him a standing ovation as he blasts the leadership of this country, as he blasts this antiwar stance. My response to Howard Dean, my response to Martin Sheen, my response to Sheryl Crow and my response to some of these other people is, don't walk away from the cancer. You better figure out how you are going to handle this thing. It will not go into remission on its own.

Frankly, these countries have come together in a willing coalition to do whatever is necessary to take care of the threat that Saddam Hussein has. I think this coalition will come close to the size of the coalition that we had in the first Persian Gulf War.

My particular point here is when you listen to the media, understand clearly, it is not the United States acting alone. It is not the United Kingdom acting alone. It is a coalition of the willing.

I give a lot of credit to our President. I think he has done an admirable job. Anybody that thinks they would like to have his job, look at what he faced in his first term. He comes into an economy that is going south on him. We had two down quarters before he even came into office. He has got an economy that seems to barely be hanging on. He loses a space shuttle on a weekend. He has got the problem with the Middle East, with the Palestinians and the Jewish community fighting. We have got this situation with Iraq. We have got the situation with North Korea. He had the international incident with the Chinese when they went on the aircraft equipment. That is a full-time job. These people that criticize it, I find it interesting that people like Martin Sheen, who has probably had all of 5 minutes' education on foreign affairs and certainly, certainly is not able to access any classified briefings at all that we get or any kind of knowledge on the subject, criticizes our President, has spent, many, many, many times more, same with Howard Dean, criticizing our President than they have Saddam Hussein.

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Where is the responsibility? I think it is a freedom, a part of democracy, that we stand up and voice our opinion. I absolutely agree with that. But at some point, it does become unpatriotic.

And let me issue a challenge right now to my colleagues on the Democratic side because frankly I have not heard it on the Republican side, but I am pointing to some of my colleagues on the Democratic side, to Howard Dean, to Martin Sheen, to Sheryl Crow, to some of these movie stars out there that have become all of a sudden experts. Although they are wonderful actresses and actors, they have become experts in foreign affairs, they do become unpatriotic. And mark my words here. They do become unpatriotic when this action begins if they do not support the troops of the United States of America and its allies. They ought to throw that sign they have been carrying or those T-shirts they have been wearing or, in Sheryl Crow's case, that guitar band she likes to wear around; and they ought to throw that in the trash and replace it, Sheryl Crow, with a band that says ''I support the troops of the United States of America.'' And if they cannot find it upon themselves to do that, in my opinion, they have in fact crossed that line from patriotism. Regardless of how they debate the issue, they can still be patriotic. They have crossed that line to be unpatriotic. They have shirked their responsibility. They have dropped their responsibility to this great country.

George W. Bush has done a good job. DICK CHENEY has done a spectacular job. The President leading this team, putting this team together. How could we have been so lucky as to find somebody like Condoleezza Rice? Take a look at Colin Powell. Take a look at Rumsfeld. Take a look at that team. We have got the A-team down there on Pennsylvania Avenue. We have got a team that most countries only dream of; and we have got a team that when it has come time to stand up and accept the responsibility, they do it. And this Congress, frankly, and to the credit on both sides of the aisle, we did it in a bipartisan vote. Although we had some dissent and we heard some very harsh language, especially at the Democratic convention in California, the fact is most of the Democrats and all of the Republicans stood up and supported this.

We are standing up to our responsibility, and it is not the United States going alone. These countries in their own way, even if it is only 200 troops from Poland, in their own way with the resources they have, they have stood up. They stood to be counted, and counted they will be. And every one of these people, the contribution they make to this effort, even as small as it may seem to others, it is big to them; and, frankly, in the overall picture it is very, very important. When we fight a cancer, we had better take all the assistance we can get from every friend we can find.

That is the only way we are going to conquer it. And I want them to know I appreciate it, and any of my colleagues here who have family over there, come from these countries, know people, the next time they see somebody or the ambassador or one of their representatives or just a citizen from this country, they ought to tell them thanks. Not thanks that they came to the assistance of the United States of America, but they ought to thank them for standing up to the responsibility that the entire world ought to be standing up to, that they are filling the void that the United Nations could not stand up to, that they are taking on the issue head-on for the good of their country and for the good of the rest of the world. They are not doing it as a favor to the United States or as a favor to the United Kingdom. They are doing it as an obligation of responsibility to this fine world that we live in.

Now I want to talk about our forces. I am so proud of those young men and women, and not only the young men and women right now that are on the desert floor waiting for the final order, not only the men and women that have now actually instituted in one way or another the beginning of the military action, but also the young men and women, and not just young, by the way, but the men and women of our military forces that are stateside as well. Keep in mind it takes a lot of logistics. It takes a lot of men and women to prepare all of the things.

I was talking to somebody yesterday. I said, just imagine, we have got 250,000 troops out there. Somebody in the United States has to figure out about every other week how to get 250,000 tubes of toothpaste to these people, 250,000 meals times three or probably four a day considering the energy that they are using, how to get the fuel to the trucks. This is a nationwide effort by a lot of citizens of the United States.

I taught a class in Montrose, California, yesterday. I had a young man ask me, and I hear this question quite often, ''Are we ever going to see the draft again?'' And I think this action that we see today illustrates why the draft will not work. Why will it not work? I said to this young man, ''What do you want to be?'' He wanted to be a songwriter. Frankly, I think the kid probably will be a songwriter one of these days and probably a pretty good one, but he wanted to be a songwriter. I said, ''How would you like to have graduated from college in music, beginning your songwriting career, and the United States Government calls you up and says, 'One, we are not only going to put you in the military but instead of going to the Army band, for example, you are going to be washing trucks or doing something that you cannot stand. We are forcing you to do it and you are going to have to give up 2 years of your life'?''

What we have today is not a force at all like that. Today our force, regardless of the branch of the military, is an all-volunteer force, and our morale is the highest it has been in decades. Our people are serving this country because they want to serve this country; and I know that by far the majority, not all of us on this floor, but the majority of us support these troops 100 percent. And I am embarrassed and I am going to be really embarrassed and angered, by the way, if people like Martin Sheen cannot, and the debate is over, Martin, and Sheryl Crow, who, by the way, a lot of us country music listeners like, and the Dixie Chicks kind of stepped on their own toe last week too, put it aside and support the troops.

Put down the signs, protesters, that are giving more credit to Saddam Hussein and have expressed more hatred towards their own President than they do one the most vicious men in the history of the world, the worst murderer, by the way, who killed more Muslims than any other man in the history of the world. Put down the signs that are supporting him and trashing our own President. Put those signs down and pick up a sign that says to the troops of the United States of America ''We are behind you. You are our people, you are our boys, you are our men and women and we support you.'' Regardless where we stand on the issue of the war, whether or not we like the United Nations or do not like the United Nations, whether or not we like SCOTT MCINNIS or do not like him, whether or not we like the President or do not like the President, the fact is the time has come for every so-called peace protester, although I happen to think the way we secure peace is to make sure we do not let Saddam Hussein out there, the way you stop cancer is to attack it, not to ignore it. But all out there who have carried those signs, I challenge you, and colleagues of mine here on the floor, I challenge each and every one of you to pick up a sign or make a sign tonight that says ''We support the troops of the United States of America,'' whatever those troops need.

Tomorrow many of us will go on with our daily routine, but the real sacrifice is going to be carried by several hundred thousand of our people in the military forces and civilian employees that support them; and we ought to at least take a little time in our day, regardless again of where we stand on the issue, to say thanks, to pat those people on the back and to give them every prayer we can possibly give them, to give them every thought of hope we can give them. Our government and our President and this administration as previous administrations have provided them with the weapons and the assets. We have given them everything they can get out there. But what will get them over the hump, what they really need the most is to know that people at home support them.

Martin Sheen, what do you think it says to our military forces or to those Democrats that stood and applauded at the Democratic convention in California this week, the anti-war attitude of that party, what kind of message do you think it sends over to these people? Put it aside. Stop. Put it aside. And just for a while come out here and help send a word of praise, a word of encouragement, a ''go get them'' to our forces that, by the way, are the ones that will really make the sacrifice. Most people tomorrow in this country will go to McDonald's; they will go to the grocery store. Their life pretty well will run on pattern, but in the next 2 or 3 days, hopefully not very many but we have to expect there will be some deaths in this engagement and the next few days those people will sacrificing, and they at least ought to know that the people of America unanimously, not part of the people, but the people of America unanimously support the troops of the United States of America.

Let me move on to another subject that I think is awfully important. I have several times during my comments talked about Saddam Hussein and his vicious regime; and let us not kid ourselves, his sons are as deadly as he is; and I want to just read some of the firsthand experience. A lot of people have come up to me and said, How do you know he is such a vicious guy? That is what some people say. How do you know he has these weapons of mass destruction? For two reasons: One, we have got the proof of the horrible things he has done; and, two, the fact that these weapons that he now says he did not have, he said he did have. But I want to read this comment, and this is from an Iraqi expatriate. The reality of Saddam's Iraq.

This is not a Martin Sheen. This is not a Sheryl Crow. This is not Howard Dean, the ex-Governor of Vermont talking. Those people have never been there. In fact I would bet that Sheryl Crow, Martin Sheen, the Dixie Chicks, some of these people like that have never felt hardship, have never felt hardship like the person that I am talking about. My guess is they have never been on a foreign visit other than playing in a concert somewhere or playing in a movie somewhere. My guess is they have never been on the ground firsthand to witness what this person talks about.

Let us read it: ''You will be hardpressed to find a single family in Iraq which has not had a son, a father, or a brother killed, imprisoned, tortured, or disappeared due to Saddam's regime.'' And I note here not just Saddam but Saddam's regime. The majority of Iraqis inside and outside Iraq support the invasion action because they believe they are the ones that have to live as things are. They believe they are the ones that have to live as things are.

The President, in his speech last night, very accurately said we will liberate the people of Iraq. There are a lot of people like the Martin Sheens and the Sheryl Crows and people like that in the world that are protesting in our own country that have no idea how oppressed those people are. They have no

idea how happy those people will be when they see American forces.

Take a look at Afghanistan 2 years ago and take a look at Afghanistan today, the liberation that took place there. Take a look at the people in the villages running up and hugging the soldiers, people offering the soldiers food, applauding them, cheering them. Take a look at Iraq a year from today. As a challenge, take a look at that, where the people will be a year from today versus the oppression that they are under today under this regime. Do my colleagues think we would have gotten there through negotiations with the United Nations? Do my colleagues think we would have gotten there with the French or the Germans or the Belgians that love to negotiate and talk and have coffee and negotiate and talk and have coffee and negotiate and talk and have coffee? No way. They have tried it for 12 years. The Wall Street Journal said very accurately this war started 12 years ago. It is not beginning in the next few days. It started 12 years ago.

And, finally, there is a coalition of countries throughout this world that are willing to stand up and liberate the people that have faced this kind of oppression. Name one other leader in the world that has used mustard gas or nerve gas to wipe out between 5,000 and 50,000 of his own citizens.

I was corrected. Remember Kent State years ago in the Vietnam War and the protests and this country's armed forces, I think it was the National Guard shot, I think, four students at Kent State and the country was outraged. How could a Nation's military kill four people of its own? And yet the very people that I am sure would have been leading the protest, objecting to that kind of action, are the very people that unfortunately, tragically, incorrectly stand by silently as this population of people suffer from the regime of Saddam Hussein.

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I am pleased to say that our fine President, our President and this administration and this Congress and this country, is not going to allow that to go on for very many more hours. I did not say years.

I cannot tell you how proud I am to stand here and look to the next generation behind us, to my kids, to the young people, to the people that we serve, and say we are about to end a regime within the next few hours, the next couple of days at the most, 3 days, but certainly within hours. The country of Iraq will be liberated from one of the most horrific animals, one of the most vicious men ever known to mankind.

I wish some of you that were carrying those protest signs, and I wish some of you who had been so vehemently opposed to George W. Bush, personally attacking our President, I wish you could be in this young lady's presence when she finds out, when she gets the word that Saddam Hussein and his regime are dead and gone, that they are out of power. I wish you could be in the family room of some of these people when these families find out that the horrible monster that they have dealt with has been put down by a coalition of the willing, by some people willing to accept the responsibility that this cannot stand, that this cannot continue to go on.

I also hope, those of you that witness this, keep in mind and let your memories keep in mind those people who would not join the willing coalition, those people who stood by and said, leave him alone, we have no right.

Today, in fact, I heard a previous speaker here on the House floor a few minutes ago say that we are violating some international concept he has. In his opinion, from what I drew from his remarks, I am not quoting him, but from what I drew from his remarks, it was let it be. Kind of like the Beatle's song, ''Let It Be,'' to let it go.

Keep in mind, those people that were willing to let this regime stand, that after 12 years of breaking resolution after resolution, after killing tens of thousands, not tens, not hundreds, not thousands, tens of thousands of his own people through poison gas, and these people stood there and talked about, well, let us have another cup of coffee and negotiate, while people like this expatriate's family suffered.

God knows how many people in that country we are going to discover have suffered horrible acts of violence. I read yesterday on the I think it was the AP wire about the shredding machine, one of the torture chambers they have. One the ways they have of torturing is a shredder. If they are kind, they put you in head first, because it kills you instantly. If they do not want to do that, they put you in feet first, so you know what happens. This kind of stuff we are going to find out.

The Sheryl Crows and the Martin Sheens and the people that are saying we are going to use the Oscar ceremonies to protest the war, I hope you are watching your TV. I hope you are paying as much attention to what Saddam Hussein has done, when the facts come out after we militarily bring down that regime, as the time you have devoted to condemning our President and our team down there on Pennsylvania Avenue, and, in fact, this United States Congress.

Responsibility, that is what it is about. Every one of us in this House was elected to accept responsibility. We have more responsibilities than the average person on the street. But the average person on the street has responsibilities. It is not an overused word. It is not an overused word.

Responsibility is a character. It is a standard of character, in my opinion. Responsibility, acceptance of the responsibility and carrying out the mission of responsibility.

I stand here with a great deal of pride, one acknowledging the responsibility and the great sacrifice our American forces have made. Once again I renew my challenge to every protester, to every Congressman, to every movie star, to every singer, the Sheryl Crows and those out there. I challenge you tomorrow, or as soon as we take that action, for you to stand up and sing a song for the forces of America.

This responsibility that we carry on our shoulders, nobody ever said pulling that wagon up the hill was going to be easy. But it is our responsibility to get that wagon up the hill, and not just for the United States of America, not just for our willing coalition of 30-some countries, but for the world, for the goodness of man. There is no country in the history of the world that has represented more goodness and protected more goodness and accepted the responsibility of helping other people than the United States of America.

This Nation has nothing to apologize for, and I as a United States Congressman will never apologize for the United States of America. I stand here with pride, because I think in part we as Congressmen, although we do not carry, are not there in the field, I would like to be. I wish I were 20-some years younger. I would like to have them drop me in the center of Baghdad. I know many of my colleagues would, too.

In a small way as Congress people, and the administration in a big, big way, a lot of people in this country have stood up to the responsibility, have acknowledged it and have put that pack on their back. They are willing to help get that wagon up the hill. A few have dropped off.

When I went camping as a young man, I always used to get upset with the people that sat by the fire but never helped gather the firewood. A lot of people deserve to sit by the fire, because they have helped get the firewood. It is time for those who have not helped gather the firewood to get out there and get some firewood. Then they, too, can sit by the fire.

But we have an inherent obligation, an inherent obligation, to our generation and to the generations that follow our generation to make sure that tyrants like Saddam Hussein, to the extent that we can stop it, that we carry out the mission of our responsibility, that we carry out the mission of our duty to the United States of America, that we make the people who have fought for decades and generations under the Stars and Stripes, that we carry out our part, that our generation, too, can be spoken of in the future as one of those generations that stood when the challenge came forward and proudly took those colors and proudly took those colors to the next generation and delivered to that generation a country strong in will; a country strong in freedom; a country that represents democracy, the model of democracy; a country that is militarily strong; a country that has a good, solid justice system; a country

that has an educational system second to none; a country that has a medical system second to none. Those are big challenges.

In the next few hours we are going to see who is going to be counted, and I hope every person that is listening to me on this floor, I hope every one of us unanimously, not one dissenting vote, unanimously supports the forces of the United States of America in their mission to accept that one word, responsibility.

I hope with Godspeed that all our forces are safe. I hope with Godspeed the citizens of the United States and all of our allies, and, in fact, the whole world, can be freed of this tyrant so we can all live in at least some type of peace.

But from the bottom of my heart, I want to thank all my fellow citizens, and I want to thank those forces that are out there in the time of need and the time of danger that have stood up and accepted that responsibility.

WEAKNESSES IN THE REPUBLICAN BUDGET RESOLUTION

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

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I want to thank my good friend from South Carolina for yielding.

Mr. Speaker, I rise to speak about this Republican budget resolution. It is a budget that is a failed economic plan. It proposes $1 trillion in tax cuts, and these are tax cuts in search of an economic purpose.

Fourteen months ago, President Bush proposed a $1.3 trillion tax cut to get this economy moving, to produce jobs. Two and one-half million Americans are without work since that tax cut, four million more Americans are without health cut since that tax cut, $1 trillion worth of corporate assets have foreclosed since that tax cut, and 2 million more Americans have moved from the middle class into poverty. That has been the economic impact and economic effect of that tax cut. Now we are offering another tax cut to have exactly the same type of economic impact. It has been a job killer, and also been leveling to the economy.

We are about to vote on a budget in the next few days or weeks. The administration is also simultaneously proposing one of the largest rebuildings of another nation to the tune of about $90 billion request for fighting the war and for rebuilding Iraq. The administration's postwar request would build more housing, rebuild more schools, and go further in providing health care for pregnant women in Iraq than the administration budget does for America's children and America's families.

The Wall Street Journal just as recently as the other day wrote on the postwar plans for Iraq being directed by the new Office of Reconstruction and Humanitarian Assistance in the Pentagon are striking in their scope and intended speed. The administration's plan to rehabilitate the Iraqi school system, for example, envisions the U.S. military forces to secure parts of Iraq and obtain the payroll lists and assess teachers' salaries for all of Iraqi schools, according to a 10-page USAID contract proposal. The contract, officials say, could total $100 million, will cover the cost of five pilot programs for accelerated learning to be launched within 3 months and then rolled out nationwide within 10 months, nationwide being Iraq. Only one-third of the Iraqi children are now enrolled in secondary school, but within a year the contractor will have all children in Iraq back in school.

Their plan also envisions books and other necessary supplies to 4.1 million Iraqi schoolchildren, while 25,000 schools would have all they need to function at a standard level of quality. They will rebuild 25,000 schools in Iraq.

I am not against, if we have to go to war, a reconstruction budget for Iraq, but as I just listed to you what they are planning for the schools and the schoolchildren of Iraq, I want you to note that this administration's budget calls for eliminating 40 specific educational programs here at home. The Star Schools, the Better Quality Teachers Schools, technology for our schools, rural education would be eliminated. Yet we are now talking about rebuilding 25,000 schools in Iraq; 4.1 million children in Iraq would get the basic school supplies. For the record, I think Illinois' children matter as well as Iraq's children.

Again, I want to stress that I believe that Iraq should have a reconstruction budget. I just believe America should also have its reconstruction and rebuilding budget.

Take a look at what the Wall Street Journal says about health care. In health care, there will be a 100 percent guarantee to the population for maternity care. Yet Medicaid will get a $95 billion cut here at home. Today Medicaid provides for one-third of the live births nationally, basic maternity care in this country. We will be proposing a $95 billion cut in Medicaid, and yet 100 percent coverage of maternity care for Iraqi women.

We have 42 million Americans who work full time without health insurance. The budget proposed by the Republican Congress, not a single new dollar to cover the uninsured, which is a cancer on our health care system, yet in a recent article in the Wall Street Journal, 13 million Iraqis will be guaranteed basic health care. What is the plan for the 42 million Americans that work full time without health insurance? Zip, nothing, nada. Nothing for them.

Also in the Wall Street Journal they state a reconstruction plan will have referral hospitals functioning in 21 cities in Iraq, yet America's hospitals in our cities are facing their worst financial crisis in the last 20 years. The Women, Infants and Children Program, which provides basic health care and prenatal care, is in for a 20 percent cut.

Higher education in America, again on education, the budget underfunds Pell grants by more than $500 million, while college costs have gone up.

In housing, recently in the Committee on Financial Services, Secretary of Housing and Urban Development Martinez said that the entire budget for the administration proposes 5,000 new housing units here in America, yet, as the Wall Street Journal notes, there is a bid for 20,000 new homes to be built in Iraq. America, 5,000 new affordable housing units; Iraq, 20,000 new homes.

The LIHEAP proposal for heating for our poor, our elderly, is in for a 20 percent cut, yet we have a proposal on the books for 10 new power plants to be rebuilt in Iraq, and electricity will be restored to 75 percent of its pre-1991 level in Iraq.

□ 2030

The Army Corps of Engineers is having a cut here in America. Yet in the rebuilding plan for Iraq, it calls for the complete reconstruction of the Umm Qasr Port so that it is fully open to cargo traffic. Yet the Corps of Engineers, which is essential to America's security, America's economic growth, it produces jobs for our economy, moves goods and services, they are open for a cut.

Transportation. We will offer help to Iraq to build 3,000 miles of major roads and highways, yet the highway funding in America is cut $6 billion over the next 10 years as proposed by the administration's budget.

Now, as I said to my good colleague from South Carolina, as I asked for this time, I am not in the business of giving my good friends on the other side political advice; but as they plan to look at this budget and vote on this budget, I want them to know that for the American people, their vote on the resolution of the reconstruction of Iraq will also be weighed equally as their vote for this budget. And in this budget our proposals to eliminate 40 education programs that are essential to our children's future and to our families' future, houses, they will not be cut; but only 5,000 new affordable units, compared to 20,000 in Iraq.

My colleagues know that some people could take this down and make it understandable to Americans in a 30-second commercial. I want them to think hard about what they are about to vote on as it relates to America, and again I want to stress my view that I am not against a reconstruction budget for Iraq. I just believe America deserves equal and, as well, the same sense of intensity and the same sense of interest.

As I started off, I talked about the economic impact that we find ourselves in here at home. But as this

budget talks about areas of housing, health care, reconstruction for the health care system, the schools, the infrastructure for the housing area, it is a very robust, thorough plan for Iraq. Yet we underfund in each of these areas' basic needs here for America's families, America's economic future, our jobs, our health care, our retirement. We need the same type of reconstruction, the same type of commitment, the same type of energy, the same type of focus that is being focused on the reconstruction plan for Iraq.

So I would just like my colleagues on the other side to think real hard about this budget, to think real hard about the priorities that are laid out in this budget. Because the impact of the first economic plan has been 2½ million Americans without work, 4 more million Americans who have joined the ranks of the uninsured who work full-time, $1 trillion worth of corporate assets that have been foreclosed on. That is the record. And to quote a good friend of mine, a great President, President Ronald Reagan: ''Facts are a stubborn thing.''

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me tell my colleagues what the Disabled American Veterans think of this budget.

''Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation to pay for tax cuts for the wealthy? You will be reducing benefits and services for disabled veterans at a time when thousands of our service members are in harm's way, fighting terrorists around the world, and thousands more of our sons and daughters are preparing for war against Iraq.''

In another letter, the Disabled American Veterans write to the chairman of the Committee on the Budget and say that ''you were quoted as saying, 'We're asking tough medicine at a tough time.' You're asking veterans to swallow a bitter pill to remedy an illness of your own making. While we all would like to see taxes reduced when prudent, cutting already underfunded veterans' programs to offset the costs of tax cuts is indefensible and callous. You will be cutting benefits and services for disabled veterans at a time when we have thousands of our service members in harm's way fighting terrorism around the world and when we are sending thousands more of our sons and daughters to fight a war against Iraq.''

What does the American Legion say about this budget? ''This budget defies common sense. Veterans' pensions and disability compensation are parts of the cost of defending freedom. Our Nation cannot, in good conscience, commit men and women to battle and reduce the meager, yet well-deserved, compensation for those who are wounded. Of all of the citizens who benefit from mandatory Federal funding, none are worthier than those who are disabled today because they risked all of their tomorrows fighting for freedom.

''There are few options available for those who would cut veterans' benefits. Congress could eliminate cost-of-living adjustments, curtail the awarding of disability compensation, roll back the disability ratings or a combination thereof. None of these moves are justified. In fact, any of those cuts would be the highest form of ingratitude this government could inflict and would give moral ammunition to those who would discourage young people from undertaking military service.

''There must be a better way to provide tax relief to the American people than to balance the budget on the backs of disabled veterans. There has to be a better way to promote morale in the armed services than to slight those in whose shoes today's troops might someday be. There is certainly a better way to reduce the Department of Veterans' backlogs of disability claims and veterans waiting up to 2 years for doctors' appointments at VA hospitals.''

That is what the American Legion thinks of today's budget.

Now, how did we get to where we are? This is a chart showing the deficits over the past few years starting with President Johnson, Nixon, Ford, Carter, Reagan and Bush. Deficits explode. Under the Clinton administration and the Clinton budget, over the objection of the Republicans, because not a single Republican, House or Senate, voted for the budget that put us on the trajectory of 8 years of fiscal responsibility, going from a huge deficit up to a surplus; and when the present administration came in, we went directly back into huge deficits, most of which happened before September 11, 2001; this trajectory had already started, and with the huge tax cut plan of 2001. And as we can see, for many years to come, deficits projected out.

Now, what is the plan? Well, we see what the plan is. We see when this administration came in, we had a surplus. That is this blue line over here. Now, September 11 was 3 weeks before the end of the fiscal year. In 2001, we had already spent most of Medicare. In 2002, we had spent all of the Medicare surplus, all of the Social Security surplus, and another almost $200 billion. In 2003, we spent all of the Medicare and Social Security surplus and about $300 billion. Deficits as far as the budget goes.

Now, after they passed their so-called growth package, what happened? Well, we see that those tax cuts that ruined the budget were supposed to stimulate the economy. This is the economic growth, President-to-President, starting with Truman, Eisenhower, Eisenhower's second term, Kennedy, Johnson, Johnson, Nixon, Nixon, Ford, Carter, Reagan. We have so far the worst economic growth in over 50 years as a direct result of passing that irresponsible plan.

Now, what do we have as a result of that? We have what had been projected to be a debt paid off. What do we have so far? A debt exploded. As a matter of fact, for a family of four, in January of 2001, in 5 years, the family of four's share of the national debt, $520, was projected. What is it projected to be now? Six to $8,000. Now, that is not free. A family of four's share of the national debt today, $4,500, as I said, going towards zero; in 2008, it will be $6,400 and going up and almost $500 a year, year after year, a family of four's share of the national debt.

Now, this is a time when Medicare and Social Security will be needed. This is a chart of the Medicare surplus and shortfall. We are right now enjoying a surplus in Medicare, the same chart for Social Security. We are enjoying a surplus. In 2017, 2016, 2018, somewhere in there, it will change into a deficit and go into a deficit.

Now, we wonder with deficits this large, we would never be able to pay those. With one-half of the tax cut that has already been implemented, if we had taken the other half and allocated that to Social Security and Medicare, we could have had enough in the trust fund to cover Social Security and Medicare for 75 years.

Now, part of the plan, as the gentleman from Illinois mentioned, involves severe spending cuts to accommodate some of those tax cuts that were made. Medicare cutting $214 billion, Medicaid $93 billion. Every Member of Congress has been hearing from doctors and hospitals about the compensation out of Medicare and Medicaid, that they cannot make ends meet, they are not even covering costs, and here we are responding to that with major cuts in Medicare and Medicaid.

Veterans' benefits are being cut. Food stamps, farm programs are being cut, education programs are being cut. The President went all over the country bragging about No Child Left Behind, and we do not fully fund it. We are billions of dollars short in funding No Child Left Behind.

This is not a responsible budget. As we started off, we had the opportunity to continue, pay off the entire national debt and be in a position where Social Security and Medicare would be funded, and we turned right around and in 1 or 2 years went to the biggest deficits in the history of the United States.

There is one figure where the debt is so large, by the time we get out to 2013, that the interest on the national debt will exceed the entire national budget outside of Social Security, Medicare, and defense. The entire national budget in the plan that was reported by the Republicans just a couple of days ago has in 2013, the entire budget, outside of defense, Social Security and Medicare, the entire budget, that is the FBI,

NASA, foreign aid, agriculture, education, everything, $466 billion. They have run up so much debt that the payment on interest on the national debt will be $477 billion.

Mr. Speaker, this budget is so far out of balance that we need to start from scratch.

I thank the gentleman from South Carolina for his hard work in trying to make sense out of a budget that makes no sense at all.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his presentation.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman from South Carolina for his leadership and for organizing tonight's Special Order, and I am proud to be a part of it.

In listening to my colleagues, I think it is fair to say in listening to what economists think and others who write about economic issues that the House Republican budget is the most irresponsible budget probably in our Nation's history. It is antijob, antigrowth, and antifamily. It is an irresponsible budget for people who are middle-class families. It is irresponsible for economic growth and overall, irresponsible for this country. As has already been pointed out, it drives up the deficit, incurring the biggest deficit in our Nation's history.

□ 2045

Families understand this. Governments need to understand that long-term deficits are bad. They are bad for the long-term health of this country.

The scope of the cuts that are being proposed by this House Republican budget include child care, funding for public schools, college loans, nutrition programs. It also places massive unfunded mandates on our States at a time when States are facing the worst fiscal crisis since World War II.

When we ask why we are seeing the level of massive cuts, one could say that this is a difficult time in our Nation's history. We are on the precipice of going to war, which we are all concerned about, deeply concerned about. We are very concerned about homeland security.

However, the fact of the matter is that these cuts do not come in relationship to the United States fighting a war, because, in fact, we do not have any numbers yet for the cost of a war. We have a bold plan for reconstructing Iraq, but we still do not have any final numbers in that regard. Also, the cuts are not made in terms of providing additional funding for securing our homeland. Those numbers are not increased.

What are the cuts for? The cuts are for an approximately $1.4 trillion tax cut for the wealthiest Americans. That is an easy comment to make, to say, ''the wealthiest Americans.'' Let us define who we are talking about, who are the beneficiaries of the tax cuts, and who are the people who are going to pay for the tax cut.

Two-thirds of the benefits of the tax cut would flow to the top 5 percent of the population. These are filers who have an average income of about $350,000. The top 1 percent of tax filers, people who have an average income of $1 million, would receive 42 percent of the benefits. People with incomes that exceed $3 million would receive nearly 25 percent of the tax cut benefits. The top .2 percent of tax filers would receive nearly as much from this tax cut as the bottom 90 percent of filers combined.

Tax filers with incomes between $40,000 and $50,000 would receive an average annual benefit of $84. Tax filers with incomes between $30,000 and $40,000 would receive $42. However, those who are millionaires could receive up to $90,000 in a tax cut.

We are all for tax cuts, but it is about who is going to be the beneficiary. These are numbers that anyone could check, and that have been in all of the commentary about the tax cut, about who are going to be the primary beneficiaries.

Now, who is paying the cost of these tax cuts? I think it is important to take a look at this.

We pay for these tax cuts on the backs of disabled veterans, as my colleague, the gentleman from Virginia (Mr. SCOTT), just spoke about minutes ago. Child nutrition programs, school lunch, those are expendable. Also, we are dealing with these tax cuts on the backs of our youngsters who are in school, who are participating in a school lunch program.

Student loans, our youngsters and our families who are struggling to have their families have the opportunity to be able to go to school so they can achieve their economic aspirations, they are paying for these tax cuts.

Regarding child care, I would just take the local paper, the Hartford Current, on Monday, March 17, Hartford, Connecticut. This is already happening in the State of Connecticut. The budget cuts would cut funds for child care, because the States cannot afford to deal with the child care assistance that was promised to people who are moving off of welfare and trying to take care of their families. This budget would make this situation worse.

Food stamps will be cut. Assistance for the elderly and veterans are being cut.

The point is, here, and I think it is important to note, these tax cuts are not free. The bottom issue is about our national priorities, it is about our values. In order to provide tax cuts that average $90,000 a year for millionaires, is that so high a priority that we should cut health care programs, increase the ranks of the uninsured, reduce the cost or limit the availability of student loans, increase hardship among the disabled, poor, poor children, and others to free up room for these massive tax cuts?

That is what is singularly at issue with this budget, House Republican budget, that has been proposed. It flies in the face of all that we believe that we ought to be dealing with as a Nation, because budgets are about choices. We know that there are not unlimited resources, so we have to pick and choose those areas where we think there is a necessity. I submit that the current budget resolution does not, does not deal with the issues that are priority in this country or issues that are priority to the families in this country.

In addition to adding trillions of dollars to the public debt, debt which undermines national savings, investment, growth, jobs, retirement security, the budget does long-term damage to our economy. It compromises our ability to address the most serious challenges that face all of us.

Just this morning, I will make one final comment, this morning I met with firefighters, police officers, people from emergency medical services, hospital personnel to talk about what we are asking them to do, given this time of heightened alert. They told me about their need for resources that are going to help them adequately train volunteers and existing personnel to be able to use the new equipment that they may be getting. One gentleman said very specifically, in extraordinary times we are using conventional mechanisms.

I would just say, if we could say that we are making these cuts to do something to help our first responders to try to meet their obligation and the demand for heightened security, we might be able to think about what kind of trade-offs we are making, but, in fact, we are looking at about $471 billion in cuts to what we have determined as a Nation are entitlements. We have said, as a country, that we believe there are such severe problems in these areas that we should every year make it our responsibility to fund these programs; and we are saying that we are not going to fund these programs, we are going to cut them substantially, and we are going to do it in order to provide the wealthiest 1 percent or 2 percent of the people in this country with tax cuts that will range from $27,000 and $30,000 to $90,000 a year.

These are misplaced priorities. We need to get back to what our fundamental values are in this Nation. That is what tonight's conversation and discussion is all about. I thank my colleagues for the opportunity to participate with them.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend and ranking member on the Committee on the Budget for yielding to me to engage in this very important discussion we are having this evening.

Mr. Speaker, as the country is at the precipice of war in Iraq, I am sure all of our House colleagues would join me in extending our best wishes and our thoughts and prayers to the young

troops who are answering the call for the defense of our freedoms and liberties in this country.

I have had the opportunity over the last month, month and a half, to attend a lot of the deployment ceremonies back in the Third Congressional District in western Wisconsin based on the call-up of National Guard and Army Reserve units.

I have had a chance to talk to many of these young soldiers as they are being called up. Let me tell the Members, they are very impressive. They are well-trained, well-committed, very patriotic, have a deep love for our country, and are willing to risk their lives for the defense of our security.

As we move forward in the days and weeks and perhaps months ahead, our thoughts and prayers go out to them and their families. We will do everything possible in this Congress to give them the support and resources that they need. In the meantime, business is still being conducted. One of the items of business scheduled for this week is a very important discussion in regard to our national priorities as it relates to the Federal budget.

It has been said that a budget defines where various parties are on certain issues. This follows on the heels of President Bush's budget proposal submitted to us just a few weeks ago that actually calls for the largest budget deficit in our Nation's history. It does not offer any plan on how we bring fiscal discipline and fiscal responsibility back to this place, how we can bring the budget back into balance before the demographic time bomb explodes in this country.

That is the 800-pound gorilla that will not be discussed all this much in the course of this budget debate, but needs to be raised, the fact that we have 80 million of our Americans, the so-called baby boomers, rapidly approaching retirement age and soon to start entering these important programs. There is very little planning on what to do for that inevitability.

We will be offering an alternative budget proposal that brings in fiscal responsibility, fiscal discipline, anticipating this great demographic challenge we face while recognizing the domestic priorities we share in the Democratic Party.

Unfortunately, the Republican budget proposal that will be before us is an Enron-like document with a lot of smoke and mirrors, with a lot of numbers being thrown out there, but with very little basis in reality. Many of the programs that are being discussed for cuts I think the Members in the majority party realize will not happen. It will be an impossibility, because they do drastically underfund crucial education programs and investment in the future of our country, our children, at a time when No Child Left Behind is just now being implemented.

It also underfunds important health care services that our citizens rely upon, close to $250 billion in proposed cuts in the Medicare program in the next 8 years alone, at a time when rural health care providers now are being discriminated against because of the inequities of the reimbursement rates as they exist under current formulas.

It is something that I think there is bipartisan agreement in this Chamber that has to be corrected, but the budget we will be discussing and looking at in the next couple of days does nothing to address those inequities that need to be addressed.

It also calls for, amazingly, close to $16 billion worth of cuts in crucial veterans' health care services at a time when we are about to commit new troops in a major military engagement, a very dangerous operation. The message that sends our Armed Forces I think is the wrong message at the wrong time, because of the lack of commitment in ensuring that we will fund the promises made to the current veterans who are accessing these important veterans' health care programs.

Just to highlight this issue, because it is not just us scrutinizing the budget, but outside organizations, and my friend, the gentleman from Virginia (Mr. SCOTT), already discussed this in his comments earlier, the national commander of the Disabled American Veterans, Edward Heath, Sr., already wrote a letter to the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), in regard to the concerns his organization has in the Republican budget proposal.

Commander Heath wrote and I quote, ''You are quoted as saying 'We are asking tough medicine at a tough time.' You are asking veterans to swallow a bitter pill to remedy an illness of your own making. While we all like to see taxes reduced when prudent, cutting already underfunded veterans' programs to offset the costs of tax cuts is indefensible and callous.''

□ 2100

You will be cutting benefits and services for disabled veterans at a time when we have placed thousands of our service members in harm's way, fighting terrorism around the world and when we are sending thousands more of our sons and daughters to fight a war against Iraq.

Now, these are outside groups and organizations that do have a stake in the outcome of these budget debates. These are not mere intellectual exercises to them and their members. They have real impact on other real people in real families in each of our congressional districts. And as our friend from Connecticut (Ms. DELAURO) just highlighted, the reason why we are seeing these types of Draconian budget cuts proposed is in order to jam a $1.4 trillion new tax cut in the budget and try to make sense with that dynamic which, again, I submit will be impossible to do on the backs of veterans throughout the Nation.

What does that leave us then? It leaves us on the philosophy and a position that the majority party in this Congress and apparently many down to the White House are feeling more and more comfortable with each day, and that is the idea of spending and borrowing, spending and borrowing, and running up these massive budget deficits for as long as the eye can see.

As the father of two little boys, I did not come to this Congress 6 years ago to leave a legacy of debt to my children or to the children of this country. What will be proposed this week if that type of economic plan is implemented is nothing short of taxation without representation because it will be on the backs of our children and our grandchildren that will be asked to fund the liabilities that will come from these budget decisions that may be made in the next couple of days.

I could not think of anything more morally irresponsible to do than to create this gigantic budget debt, this huge deficit burden which will fall on the shoulders of our children and grandchildren to deal with when it is their time to take over the leadership of this country. And also, it could not happen at a worse moment.

Unlike the budget deficits that were accumulated during the 1980s and early 1990s, we do not have the luxury of the decade of the 1990s now to reverse track and to rein in fiscal discipline and to bring the budget into balance, and, in fact, start running budget surpluses so we could actually download the National debt. The clock is ticking and time is running out because the boomers are rapidly approaching their retirement in a few short years.

We still have an opportunity to address the economic needs of this Nation. We still have a chance to prove to the American people that we can walk and chew gum at the same time. We can deal with the national security threats, we can support our troops, especially during this time, but we can also address the domestic challenges that exist in this country, so we can give the children the opportunity that many of us had by accessing a quality education and funding No Child Left Behind, so we can protect the natural resources of this country and live up to the promises of veterans and the health care services that they rely upon.

In conclusion, let me just commend my good friend from South Carolina (Mr. SPRATT) and the leadership that he has provided us on the Committee on the Budget. We have had to make tough choices in putting together our own budget alternative. I think it balances the needs between the military commitment that we are currently engaged in with the domestic priorities that we share as Americans while recognizing that there is some room for tax relief in order to stimulate the economy, to get the economy growing again. And a growing economy can help solve a lot of problems that we have in the Nation. And but for his leadership

and his honesty, we would not be able to submit, I believe, an honest budget alternative that will, I think, receive wide support within the Democratic Party. So I thank my friend from South Carolina (Mr. SPRATT) for the leadership he has shown, all the hard work that the members of the Committee on the Budget have shown thus far; and, hopefully, we still have time to bring a truly bipartisan budget proposal that does make sense to the current obligations that we face, but also the future obligations that are coming up just around the corner.

Mr. SPRATT. Mr. Speaker, as our previous speakers have said, we stand tonight on the brink of war, the very precipice of war. It may seem untimely to talk about the budget, but it so happens that the budget is the order of business.

We are about to go through the annual process of approving the budget resolution, which is the outline of a budget, an exercise that Congress undertakes about this time every year. But to make our position clear with respect to what is happening elsewhere in the world, let me say when it comes to supporting our troops in the field, our men and women in service, we will be unstinting. We will provide them every dime that they need to do their duty and to see that they are fairly compensated, their families are well provided for.

We speak tonight about the budget deficit because when we get here on the floor, oftentimes we have the debate broken up in so many small pieces it is hard to see the whole. And it has never been more important for everyone to understand the whole, where we are, the situation, the dire situation that we find ourselves in. We are faced with deficits as far out as our forecasts go, and we have a President's budget before us delivered a few weeks ago that offers no solutions. It only makes the problems worse.

This was brought home to me about 10 days ago when I went down to the Congressional Budget Office, which is the neutral nonpartisan budget shop of the Congress. They do good work. And every year by law they are required to give us, within a week or so after the President's budget gets here, their analysis of the President's budget for the forthcoming fiscal year.

Friday a week ago they presented us with an interim analysis. I went down for the briefing, and I picked up the book and turned to the first table in it at the back. I looked across the top line. ''On-budget deficits.'' That means deficits not including Social Security.

This year the expected deficit is $452 billion if we do not include Social Security. Next year, 2004, it is $512 billion. This is the CBO estimate of the President's budget, the CBO estimate of the President's budget, his policies. In 2005 it is $464 billion. Across the line from 2003 to 2013, that is the time frame of this projection, the deficit is no less than $400 billion if you exclude the surplus in Social Security, and by law we have taken Social Security off budget, and I do not think we should include it anymore than any business or any State includes its pension funds in its budget.

I added up everything between 2002, which was the first fiscal year of the Bush administration, and 2013, which was the last year, the last column shown in this budget analysis. The total of the deficits to be incurred in that period comes to $5.138 trillion. Over the next 12 years, over that 12-year period of time, 2002 through 2013, the cumulative sum on budget deficits is $5.138 trillion. I do not know of anybody who thinks we can sustain that course without damaging our economy. When we have huge deficits like this, the government has to go into the capital markets, borrow money, run up the cost of credit. The cost of credit goes up, interest rates go up, stifles growth, costs people who have mortgages and car payments more to make those payments. It will be devastating if we incur deficits of this kind.

That is why we are out here tonight and that is the point we are trying to drive home this week as we take up the budget, because we think we are on a path that we simply cannot sustain or support. With deficits like these that are implied by the President's budget policies, this is, after all, what this summary was, a summary of the President's budget, I can understand why my colleagues on the House Committee on the Budget, the ones across the aisle, the Republicans who chair the committee and run the committee, in effect rejected the President's budget and wrote their own. In fact, they provided $714 billion in additional spending cuts over and above what the President had called for in his budget.

This is a budget of $2.2 trillion. They are adding at least one-third spending cuts that the President did not seek over and above, well, he sought 100 of those. So they are seeking 641 billion additional spending cuts over and above what the President sought, which is effectively rewriting the budget. So I admire them for trying. I admire them for their honesty in saying this budget is not workable; we cannot adopt it. But when I saw the end product, I thought this is in effect the same, will take us to the same destination, maybe by a different route; but their budget will take us down the same route as the President's budget, deeper and deeper into deficits.

Here on this page full of numbers is a summary of their budget, what happens if we adopt the Republican budget, which will be before us tomorrow and the next day and the rest of this week. Reading from their budget documents, the on-budget deficits for 2004 will be $497 billion. That is what happens to the bottom line of the budget if we adopt the budget that the Republicans will present to us this week. The deficit goes to $497.164 billion. The next year is $419 billion. The next year $375 billion. Over this 10-year time frame, and we run our budget numbers out in 10-year time frames so we can see some scope of what we are proposing to do, under their budget policies if they are adopted this week, we will incur over that 10-year period an additional $3.327 trillion in deficits. Here it is. I did not make the numbers up. They are written right here on this piece of paper.

Now, how did we get to this dire situation? Believe it or not, in fiscal year 2000, the Government of the United States had a surplus of $236 billion including Social Security. Now we have got a deficit including Social Security of $287 billion. How did we get here?

Let me take everybody back in time. When the first President Bush left office, he left behind the largest deficit in our Nation's history. And within 3 weeks of arriving at the White House, President Clinton sent Congress a budget that would cut that deficit by more than half over the next 5 years. It was not popular. It was not painless. It passed this House by one vote. Marjorie Mezvinsky cast that vote right there at that voting machine. I can see her doing it now, and it cost her the next election. But it passed the House. It passed the Senate with Vice President Gore's vote alone breaking a tie-breaker and was signed into law by the President.

We were taunted with the charge that this budget would cut the economy off at the knees, mushroom the deficit. Well, within months the economy was up on its feet and running. The deficit was going down every year for 7 straight years, a record; until finally in 1998 for the first time in 30 years, it was in surplus including Social Security and Medicare. The next 2 years we moved all the way to a surplus of $236 billion.

When President Bush came to office this was the context. He inherited an advantage that few Presidents in modern times have enjoyed, a budget that was in surplus. The first year he was in office he inherited the Clinton budget. 2001, he had a surplus of nearly $130 billion. President Bush, when he came to office, was told by his Office of Management and Budget that the surplus over the next 10 years would continue to increase, and he could expect a surplus of $5.6 trillion between 2002 and 2011, $5.6 trillion. A huge advantage. But we warned here that that surplus was based on a blue-sky forecast and there was storm clouds gathering over the economy. And we strongly advised our colleagues on the other side of the aisle not to be reckless with their first round of tax cuts, to have modest tax cuts each year to see if these numbers would truly pan out.

Well, they enacted large tax cuts anyway, tax cuts large enough to take $1.7 trillion out of the surplus. By July of 2001 the economy had taken another $1.6, $1.7 trillion out of the surplus. As a consequence, when the Congressional Budget Office came back to the Hill, as they are required by law to do, and

gave us their mid-session review just before we began to put together, put to bed all the appropriations bills, July 2001, the surplus not including Social Security was down to $575 billion. It was no longer over $3 billion excluding Social Security. It was $575 billion, and that included a surplus in Medicare of around $250 billion. So really we only had a surplus then of $200 to $300 billion.

The President, the administration are apt to tell us that the deficit today stems in part from the tragedy of 9–11. There is no question about it. Terrorism has taken a bite out of the budget.

□ 2115

It has taken its toll on the economy, but most of the surplus, as those numbers in July 2001 show, most of the surplus was gone before the terrorists hit New York.

So this is where we find ourselves as we mark up the budget for fiscal 2004. OMB sent us a chart, I do not have a copy of it here, but I can picture it. It says we began by thinking that we had a surplus of $5.6 trillion. We now acknowledge 2 years later that we overstated that surplus by about $3.2 trillion. The real surplus, they say today, adjusted for the economy as it has turned down, is really over this 10-year period, 2002–2011, about $2.5 trillion, but here is the rub.

Congress has enacted policies committing all of this surplus and then some. In fact, if we did not do anything else, we would have a deficit of $129 billion, and this is where we are, with no surplus, so that any additional tax cuts passed by this Congress will go straight to the bottom line. That will be no surplus to offset them. They will add dollar for dollar to the tax cuts.

So what does the President recommend? What does the President recommend, knowing that everything he proposes in additional spending over and above the rate of inflation will go straight to the bottom line and swell the deficit, every tax cut will swell the deficit? He proposes, these are his numbers, OMB, $1.993 trillion of new policies, actions, of which $1.6 trillion is a new tax cut. That racks up $2.1 trillion in additional deficits. All of these are OMB numbers.

Back in 2001, we could say that one could argue for a tax cut, even a tax cut of $1.6 trillion or $1.7 trillion. They could point to a projected surplus of $5.6 trillion and say there is more than enough here, and we should give some of it back to the American people. The problem is, of course, that surplus never obtained. It has not panned out. But we could excuse, I suppose, that first tax cut on grounds that maybe we were a little too easy, too anxious, too eager to bet the budget and blue sky forecast. Chalk it up to lack of due caution. But today, today, we know there is no surplus, so any additional tax cuts we undertake will add to the deficit directly, and in the long run deficits matter.

The administration has tried to come up with some revisionist economics to suggest that deficits do not matter, after years and years of having mainstream economies tell us that they do matter. They matter for several simple reasons.

First of all, when the government goes into private capital markets or the country's capital markets and borrows, they simply run up the cost of credit. They increase the demand, and so the product costs more. Credit costs more.

When we borrow, we simply say to our children that they pay the bill. We are putting it on our Nation's credit card. When they take over as citizens, they pick up the tab. That is what it comes down to. There is a moral question as well as a fiscal and financial question involved.

Deficits do matter, and above all, they raise interest rates, and they stifle growth in the economy, and that hurts everybody, no question about it; hurts the budget, makes it harder to get the budget back on its feet.

As we saw when the gentleman from Virginia (Mr. SCOTT) was up, we can have tax cuts today, but a few years down the road, the interest on the debt that is created by those tax cuts, if we borrow to make up for the revenues that are cut because we do not have sufficient revenues to run the government, we have got more debt; therefore, we have more debt service, more interest to pay, and as a consequence, pretty soon, as citizens, we are all paying a debt tax. We are all paying additional tax to service the national debt, and that is what is happening right here.

So our Republican colleagues got the President's budget, and they recognize this path that it led to, as outlined here in the CBO study, was not a sustainable path, and I give them credit for that, and they undertook to offset the cost of the tax cut. That is where I think they made their mistake in assuming this, that these circumstances on the brink of a war, deep in deficit already, warrant another tax cut. Tax cut when we have to go into the open market and borrow for the money that we give up by the tax cut itself? Does not make a lot of sense to me.

Nevertheless give them credit. They at least tried to offset part of it, but in trying to offset part of it, they have reached out and hurt more groups and more worthy programs than I have ever seen in any single budget yet.

Veterans, everybody's mentioned veterans tonight. I could not believe it when I saw the Republicans' budget and it called for a $15 billion reduction in mandatory spending; that is, entitlement spending for veterans. What kind of entitlement spending do veterans get? They get entitlement spending for veterans' disability compensation, service-connected wounds and injuries, service-connected disabilities. This reconciliation provision that they put in their budget would require us to cut $15 billion out of veterans' disability compensation, and as the gentleman from Wisconsin (Mr. KIND) said, what sort of message is that to send those wonderful young men and women who are serving with such pride and such elan in our forces in the Persian Gulf?

Mr. KIND. Mr. Speaker, would the gentleman yield?

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

Mr. KIND. Mr. Speaker, I appreciate our leader on the Committee on the Budget for highlighting what appears to me to be an impossible policy position to take on the eve of war in Iraq, but the question I have for my colleague, in his analysis of the Republican budget proposal, have they allotted a nickel or a dime in regards to the military build-up or military action or the rebuilding that will have to take place in Iraq?

Mr. SPRATT. As large as the deficits are in this budget, I just read them to my colleague, they accumulate $3.2 trillion over the next 10 years. There is nothing in here to pay for the war in Iraq, and there is nothing in here either to pay for our global war against terrorism, the war in Afghanistan and elsewhere.

It is expressly understood that that is a hole that has to be filled later in the year, and probably sooner than later with war just around the corner. Nevertheless, we are moving ahead with the budget, not knowing this enormous item, the size of it, the cost of it, or how it will be paid for and accommodated in this particular budget.

Mr. KIND. Mr. Speaker, if the gentleman would yield for one more question, so I assume we can expect then, when military action is being taken in Iraq, that at some point the administration will submit a supplemental emergency funding request for the operation in Iraq, and typically, when we are dealing with emergency supplementals, are offsets found for those?

Mr. SPRATT. Typically not. That means they will be added to the total amount of spending. It will go straight to the bottom line, because, as I said, there is no surplus anymore to absorb the amount of money that will be needed, $50–, $100 billion, whatever it may be, and that applies also to the cost of an occupation after the war.

The postwar occupation was estimated by the Congressional Budget Office at a cost of $1.8 billion per month to $3.8 billion per month, depending upon the difficulty, the size of the force. We could easily have an occupation force there trying to rebuild Iraq after the war of over 100,000 troops.

General Shinsheki, who last commanded the reconstruction forces in Bosnia, has more experience than anybody. He estimated they needed over 100,000 troops, and that would cost us on the upper end of that estimate. All of this has to be added to the budget.

DIVISIVE PARTISAN BUDGET

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

Mr. EDWARDS. Mr. Speaker, let me just begin by saying if the gentleman from South Carolina (Mr. SPRATT) would like to finish any additional comments, I appreciate his focus tonight on this budget.

Mr. Speaker, we are on the eve of a war in Iraq. We are at a time when we should be coming together as a Nation, and yet I am disappointed to say that this budget that may be on the floor of the House on the very day perhaps that we go to war is a divisive, partisan budget. I would hope the leadership of the House would choose to delay the consideration of this bill for many reasons, not the least of which is it will divide this House when we should be linking arms to support our troops, support the Commander in Chief in our war against Iraq.

This budget has many shortcomings that have been discussed in the last hour, but I would like to say that I think it is an unfair budget, as well as an irresponsible budget. It proposes the largest deficit in the history of the United States. Let me repeat: It proposes the largest deficit in the history of the United States.

In doing so, it asks tremendous sacrifices from some American citizens, including combat-injured, disabled veterans whose compensation and pension checks could be reduced significantly, while, on the other hand, providing lavish tax breaks to some of the wealthiest among us in this country. It seems to me that that budget flies in the face of the principle of shared sacrifice.

I am not here tonight or any night, Mr. Speaker, to attack those who have worked hard, been successful financially, created businesses and jobs, but I would say once America goes to war, it is not fair to ask for sacrifices from our men and women in uniform who are putting their lives on the line in the days ahead to ask for sacrifices from combat-injured World War II, Korean, and Vietnam and Desert Storm veterans and then turn around and say to a constituent in my district that it is okay for a person to make a million dollars a year in dividend income while sitting comfortably in security in their own home in central Texas and not have to pay one dime in taxes on that million dollars of income.

It is not right having the administration propose a billion-and-a-half-dollars cut in military construction appropriations that helps provide housing and day care and quality-of-life programs for our servicemen and women and the families who sacrifice so many times as much as those who wear our Nation's uniform. It is not right to put a burden on hard-working, average-income and low-income families through cuts in education commitments; through dramatic cuts in Medicaid funding, which provides health care for low-income children; through cuts in Medicare, which is important for rural and urban hospitals to provide quality care and Medicare, the program that is so valuable and so necessary to so many senior citizens on fixed incomes.

This is not a budget worthy of support in this House. We should respect the fact that our Nation is about to send its sons and daughters into combat. I will support our Commander in Chief in that effort because I believe we do need to work together to send a clear message to Saddam Hussein and to our soldiers, our servicemen and women in the Iraqi theater that we are behind them, but we do not do that this week by passing a bill that underfunds some military programs such as housing and quality-of-life programs, underfunds Medicare and Medicaid, asks for sacrifice from farmers, senior citizens and young people trying to make a better life for themselves through a college education, while at the same time providing massive tax cuts for the wealthiest Americans who benefit from the sacrifices of average working folks who make up the heart and soul of our military forces.

Mr. Speaker, I urge the leadership of this House to consider pulling down this divisive, partisan budget bill. Let us come back together, put together a bill we can all be proud to support, and, in doing so, keep America unified, keep this Congress unified, and let our servicemen and women know that we are behind them.

CONGRESSIONAL BLACK CAUCUS' PRINCIPLES ON U.S. MILITARY ACTION IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes.

Mr. CUMMINGS. Mr. Speaker, I would like to insert into the RECORD the Congressional Black Caucus' principles on United States military action in Iraq. They are as follows:

We oppose the 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 diplomatic option must be exhausted.

A unilateral first strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Mideast region and undermine the abilities of our Nation to address unmet domestic priorities.

□ 2130

Further, any post-strike plan for maintaining stability in the region would be costly and would require a long-term commitment.

Mr. Speaker, I rise at a moment when America stands at the brink of war. Our actions in Iraq will define our moral standing in the world for this generation and for generations yet unborn. I have given my oath to do everything within my power to support our men and women in uniform. We have a great American tradition that when we engage in combat, we support our troops. I will fulfill that solemn obligation. However, I also have pledged my commitment to ensure their sacrifice is warranted and just. That obligation does not allow me to remain silent tonight.

Mr. Speaker, the President has declared that he will allow no more time for a negotiated disarmament of Iraq. We all know the terrible consequences of that decision. The stakes are enormous. Many human beings will be harmed and others will die. In the course, American foreign policy could be seriously changed. So before a single shot has been fired, I must again raise what I consider to be the fundamental question about this preemptive war: By what authority, by what right does this Nation justify the taking of life in Iraq?

Mr. Speaker, the American people have created the strongest military force in history. We in this Congress will continue to support our troops. We will continue to ensure that they are the best trained and equipped in the world. Yet as a people, Americans have never subscribed to the proposition that our might makes us right. America has never led by military power alone, but by our devotion to principles and the legitimacy of our mission. And now that principled foundation of our national security has been placed in jeopardy and the legitimacy of our mission, and therefore the credibility of our Nation, is challenged by a significant part of the global community and our own citizens.

The administration regrettably has failed to achieve the U.N. approval and broad-based international support that are critical to achieving our objectives and protecting our men and women in uniform in the Middle East. We have an obligation to ask why the administration has failed to make its case.

If the President's rationale for war were self-evident, a broad-based multinational ''coalition of the willing'' would have indeed materialized. At the heart of the administration's failure, I am convinced, is the absence of clear and convincing evidence that Iraq poses an imminent threat either to the United States or other nations of the world.

Moreover, Mr. Speaker, the administration has yet to adequately explain the consequences of going to war to the American people. Have we received clear and convincing evidence that the President's decision will not destabilize the Middle East, will not make our defense against terrorism more difficult, and will not undermine our ability to meet the compelling domestic needs of Americans here at home?

Where is the administration's comprehensive plan for the political and

economic stability of Iraq once hostilities have ended? Where is the President's evaluation of the cost of military conflict and reconstruction? Where is the President's analysis of the impact upon our economy? Will both affluent Americans and working-class Americans share fairly in that sacrifice?

The answers to these questions raise the classic conflict between whether we pursue questionable international missions or spend the resources for urgent domestic priorities.

Mr. Speaker, that is why we have not yet received the administration's answers to any of these critical questions. Fundamentally, however, the issue of war remains one of morality. Following President Bush's ultimatum last night, the Vatican offered this response, ''Whoever decides that all peaceful means that international law has put at our disposition have been exhausted assumes a serious responsibility before God, his conscience and history.''

I submit that the heavy weight of this responsibility is shared by the President and every Member of this House; and that realization should give us pause, that we have pursued the right course and that we are doing the right thing by this military action.

So tonight, as I speak, tens of thousands of religious congregations throughout the world, women and men of every faith and tradition, are praying that peace will prevail for the good of our country and the enlightened progress of humanity.

May God protect our men and women in uniform and all the innocents who now stand in harm's way, and bring them safely home. And may God guide America during these dangerous times.

Mr. Speaker, I yield to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the chairman of the Congressional Black Caucus for his leadership in bringing us to the House floor to speak to the American people tonight about the Bush administration's decision to choose war as the best way to make the American people safe. It is a choice which I believe is wrong.

First and foremost, in opposing President Bush's decision, let me say unequivocally I support in every way the men and women of our armed services and the sacrifices they and their families are being asked to make. May God bless each and every one of them in this time of crisis and bring them home safely.

Mr. Speaker, I believe in a strong America. We have more instruments of power than any nation on Earth. However, our greatest source of power is our moral clarity and purpose in how we use our strength. Unfortunately, the Bush administration has failed to understand this.

As our President prepares to unilaterally and preemptively use military force against a nation which is not an imminent threat to us, we may be on the verge of threatening the very international laws and norms which are the foundation of global stability. Many of the consequences of such actions have already become known. America is more isolated than ever and anti-American sentiment is rising globally. However, it is the unknown consequences of this administration's choice for war which will likely be even more dangerous. My single greatest fear is that this war will jeopardize the help we receive from moderate Muslim nations in successfully bringing to justice those who directly attacked us on 9–11 and prevent attacks against Americans at home and abroad against known imminent terrorist threats.

Contrary to the President's force dichotomy that our choice was either war or doing nothing, I believe we do have alternatives to this war. If Iraq was such a threat, we can continue to use robust inspections, sanctions, and a military containment box. There are others that I think are on the list that are much more of an imminent danger to us here in America, but it is clear to the world that this war is not really about Iraq's threats to America.

The world believes that this war is about changing a regime we once supported and a test case for the Bush administration's doctrine of preemption, a doctrine that was not just created after 9–11, but a doctrine that was espoused back in 1991 by many of the same individuals in the Bush II administration during the Bush I administration. So it is not a new doctrine that we have to go by because of 9–11; it is a doctrine that was preached and talked about prior to 9–11 by many members of this administration.

I believe it is a disservice for the strongest Nation in the world to adopt such a doctrine, because it represents a policy of fear and weakness. More importantly, it signals a dangerous devaluation of diplomacy as an instrument of statecraft to the entire world.

Mr. Speaker, there is not a question in my mind that our military will defeat Iraq, but the real question for America and the world is what will come next and what damage to the region and international order will this cause? What will happen in the Arab and Muslim worlds when the U.S. military occupies Iraq in the name of stability? In the end, the question is: Will this make America safer? I believe not. I think we are making a mistake; but may God bless all of the men and women again that are there, that they may return home to their families safely.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his statement, and I want to make it clear, as the gentleman has made and all of us will make, that we strongly support our troops. They are our sons, our daughters, our sisters, our brothers, our friends, our fathers, our mothers.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the chairman of the Congressional Black Caucus for yielding, and I also commend the gentleman for the outstanding leadership he has provided and continues to provide not only on this issue but on a myriad of issues affecting this country and affecting our world.

I rise today to discuss the war that is pending, the unfortunate war that we are about seemingly to enter. I make it clear that those men and women who stand ready and are poised and who stand on the front lines and are ready to give every measure of devotion that they have, even in many instances perhaps their lives, are to be commended. They are to be supported. They are to be acknowledged for the tremendous sacrifice they are prepared to make.

I have been told that war is by definition a state of open-armed conflict between nations, states or parties. It is a condition of active antagonism or contention, a concerted effort to combat something injurious. War is also the admission of the failure of diplomacy.

□ 2145

Since the passing of the USA PATRIOT Act of 2001, H.R. 3162, we have provided funding to intercept and to obstruct terrorism, our peace initiative. Unfortunately, recent failures in American diplomacy have impacted the United Nations' ability to work for a peaceful solution.

In my home State of Illinois, the citizens of my district, as in all of America, have made many sacrifices during these difficult times. The greatest sacrifice has been that there are an estimated 100,000 servicemen and women currently stationed at strategic points overseas to ensure the success of this conflict. Many of them are citizens of my district and of the hundreds of other districts across this great Nation.

There are compelling reasons that may have motivated our President to pursue this course of action. First, we have been told that we have the military might, resources readily available and poised at strategic points across the globe to address what is hoped to be a short-term conflict, and that we have the support of allies, Great Britain and Spain.

The noted Greek historian Herodotus once said, ''In peace, sons bury fathers, but war violates the order of nature, and fathers bury sons.'' The loss of human life in efforts of war, regardless of their country of origin, is unacceptable and should be avoided, as all life is sacred.

While military and human resources may have been committed to this effort, the full cost of this war has yet to be disclosed, especially when we do not have the full support of the United Nations for both the war and the subsequent occupation and rebuilding of Iraq. I see no United Nations-supported Marshall Plan on the horizon.

We were told that while we acknowledge the strained relationship with North Korea caused by their blatant

confrontational comments and open defiance in the propagation of their own nuclear supremacy agenda, they are not of primary concern. Yet North Korea and its quest for nuclear power is an issue that will haunt us in the future because of our inaction today.

We have also been advised by our President that this war in Iraq is the only means that we as a Nation have to respond to Iraq's 10-year failure to comply with United Nations Security Council resolutions calling for their disarmament after the first Persian Gulf war in 1991. The selection of Iraq was not a matter of revenge, unfounded on any principle, but was within the law as ascribed by United Nations Resolution 1441 and will also aid our efforts in the war on terrorism by accomplishing the removal of Saddam Hussein and his lieutenants. This, we have been told, will also ensure the disbanding, if not destruction, of the terrorist cells that are either located in or are supported by Saddam Hussein and his regime.

Mohandas Gandhi, a man praised and revered for his life of peace, said, ''I object to violence because when it appears to do good, the good is only temporary. The evil it does is permanent.''

Mr. Speaker, I am not convinced by any shape, form or fashion that invading Iraq, that a preemptive strike by this country is going to net the results that we are hoping for. But I am optimistic, and I still hope. I hope and I pray that somehow or another before there is a grand holocaust, that peace will be found and peace will prevail. But if not, certainly I stand with the men and women, the young persons from my congressional district who are poised and have left home, who are ready to give of themselves and to give of their lives so that there can be hope for peace and the continuation of the kind of freedoms that we have come to enjoy.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his very eloquent statement.

I yield to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the Chair of the Congressional Black Caucus for organizing this Special Order and for his leadership, especially for giving us one more chance to discuss this march to this needless and dangerous war. This is a really sad and very somber evening for many of us.

Last September, the Congressional Black Caucus issued five principles on war with Iraq. The principles began by saying: ''We oppose a unilateral first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.'' All these months later, Mr. Speaker, we still have no evidence of an imminent threat to our country. Even the CIA in a declassified report has said that Saddam Hussein is unlikely to use weapons of mass destruction against the United States or our allies unless he himself is under dire threat of attack. We do not face an imminent threat.

The second principle reads, ''Only Congress has the authority to declare war.'' Congress has not declared war. And the Constitution is unyielding on this point.

The third principle states, ''Every diplomatic option must be exhausted.'' Our diplomatic options are not exhausted, although the President's patience apparently is. Through diplomatic engagement and inspections, we have successfully contained and restrained Saddam Hussein. The inspections process is working. It is just not finished yet.

The fourth Congressional Black Caucus principle states, ''A unilateral first strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Mideast region, and undermine the ability of our Nation to address unmet domestic priorities.'' All of these concerns are still with us, Mr. Speaker.

The doctrine of preemption and the threat of preemptive war against Iraq do not make us safer. They make us less secure. This doctrine threatens to set a dangerous precedent that might then be cited by other countries, including other nuclear powers, to justify preemptive first strikes against perceived future threats. That is not a world we want to live in, and not an example we want to set. We also risk unleashing new waves of instability and destruction in the Middle East. And no one here questions for a minute that we have not met our priorities here at home. The Bush budget underfunds education, job training, health care, environmental protections, housing and a host of other critical and neglected priorities. And it underfunds all those programs without including one penny to cover the hundreds of billions of dollars that war and occupation in Iraq will cost. That is still to come.

The fifth principle of the Congressional Black Caucus document from last fall reads, ''Any post-strike plan for maintaining stability in the region would be costly and would require a long-term commitment.'' Those facts are still very much with us today. A well-known Yale economist said that reconstruction and occupation in Iraq could cost well over $1 trillion. That is not something the President has acknowledged. It is certainly not in the budget that he has just submitted.

We issued those principles last fall, last September, when the President claimed the unilateral right to attack Iraq with or without United Nations' authority and talked a lot about regime change. After all this time, we have returned to our starting point.

Tonight we are on the eve of a war. We must take this opportunity, and I thank the gentleman from Maryland again for giving us the opportunity to make one last plea.

I want to read excerpts from a letter sent to President Bush by really a great religious leader, the presiding Bishop of the Church of God in Christ, Bishop Gilbert Earl Patterson, and the General Board of the Church of God in Christ, which is the largest African American Christian denomination in the United States of America. Some of the excerpts are:

''Dear President Bush: We write to you as predominantly black clergy, intellectuals and informed laypersons of community-serving churches of the Church of God in Christ to address matters of the deepest gravity, namely, that of war and peace as presented by your statements and those of Vice President RICHARD CHENEY and Secretary of Defense Donald Rumsfeld concerning a preemptive attack upon Iraq.

''We are mindful that war, should it come to pass, will directly affect the safety and well-being of tens of thousands of our fellow citizens in the Armed Forces, of whom significant numbers are ethnic minorities in the enlisted as well as the officers and noncommissioned ranks.

''Our thoughts also extend to the safety and well-being of Iraqi civilians who have not lifted a hand against the United States. We are deeply concerned that critical moral reflection on the prospects of war has been overlooked by some in your administration. We do not advocate a weak America, unable to defend the innocents from tyranny of attack, but a strong America must examine itself before setting off to war.''

Bishop Patterson goes on to say, ''We would agree that Iraq's President Saddam Hussein has demonstrated aggression against his neighbors in the past, some of which was unopposed, mind you, by the United States Government. We would also agree that if Iraq possessed weapons of mass destruction, this would be a matter of grave concern. In this regard, we believe that the United States' interests are best served by using the existing mechanisms of international law, collaboration and consultation with our allies, and the use of existing United Nations resolutions to support the work of weapons inspectors so they may detect and destroy any weapons of mass destruction found in Iraq.

''However, we do not find any moral justification for a preemptive strike in the absence of an attack or a real threat of an attack against the United States of America. A military strike of this nature puts the United States in the posture of aggressive warfare, not defense, which is precisely the behavior that we, and your administration, deplore in the Iraqi regime.

''Surely our Nation and its leaders can examine their own intentions in light of Holy Scripture before setting their feet upon the blood-soaked path of war whose ultimate outcome is known with certainty only by the Maker of us all.''

Mr. Speaker, in closing, I support our troops with all my heart. As a soldier's

daughter, I know what their families are feeling now. I hope and pray for the return, the safe return, of our Armed Forces and for the safety of Iraqi civilians who will inevitably be caught in the crossfire of any conflict. And I hope and pray that our Nation finds an alternative to war.

Once again, as Bishop Patterson said, money spent on war to destroy lives could instead be used to save lives by financing the alleviation of the impending famines in Southern Africa, or to provide clean drinking water to enhance the health of hundreds of thousands of poor, defenseless men, women and children throughout that continent. He said that these resources could also be productively directed toward providing treatment and prevention services for those afflicted by the HIV/AIDS holocaust in Africa, the United States and other countries around the world, not to forget the blight and ravages of economic depression in Appalachia and the inner cities of America.

Once again, I just want to say to the gentleman from Maryland and to members of the Congressional Black Caucus, to this body here tonight, that we still have a window of opportunity, a very short window. Tonight we are making one last plea not only on behalf of ourselves, but on behalf of millions of people in our country, millions of people throughout the world who want to see a safe and secure America, who want to see a safe and secure world, who want to turn over to our children a world that is more secure, not less secure.

Mr. CUMMINGS. I want to thank the gentlewoman for her statement. I just want to reiterate that the principles that the gentlewoman stated for the Congressional Black Caucus with regard to war were actually agreed upon by the Congressional Black Caucus back in September. Just approximately 2 weeks ago, the Caucus asked, by way of letter, the President to sit down with us so that we might talk about resolving this Iraq situation without war. The President has not seen fit to meet with us.

It is my honor to yield to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, to the chairman of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS), I want to thank him for taking time out in the schedule of the Congress of the United States to allow the members of the Congressional Black Caucus to take the floor to talk about our concerns and to describe our feelings about the preemptive strike that we are poised to carry out as we stand here tonight.

□ 2200

I thank the Chairman because he knows and I know that we are going to be criticized. We are going to be criticized, and there will be those who even call us unpatriotic. We will be criticized. We will be called unpatriotic, and there will be an attempt to intimidate us and say to us that at this point in time we should not raise these questions, we should not talk about our deep feelings and our concerns, we should only support whatever the President is doing.

But I would like to remind those who would criticize us that we are indeed patriotic Americans. As a matter of fact, if we take a look at the history of African Americans in this country, one can only conclude that we are indeed patriotic. We believe in America. We believe in America despite the history of America as it relates to African Americans, despite slavery, despite discrimination, without racism. We stand by America. We have decided that it is our job and our responsibility to make America the kind of place that America can be and it should be, and so we take this floor this evening to try to raise the question how did we get to the point where the President of the United States is issuing an ultimatum to Saddam Hussein in Iraq to be out of that country within 48 hours, he and his sons, or face the consequences of a preemptive strike? How did we get to this point? How did we get to the point where all diplomatic efforts have been abandoned? How did we get to the point where we have some 250,000 to 300,000 young men and women in Kuwait, in Qatar and on the sea awaiting the order to strike? Where did it all break down? How did we lose our allies? What made France and Russia and Germany and even China decide that they could not stand with the President of the United States in a second resolution? What made France say no matter what, they were poised to veto any resolution being described in the way the President of the United States was describing the second resolution?

When we ask the question of how, when, and where did the diplomatic efforts fail, we cannot help but understand that the diplomatic efforts could not work because the case has not been made for preemptive strike. The case has not been made, and there is no documentation as of this date that even Saddam Hussein is harboring weapons of mass destruction.

As we have sent our inspectors there, they have found some things; but we have also discovered that some things that were supposedly in place in Iraq were not in place. We listened very carefully as our Secretary of State described sheds and operations where weapons were being developed only to discover that they were old and dilapidated, full of dust with no electricity. As there was an attempt to document why we had to have this preemptive strike, we found each day that the representations were less than factual. As a matter of fact, our own intelligence community headed by the CIA said that they could not find in Iraq that which was being described by our own Secretary of State, the President of the United States.

Some would say the President moved on this preemptive strike after 9–11, the President was so concerned about terrorism and 9–11 that he decided that he must take some action.

The President of the United States of America had the support of this Congress to take action to find the terrorists, to bring them to the bar of justice. We said yes, Mr. President, 9–11 is a terrible thing. It was a terrible thing. We should not be the victims of terrorism, and we should find those who are responsible. We were told that Osama bin Laden and others were responsible. And we said, we support you, Mr. President. Let us go after Osama bin Laden and Mullah Omar and any of the rest of those leaders leading al Qaeda that were responsible for terrorism.

We are still looking for Osama bin Laden. Where is he, Mr. President? We still do not have Mullah Omar, supposedly one of the high operatives responsible for terrorism. Mr. President, not only do we support finding the terrorists, you have taken a lot of steps above and beyond what some of us even thought should be taken when you moved to change the Constitution of the United States to try to locate folks that supposedly were responsible. You have locked up people. Some of them we still do not know where they are. You have brought folks who still have not been identified with terrorism but are being held, but we have not had a breakthrough. We have not had a breakthrough, and we are worried that the war on terrorism has taken a back seat to a preemptive strike on Saddam Hussein.

Mr. President, you cannot substitute a preemptive strike on Saddam Hussein for finding the terrorists. We want the terrorists to be found. We give you all the support that you need to do that. And, Mr. President, we want the homeland secured. We have given you all the support that you need for homeland security, but we find as of today the terrorists have not been located. Some of our airports are still exposed. We have nuclear power plants that are exposed. We have ports where we have containers that are still coming in that are not inspected; and as of this day, not all of the baggage that goes into the belly of the airplanes that are traveling throughout this country is inspected.

Mr. President, we want to find the terrorists. We want to secure the homeland. We are worried that you have been diverted, that you are about to do this preemptive strike without the documentation.

Yes, we know that Saddam Hussein has done some terrible things. We have been successful in containing him. I do not think that he presents us nearly as much of a problem as North Korea. If we take a look at Kim Jong Il in North Korea, we find that not only has he developed nuclear capability, he has opted out of the nuclear proliferation treaty. He has decided to test missiles.

He has challenged us. He has interfered with our airplanes in the sky. What are you going to do about Kim Jong Il? And on top of that, we now discover that Iran has plutonium that could be developed into nuclear capability for weapons of war.

Mr. President, something is wrong with this picture. What is wrong with this picture is this: we are sophisticated enough to know that some of our allies, Pakistan, have nuclear capability and so does India and they could go at each other any day of the week. We also know that Israel has nuclear capability. We also understand that Russia still has nuclear capability. There is too much nuclear capability in the world to talk about focusing our sights on Iraq that still does not have nuclear capability, and we still have not found the weapons of mass destruction.

I know that Saddam Hussein is clever and of course he has been cooperating. The more we push him against the wall, the more he cooperates. Yes, we can now send our planes and we can do the surveillance. Yes, he is now dismantling the Samoud missiles. Yes, he continues to cooperate as we push him against the wall, and the more he cooperates, the more our allies and others say let us continue to do the inspections, let us see if there are weapons of mass destruction. We should not stop in the middle of these inspections.

But there are those who say all of this talk is too late, that you have decided, Mr. President, that it is just a matter of time after issuing the ultimatum that we will move. I am naive enough to believe, I have enough hope, that even at this late date, you have identified that we will move at a time of our choice, that that time will not come. I still hope despite the billions of dollars that we have spent deploying these soldiers that we will bring them home.

We love our soldiers. We support them and we embrace them. Our hearts are torn apart as we see these families torn apart, mothers and fathers leaving the babies. We watched this in the Gulf war only to find that our soldiers came home, many of them had no apartments. They had no homes. They had no furniture. We do not want to replay this. Yes, every country should be able to defend itself, but we are in no danger from Iraq. As a matter of fact, that is probably one of the weakest points on the globe for us to attack. We are not threatened by Saddam Hussein.

Mr. President, I hope that you do not think that with this preemptive strike that somehow this will translate into we have a war on terrorism. It does not. We know the difference, Mr. President. Striking Saddam, striking Iraq is not fighting terrorism. What about our friends in Saudi Arabia who pay for the madrasas and the schools where right-wing fundamentalism is taught? Those madrasas are the breeding grounds for the al Qaeda operation, but, no, they are our friends. We are tied to them because of oil. They are not a democracy. The House of Faud is but a very rich family that has been able to manipulate its way into a friendship and a relationship despite the fact the support and the money comes from Saudi Arabia. The terrorists, all of which have been identified with 9–11, all were born, bred in Saudi Arabia. Our friends that we have aligned ourselves within Pakistan as we have moved into Afghanistan turn out to be those who are supplying North Korea with some of the plutonium and the nuclear capability that they are developing. It does not add up, Mr. President.

What we see and we are witnessing is the mismanagement of America. Someone today criticized Senator DASCHLE because he talked about the diplomatic disaster. Mr. President, it is a diplomatic disaster. We are watching before our very eyes the mismanagement of our beloved country. Our schools are falling apart. You said you wished to leave no child behind, but, Mr. President, you have not funded assistance to education that will have our children in the best possible situations where they can learn. Our health care system has fallen apart. In my city, in my county we are closing healthcare clinics. We are closing hospitals. And the stock market has not performed since before 9–11. What are you doing to stimulate this economy? Mr. President, I do not think the average person will believe that by eliminating the taxes on dividends that somehow it is going to stimulate this economy.

Mr. President, you are not able to tell us what this war is going to cost and what the cleanup, what the revitalization, the reconstruction of Iraq is going to cost. The American people need to know where our dollars are going. The American people need to understand the cost of this war and why.

Mr. President, the worst thing that could happen to us is that you have this preemptive strike, you go into Iraq, occupy it, and we spend billions of dollars after this so-called regime change where we are going to institute democracy, and the terrorists are still operating. When are you going to break up the al Qaeda cells right here in America? When are we going to get with our allies and put together a strong approach to rooting out the terrorists all over the world?

Mr. President, we must raise these questions. We must raise these questions because we are patriots. We are folks who love this country. We are folks who have stood by this country no matter what, and we will continue to stand by this country. We will continue to stand by our soldiers. But, Mr. President, you are going to have to account for the leadership that you are giving, and I say to you and all those who are advising you, be it Wolfowitz, be it Secretary of State Colin Powell, be it Condoleezza Rice, be it Carl Rove, or any of those in the inner circle, you are going to be held responsible for what takes place in this world, what takes place with this preemptive strike, what takes place with our soldiers and our families.

□ 2215

We would like to see this situation resolved in a way that will not cause the body bags to come home. We would like to see this situation resolved in a way that our young people would not be put in harm's way.

It is not too late, Mr. President. We will all stand up and applaud you if you do the courageous thing of saying, yes, we deployed; yes, we spent billions of dollars to do it; but we do not have the allies, we cannot afford the costs, and we cannot afford the loss of lives. I am going to bring our soldiers home.

We will stand with you and praise you and applaud you and say you are a great man. Unless you can do it that way, Mr. President, you are going to have to accept the responsibility.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for her statement. I just want to reiterate something that the distinguished gentlewoman said.

I think every member of the Congressional Black Caucus wants Saddam Hussein to be disarmed. We believe that it can be done through peaceful means. We believe very strongly that we must not just stand on the sidelines and watch our troops go into harm's way and see the Iraqi people come into harm's way. So, we stand up at this last hour.

Mr. Speaker, I am very pleased to yield to the distinguished gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Speaker, I thank the chairman of the Congressional Black Caucus for yielding. Let me say how proud I am of the outstanding job the gentleman has done in the short time he has been chairing our beloved caucus.

As a member of the Congressional Black Caucus, I thank the gentleman for taking this Special Order. As we have recently celebrated Black History Month, I want to say how proud I am of our troops, all of our troops, white, black, Hispanic, that are there, even some persons who are there to fight who have green cards, who are risking their lives for this country, and they are not even citizens of this country. So I applaud all of our young people who are there to stand up for our country when our Commander in Chief sends them to a place.

As we have just recently celebrated Black History Month, we look at African Americans who were the first to die in this Nation. On March 4, 1770, in the Boston Massacre, Crispus Attucks was the first person to die when those five patriots died at the Boston Massacre, shot down by the British. It was at the Battle of Bunker Hill that Peter Salem, who was a Minuteman, killed the commander of the British troops,

the Redcoats, at the Battle of Bunker Hill; Peter Salem, who was a patriot, who I had to graduate from high school and college to find out about these tributes.

We can talk about the 5,000 African Americans who fought in the Revolutionary War. And we go on to the Civil War, where the 54th Regiment, former slaves, who fought valiantly; or the Revolutionary War, where Haiti sent troops in the Battle of Savannah to fight for the independence of the United States against Britain, black men who were former slaves in Haiti came here to fight. So people of color have shed their blood for many years for this country, or the Civil War, as I mentioned, with the 54th Regiment.

When we take the 1898 Spanish-American War, when Teddy Roosevelt and the Rough Riders were about to be annihilated at the Battle of San Juan Hill, it was the Buffalo Soldiers who came and prevented that from happening. Private Johnson and Private Roberts served 181 days in the trenches away from their battalion with 30 German prisoners of war, over a half a year in the trenches in World War I, to get the medal by the French, but not the Americans.

Even recently, Colonel Anderson from New York was on the ill-fated Columbia, one of the seven persons to die in that NASA tragedy, with a man from Israel and a woman who migrated here from India.

So our country is great. So I just wanted to say that we in the Congressional Black Caucus are proud of our history and the history that African Americans have contributed to this country.

But today we stand at the threshold of war with Iraq. It appears that President Bush intends to send our troops into combat without any further attempt at diplomacy and without the support of long-time U.S. allies. In so doing, our Nation will be setting a high-risk precedent wherein we assert the right to engage in preemptive warfare whether or not we are under direct military threat.

What about India and Pakistan? What about if they did a preemptive strike on one another? What about China and Taiwan? What happens then if they follow our lead? We are setting a dangerous precedent.

Then our allies that we are criticizing, Belgium, France and Italy, those who we were trying to bring on our side, like China and Russia, we have lost a lot of diplomacy with this act.

We are opening a door to an era which deemphasizes diplomacy and devalues peaceful solutions through negotiations.

We have been able to contain Saddam Hussein through the use of no-fly zones. More recently we obtained a concession from Iraq which gives us the authority to use our U–2 spy planes, the French Mirage planes and the Russian Antonovs, which monitor daily activities in Iraq.

If the President proceeds with his plan to attack a country without a direct provocation, ours will be a world that is filled with greater fear and danger, greater than ever before in our history. Innocent lives on all sides will be lost. I think it is tragic that we are willing to pay the price of human lives that war extracts when we have not fully explored all diplomatic channels through the United Nations.

As a member of the House Committee on International Relations, I have been directly involved in monitoring elections overseas and helping to resolve very serious conflicts. In South Africa we had a solution where it seemed impossible to reach consensus after years of apartheid and bitter racial divisions, and yet we see people in South Africa living in a new, nonracial Democratic South Africa.

I traveled to Northern Ireland, where generations of violence and animosity have created seemingly insurmountable differences. Yet with great patience and diplomacy, former Senator George Mitchell was able to bring both sides to the table to forge the Good Friday Accords.

In Rwanda, a war-torn country where genocide took place as the world watched, we saw close to 1 million people killed. Opposite sides now live together, peacefully, even some having to share the same home because of coming back and joining together in a house that was previously occupied by the other family, and they are looking forward to democratic elections.

My point is no matter how dire a situation, diplomacy can work. Before we risk the lives of young men and women in uniform, which I support and all of us in the Congressional Black Caucus support 100 percent, as well as the countless citizens in both the Middle East and our own country, should we not do everything in our power to have a peaceful solution to the situation in Iraq?

We know that war takes terrible tolls. Tragically, even as technology advances, incidents of friendly fire where our soldiers are inadvertently killed by our own troops are on the rise. The number of incidents have grown from 3 percent casualties in World War II to over 24 percent in the Persian Gulf War. That number is expected to increase, our own soldiers killed inadvertently by our own weapons. Recently there was the tragedy of Canadian soldiers brought down by mistake.

So, as I conclude, I implore President Bush to reconsider his decision before we make a tragic mistake from which there will be no turning back.

Mr. CUMMINGS. I want to thank the gentleman.

Mr. Speaker, I yield to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Speaker, we really appreciate the gentleman taking the time to inform the people of how important this situation is and that we should not move forward.

Mr. Speaker, I rise today to express my strong concerns about the movement of this country towards war with Iraq. I challenge anybody to say, ED, you are unpatriotic because you are opposing the war.

Mr. Speaker, let me be clear: I support our troops. I served in the military. When my country called, I answered. So I stand here as someone who understands the duty of military service and the willingness to make the ultimate sacrifice for our country, and it is precisely because I do support our troops and their families that I cannot understand the unwillingness to send them into harm's way without a clear and present danger to the people of the United States of America.

It is for that reason that in October 2002 I voted against the authorization to allow the President to use United States Armed Forces in Iraq without prior congressional approval. Nothing has happened since that time which would cause me to change my position.

Some people would say, well, what about the weapons of mass destruction? Well, there are a lot of weapons of mass destruction. When I look at the fact that we have an educational system that is in shambles, to me that is a weapon of mass destruction. When we have 41 million people with no health insurance in the United States of America, to me that is a weapon of mass destruction. When we have people that have no jobs and no way of getting jobs, to me that is a weapon of mass destruction. When we have no prescription drug program for our senior citizens in this Nation, that is a weapon of mass destruction.

So I come tonight to make an appeal, knowing that time is running out. But I hope that we will be able to continue to have some dialogue and that we will be able to bring our troops home.

Yes, I am in support of the troops. Yes, I am in support of the troops' families. And I am hoping we can bring them home without any further delay. We need to continue to discuss this. We need to continue to talk.

I am not convinced that the United States of America is in harm's way. When I listened to experts on terrorism, Tom Ridge, who heads Homeland Security, whom I have tremendous respect for, has indicated that we will place the people of the United States of America in jeopardy because of terrorism if we attack. I think that when we hear the cry coming from experts around the Nation who are pointing this out, and have pointed it out so clearly, we should listen to those experts and to go another way.

So I am hoping and praying that, some way or another, that this situation can be diverted, and that we will not send our people into harm's way.

So as I conclude tonight, Mr. Speaker, I am not willing to risk the lives of Americans at home and abroad to fight a war without clear rationale, a clear purpose and a definite end game. The administration has not made this

clear, and I pray the leadership of this Nation will consider and do what is right by bringing our soldiers home.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order this evening.

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

There was no objection.

□ 2230

SEEKING AN ALTERNATIVE TO WAR

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished Speaker, and I am delighted to be able to join the chairman of the Congressional Black Caucus and my colleagues in following up on this outstanding Special Order that the gentleman from Maryland (Mr. CUMMINGS) has led and to thank him. I do not think we appropriately thanked him as the time has run out for his wisdom and insight in bringing us together this evening.

This is a very trying time for the chairman in his leadership role and for this Congress, and for him to have the courage to be able to stand up on the floor of the House and convene his colleagues, knowing of the name-calling that is going on in this country, but I think as I have spoken to the gentleman from Maryland (Mr. CUMMINGS) earlier, he has admitted that he is willing to risk affection and admiration to be able to tell the truth and to speak on behalf of the Nation's constituents who are concerned about the direction this Nation has taken and certainly the choices that we are making, choosing war over peace, and actually not choosing life over death.

Mr. Speaker, I wish to say that I rise this evening to really speak to the deafening silence that we have seen occurring in the realm or in the august halls of this particular body, and that is that we have come now to almost the brink of a decision; I will not say the brink of war, I am going to say the brink of a possible decision and yet, this Congress, the 108th Congress, Mr. Speaker, has not taken up the question of a declaration of war. The silence is enormously deafening, I say to my colleagues, for this reason.

The Constitution is clear when it enunciates the powers of this Congress in article I, section 8, along with the duties of imposing and exercising taxes and paying debts and providing for the common defense and general welfare. It announces clearly to declare war and make rules concerning captures on land and water. Somewhat antiquated language, but it is very clear, Mr. Speaker, that this body has a duty and obligation to declare war. The President is the Commander in Chief, and we fully respect and understand that. And as he is the Commander in Chief, he can deploy troops.

Yes, the Congress entered into, or this Nation entered into, the Korean conflict, the Vietnam police action; but because Congress fails to act, it does not abdicate its duty and its responsibility. The one thing America needs to understand is that there is no doubt or any question that if we were under imminent attack, it is clear that the Commander in Chief could defend, along with the armed services, the United States military, this Nation. In fact, the war powers resolution clearly enunciated that perspective by statute, that if any President felt we were under imminent attack, as was indicated to us in October of 2002, that President could engage in the protection of this Nation and report back to the Congress.

Sadly, and maybe graciously, Mr. Speaker, we are not under imminent attack. We were not under imminent attack in the October 2002 debate and, in fact, I would say that our colleagues, our friends, Members of this body and the other body, deserve to redebate this question because, Mr. Speaker, we did not know of the dire circumstances of North Korea. We did not know of its unclassified now state or status, of its ability or potential of, if you will, creating and having nuclear weapons. So now we have our war missiles and our troops focused on Iraq.

Mr. Speaker, I would say to my colleagues that this is the time for this Nation to see this democratic body debate the question of war, up or down, should we declare war against Iraq. We will not harm our troops. We have all stood here and said that we do not divide on our troops. There is no divide. The mission is in question. But we will lay down our lives for our troops as they are ready to lay down their lives for this Nation.

Why castigate those of us who allegedly are accused of being unpatriotic when everyone knows that the armed services comes from all of our respective districts?

So, Mr. Speaker, I think it is important this evening as the time seems to be shortened, I believe it is important to look for, Mr. Speaker, an alternative. There is another way. And I demand, if you will, that this House debate the question that we indict Saddam Hussein, that we leave 50,000 troops and bring the others home, that we seek to put in humanitarian aid, we fight for the Mideast peace, and we fight the war against terrorism; but we find an alternative, because it is better to choose life over death and peace over war.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today and March 19 on account of personal business in the district.

Mr. SNYDER (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. HYDE (at the request of Mr. DELAY) for today on account of medical reasons.

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. RYAN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

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

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

Mr. BURTON of Indiana, for 5 minutes, today, March 19 and 20.

Mr. OSBORNE, for 5 minutes, today.

Mr. FEENEY, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, March 25.

Mrs. BLACKBURN, for 5 minutes, March 19.

Mr. TANCREDO, for 5 minutes, today.

Mr. KENNEDY of Minnesota, for 5 minutes, March 19.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. SOLIS, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 19, 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:

1183. A letter from the Director, Regulations Policy and Management Staff, Department of Energy, transmitting the Commission's final rule — Electronic Registration

[Docket No. RM02-10-000] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1184. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Presiding Officers at Regulatory Hearings; Confirmation of Effective Date [Docket No. 02N-0251] received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1185. 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: FuelSolutions Cask System Revision (RIN: 3150-AH13) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1186. A letter from the Secretary, DHS, Department of Homeland Security, transmitting the Department's final rule — Classified National Security Information (RIN: 1601-AA02) received January 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1187. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Office of Inspector General Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities [Docket No. FR-4742-F-02] (RIN: 2508-AA13) received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1188. A letter from the Director, OPM, Office of Personnel Management, transmitting the Office's final rule — Voluntary Separation Incentive Payments (RIN: 3206-AJ76) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1189. A letter from the Director, OPM, Office of Personnel Management, transmitting the Office's final rule — Federal Long Term Care Insurance Regulation (RIN: 3206-AJ71) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1190. A letter from the Director, OPM, Office of Personnel Management, transmitting the Office's final rule — Administratively Uncontrollable Overtime Pay (RIN: 3206-AJ57) received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1191. A letter from the Director, OGE, Office of Goverment Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209-AA07) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1192. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Kalamazoo, Saugatuck, MI [CGD09-02-049] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; White Lake, Whitehall, MI [CGD09-02-048] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; James River, Newport News, Virginia [CGD05-02-053] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1195. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Cleveland Harbor, Cleveland, OH [CGD09-02-057] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Red River, Mile 227.5 to 229.5, Shreveport, Louisiana [COTP New Orleans 02-011] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Hudson River, Pier 25, Manhattan, New York [CGD01-02-112] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 171.5 to 172.5, Marietta, Ohio [COTP Huntington 02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Hampton Roads, James River, VA [CGD05-02-005] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Grand River, Grand Haven MI [CGD09-02-071] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Hampton, VA [CGD05-02-050] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Kalamazoo Lake, Saugatuck, MI [CGD09-02-072] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Kalamazoo Lake, Saugatuck, MI [CGD09-02-514] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Thunderfest Powerboat Race, Detroit, MI [CGD09-02-061] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Festa Italiana Festival 2002, Milwaukee Harbor, Milwaukee, WI [CGD09-02-032] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Cocos Swim, Cocos Lagoon, Guam [COTP GUAM 02-007] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 362.0 to 364.0, Above Head of Passes, Natchez, Mississippi [COTP New Orleans 02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile 174.5 to 176.5, Above Head of Passes, Donaldsonville, Louisiana [COTP New Orleans 02-012] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile 137.0 to 139.0, Above Head of Passes, Edgard, Louisiana [COTP New Orleans 02-017] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Maumee River, Toledo, Ohio [CGD09-02-044] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1211. A letter from the Deputy General Counsel, Department of Veteran Affairs, transmitting the Department's final rule — Loan Guaranty: Implementation of Public Law 107-103 (RIN: 2900-AL23) received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

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. HYDE: Committee on International Relations. House Resolution 68. Resolution requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the President's possession relating to Iraq's declaration on its weapons of mass destruction that was provided to the United Nations on December 7, 2002; adversely (Rept. 108–38). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 874. A bill to establish a program, coordinated by

the National Transportation Safety Board, or assistance to families of passengers involved in rail passenger accidents (Rept. 108–39). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 975. A bill to amend title 11 of the United States Code, and for other purposes; with an amendment (Rept. 108–40 Pt. 1).

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 132. Resolution expressing the sense of the House of Representatives that the Ninth Circuit Court of Appeals ruling in Newdow v. United States Congress is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned, and for other purposes (Rept. 108–41). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 147. Resolution providing for consideration of the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes (Rept. 108–42). Referred to the House Calendar.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1000. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets; with an amendment (Rept. 108–43 Pt. 1) Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Financial Services discharged from further consideration. H.R. 975 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 975. Referral to the Committee on Financial Services extended for a period ending not later than March 18, 2003.

H.R. 1000. Referral to the Committee on Ways and Means extended for a period ending not later than March 28, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. CONYERS, and Mr. BERMAN):

H.R. 1302. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself and Mr. TOM DAVIS of Virginia):

H.R. 1303. A bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. DOGGETT, Mr. PAYNE, Mr. ANDREWS, Mr. MCDERMOTT, Mr. FARR, Mr. CAPUANO, Mr. NEAL of Massachusetts, Ms. LEE, Mrs. NAPOLITANO, Mr. TOWNS, Mr. STARK, Mr. NADLER, Ms. MILLENDER-MCDONALD, Mr. UDALL of New Mexico, Mr. FORD, Mr. OLVER, Mr. WEINER, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. BACA, Mr. RODRIGUEZ, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. ETHERIDGE, Ms. SOLIS, Ms. ESHOO, Mr. FROST, Ms. CARSON of Indiana, Mr. GRIJALVA, Mr. SANDERS, Ms. MCCOLLUM, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. MARKEY, Mr. MEEHAN, Mr. CASE, Mr. ENGEL, Mr. SERRANO, Ms. MAJETTE, Mr. WEXLER, Mr. GREEN of Texas, Ms. WATSON, Ms. HOOLEY of Oregon, Mr. PETERSON of Minnesota, Mr. CUMMINGS, Mr. HOLDEN, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. GUTIERREZ, Mr. OBERSTAR, Mrs. JONES of Ohio, Mr. EVANS, Mr. HOEFFEL, Mr. RANGEL, Mr. KUCINICH, Mr. ALLEN, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mrs. LOWEY, and Mr. HINOJOSA):

H.R. 1304. A bill to make college debt more affordable, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. POMEROY, Mr. COX, Mr. ABERCROMBIE, Mr. AKIN, Mr. BACHUS, Ms. BALDWIN, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Mr. BERRY, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BONNER, Mr. BOSWELL, Ms. GINNY BROWN-WAITE of Florida, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mr. CAPUANO, Mr. COBLE, Mr. COLLINS, Mr. CRAMER, Mr. CRANE, Mr. CROWLEY, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOYLE, Ms. DUNN, Mrs. EMERSON, Mr. FEENEY, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FROST, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GORDON, Ms. GRANGER, Mr. GRAVES, Mr. GREEN of Texas, Mr. GREEN of Wisconsin, Ms. HART, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HOEFFEL, Mr. HOLDEN, Mr. HULSHOF, Mr. ISRAEL, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. MCHUGH, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KILDEE, Mr. KING of New York, Mr. KING of Iowa, Mr. KIND, Mr. KOLBE, Mr. LAHOOD, Mr. LAMPSON, Mr. LARSON of Connecticut, Mr. LATHAM, Mr. LATOURETTE, Mr. LOBIONDO, Mr. MANZULLO, Mr. MATSUI, Mr. MCINNIS, Mr. MCCRERY, Mr. MOORE, Mrs. MUSGRAVE, Mr. NEY, Mr. NORWOOD, Mr. OTTER, Mr. PAUL, Mr. PAYNE, Mr. PETRI, Mr. POMBO, Mr. PORTER, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAHALL, Mr. RANGEL, Mr. REHBERG, Mr. RENZI, Mr. REYES, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Mr. SAXTON, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SHAW, Mr. SIMMONS, Mr. STRICKLAND, Mr. STUPAK, Mr. SOUDER, Mr. TANCREDO, Mr. TAUZIN, Mr. TERRY, Mr. TOWNS, Mr. TURNER of Texas, Mr. UPTON, Mr. VISCLOSKY, Mr. WALSH, Mr. WEINER, Mr. WEXLER, and Mr. WILSON of South Carolina):

H.R. 1305. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. DOGGETT, Mr. PAYNE, Mr. ANDREWS, Mr. MCDERMOTT, Mr. FARR, Mr. CAPUANO, Mr. NEAL of Massachusetts, Ms. LEE, Mrs. NAPOLITANO, Mr. TOWNS, Mr. STARK, Mr. NADLER, Ms. MILLENDER-MCDONALD, Mr. UDALL of New Mexico, Mr. FORD, Mr. OLVER, Mr. WEINER, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. BACA, Mr. RODRIGUEZ, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. ETHERIDGE, Ms. SOLIS, Ms. ESHOO, Mr. FROST, Ms. CARSON of Indiana, Mr. GRIJALVA, Mr. SANDERS, Ms. MCCOLLUM, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. MARKEY, Mr. MEEHAN, Mr. CASE, Mr. ENGEL, Mr. SERRANO, Ms. MAJETTE, Mr. WEXLER, Mr. GREEN of Texas, Ms. WATSON, Ms. HOOLEY of Oregon, Mr. PETERSON of Minnesota, Mr. CUMMINGS, Mr. HOLDEN, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. GUTIERREZ, Mr. OBERSTAR, Mrs. JONES of Ohio, Mr. EVANS, Mr. HOEFFEL, Mr. RANGEL, Mr. KUCINICH, Mr. ALLEN, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mrs. LOWEY, and Mr. HINOJOSA):

H.R. 1306. A bill to provide student loan forgiveness to Americans employed in service to the public, and for other purposes; to the Committee on Education and the Workforce.

By Mr. THOMAS:

H.R. 1307. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 1308. A bill to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. FILNER, Ms. CORRINE BROWN of Florida, Ms. BERKLEY, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. REYES, Mr. MICHAUD, Mr. UDALL of New Mexico, and Ms. HOOLEY of Oregon):

H.R. 1309. A bill to amend title 38, United States Code, to provide improved prescription drug benefits for veterans; to the Committee on Veterans' Affairs, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. SANDLIN, Mr. HERGER, Mr. COLLINS, Mr. ENGLISH, Mr. FOLEY, Mr. RAMSTAD, Mr. LEWIS of Kentucky, Mr. JEFFERSON, Mr. MCCRERY, Mr. CAMP, Mr. MCINNIS, Mr. HAYWORTH, Mr. SHAW, and Mr. BRADY of Texas):

H.R. 1310. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. TOWNS, Mr. MCHUGH, Mr. HOLDEN, Mr. GOODE, Mr. CARSON of Oklahoma, Mr. FROST, Mr. WILSON of South Carolina, Mr. BASS, Mr. LATOURETTE, Mr. POMEROY, Mr. SPRATT, Mr. MATHESON, Mr. FALEOMAVAEGA, Mr. LUCAS of Kentucky, Ms. BORDALLO, Mr. TURNER of Texas, Mr. ABERCROMBIE, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mr. ANDREWS, and Mr. NEY):

H.R. 1311. A bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department that is suitable to be loaned under the program to rural fire departments; to the Committee on Armed Services, and in addition to the Committee on Agriculture, 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. THOMAS:

H.R. 1312. A bill to make East Kern Airport District in Mojave, California, eligible for airport security improvement assistance from the Transportation Security Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ABERCROMBIE:

H.R. 1313. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1314. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class and to amend title XIX of the Social Security Act to provide for coverage of annual screening mammography under the Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. BLUMENAUER:

H.R. 1315. A bill to direct the Secretary of Transportation to establish a pilot grant program to provide assistance for the capital and startup costs of streetcar development and revitalization; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas:

H.R. 1316. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas:

H.R. 1317. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, Ms. VELAZQUEZ, Mr. FOSSELLA, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mrs. KELLY, Mr. MCNULTY, Mr. SWEENEY, Mr. BOEHLERT, Mr. MCHUGH, Mr. WALSH, Mr. HINCHEY, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. QUINN, and Mr. HOUGHTON):

H.R. 1318. A bill to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the ''Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mrs. DAVIS of California:

H.R. 1319. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for second opinions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. TAUZIN, Mr. BOUCHER, Mr. TERRY, Mr. GREEN of Texas, and Mr. STEARNS):

H.R. 1320. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. NEAL of Massachusetts, Mr. BOEHLERT, Mr. GOODE, Mr. MCNULTY, Ms. GINNY BROWN-WAITE of Florida, Mr. SCHIFF, Mr. KILDEE, Mr. LATOURETTE, Mr. KLECZKA, Mr. OLVER, Mr. LIPINSKI, Mr. FROST, Ms. SCHAKOWSKY, Ms. NORTON, Mr. BERRY, and Mr. GORDON):

H.R. 1321. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. BROWN of Ohio, Mr. LYNCH, Mr. OBERSTAR, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. SANDERS, Ms. NORTON, Mr. HINCHEY, Mr. CLYBURN, Mr. KILDEE, Mr. KLECZKA, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. BISHOP of New York, Ms. LEE, Mr. KUCINICH, Ms. LORETTA SANCHEZ of California, Mr. GEORGE MILLER of California, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, and Mr. SERRANO):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and the Workforce.

By Mr. FROST:

H.R. 1323. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Ms. GRANGER (for herself, Mr. EDWARDS, Mr. GOODE, and Mr. BOYD):

H.R. 1324. A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the rates of the basic allowance for housing for members of the uniformed services in response to a sudden increase in housing costs in a military housing area in the United States; to the Committee on Armed Services.

By Ms. GRANGER:

H.R. 1325. A bill to provide for the inclusion of hazardous duty pay and diving pay in the computation of military retired pay for members of the armed forces with extensive hazardous duty experience, to require a study on the need for a tax credit for businesses that employ members of the National Guard and Reserve, and to require a study on the expansion of the Junior ROTC and similar military programs for young people; to the Committee on Armed Services.

By Mr. JANKLOW (for himself, Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. MARIO DIAZ-BALART of Florida, Mr. MCNULTY, and Mr. PLATTS):

H.R. 1326. A bill to ensure that tax-exempt status and other benefits afforded under Operation Enduring Freedom are also provided to United States Armed Forces personnel in Israel; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 1327. A bill to amend the Internal Revenue Code of 1986 to exempt certain activities at the State level from the denial of the deduction for lobbying expenditures; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself and Mr. MILLER of Florida):

H.R. 1328. A bill to amend title 38, United States Code, to extend the period over which an individual must make payment to the Secretary of Veterans Affairs to become entitled to educational assistance under the Montgomery GI Bill, to prospectively permit any servicemember to withdraw an election not to enroll under the Montgomery GI Bill, and to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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. KELLER (for himself, Mr. DAVIS of Florida, Mr. SHAW, Mr. ANDREWS, Mr. FEENEY, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. STUPAK, Mr. FOLEY, Mr. FERGUSON, Mr. HOEKSTRA, Mr. WELDON of Florida, Mrs. KELLY, Mrs. MILLER of Michigan, Mr. SAXTON, Mr. PETRI, and Mr. FROST):

H.R. 1329. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself, Mr. LUCAS of Kentucky, Mr. LATOURETTE, Mr. SKELTON, Mrs. MALONEY, Mr. STENHOLM, Mr. TAYLOR of Mississippi, and Mrs. MCCARTHY of New York):

H.R. 1330. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to authorize the Federal Trade Commission to issue new rules to establish a requirement that telemarketers shall not make any calls during the hours of 5 p.m. to 7 p.m; to the Committee on Energy and Commerce.

By Mr. MOORE (for himself, Mr. BURR, Mrs. CAPITO, Mr. TURNER of Texas, Mr. STENHOLM, Mr. SANDLIN, and Ms. MCCARTHY of Missouri):

H.R. 1331. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for producing fuel from a nonconventional source; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself, Mr. TANNER, Mr. LEACH, Mr. KING of Iowa, Mr. LATHAM, Mr. BOSWELL, Mr. GILLMOR, Mr. OXLEY, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. LEVIN, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1332. A bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1333. A bill to clarify the citizenship eligibility for certain members of the Tohono O'odham Nation of Arizona, and for other purposes; to the Committee on the Judiciary.

By Mr. QUINN (for himself, Mr. MEEHAN, Mr. SIMMONS, Mr. MCGOVERN, Mr. PASCRELL, Ms. KAPTUR, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mr. MCHUGH, and Ms. HART):

H.R. 1334. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, 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. RADANOVICH:

H.R. 1335. A bill to to establish a program to provide funds for deployment of fuel cell and hydrogen infrastructure at National Parks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, 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. RYAN of Wisconsin (for himself, Mr. JEFFERSON, Mr. SHAW, Mr. LEWIS of Georgia, Mr. ENGLISH, Mr. TANNER, Mr. FOLEY, Mr. CANTOR, Mr. NEY, Mr. GREEN of Wisconsin, Mr. HAYES, and Mr. RADANOVICH):

H.R. 1336. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 1337. A bill to encourage the development of hydroelectric projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself and Mr. ISSA):

H.R. 1338. A bill to amend the Federal Power Act to provide for Federal and State coordination of permitting for electric transmission facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Michigan:

H.R. 1339. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for depreciation shall be computed on a neutral cost recovery basis; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. STRICKLAND, Mr. HOLDEN, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. CARDIN, Mr. GREEN of Texas, Mr. CARSON of Oklahoma, and Mr. MCDERMOTT):

H.R. 1340. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the Medicare Program; to the Committee on Ways and Means, 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. STEARNS (for himself, Mr. BURR, Mr. BILIRAKIS, Mr. TOWNS, Mr. DEUTSCH, Ms. CORRINE BROWN of Florida, Mr. MICA, and Mr. FERGUSON):

H.R. 1341. A bill to prospectively repeal section 210 of the Public Utility Regulatory Policies Act of 1978, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself and Mr. KLECZKA):

H.R. 1342. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. MOORE, Mr. MILLER of North Carolina, Mr. HONDA, and Mr. MATHESON):

H.R. 1343. A bill to establish an energy program for the United States that unlocks the potential of renewable energy and energy efficiency, and for other purposes; to the Committee on Science.

By Mr. PICKERING (for himself, Mr. TURNER of Texas, Mr. NORWOOD, Mr. PITTS, Mr. JONES of North Carolina, Mr. WAMP, Mrs. CAPITO, Mr. BALLENGER, and Mr. BARTON of Texas):

H.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States to guarantee the right to use and recite the Pledge of Allegiance to the Flag and the national motto; to the Committee on the Judiciary.

By Mr. LATOURETTE (for himself, Ms. NORTON, and Mr. ROGERS of Kentucky):

H. Con. Res. 96. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas:

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to pulmonary hypertension; to the Committee on Energy and Commerce.

By Mr. RAMSTAD (for himself and Mr. JEFFERSON):

H. Con. Res. 98. Concurrent resolution expressing the sense of Congress relating to a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

By Mr. CONYERS:

H. Con. Res. 99. Concurrent resolution directing the Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans; to the Committee on Energy and Commerce.

By Mr. MCCOTTER (for himself, Mr. DINGELL, Mr. UPTON, Mr. STUPAK, Mr. ROGERS of Michigan, Mr. CAMP, Mr. CONYERS, Mr. KNOLLENBERG, Mr. KILDEE, Mr. SMITH of Michigan, Mr. LEVIN, Mr. EHLERS, Ms. KILPATRICK, Mr. HOEKSTRA, Mrs. MILLER of Michigan, Mr. BASS, Mr. GRAVES, Mr. JACKSON of Illinois, Mr. SCHROCK, Mr. QUINN, Mr. OXLEY, Mrs. NORTHUP, Ms. KAPTUR, Mr. FLETCHER, Mr. PORTMAN, Mrs. EMERSON, Ms. MCCOLLUM, and Mr. BROWN of Ohio):

H. Con. Res. 100. Concurrent resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a revolutionary industrial and global institution; to the Committee on Energy and Commerce.

By Mr. NEY:

H. Res. 148. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Eighth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SHIMKUS introduced a bill (H.R. 1344) for the relief of Pamela S. Konkel; 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. 2: Mr. BEAUPREZ.

H.R. 19: Mr. DAVIS of Illinois.

H.R. 20: Mr. ROSS, Ms. MCCARTHY of Missouri, Ms. SCHAKOWSKY, and Mr. MURPHY.

H.R. 23: Mr. DAVIS of Alabama.

H.R. 25: Mr. BRADY of Texas.

H.R. 44: Mr. GARRETT of New Jersey.

H.R. 49: Mr. WU.

H.R. 52: Mr. NEY, Mr. MCCOTTER, and Mr. ENGLISH.

H.R. 57: Mr. PITTS.

H.R. 97: Mr. LAHOOD, Ms. LOFGREN, Mr. ENGLISH, Mr. OBERSTAR, Mr. WAMP, Mr. TURNER of Texas, Mr. JONES of North Carolina, and Mr. HASTINGS of Florida.

H.R. 105: Mr. FILNER.

H.R. 117: Mr. FROST.

H.R. 133: Mr. HOSTETTLER.

H.R. 176: Mr. DREIER, Mr. PAUL, and Mr. SENSENBRENNER.

H.R. 179: Mr. TOOMEY.

H.R. 195: Mr. KING of Iowa.

H.R. 196: Mr. WOLF.

H.R. 224: Mr. TOOMEY.

H.R. 235: Mr. JANKLOW and Mr. TOM DAVIS of Virginia.

H.R. 250: Mr. RANGEL and Ms. SCHAKOWSKY.

H.R. 278: Mr. EVERETT.

H.R. 284: Ms. WATSON, Mr. BALLANCE, Mr. DELAHUNT, Mr. BACA, Mr. REYNOLDS, Mr. ISRAEL, Ms. DEGETTE, Mr. DOOLEY of California, Mr. ISSA, Mr. SWEENEY, Mr. ISTOOK, Mr. SMITH of Michigan, Mr. RENZI, Mr. KILDEE, Mr. ROSS, Mr. SPRATT, Mr. LATOURETTE, Mr. BASS, Mr. SKELTON, Mr. THOMPSON of Mississippi, Mrs. CAPITO, Mr. BERMAN, Mr. HAYWORTH, and Mr. KING of New York.

H.R. 290: Mr. MCNULTY, Mr. GERLACH, Mrs. LOWEY, Mrs. MALONEY, Mr. KILDEE, Mr. WOLF, and Mr. FROST.

H.R. 292: Mr. PORTER.

H.R. 294: Mr. UPTON.

H.R. 296: Mrs. CHRISTENSEN, Mr. WEXLER, Mr. FATTAH, and Mr. BERMAN.

H.R. 300: Mr. LEWIS of Kentucky, Mr. BACHUS, and Mrs. CAPITO.

H.R. 303: Mr. OBERSTAR, Mr. SHIMKUS, Mrs. DAVIS of California, Mr. PORTER, Mr. BOSWELL, Mr. FEENEY, Mr. GONZALEZ, Mr. WELLER, Mr. MORAN of Virginia, and Mr. MATSUI.

H.R. 308: Mr. DAVIS of Illinois.

H.R. 331: Mr. JEFFERSON.

H.R. 339: Mrs. CUBIN, Mr. JANKLOW, and Mr. SMITH of Texas.

H.R. 340: Ms. WATSON and Mr. SENSENBRENNER.

H.R. 343: Mr. MCHUGH.

H.R. 348: Mr. BROWN of Ohio.

H.R. 362: Mr. TURNER of Ohio, Mr. HOUGHTON, Mr. MCGOVERN, Mr. ROSS, Mr. UDALL of Colorado, Mr. WELLER, and Mr. BARRETT of South Carolina.

H.R. 375: Mr. LYNCH and Mr. VITTER.

H.R. 391: Mr. GIBBONS and Mr. BURR.

H.R. 401: Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. HOEFFEL, and Mrs. MCCARTHY of New York.

H.R. 412: Mr. WAMP, MS. HARMAN, Mr. ENGLISH, Mr. OBERSTAR, Mr. ALEXANDER, Mr. BALLANCE, Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mrs. CAPPS, Mr. DOYLE, Mr. BOUCHER, Mr. DINGELL, Mr.

DICKS, Mr. DOGGETT, Mr. ABERCROMBIE, Mr. WATT, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mrs. CHRISTENSEN, Mr. SANDLIN, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. DELAHUNT, Mr. TOWNS, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. LEVIN, Mr. GORDON, Mr. MORAN of Virginia, Mr. MEEK of Florida, Mrs. MILLER of Michigan, Mr. GIBBONS, Mr. DEUTSCH, Mr. UDALL of Colorado, Mr. SCHROCK, Mr. STARK, Mr. ALLEN, and Ms. LEE.

H.R. 442: Ms. MCCOLLUM and Mr. LAMPSON.

H.R. 450: Mr. FROST and Mr. ENGLISH.

H.R. 466: Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. MOORE, Ms. LEE, Ms. MCCOLLUM, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. COOPER, Mr. CASTLE.

H.R. 495: Mr. SHADEGG.

H.R. 522: Mr. MCINNIS, Mr. EVERETT, Mr. BAIRD, Mr. BOSWELL, and Mr. TIAHRT.

H.R. 527: Mr. GREEN of Wisconsin, Mr. FILNER, Mr. CARDOZA, Mrs. MILLER of Michigan, Mr. HOLDEN, and Mr. UPTON.

H.R. 545: Mrs. MILLER of Michigan.

H.R. 574: Mr. OTTER and Mr. CANNON.

H.R. 577: Mr. CROWLEY, Mr. GORDON, Mr. LUCAS of Kentucky, Mrs. MCCARTHY of New York, and Ms. WOOLSEY.

H.R. 584: Mr. RANGEL and Mr. SCHIFF.

H.R. 588: Mr. PLATTS, Mr. LATHAM, and Mr. ENGLISH.

H.R. 623: Mr. COSTELLO.

H.R. 630: Mr. LEACH.

H.R. 643: Mr. LAMPSON.

H.R. 648: Mr. SULLIVAN, Mr. MILLER of Florida, and Mr. PAUL.

H.R. 677: Mr. HONDA.

H.R. 693: Mr. ISRAEL.

H.R. 699: Mr. OTTER.

H.R. 709: Mr. GIBBONS, Mr. NETHERCUTT, Mr. KENNEDY of Minnesota, and Mr. WELLER.

H.R. 720: Mr. TURNER of Texas, Mr. HASTINGS of Washington, and Mr. HINOJOSA.

H.R. 731: Ms. LEE, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. WYNN, Mr. MOORE, Mr. FATTAH, Mr. EVANS, Mr. RUSH, Mr. HINOJOSA, Mr. STARK, Mr. GONZALEZ, Mr. CARSON of Oklahoma, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, Mr. FILNER, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. ENGLISH, Mr. CROWLEY, Ms. ESHOO, Mr. GEORGE MILLER of California, Mr. WEXLER, Ms. BALDWIN, Mr. ACEVEDO-VILA, Mr. CAPUANO, and Mrs. DAVIS of California.

H.R. 735: Mr. EVANS, Mrs. MCCARTHY of New York, Ms. WATSON, Mr. PRICE of North Carolina, and Mr. CANNON.

H.R. 736: Mr. GEORGE MILLER of California and Mr. DOYLE.

H.R. 741: Mr. GORDON and Ms. LINDA T. SANCHEZ of California.

H.R. 760: Mr. DOYLE, Mr. ROGERS of Kentucky, Mr. FOLEY, Mr. OTTER, and Mr. BONILLA.

H.R. 768: Mr. LUCAS of Kentucky and Mr. REYNOLDS.

H.R. 774: Mr. GEORGE MILLER of California and Mr. MCGOVERN.

H.R. 776: Mr. MORAN of Virginia, Ms. WOOLSEY, and Ms. CORRINE BROWN of Florida.

H.R. 785: Mr. GREEN of Texas and Mr. HOLT.

H.R. 786: Mr. UPTON.

H.R. 800: Mr. WAMP.

H.R. 803: Mr. UPTON.

H.R. 804: Mr. MARIO DIAZ-BALART of Florida.

H.R. 806: Mr. SHAYS.

H.R. 807: Mr. ENGLISH.

H.R. 811: Ms. WOOLSEY.

H.R. 813: Mr. CARSON of Oklahoma.

H.R. 814: Mr. CONYERS, Mr. MEEHAN, Mr. GREEN of Wisconsin, Mr. MCDERMOTT, Mr. TIAHRT, Mr. STENHOLM, Mr. DEFAZIO, Mr. FORD, Mr. ROSS, Mr. GRIJALVA, Mrs. TAUSCHER, Mrs. EMERSON, Mr. ALLEN, Mr. MCHUGH, Mr. COOPER, and Mr. WEXLER.

H.R. 815: Mr. FRELINGHUYSEN.

H.R. 816: Mr. LEVIN, Mr. SHIMKUS, Mr. SANDLIN, and Mr. BELL.

H.R. 819: Mr. BACA.

H.R. 837: Mr. STENHOLM, Mr. SHIMKUS, Mr. TERRY, Mr. KENNEDY of Minnesota, Mr. BEREUTER, Mr. REHBERG, Mr. MORAN of Kansas, Ms. KAPTUR, Mr. JOHNSON of Illinois, Mr. SMITH of Michigan, Mr. BOSWELL, Mr. THOMPSON of California, Mr. SABO, Mr. BERRY, and Mr. EVANS.

H.R. 839: Mr. CANNON, Mr. WILSON of South Carolina, Mr. CROWLEY, Mr. TANCREDO, and Mr. MILLER of Florida.

H.R. 850: Ms. CORRINE BROWN of Florida and Mr. CARSON of Oklahoma.

H.R. 857: Mr. LINDER, Mrs. LOWEY, Mr. NADLER, and Mr. KILDEE.

H.R. 871: Mr. REHBERG.

H.R. 872: Mr. RAMSTAD.

H.R. 876: Mr. FOLEY, Mr. LATHAM, and Mr. MCHUGH.

H.R. 879: Mrs. DAVIS of California and Mr. KILDEE.

H.R. 883: Mr. UDALL of Colorado, Mr. ABERCROMBIE, and Mr. FROST.

H.R. 896: Mr. DAVIS of Illinois and Mr. ABERCROMBIE.

H.R. 919: Ms. MCCOLLUM, Ms. LOFGREN, and Mr. ROSS.

H.R. 931: Mr. DEAL of Georgia and Mr. WICKER.

H.R. 933: Ms. LOFGREN.

H.R. 934: Mr. RANGEL and Mr. SANDERS.

H.R. 937: Mr. BEREUTER and Mr. NETHERCUTT.

H.R. 941: Mr. NORWOOD and Mrs. EMERSON.

H.R. 953: Mr. KANJORSKI, Mr. CARDOZA, Mr. WEXLER, and Mr. DAVIS of Alabama.

H.R. 975: Mr. JENKINS, Mr. PLATTS, Mr. NETHERCUTT, Mr. BAKER, Mr. SCHROCK, Mr. RAMSTAD, Mr. SMITH of Texas, Mr. COLE, Mr. OTTER, Mr. ROGERS of Michigan, Mr. BROWN of South Carolina, Mr. WELLER, Ms. GINNY BROWN-WAITE of Florida, Mr. BOEHNER, Mr. HOSTETTLER, Mr. GOODE, Mr. BURTON of Indiana, Mr. WAMP, Mr. SOUDER, Mr. REHBERG, Mr. SWEENEY, Mr. UPTON, Mr. JANKLOW, Mr. LEWIS of Kentucky, Mr. CANTOR, Mr. HOEKSTRA, Mr. FLETCHER, Mr. BONILLA, Mr. BUYER, Mr. AKIN, Mr. BEAUPREZ, Mr. DAVIS of Florida, Mr. GARY G. MILLER of California, Mr. DEMINT, Mr. LINDER, Ms. HOOLEY of Oregon, Mr. KOLBE, and Mr. BEREUTER.

H.R. 977: Mr. GORDON, Mr. TANCREDO, Mr. ABERCROMBIE, Mr. CARDOZA, and Mr. ACEVEDO-VILA.

H.R. 980: Mr. WALSH.

H.R. 991: Mr. WALDEN of Oregon, Mr. DOOLEY of California, Mr. CASE, Mr. THOMPSON of California, and Mr. FROST.

H.R. 996: Mr. GOODE, Mr. TOM DAVIS of Virginia, Mr. TURNER of Texas, Mr. NEY, and Mr. FROST.

H.R. 998: Mr. PAUL.

H.R. 1000: Mr. WOLF and Mr. GILLMOR.

H.R. 1007: Ms. LINDA T. SANCHEZ of California and Mr. CASE.

H.R. 1021: Ms. CARSON of Indiana and Mr. SANDERS.

H.R. 1038: Ms. DEGETTE.

H.R. 1043: Mr. RANGEL, Mr. MILLER of Florida, and Mr. MENENDEZ.

H.R. 1049: Mr. LUCAS of Kentucky and Mr. BRADLEY of New Hampshire.

H.R. 1052: Mr. LAMPSON, Ms. MCCOLLUM, and Ms. BORDALLO.

H.R. 1054: Ms. DUNN.

H.R. 1093: Mr. SIMMONS.

H.R. 1095: Mr. DOOLEY of California, Ms. LINDA T. SANCHEZ of California, and Mr. DEAL of Georgia.

H.R. 1097: Mrs. DAVIS of California and Mr. DELAHUNT.

H.R. 1102: Mr. SCOTT of Georgia.

H.R. 1104: Mr. REYNOLDS, Ms. HART, Mrs. BLACKBURN, Mr. ADERHOLT, Mr. ROYCE, Mr. ISAKSON, Mr. LATOURETTE, Mr. BRADLEY of New Hampshire, Mr. KING of Iowa, Mr. FEENEY, Mr. GILCHREST, Mr. GALLEGLY, Mr. GREENWOOD, Mr. WILSON of South Carolina, Mr. PETRI, Mr. SPRATT, Mr. KENNEDY of Minnesota, Ms. GINNY BROWN-WAITE of Florida, Mr. ROGERS of Michigan, Mr. WAMP, Mr. SWEENEY, Mr. MCKEON, Mr. FRANKS of Arizona, and Mr. SULLIVAN.

H.R. 1108: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mrs. CHRISTENSEN, Ms. NORTON, Ms. WOOLSEY, Mr. JEFFERSON, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. RANGEL, and Mr. CLYBURN.

H.R. 1111: Mr. PAUL.

H.R. 1114: Mr. HOUGHTON, Mr. JANKLOW, Mr. ISSA, Mr. NETHERCUTT, Mr. BEREUTER, Mr. BARRETT of South Carolina, Mr. SMITH of Michigan, Mr. TOOMEY, Mr. PEARCE, and Mr. KENNEDY of Minnesota.

H.R. 1125: Mr. WEINER, Mr. MCGOVERN, Mr. LUCAS of Kentucky, Mr. RENZI, Mr. ISRAEL, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. JOHN, and Mr. POMEROY.

H.R. 1126: Mr. TOOMEY and Mr. MILLER of Florida.

H.R. 1146: Mr. SAM JOHNSON of Texas and Mr. SESSIONS.

H.R. 1151: Mr. WOLF.

H.R. 1157: Mr. JEFFERSON, Mr. KUCINICH, Mr. CAPUANO, Ms. MCCOLLUM, Ms. NORTON, Mr. GEORGE MILLER of California, Ms. CARSON of Indiana, and Mr. RAHALL.

H.R. 1199: Mr. DAVIS of Tennessee.

H.R. 1212: Ms. CORRINE BROWN of Florida.

H.R. 1219: Mrs. CHRISTENSEN and Ms. LINDA T. SANCHEZ of California.

H.R. 1227: Mr. RYAN of Wisconsin and Mr. PENCE.

H.R. 1254: Mr. ROGERS of Michigan.

H.R. 1255: Mr. ROGERS of Michigan.

H.R. 1262: Mr. BACHUS.

H.R. 1265: Mr. KING of Iowa, Mr. MARIO DIAZ-BALART of Florida, and Mr. JOHNSON of Illinois.

H.R. 1275: Mr. ACEVEDO-VILA, Mr. ANDREWS, Mr. BECERRA, Mr. BELL, Mr. BERMAN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. EDWARDS, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HALL, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. LANTOS, Mr. MARKEY, Mr. MCGOVERN, Mr. MCNULTY, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SKELTON, Ms. SOLIS, Mr. TOWNS, Mr. TURNER of Texas, and Ms. LINDA T. SANCHEZ of California.

H.R. 1288: Ms. SCHAKOWSKY, Mr. MATSUI, Mr. VITTER, Mrs. CAPITO, Mr. WALSH, Mr. BERMAN, Mr. HOEFFEL, Mr. GRIJALVA, Ms. DELAURO, Mr. LUCAS of Oklahoma, Mr. KENNEDY of Rhode Island, and Mr. MCNULTY.

H.J. Res. 10: Mr. MCNULTY.

H.J. Res. 20: Mr. MCGOVERN.

H.J. Res. 22: Mr. SAM JOHNSON of Texas.

H. Con. Res. 19: Mrs. JO ANN DAVIS of Virginia, Mr. GORDON, and Mr. SMITH of Washington.

H. Con. Res. 26: Mr. BOYD, Mr. ROTHMAN, and Mr. GEORGE MILLER of California.

H. Con. Res. 78: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, and Mr. WEXLER.

H. Con. Res. 82: Mr. WELDON of Pennsylvania.

H. Con. Res. 89: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. STARK.

H. Con. Res. 91: Mrs. JOHNSON of Connecticut, Mrs. CAPPS, Mr. WAXMAN, Mr. WYNN, Mr. TOWNS, Ms. MCCOLLUM, Mr. MORAN of Virginia, Ms. CORRINE BROWN of Florida, Mr. BISHOP of New York, Mr. MATSUI, Mr. BALLANCE, Ms. JACKSON-LEE of Texas, and Mr. OLVER.

H. Res. 12: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 43: Mr. UDALL of New Mexico.

H. Res. 45: Mr. FOSSELLA, Mr. RAHALL, Mr. KILDEE, Ms. ESHOO, Mr. PORTER, and Mr. ISAKSON.

H. Res. 58: Mr. DINGELL.

H. Res. 108: Mr. ABERCROMBIE, Mr. ENGEL, Mr. BACA, Mr. MATHERSON, and Mr. WEXLER.

H. Res. 112: Mr. KUCINICH and Ms. SCHAKOWSKY.

H. Res. 113: Mr. ISAKSON and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 121: Ms. KILPATRICK and Mr. ROGERS of Michigan.

H. Res. 127: Mr. GARY G. MILLER of California.

H. Res. 132: Mr. ROGERS of Michigan, Mr. CALVERT, Mr. HOBSON, and Mr. REYNOLDS.

H. Res. 137: Mr. DAVIS of Illinois, Mr. MCGOVERN, Mr. FILNER, Mr. GUTIERREZ, Mr. BROWN of Ohio, Mr. MCNULTY, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. MCCARTHY of Missouri, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. HOLT, MR. HINCHEY, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Mr. GRIJALVA, Mr. CASE, Mr. HOLDEN, Mr. CAPUANO, Ms. ESHOO, Mr. SIMMONS, Mr. KENNEDY of Rhode Island, Ms. LEE, Mrs. DAVIS of California, Mr. RANGEL, Mr. FROST, Mr. KUCINICH, Mr. TOWNS, Mr. MORAN of Virginia, Mr. ABERCROMBIE, Ms. NORTON, Mr. NADLER, Mr. MEEK of Florida, and Ms. KILPATRICK.

H. Res. 142; Mr. GREEN of Texas, Mr. HALL, Mr. SCHIFF, Mr. LEACH, Ms. BERKELY, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. CRAMER, Ms. CARSON of Indiana, Mr. CASTLE, Mr. MCHUGH, Mr. CARSON of Oklahoma, Mr. ENGLISH, and Mr. NETHERCUTT.

H. Res. 143: Mr. GORDON and Mr. FRANK of Massachusetts.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R 1114: Mr. KENNEDY of Rhode Island.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, MARCH 18, 2003 No. 43

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Charles V. Antonicelli of Saint Joseph's Church on Capitol Hill.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

We give You thanks and praise this day, Lord God of justice and peace. You are the source of all that is good in our world.

Psalm 37 reminds us that ''if you trust in the Lord and do good, then you will live in the land and be secure. If you find your delight in the Lord, He will grant your heart's desire. Commit your life to the Lord, trust in Him and He will act, so that your justice breaks forth like the light, your cause like the noon-day sun.''

Almighty Father, bless Your sons and daughters who seek to do Your will this day. May we find our delight in You so that You may grant our hearts' desires. Help us to commit our lives to You and let Your justice shine bright in our world.

We ask this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CHAMBLISS). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the budget resolution. There are now 42 hours remaining under the statutory limit. In order to process amendments, it will be necessary to have lengthy sessions throughout this week in order to complete action on the budget resolution. Members who intend to offer amendments are encouraged to notify the managers of the bill so there can be an orderly consideration of those amendments.

As a reminder, there will be a cloture vote, beginning at 12 noon today, on the nomination of Miguel Estrada. In addition, the Senate may recess for the weekly party caucuses to meet during today's session.

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, the manager of the bill, Senator CONRAD, is with Senator DASCHLE now. He has an amendment that he is ready to offer. We have discussed that with Senator NICKLES.

What we need to work out is to see if we can charge the time during the time set aside for the weekly party conferences. We have not worked that out yet. We are in the process of trying to do that.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 23, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 264

Mr. CONRAD. Mr. President, I rise today to offer the first amendment to the budget resolution pending before us. I believe this is a critically important amendment as our Nation is on the brink of war.

After the President's speech of last night, I don't know what could be more clear than we are on the eve of conflict. The budget before us, submitted by the President, the budget that came out of the Budget Committee, contains no provision for that conflict. There is no money for conflict. There is no money for reconstruction. There is no money for occupation. There is no money.

Some have said, well, they have looked at the history and found that in the past wars were not budgeted for until operations have begun. I suggest operations have begun. We have nearly a quarter of a million troops poised on the border with Iraq. We have hundreds of thousands of reservists who have been called up. We have five carrier battle groups in the area. Operations have begun. We have special forces in Iraq at this moment. We are conducting air operations over Iraq at this moment. Who can assert that operations have not begun?

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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In the past, the Second World War, the First World War, Uncle Sam delivered a message to the American people: It takes taxes and bonds. And the message was that it takes common sacrifice to defend this Nation. But that is not what this budget says. This budget says, let's have a $1.5 trillion tax cut that goes primarily to the wealthiest among us before there has been any assessment of war cost or occupation cost or reconstruction cost or humanitarian aid cost. That strikes many of us as unwise. Many of us believe we ought to take a moment and do a calculation of what this war is likely to cost before we engage in new spending initiatives or before we launch a whole other round of significant tax cuts, given the fact we are already in deep and record deficit.

The deficit under the chairman's mark for this year, excluding Social Security, will be over $500 billion in a $2.2 trillion budget. That is a massive budget deficit by any calculation. As I have indicated, it includes no money for potential war cost, none.

The amendment I am offering says this: The Senate may not consider legislation that would increase the deficit until the President submits to Congress a detailed report on the overall estimated costs of the war. This measure would be enforced with a 60-vote point of order. In other words, if there were more than 60 votes in the Senate to add to the deficit, we would be able to do that.

There are two exceptions. We could add the spending for legislation relating to national or homeland security. That just represents common sense. We certainly don't want to limit our ability to respond to any threat. So we would have an exception from the 60-vote point of order in adding to the deficit for expenditures for national defense or homeland security.

The second exception would be an economic recovery and job creation package which does not increase the deficit over the time period 2005 to 2013.

In other words, we would be saying the following: We are going to have a 60-vote point of order against any measure that increases the deficit with the exception of additional spending for national defense or homeland security and with the additional exception of a stimulus package for this economy that does not add to the deficit in the years 2005 to 2013. The stimulus package could add to the deficit in 2003 and 2004 but not beyond.

I hope my colleagues will think carefully about what this amendment will do and what is in the budget before us.

In the Senate Republican plan, there is no money for any part of the conflict. We learn from news reports that there will be a supplemental sent up to us by the White House for between $60 and $95 billion. That means the deficit in 2003 will approach $600 billion when we exclude Social Security, truly a massive deficit.

It has been asserted that we don't know the cost of conflict. That is true. That is understandable. The one thing we know, though, is that the cost of conflict is not zero. That is the number that is in this budget. That is what the President has sent us as a budget, that there is no cost. That defies common sense. We know there is cost.

We know there are substantial costs. Here are some of them. We are reading in the press that the defense supplemental, the war supplemental the President may send us will be in the range of $60 to $95 billion. I read in the paper this morning that it may be $80 billion.

Humanitarian aid, we know we are going to be responsible for refugees, perhaps millions of people requiring feeding, requiring shelter, dispossessed by the conflict. Those estimates, on a conservative side, are $1 billion.

Reconstruction of Iraq, not included in the budget, there is a various range of estimates; $30 billion over 10 years, a conservative estimate.

The occupation of Iraq, there is no provision in the budget. Estimates run from $17 to $46 billion a year.

Aid to allies—Israel, Jordan, Egypt—not provided for in the budget, estimates of the cost run from $6 to $17 billion. We have not listed Turkey here. We negotiated an agreement with Turkey for some $6 billion. There are discussions with Russia, multiple billions of dollars in terms of a package for them.

And the war on terrorism in 2004, no additional provision—estimates that that could cost $19 billion. None of it is included in this budget.

Does that make any sense when we all know that the conflict is about to start and that we have already experienced substantial costs just moving our forces into position to launch this attack? Many of us don't think so.

Congress Daily reported on March 14 the following:

> Vice President Cheney met with Senate Majority Leader Frist Thursday to discuss, among other things, the timing of a spending request on military action in Iraq. It is not expected that such a request would come until after the House and Senate complete floor action on the budget resolution, a key aide said.

That report went on to say:

> Having a supplemental that could total somewhere between $65 billion and $95 billion come up while the tax cuts in the budget resolution are being debated could threaten the Republicans' economic agenda. House leaders have also said they want the supplemental war request delayed as long as possible to provide breathing room between the tax cuts and war spending.

I hope this is not true. I hope very much that we are not engaged in a cynical attempt to hide costs from people so that we make the tax cuts more palatable. If that is true, that is very disturbing. We ought to have all the cards on the table. We ought to be telling the American people the truth as completely and as fully as we can know it. And the truth is, this war is going to cost a lot of money. It ought to be included in our calculations to the best of our information.

We know from previous conflicts that initial war cost estimates are often low. Go back to the Civil War. The estimates were it was going to cost $200 million. The actual cost was $3.2 billion, a 1,500-percent increase over initial estimates.

World War II: Initial estimates were that it would cost about $112 billion. It wound up costing over $195 billion, a 75-percent increase. Vietnam: Initial estimates were $12.3 billion. It wound up costing $111 billion, an 800-percent increase over the initial estimates.

We can all hope that will not be the case here, and I do not in any way suggest we ought to budget for those kinds of dramatic increases over what the initial estimates are. But at the very least we ought to be budgeting for what the estimates are.

The President spoke last night. He spoke clearly. He spoke directly. He gave Saddam Hussein and his cadre 48 hours to get out of Iraq. The reports are this morning that Saddam Hussein and his group are not going to leave Iraq. There are already indications the President may address the Nation tomorrow. We are discussing and debating the budget resolution now. We ought to include our best estimates for this conflict in what we are doing now.

I go back to the amendment I am offering. It says we should have a 60-vote point of order against anything that adds to the deficit with two exceptions: one, additional costs associated with national defense and homeland security, and, two, additional tax cuts as part of a stimulus package that would be effective this year and next. Those would be the two exceptions—common-sense exceptions. Other than that, we should create a hurdle to additional new spending or additional tax cuts when we do not know the cost of this conflict.

When we look back at previous conflicts, this is what we see. This has been the response of Congress and the administration in every conflict America has experienced. The Revolutionary War: Excise and property taxes were enacted to pay for it; War of 1812: Excise and sales taxes were enacted to pay for it; Mexican-American War: There were no Federal taxes during this period; the Civil War: Excise, inheritance and income taxes were enacted to pay for it; the Spanish-American War: Excise and inheritance taxes were raised and war bonds were sold to pay for it; World War I: Income, estate, and corporate taxes were raised to pay for it; World War II: A major expansion of corporate, excise, and income taxes, and war bonds were sold to pay for it; Korea: Income taxes were raised to pay for the war; Vietnam: Business and income taxes were cut in the early stages, and in the midstages they were increased to pay for the war; in the Persian Gulf, the 1990 income tax increase was passed; and in this war, instead of paying for it, the President is saying: Let's have a $1.9 trillion tax cut. That is the cost of the tax cut and

the associated interest costs, even though we are already in deep deficit—in fact, in record deficit.

We are asking our troops to perhaps make the ultimate sacrifice. We are asking them to be prepared to risk their lives. It seems to me we ought to be asking the rest of the American people to sacrifice as well for this conflict. We certainly at the least should not be having a massive tax cut when we are already in deep deficit and have no idea what the war costs are. We may need every dollar to do what is needed to prevail in this conflict and respond to the terrorist threat that is expanded by it.

This morning we awoke to a recommendation from Mr. Ridge, the head of the Department of Homeland Security, to move up the threat level as a result of potential war with Iraq. Intelligence services are telling us it is a virtual certainty that there will be a terrorist attack against the United States in this timeframe. We ought not to be adding to the deficit except for national defense, homeland security, and a stimulus package. Anything beyond that is risky at a time when we are on the brink of war.

I hope my colleagues will think about this amendment. It requires a 60-vote point of order. That means if there is some other contingency other than national defense, other than homeland security, other than a need for a stimulus package, we could do it, but it would take a supermajority to add to the deficit when we do not know the cost of the war.

I hope colleagues will think very carefully about this amendment before we vote on it. My amendment is at the desk, and I call it up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. KENNEDY, proposes an amendment numbered 264.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prevent further deficit increases, except for national and homeland security and short-term effects of measures providing for economic recovery, until the President submits to Congress a detailed estimate of the full cost of the conflict with Iraq)

At the end of subtitle A of title II, insert the following:

"SEC. _____. PROTECTING RESOURCES REQUIRED FOR NATIONAL SECURITY AND ECONOMIC RECOVERY.

''(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the deficit in any fiscal year, other than one economic growth and jobs creation measure providing significant economic stimulus in 2003 and 2004 which does not increase the deficit over the time period of fiscal years 2005 through 2013 and spending measures related to national or homeland security, until the President submits to the Congress a detailed report on:

''(1) the costs of the initial phase of the conflict, maintaining troops in the region, and reconstruction and rebuilding of Iraq; and

''(2) how all of these costs fit within the budget plan as a whole.

''(b) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn. An affirmative vote of three-fifths of the Members or the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.''

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am a cosponsor of the amendment. I commend the Senator for bringing this matter to the attention of the Senate and I hope the country because I think the vote on this amendment is going to say a great deal about what this country is about.

I was listening very carefully to the Senator's comments that we should not provide, outside of meeting our responsibilities at home and our defense responsibilities and a temporary stimulus, a tax cut until we are going to pay for the war in Iraq, pay for the occupation in Iraq, and also pay for the return of the troops from Iraq.

I was with the Senator over these past weeks when we had a series of briefings. We were told in those briefings that we could not make an estimate to the Budget Committee because we did not know exactly how many other countries were going to be joining with us, what the extent of their armed forces would be, who those countries might be, and what the size of their military would be.

So because it was going to be difficult to make assumptions, on the basis of that fact, they were not going to make a submission to the Budget Committee. I think the Senator from North Dakota has reminded us, and the President certainly reminded us last night, that we are in effect going it alone. It is going to be the United States that is going to be assuming most of the costs. As I understand the Senator, it is not only a question of the finances, but it is also the message that we are sending to these American servicemen and women, who over the period of the next 36 to 48 hours will be risking their lives for their country, all at the same time that the Senate of the United States is going to be acting to give a tax break for wealthy individuals in this country.

If we think that is a message of fairness, if we think that is backing up our troops in Iraq, I miss it completely. On the one hand, Americans are losing their lives and at the very same moment this Senate is giving a tax break to wealthy individuals. What is it about this Senate that they would consider this?

I commend the Senator from North Dakota for reminding us of the history of this Nation. Never in the history of the Nation, have we had a tax cut for wealthy individuals, or for any individuals during wartime. As the Senator pointed out, we have a shared responsibility to come together as a Nation and engage in some form of sacrifice. I still remember the selling of bonds that took place during World War II. We were trying to get all Americans to contribute by buying the bonds for America, with everyone doing their bit. But, oh, no, not in this budget. We are, on the one hand, sending our servicemen and women overseas to risk their lives, and at the same time we are prepared to give one of the largest tax breaks in the history of this country.

We should not commit the country to large new permanent tax breaks until the full cost of the Iraq conflict is known.

We all know that the long term costs of the war in Iraq and its aftermath will be substantial. Independent estimates show the cost of the war between $50 and $150 billion. The Senator has outlined some of the areas of concern in terms of cost already. As I understand it, it costs about $9 to $13 billion to send the military over there. I hope the Senator will correct me with these figures if I am wrong. We know it is going to cost about $5 or $7 billion to bring them back. The best estimate is about $17 billion for every 75,000 troops. We had General Shinseki say our presence in the region might have to be several hundred thousand troops. Most of the military leaders, including General Nash who served in the gulf during the previous war, thought the same number of troops were needed to pacify a country as they go in at the same time of the invasion, at least for the first several months. If we are talking about $17 billion for 70,000, and we have General Shinseki talking about several hundred thousand, say 200,000, that is three times that amount. We are already up to almost $60 billion.

We have seen the estimates of rebuilding the oil industry at $5 to $7 billion, if it is not destroyed. We have seen that bringing communications infrastructure up to 100 percent, would be another $15 billion. We have seen the cost of bringing the electricity to 100 percent estimated at $15 billion. We are talking about tens of billions of dollars, and this is not even getting into the payments to the various civil servants we are going to have to make once the current Iraqi Government is gone, to get them to continue performing their functions after the war.

We assume all of these responsibilities under the Geneva Convention the day troops go across the border. Yet we do not have any kind of effort by this administration to work with the Budget Committee to try to work out a process of paying for these matters. I say to the chairman of the committee, we now have 175,000 guardsman and reservists who are serving. In many of these situations, the private insurance that they have for their families is not retained when they are activated. We

ought to be making sure that at the very least, we are going to meet the health insurance costs for families of the 175,000 reservists and National Guard who are being called up and are serving.

Yet do we have that kind of coverage included in this budget? Has the administration said we ought to care for our service men and women in this budget who are facing this threat? They have not. I do not understand, and the American people don't understand why we are in this rush to pass this budget that is constructed to give major kinds of tax reductions for wealthy individuals without allocating the necessary resources to go to war. It makes absolutely no sense whatsoever. We are talking about tens of billions of dollars. Not one dollar has been set aside in the budget which Senate Republicans have brought to the floor for what everyone knows will be an expense in the tens or hundreds of billions of dollars.

The American people ought to be informed about this. We have had a great many hearings around this body about the war, but those are classified and those are secret. Why can we not come out in the open and let the American people know exactly what this is going to mean in terms of the costs of the conflict? Why not include them in on this? Why exclude them from any of the information in terms of the costs of this conflict? We know the President has refused to submit a cost estimate to Congress because the overall cost will be so enormous and he is obviously afraid of ''sticker shock'' when he discloses the facts to the American people. The President does not want to tell Congress what this war will cost until his proposal for $1.3 trillion in new tax cuts for the very wealthy is locked in. He is afraid that if Congress knew the real costs of a war in Iraq, that Congress might do something sensible—such as reducing the size of the tax cut to help pay for the war.

The way to have it done would have been to have worked with the Budget Committee and outlined what would be responsible recommendations and what would have been a responsible position to balance the costs we are going to face in the future, and defer any kind of tax reductions or breaks until we were able to get the job done.

Finally, as we are sending our servicemen and women overseas to engage in battle, I share the belief that we should be building a better America here at home for when they return. They deserve, when they come home, to have a nation that has a sound economy. Our economy is flat now. We have a responsibility to take the steps now to make sure that when these service men and women come home, after they have been risking their lives, they are going to have a sound economy for their future. They ought to be able to come home and know that their younger brothers and sisters are going to go to good schools, get a good education, have an opportunity to continue their education in college, and not face an education system that has been virtually abandoned in this country.

When they come home, they ought to know there is going to be the chance of being able to have affordable health insurance policies and not see that their parents are increasingly being put at financial risk because of the increasing costs of health insurance or the increasing costs of prescription drugs.

We need a budget that will strengthen America. This is not that budget.

The idea that we are not going to use our resources to educate future generations, we are not going to help families out with spiraling health insurance premiums, we are not going to help them out with prescription drugs; no, no, we are not going to do that. Instead, we are going to give a tax break for the wealthiest individuals at a time when our brave men and women in uniform are risking their lives in Iraq. This budget is not the right budget during a time of such high national purpose for America.

The American people understand fairness. In the face of all the anxieties they have been facing here at home, they understand fairness. They understand, that when the sons and daughters of working families are going to risk their lives that it is absolutely unfair at that very moment to provide tax breaks for the most wealthy individuals in this country and fail to invest in America.

While Senator CONRAD is here, we will introduce a little later in the day, legislation regarding health insurance coverage for our Reservists and National Guardsmen and women, but I would like to have a chance to review with the Senator and other Members what the particular challenge is for these servicemen and servicewomen. If you think it is worthy of your support I ask that you support the legislation.

I thank the Senator from North Dakota for his strong leadership on this budget resolution and for presenting this amendment before the Senate.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I join the distinguished Senator from Massachusetts in congratulating our leader on the Budget Committee, the Senator from North Dakota, for his ongoing leadership and the priorities he set forth. They are so important. He made them so clear on behalf of the American people. I cannot think of a more important amendment than the amendment of Senator CONRAD at this time and on this day. I hope we will unanimously support this amendment. I hope we would not have to have a vote, that we could do this by voice vote today.

This amendment says exactly what we ought to be doing at this moment in time in our history. The amendment says, other than funding defense and homeland security and stimulating jobs and the economy, we are going to stop; we are going to wait on the rest of the budget; we are going to wait on additional spending. Certainly there are critical areas we care about. We are going to wait on any kind of a tax cut until we can pay for this war, until we know what the bill is. We know, if we do not do that, exactly how we are going to pay for it. We are going to pay for it by continuing to go into massive debt, depleting the Social Security and Medicare trust funds. That is how we are going to pay for it if we do not agree to this amendment.

This is absolutely critical. I think certainly the people in Michigan look at us in wonderment that we would be bringing up the budget resolution for the coming year, in which are the values and priorities of the American people, and we would not have any money set aside for a war in which we are about to engage.

How would an American family do that? If you were putting together your budget and you had a huge expense coming up in a couple of days, you wouldn't just ignore it. You wouldn't ignore it unless you just planned on putting it on a credit card, maybe. That is essentially what we are doing, is paying for the war through a taxpayers' credit card. That is not good enough and it is also not necessary. It is not necessary to do this outside the budget. This should be brought forward. We should at least put aside a reserve fund. We know at this point we cannot say exactly what it will cost. We certainly do not know what the reconstruction will cost. We do not know how long after the war we will be involved with Iraq, rebuilding Iraq. But we do know it is more than zero. We know that. We know it is more than zero.

We have a pretty good idea you could start somewhere in the $80 billion to $100 billion range and not be too high. So this says: Let's wait on other things. Let's wait and let's make sure we are covering the costs of a war that our President last night indicated most likely we are about to begin.

We also believe part of that is making sure we have dollars for those who are fighting on the front lines here at home. We all care deeply and stand united supporting our troops overseas. We know in this resolution we clearly indicate defense should be our top priority at this time, to make sure both our reservists and National Guard and their families are receiving what they need in terms of health care, and certainly recognizing their sacrifice, leaving their fulltime jobs and going to serve all of us at this time of conflict.

We have another group and that is the group that is serving us on the front lines at home. That is the group that answers the 9–1–1 call, the emergency medical personnel, the sheriff, the fire department. These are the people who have to respond. We, in fact, know the likelihood. Certainly there is increased risk right now they will have to respond.

So part of what we are saying is defense abroad but also defense in our hometowns needs to be the top priority. We need to pay for that, too. We are not yet doing that. We are seeing promises to other countries for their help in this effort, yet no willingness to provide assistance for those who are helping us on the front lines in our own hometowns.

Again, it just doesn't make any common sense. What we are saying through this amendment is we need to stop until we make it clear what the costs are for the war. We will focus on defense, homeland defense, and making sure we are stimulating jobs in the economy so in fact we are having a strong economy for our families and those fighting for us who will be coming home, so they will have that strong economy and jobs. But it is not the priority now to say that, among all the things we could be doing, we are going to give another round of tax cuts to those who make millions of dollars a year.

We look at shared sacrifice and we are being told we all have to sacrifice. I read an article not long ago about our Senate Republican leader going in front of a group of veterans. But while he certainly indicated supporting the veterans, he said: Veterans are going to have to sacrifice.

I would suggest veterans have already sacrificed and, in fact, we are creating war veterans whom we will be asking to sacrifice. But where is the sacrifice? Where is the sacrifice for those here at home who make millions of dollars a year, who already have one home, two homes, three homes, several cars, and are doing well? We welcome that. We would like that for every American. We certainly want an economy where every American can work hard and do well and move up the income scale.

But what happens when we say to people, those making $13,000 a year, serving us in the Army versus somebody at home whose life is not on the line or someone who is not a police officer or a firefighter or EMT worker, what do we say when we are saying we cannot fund homeland security, we cannot make sure you have health care that you need to protect your families if you are in the National Guard or Reserves? We are not going to budget for this war, but we are going to say that if you are blessed and doing well and are at the very top of the income earnings of America, earning millions of dollars a year, then we are going to put you ahead of everybody else; and we are going to say that you ought to be able to get a tax cut, even though it means we cannot pay for the war, that we have to go back into debt, even though it means we have massive debt that is eventually going to raise interest rates and make it harder for people to buy houses and cars and send their kids to college; even though it puts us in a situation where we cannot provide prescription drug help for our seniors, we cannot fully pay our share of the public school bill through the Leave No Child Behind; even though we have to leave veterans standing in line for months to see a doctor at the VA; even though there are all kinds of other issues where we are saying to people that you have to sacrifice right now. Children have to sacrifice, seniors have to sacrifice, veterans have to sacrifice, our families and small businesses that are not getting help with their health care bills have to sacrifice; but a few folks at the top do not. And they are not asking for that, either.

When I talk to folks who are doing very well at home, they say, we can wait. It is alright. We are not asking for this. We want to make sure our kids are safe at home, that hometown security is taken care of, the school systems are strong, and our troops have what they need overseas. They want to make sure that, in fact, those things are in place, which relate to our safety and security, and the economy, and the other issues that are very important for Americans, very important to keep us strong.

This amendment is incredibly important. It basically says stop. Our President says in less than 48 hours we are going to be at war, assuming Saddam Hussein does not leave the country. We believe we have an obligation and a responsibility to pay for that war, to make sure our troops have what they need, to make sure people on the front lines in our communities at home have what they need so we are safe first. We need to do that first. Then we can talk about tax cuts and how to structure it so the majority of Americans benefit.

We can talk about the important issues of health care and education and the environment and other critical needs in the country; but we need to stop now and focus first on the safety and security issues of our country and making sure our economy is strong with a stimulus so there are jobs. We need to start there, as any other family when you have to set priorities. Let's start with the bottom line priorities, given where we are now. Let's make sure we can pay for it, not be adding to the debt, and then we can debate other important issues that we all care about.

Again, I commend Senator CONRAD for his leadership and for this very important amendment. I hope all of us can come together and show unity on this floor and send a message across the country that at this time we are going to put our safety and security first, and we are going to make sure we are not putting it on a credit card—we are paying for it—and that we are going to make sure our troops and front line people at home have what they need before other decisions are made about this budget.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Michigan for her remarks and for her leadership on the Budget Committee. She has been somebody who is dedicated to fiscal responsibility, and also addressing the priorities of the American people. Whether it is improved education for our children, or expanded health care, she has been a champion of all of that.

I say to my colleagues, last night we had a discussion about a number of the issues facing us in this budget. As we discuss our current fiscal circumstance, I wish to remind people where we are, compared to where we thought we were going to be. This is critically important to understanding the choices before us.

Two years ago we were told by the administration that we would have $5.6 trillion in surpluses over the next decade. The Congressional Budget Office produced this chart that showed the possible range of outcomes from a worst-case scenario to the best-case scenario with respect to budget deficits and possible budget surpluses. The center point of that range was the $5.6 trillion of surpluses over the next decade. In other words, they said you can have a wide variance of outcomes. You could actually have deficits, or you could have even larger surpluses than the $5.6 trillion that was the most likely outcome that they projected, as did the administration.

At the time, the President was proposing a very large tax cut and he said we can have it all. He said we can have a large tax cut, major defense buildup, more money for education, more money for health care. He said we could have a maximum paydown of the debt and protect Social Security—the Social Security trust fund surpluses. We could stop the raid.

Well, after the Congressional Budget Office showed us this range of possible outcomes, I tried to alert our colleagues that betting that we could have it all was probably a risky bet, and it would perhaps be a wiser course not to count on any 10-year forecast coming true, and that we had to take account of the possible downside risk as well as the upside potential.

The will of this body was to charge ahead and bet that all those surpluses would come true. Now we know that was a bad bet; it was a risky bet. When we go back and actually do a line that shows where we actually are compared to the projections, we see we are below the bottom. Not only are we not at the midpoint of the possible range of outcomes with respect to the surplus, we are below the bottom. The result of that, of course, is deficits are exploding.

Under the chairman's mark, we are going to have a deficit this year—not counting Social Security. If we treat Social Security like a trust fund, as the law requires, we will have a deficit this year of $503 billion. That is before any war costs. There are no war costs in that calculation. If the war cost is $100 billion, as many estimate in the first year, the deficit this year will be $600 billion.

We have never had a deficit of more than $290 billion in our entire national history; $600 billion in 1 year would be staggering.

It is a fundamental reason I am offering the amendment before us. The amendment says you cannot add to the deficit unless you can get a supermajority vote in the Senate. You have to get 60 votes or more to add to the deficit, with two exceptions. We would not have that requirement for additional expenditures for national defense or homeland security. We would not have that supermajority requirement for a stimulus package to give lift to the economy this year and next when we are forecasting economic weakness.

If this does not concern our colleagues about the direction of the fiscal condition of our country, I don't know what it will take to make them concerned. Not only do we see enormous deficits now, but we see it throughout the rest of the entire decade. Again, that is without any war costs. That is without any fix to the alternative minimum tax which now affects 2 million Americans and will affect 35 million Americans by the end of this decade.

On top of that, under the chairman's mark, under his budget proposal, we see they will be taking $2.7 trillion of Social Security surpluses over the next decade and using those to pay for the tax cut and other expenditures. This is incredibly unwise. The baby boom generation is about to retire. The leading end starts to retire in 2008. When that happens, the cost to the Federal Government of Medicare and Social Security will increase dramatically because the number of people who are eligible increases dramatically.

Instead of using this money for tax cuts and other expenditures, we should be using it to pay down the debt or to prepay the liability we all know is to come. Instead, the money is being spent. It is being used to fund tax cuts. It is being used to fund other expenditures. These taking of Social Security surplus funds and using it for other purposes will create an extraordinarily difficult set of choices for a future Congress and a future President.

In many ways what I have already said understates the problem. In talking about deficits, we do not talk about the debt. Yesterday, I talked about the publicly held debt. That is the debt held by the public in this country. The President told us 2 years ago we would be virtually debt free by 2008 if his plan were adopted. We now know instead of being debt free, we will have over $5 trillion of debt by 2008. That is the tip of the iceberg because that is the publicly held debt. That does not count the debt to the trust funds because we are taking the Social Security surpluses, using them for other purposes. That is also debt. That is also debt that has to be paid back.

If we look at that debt under the chairman's mark, we can see it will equal $12 trillion by the end of this budget period by 2013. In 2002, the gross debt was just over $6 trillion. In that period of time, we will be doubling the debt, doubling the debt right on the brink of the retirement of the baby boom generation.

That is why in the President's own review of his budget, he provided this chart. It is the long-term outlook for the country. What it shows is we are in the sweet spot now. Even though we are running record deficits, a deficit that may approach $600 billion this year, these are the good times, according to the President. This is what happens, he says, if we adopt his spending and tax cut proposals. It is just like falling off a cliff into an ocean of red ink. That is what will happen.

Right at the time the costs of Government explodes with the cost of the baby boom generation, the cost of the President's tax cut explodes. What it does is create deficits that are totally unsustainable. It will mean massive debt, massive tax increases, massive benefit cuts. That will be the only way out of this ocean of red ink.

This chart should alert everyone as to where we are headed. It shows the size of the Medicare trust fund surpluses in blue that ultimately become deficits, the size of the Social Security trust fund surpluses are in green, and it shows the size of the President's tax cuts in red. Right now there is a fairly rough balance between the surpluses of Social Security and Medicare and the size of the President's tax cuts, both those enacted and those proposed.

But look what happens when the trust funds go cash negative in 2016 and 2017. At the very time they go cash negative, the cost of the President's tax cuts explode, driving us into deep deficits, deep debt, deficits that will reach over $1 trillion a year. No one is going to loan us that kind of money. That is not going to work. These are deficits that are absolutely unsustainable.

The head of the Congressional Budget Office, who was put in place by our friends on the other side of the aisle, told us last year if we go in this direction, it will mean massive debt; it will mean unprecedented tax increases, tax increases of 50 percent; and it will mean massive benefit cuts. I hope someone is listening. It is as though deficits are not a concern anymore. They better be because it is going to have real effects on real people, and they are going to be dramatic effects. They are going to be harshly negative. We are not paying attention to what we all know is coming. This is not a projection. Those baby boomers have been born. They are alive today. They are eligible for Social Security and Medicare. Those costs are going to explode as they retire.

Unlike the 1980s, some of my colleagues say: Gee, in the 1980s we had big deficits and it all worked out—we had time to get well, then. We had time between those massive deficits and the retirement of the baby boom generation. This time, there is no time to get well. The baby boomers are going to retire.

That is why the amendment I am offering is important. It says you have to have at least 60 votes to increase the deficit, except for expenditures for national defense and homeland security and except for tax cuts that are part of a package to stimulate the economy to get it growing again in 2003 and 2004. Other than that, you have to have a supermajority to add to the deficit.

This is a consequential debate. At some time, the history of the fiscal affairs of our country will be written and looked back at this time and people will be held accountable for the choices they made. I hope they are wise choices.

I see my colleague from Iowa is present, and I understand he has remarks. I yield the floor.

The PRESIDING OFFICER. Does the Senator from North Dakota yield time to the Senator from Iowa?

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Iowa.

IRAQ

Mr. HARKIN. Mr. President, I thank the Senator from North Dakota for yielding. I will speak on the situation in Iraq. I find it almost surreal that we are here debating the budget—it is important, obviously, for what will happen to the future of our country—but I note that at least the British House of Commons just today committed a whole day of debate on Iraq. Then they will vote on a resolution. It looks as though Prime Minister Blair will win the resolution in the House of Commons, but at least they are having a debate. We would think that would be happening here in the Senate, that we would have at least 1 day of debate about whether or not our President is doing the right thing.

I watched the President last night, and it looks as if his mind is made up. In fact, I think it has been made up for a long time. I was disheartened to learn that the United Nations is withdrawing its inspectors. They have been making some progress, but they are now being pulled out.

Last October, I was one of 77 Senators who supported the congressional resolution on Iraq. The resolution, in the version that we passed, supported diplomatic efforts to enforce the Security Council resolutions. And if all peaceful means failed, it authorized the use of force so we could defend the national security of the U.S. and enforce Security Council resolutions.

At the time, I said that going to war should be the last resort. It was clear then—and it is clear now—that Saddam Hussein is a brutal dictator, and that weapons of mass destruction in his hands are a grave danger to the international community. But I said then—and say now—there is a right way and a wrong way to confront him and disarm him.

In voting for the resolution, I say to my fellow Iowans and to my fellow

Senators, I was clear I was not voting for immediate war with Iraq. I wanted to provide maximum leverage for the President to persuade the Security Council to approve a tough, new resolution for inspections and disarmament.

Since October, this approach has had some success. The Security Council passed a strong resolution, and inspectors went back into Iraq for the first time since 1998. Faced with a united world, Iraq has generally let the inspections take place. After some resistance, Iraq has begun to allow some overflights and interviews with scientists. And they are destroying their al-Samoud missiles, as the U.N. demanded.

Now clearly, there are huge gaps in Iraq's cooperation. They have stonewalled in providing required information on their former chemical and biological weapons. And, as Secretary Powell described to the Security Council, they appear to have tried to deceive U.N. inspectors. But as far as we know, the disarmament of Iraq had begun. It certainly has not been completed and verified. But the process was underway and should have been allowed adequate time to bear fruit. Yet now war is going to start.

Back in October, the President, perhaps reluctantly, agreed to work through the United Nations in seeking disarmament of Iraq through peaceful means. I now have to wonder if President Bush really meant it. Almost from the day inspections began, the administration has been proclaiming their end.

Back in January, the President gave ''a matter of weeks, not months.'' But from the start, the inspectors themselves have said it would take months or years for them to complete their work.

And I regret to say that we have not been helping the inspectors adequately. As I said after Secretary Powell's presentation to the U.N., rather than complaining about truck convoys weeks after the fact, we should help the U.N. stop and inspect them with real-time intelligence. But according to a CBS News report from February 21, U.N. inspectors said our intelligence—U.S. intelligence—has just led them ''to one dead end after another.'' These U.N. inspectors called the intelligence we gave them ''garbage after garbage after garbage.''

The administration has not even been clear on what we want from Iraq. The resolution I voted for referred to enforcing Security Council resolutions. Now, while there are a lot of those, the key one demanded disarmament of Iraq's nuclear, biological, and chemical weapons programs, and of their long-range missiles.

After hundreds of inspections, the U.N. has found no evidence of ongoing programs for weapons of mass destruction. They did find that some missiles go a few miles over the limit. Iraq declared those, and is now destroying them. Nobody is saying that Saddam Hussein's obsessive pursuit of these weapons is suddenly over, but we sure do not have much evidence there to justify an invasion and full scale war.

So the administration tries to bring in September 11 and the fear that Hussein will give his weapons of mass destruction—assuming he has some—to terrorist groups. But no one has ever shown that Iraq had any involvement in the September 11 attacks. And even U.S. and British intelligence officials describe evidence of Hussein's links to al-Qaida as weak.

A recent Washington Post graphic showed 20 key terrorist organizers. They were from Saudi Arabia and Egypt and several other countries, but not one was from Iraq.

So now the administration talks about fostering democracy throughout the Middle East. That is a noble goal. But it is hard to grow democracy out of the barrel of a gun. It seems more likely that a U.S. invasion and occupation of Iraq will lead to more extremism and terrorism in that region.

In any case, our goal was supposed to be enforcing U.N. Security Council resolutions and defending U.S. national security. The resolutions are about disarmament in Iraq, not about rebuilding governments in that region.

Further, the administration has been throwing out allegations about Iraq without bothering to back them up. First, they claimed Iraq has been trying to buy uranium, based on documents that turned out to be forgeries. They pointed to a British intelligence dossier that turned out to be copied from academic papers several years old. They talked about close ties to al-Qaida based on an alleged facility in an area of Iraq that Hussein does not control and on one visit to an Iraqi hospital.

The Vice President, on Sunday, claimed that Iraq has ''reconstituted nuclear weapons,'' a bizarre claim, but the U.N. has found no evidence that Iraq ever had nuclear weapons to reconstitute or that they now have an active program to make them. But after the Vice President said that, he turned around and then said something else. I am reading here from the Washington Post of this morning, Tuesday: ''Bush Clings To Dubious Allegations About Iraq.''

> In his appearance Sunday, on NBC's ''Meet The Press,'' the vice president argued that ''we believe he has, in fact, reconstituted nuclear weapons.'' But Cheney contradicted that assertion moments later, saying it was ''only a matter of time before he acquires nuclear weapons.'' Both assertions were contradicted earlier by Mohamed ElBaradei, director general of the International Atomic Energy Agency, who reported that ''there is no indication of resumed nuclear activities.''
>
> Earlier this month, ElBaradei said information about Iraqi efforts to buy uranium were based on fabricated documents. Further investigation has found that top CIA officials had significant doubts about the veracity of the evidence, linking Iraq to efforts to purchase uranium for nuclear weapons from Niger, but the information ended up as fact in Bush's State of the Union address.

Well, on and on and on it goes.

After I listened to the President last night, and after going through all the false assertions that they have made—what the Vice President said on national television on Sunday, without a shred of evidence—reminds me of two ships called the *Maddox* and the *Turner Joy*, that supposedly in the late summer of 1964 were attacked in the Gulf of Tonkin.

I ask Senators, go back and read the Senate debate on the Gulf of Tonkin resolution in August 1964—our two ships attacked in the open ocean, attacked by vessels from North Vietnam. That led to a drumbeat to pass the Tonkin Gulf resolution, which gave the President the authority to engage in full scale war in Vietnam.

What did we learn later? We learned later that there never was such an incident. Neither the *Maddox* nor the *Turner Joy* was ever attacked. This was all fabrication, all total fabrication.

But I ask, what elected official, what appointed official in the Johnson administration or later in the Nixon administration was ever held to account for that? Yet 50,000 lives later, we recognize what led us into Vietnam.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. HARKIN. Can I ask for another 5 or 7 minutes.

Mr. CONRAD. Another 5, if that is OK. We have another speaker who is scheduled in that slot.

Mr. HARKIN. I appreciate that.

Mr. CONRAD. Mr. President, if I could interrupt the Senator and ask the time be charged to the resolution, and the other time that has been allotted to the Senator from Iowa be charged to the resolution rather than the amendment.

The PRESIDING OFFICER. The Senator has that option.

Mr. HARKIN. So, Mr. President, we almost have before us another *Maddox* and *Turner Joy:* a claim that Iraq has reconstituted nuclear weapons, but the evidence is not there.

The President himself said, last October:

> 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.

Those are the President's words.

But:

> Inspectors have found that the al-Samoud 2 missiles can travel much less than 200 miles—not far enough to hit the targets Bush named.

The constant beating on the drums of war, along with the shifting goals—last night for the first time I heard that it is not just Hussein who has to leave but also his sons; the goal was regime change, then it was disarmament, and now it is regime change and a family thing, to get the family out—the dubious allegations, the lack of support for inspections, make it look as though

this administration has been set on war from the beginning and has just been casting about looking for support for their war all along.

Is war justified? I have absolute confidence in the men and women of our Armed Forces. Faced with war, they will win, and will do so with courage, discipline, and skill. But even with our overwhelming strength, even assured of victory, war is a terrible prospect. Thousands of innocent people will die. Iraq will be left in chaos. We will be left to occupy a country most likely for years, left with the responsibility on our taxpayers of rebuilding it.

America has always been reluctant to engage in war. And this will be the first war ever in which we have invaded where there has not been an imminent threat.

I believe there are at least four tests that must be met before we go to war. First, we must face an imminent threat. That has not been shown. Could Saddam be a threat down the line sometime? Perhaps. But we could contain him with inspections, and not just a handful but 500 or 1,000 inspectors—there is no limit on how many inspectors we could have; we could put in 1,000 inspectors. Would that cost more money? Sure. A lot less than a war.

So we must face an imminent threat, and that has not been shown.

Secondly, war should be the last resort, not the first. Even if a threat is demonstrated, we should launch a war only after we have exhausted all reasonable alternatives, as we required in the resolution last fall. In this case, we clearly have not.

Third, we must have substantial support among our allies and work with the United Nations. The agreements Saddam Hussein has violated are with the U.N. He didn't make those agreements with the United States, he made them with the United Nations. So since it is not a bilateral problem, it is a multilateral problem, we should be working through the United Nations. There is no doubt we can win a war against Iraq on our own—no doubt about that—but we are going to need the other nations to help rebuild Iraq after the war.

Finally, before we go to war, the fourth thing we need is a full debate in the Congress. Thus, I applaud Senator BYRD and Senator KENNEDY for their resolutions to move the debate forward. But now the clock has run out. I can't for the life of me understand, why the British House of Commons can have a full day of debate today on whether or not to pass a resolution to go to war, but the U.S. Congress can't.

I think back to our own Revolution which gave us the power. It is in the Constitution of the United States that only Congress has the power to declare war. And there can be no mistake about it. This is not an intervention. This is not military police activity. This is not defending ourselves against an imminent threat. This is an invasion and a full-scale war against a country.

I believe the Congress, and only the Congress, has the right to do that, and we have not even had the debate. It is time we have the debate.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CONRAD. Does the Senator from New York seek time?

Mr. SCHUMER. Yes, I ask for 5 minutes.

Mr. CONRAD. I yield 5 minutes off the resolution to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. I thank my colleague from North Dakota for offering this amendment which is timely and important.

What is this budget? Why do we have a Budget Act? Why do we have a budget resolution? It is to set priorities. If we didn't have to set priorities, we could have as many tax cuts as we wanted and as much spending as we wanted and as big a deficit as we wanted, and the country would be in chaos.

The Budget Act is a disciplining process that says: Everyone wants a whole lot of good things in America, but we have to set priorities. And we say this as we are in the shadow of war.

I have spoken on this and issued a statement last night, and I will be speaking more later. I pray for our soldiers and hope and pray that Saddam sees the light and abdicates. But if he doesn't, we will back our soldiers and do everything we can. That is a priority that we have to set and will set. But we have other priorities.

The Senator from North Dakota has wisely said, before we set those other priorities, we ought to figure out what the war and the ensuing peace will cost. I, for one, believe tax cuts are appropriate to stimulate the economy. The amendment wisely allows that. But it says before we go into a long train of large tax cuts—it doesn't say don't do them—let's figure out as best we can what the costs of the war are. Are the costs of the war going to crowd out funding for Medicare and Social Security? Are the costs of the war going to crowd out money for education or money for transportation? They may. We just ought to know it before we do it. Then, if we do have a crowding out, do people prefer, say, Medicare or tax cuts? Do they prefer education or tax cuts? Do they prefer transportation money or tax cuts? That is what a budget resolution is all about.

To proceed with a budget resolution that is going to offer massive tax cuts without knowing the cost of the war would drive any accountant crazy. Last year we were all saying, accountants have to get a whole lot better. Any accountant in his first year of taking an accounting course in college would say: If you have a huge cost coming up—a cost we all support, the cost of the war—don't do other types of things, whether it be spending or cuts, before you know what that cost is.

My colleague has put together a great amendment. In fact, if you are a fiscal conservative, above all you should support the amendment. I don't care what your ideology is, this is a fiscally conservative amendment. It says, get your ducks in order; figure out what your costs are before you engage in a massive program of tax expenditure.

It leaves room for a stimulus which we all need and will support. But it simply says, figure out your priorities because if we don't and we do a budget resolution and we don't know what the costs of the war are going to be, one of two things will happen: We will have a deficit that goes way beyond what anyone imagined and it will wreck our economy, or other kinds of spending needs will be crowded out—spending for education, spending for transportation, spending for Medicare and Social Security. All we are saying is: Figure out the priorities.

It is virtually reckless to do a budget resolution until we know what the costs are. I say this as somebody who is not opposed to spending money on a war. But at the same time we have war, to have massive tax cuts and not know what the other consequences will be for our deficit and spending, as I said before, would drive any student in the first year of Accounting 101 absolutely crazy.

I thank my colleague from North Dakota for putting together a fiscally conservative and responsible amendment, for restoring some order to make sure that the Budget Act, which says, let's not be kids in a candy store and just pick everything without knowing the consequences—that is what the Budget Act says—to make sure it has some real teeth and real meaning.

I thank my colleague from North Dakota for offering the amendment. I hope we will have bipartisan support for it because it is only fair and right.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ENZI). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time.

The PRESIDING OFFICER. The Senator has that right.

Mr. DASCHLE. Mr. President, I commend the Senator from New York for his eloquence and his comments. Also, I commend the distinguished ranking member on the Budget Committee for the leadership he has shown in offering this amendment today. I am very grateful to him for the work he has invested into this amendment. I am very hopeful our colleagues on both sides of the aisle will see its wisdom.

Our Nation is living through some grave and difficult days. We face the continuing threat of terror and the developing danger of nuclear proliferation from both North Korea and Iran. At the same time, the American economy is stagnating, the Federal deficit is exploding. More and more Americans

are losing hope that they will ever find a job.

Overshadowing all of this, we stand on the cusp of war with Iraq. We need to be awake to this moment in history. In generations past, our country stared straight into the eyes of every threat and did what it took to overcome danger. The hallmark of American history has been the willingness of our leaders and our citizens to sacrifice today for the liberty, security, and prosperity of our children and our children's children tomorrow.

President Bush said in his State of the Union Address:

> We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other Presidents, to other generations.

We could not agree more.

Now is not a time to pass reckless tax breaks that will saddle our Nation with debilitating debt for generations to come, while doing nothing to energize our economy today. Our Nation needs to be united in the face of the many threats before us. But I fear the President's tax break plan not only divides us against one another today, it pits the political whims of the moment against the economic security and prosperity of the future.

Therefore, I am asking Democrats and Republicans to come together to support this amendment, which has been called the ''patriotic pause,'' because it states clearly that, except for national security, except for defense, except for a genuine and very small fiscally responsible economic stimulus plan, this Congress will approve no new tax breaks or new spending until the cost of war in Iraq and the rebuilding effort that will follow are determined.

Under this amendment, we will provide every necessary resource to support our troops and protect our homeland. We will also do what it takes to re-ignite our economy. But this amendment acknowledges that we have an obligation to keep our commitments to America's children, families, and seniors. If we enact the Republican budget plan with the $1.5 trillion in new tax breaks, primarily for those at the very top, we would see deficits and debt for as far as the eye can see. And the cost of these new tax breaks explodes in the future, sucking up resources needed to keep our commitments to Social Security and Medicare.

This past weekend, I met with a group of seniors to discuss the issues most important to them. Concerned about the uncertain future of Social Security and Medicare, one gentlemen said to me:

> Five years ago, I was part of the ''greatest generation.'' Now someone is trying to declare war on me.

This Congress must honor the patriotism of our parents and grandparents by living up to our obligations to them. We must demonstrate our own love of country by living up to the highest traditions of our history.

The ''patriotic pause'' gives us that chance. It will demonstrate to our citizens and to history itself that we are awake to the demands of this moment, and it will preserve the resources and trust necessary to meet whatever challenges our shared future holds.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. I see my colleague from North Dakota is seeking time. How much time does the Senator wish?

Mr. DORGAN. Fifteen minutes.

Mr. CONRAD. I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. On this amendment, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. DORGAN. Senator CONRAD has offered an amendment that is simple, devastatingly simple, and right.

I talk often about going to a very small school, probably not the smallest school that anyone in the Senate attended, but it must be close. My entire high school, four grades, was 40 kids, and the senior class in my high school was 9. I kid that I was in the top 5 somewhere in a high school class of 9. We did not have Ph.D.s teaching math. I didn't need a Ph.D. to tell me how to add 1 and 1; 1 and 1 always equals 2—except in Washington, DC, during a budget debate.

Let me talk about what is happening with respect to fiscal policy in this country. This is a chart that shows what is happening with respect to Federal surpluses and deficits. We were in the go-go 1990s, turbocharged 1990s; our economy was building, creating new jobs and producing tax revenues, and we began to have surpluses.

We had people say: We have surpluses as far as the eye can see; let's provide very large tax cuts. President Bush was the leader of that $1.7 trillion effort. Some said we ought to be a little more conservative, if something happens. But the President got his way, we had a very large tax cut, and guess what. We then had a recession.

The attacks of September 11, the war on terrorism, the largest corporate scandals in history, the bursting of the tech bubble, pancaking of the stock market, and guess what happened. We went from black ink to red ink quickly, with a devastating decline into huge, crippling Federal budget deficits. That is where we are. That is where we are headed.

What is the answer? The President says, let's have more tax cuts. In my hometown, as they say, when you were in the hole, you did not order more shovels, you just stopped digging. This is a circumstance where we have to sober up as a country and evaluate how do we deal with these hemorrhaging Federal budget deficits in the long term. We do it, as the Senator from my home State says with this amendment, by deciding to wait for additional tax cuts and additional spending: Let's have a pause at the moment, put a lid on it all; no big tax cuts, no big spending increases. He allows in his amendment the opportunity and the need to deal with defense and homeland security, he allows the need in the first 2 years to deal with a stimulus plan, if necessary, but he says, beyond that, let's have a pause.

On the eve of potential military action in Iraq, we hope and pray it is quick and decisive with minimum loss of lives, but we know as it happens, it will cost a great deal of money, and we are going to be prepared to respond to that. We will provide the resources necessary to support the brave men and women who fight for this country. But we ought to ask the question on the eve of military action, should we pass a budget resolution that says, by the way, what we propose at the moment, as is the case with President Bush's budget and the budget that came out of the Budget Committee, let's have very large tax cuts, let's have the huge costs of war and reconstruction and the consequence of that, and let's attach to that additional tax cuts?

Maybe it is only in this town that there is some sort of escape from reality, but in my little hometown if you talk about budgets and responsibility and, yes, patriotism, it seems to me we have to add up what our needs are, what we have to do as a country, how much revenue we have to do it with, and try to come to some reconciliation of that. But that is not the case in Washington, DC.

Let me say this about tax cuts. Tax cuts represent the easiest political lifting in American politics; no question about it. If you want the easiest lift in the Senate, boast about all the tax cuts you support. I would love to say I support all the tax cuts and I believe we all ought to have a zero tax rate, but that is not the fact. The fact is we build roads, we educate our kids, we provide for our common defense, we do all of these things together, and someone has to pay for that. I would love to say let's have giant tax cuts that go on forever. But it is not the responsible thing to do, especially on the eve of a war.

The amendment offered by my colleague, Senator CONRAD, is simple. He says let's take a pause for a moment. The budget resolution that comes to the floor out of the Budget Committee says: Let's decide to have very large tax cuts, make the previous tax cuts permanent, and on top of that, have additional large tax cuts. And, oh, by the way, we will increase defense, increase homeland security, and shrink domestic discretionary spending, including education, health care, and all the other issues.

It seems to me things that go around come around, and we already have a construct of this. David Stockman wrote a book about it. That was in 1981. They said, we can double defense spending and have very large tax cuts and it will add up. It didn't. Someone

asked President Reagan about his plan, and there was a parody about that. He said: Well, what this new economic plan is, you take an apple, and you cut it in half, and then you have three glasses, put half an apple in one glass, half an apple in the second glass, and half an apple in the third glass. They said: How do you get three halves from one apple? And he said: See, you don't understand our theory.

I think I do understand the theory. There are only two halves of the apple, but this budget resolution provides the kind of theory and gimmickry that will head us down a road to hemorrhaging deficits that will cripple this country. It will devastate our ability to restart this economic engine of ours.

The people who watch us here in the Congress, watch what we do, they need to see we are serious about trying to put this fiscal house in order.

I ask unanimous consent for 3 additional minutes.

Mr. CONRAD. I am happy to yield 3 additional minutes to the Senator from North Dakota.

Mr. DORGAN. Those who watch this process need to understand we are serious about what we are doing here, that what we do will lead to some kind of economic stability in the future. They count on it, that we are not going to spend money we don't have. We are not going to burden our kids with debt. We are going to try to have some means to pay for that which we do and, yes, that includes paying for the costs of military action and supporting our troops.

I support this Conrad amendment because I think it puts national security and economic security first. I support this amendment because I support the troops, and I support this amendment because I support efforts to increase homeland security in this country. I support this amendment because I believe our economy needs a boost. All of those, in my judgment, will be the fruits of this amendment.

I regret that we have the budget resolution on the floor that came from the Budget Committee. It has completely taken a vacation from reality. There is no way it adds up. You can explain it until you are blue in the face, it doesn't add up, and it is not going to lead to a better and brighter economic future.

I want a fiscal policy, as does my colleague, I believe, a fiscal policy that expands this country's economy. First, we need to jump-start it and then we need to try to find ways to give people confidence to expand it.

Our economy is all about confidence. When people are confident in the future, they do things that manifest that confidence: buy a house, buy a car, take a trip. They do the things that expand the economy. When they are not confident about the future, they do exactly the opposite and the economy contracts. They defer the purchase, don't take the trip. The economy contracts.

I want people to take a look at what the Senate does, what my colleague has done with this amendment, and say this gives us some confidence about the future. There are people who are serious about making sure this adds up, about making the right investments, establishing the right priorities for this country. That is what this amendment does.

In my judgment, if you decide you are with the Budget Committee resolution that came to the floor of the Senate, what you are saying is we believe we should have long-term, growing, inescapable Federal deficits and we don't care much about it.

I will tell you what, if you don't care much about it in the Senate, there are many who will. They will pay for it with their jobs. They will pay for it with lost opportunity. They will pay for it with weaker schools. They will pay for it with less homeland security. That is a guarantee.

On the positive side, let me say this amendment is a giant step in the right direction and I hope my colleagues will support it. I commend Senator CONRAD for the amendment that he calls The Patriotic Pause amendment. It says: Let's stop. Let's take a look. Let's listen to what is happening around here and let's make a sound judgment about where this country ought to head and what its priorities are.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I ask that I be yielded time under consideration of the amendment.

The PRESIDING OFFICER. Without objection, the Senator from Arizona.

Mr. MCCAIN. Mr. President, as Senators begin debate on the budget, I want to briefly discuss why, at this time, I cannot in good conscience vote in favor of tax cuts, irrespective of their size or to which segment of the population they are targeted, nor can I support any substantial spending increases that are not related to improving our Nation's defense from the obvious and serious threats facing us today.

Let me stress, however, that I am, like my colleagues, concerned with the weakened state of our economy, and I do not dismiss lightly arguments in support of stimulating our economy with tax cuts. I know the negligible growth in our economy today has left many Americans without work, their investments and saving diminished, with lower standards of living, and that their elected representatives are expected to do something to help alleviate their suffering. I may have concerns that some parts of the administration's proposed tax cuts would not provide the near term stimulus necessary to strengthen our obviously anemic economic recovery. However, I am certainly willing—even inclined—to consider tax cuts that would provide a more immediate stimulus, such as, for instance, a reduction in payroll taxes. But not at this time.

The United States is currently engaged in a global war against terrorism, and will, in all likelihood, soon commence a necessary war to disarm Iraq by destroying the regime of Saddam Hussein. The costs of these enterprises are not known with any degree of certainty at this time. Nor are the costs we will incur after what I believe, what I fervently hope, will be a brief, successful war in Iraq, as we week to establish the foundations for a peaceful, stable and democratizing Iraq. The administration has not provided the Congress with a realistic estimate of how much this worthwhile endeavor will cost the U.S. Treasury. I don't fault them for that. The costs are simply not knowable at this time.

I believe the war in Iraq can be concluded successfully in a relatively brief time. But it is surely possible that the conflict won't meet our best estimates for its probable duration. It might take longer than we hope or it may exceed our hopes. As any responsible war planner will tell you, it is always wise to expect the unexpected in war. Few battle plans have realized in their execution the planners' every assumption.

Moreover, we do not know at this time how great will be the costs of meeting our responsibilities in a post war Iraq or with how many other countries that burden will be shared. The answer to those questions will depend, more than anything else, on how quickly and how thoroughly this military action succeeds.

Also, if terrorist organizations use our action in Iraq as the occasion and the excuse to initiate new attacks against Americans, at home and abroad, that too will put new pressures on our treasury. What is already clear to me is that we will need to spend substantially more on our national defense—in the long term—that is currently envisioned, according to recent reports, in the budgets being marked up by the House and Senate budget committees. How much more will depend, of course, on the war's costs. But it will also depend on challenges from the continued threat from al-Qaida and other associated terrorist groups, and from the aggressive actions by states hostile to the United States and our allies, which are intent on acquiring weapons of mass destruction, such as North Korea.

In addition, the costs of our security at home are great, and certain to increase over the next few years. Our war against al-Qaida has been significantly successful. The President and his administration deserve great credit for that. But the enemy in our global war against terrorism is not yet vanquished. Speaking as a border state senator, with the challenges to better protect our borders so evident to Arizonans, I am acutely aware of how much more needs to be done to secure our homeland.

Even without assuming the costs of these various contingencies, particularly the war in Iraq and the responsibilities we will have in that country following the cessation of hostilities,

the increase in the Federal budget deficit envisioned over the next 10 years ought to concern greatly every member of Congress. In the first 5 months of fiscal year 2003, the United States Government has already run up a $195 billion deficit. The Congressional Budget Office estimates that even without the President's tax cuts and without further increases in spending for the remainder of the fiscal year, the total budget deficit for 2003 will reach $246 billion. If we add the projected costs this year of the President's tax cuts the deficit would reach $287 billion. Most alarming, are the deficit projections for the next 10 years, incorporating the President's proposed tax cuts, released by CBO last week: $1.8 trillion. That's a pretty staggering sum, and it does not include any of the costs of our imminent actions in Iraq.

We should be concerned about deficits. They limit economic expansion by reducing the amount of national savings available for investment. This raises both interest rates and interest payments on the national debt. Deficits constrain our ability to respond effectively to unanticipated fiscal events. If we do not reduce them, projected long term deficits will reach dangerous levels, lowering the national income and standards of living for future American generations.

That said, I would still be open, at some point, to proposals to stimulate the economy with tax cuts. But not now. We should take a pause in our efforts to increase spending on nondefense needs and to reduce taxes.

However, I will not support the amendment by me friend from North Dakota to create a 60-vote budget point of order against any legislation that contains tax cuts or spending increases that would increase the deficit until the President submits to Congress a detailed report on the costs of our operations in Iraq. The way to address legitimate concerns with this budget resolution is not by creating new, complicated points of order, containing numerous exceptions and subject to very discretionary judgments about what is significant economic stimulus, and what is an adequately detailed report on the costs of war and reconstruction in Iraq. The Senate should speak directly to these concerns now, and vote for or against tax cuts and nondefense spending increases in this budget resolution. Should continued negligible economic growth require the stimulus offered by tax cuts later in this Congress, after, for lack of a better metaphor, the dust has settled somewhat in our operations in Iraq, and Congress and the administration have a better understanding of the costs of war and peace incurred by the United States, Senators can consider changes to fiscal policy at that time.

However, while I don't foreclose future consideration of a tax cut to stimulate the economy, no one can be expected to make an informed decision on fiscal policy at this time with so many uncertain contingencies possibly on the horizon, and with the near, mid- and long-term costs of defending this country unknown and presently unknowable. Let us wait until we have succeeded in Iraq, and until we have some idea of what percentage of the costs of the aftermath of those hostilities we will have to bear. The best thing that can be done for the economy today is to win the war in Iraq quickly, completely, and to attract the coalition of partners necessary to help us meet our postwar objectives in that country. That is a far more necessary, and responsible stimulus to our economy at this time. And it is far sounder statesmanship than cutting taxes in the dark, or running up spending, without due regard to our primary responsibility to the American people: their physical security.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am wondering——

Mr. CONRAD. How much time does the Senator seek?

Mr. KENNEDY. Five minutes.

Mr. CONRAD. Mr. President, I yield 5 minutes off the resolution to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

NOMINATION OF MIGUEL ESTRADA

Mr. KENNEDY. Mr. President, in just a few moments we will be voting on Mr. Estrada's nomination for the district court. I wish to take a few moments of the Senate's time to talk about a very important matter, and a matter which is really the basis of the dispute in the Senate. That is about the materials that have been requested by members of the Judiciary Committee which have been denied to the members of the Judiciary Committee.

Thanks in large part to the majority leader's suggestion of a serious constitutional debate, we have all learned some important history lessons.

We have learned in detail about the deliberate decision of the Founders to give the Senate a major and independent role in the selection of Federal judges at the Constitutional Convention in 1787, and to prevent the judiciary from becoming a pawn of the President.

We have been reminded that the founders made a very specific decision to create the Senate as a constraining force on the President, to resist sudden or drastic changes in the direction of the Nation and to prevent Presidential overreaching.

We have all reread the key provision of the Constitution in which the Founders instructed that the Senate exercise its specific powers in accordance with rules of its own making. We have learned that until 1949, the first 162 years of our country, those rules provided no way at all to end Senate debate on a nomination by the President. In 1949, our rules established the possibility of a cutoff of our prized freedom of speech on the Senate floor—but only when a two-thirds majority consensus supported imposing that restraint on the minority.

Despite the hypocritical cries of ''majority rule governs'' from those who would have us abdicate our central constitutional role, we all recognize that the President who has caused this controversy over judicial nominations would not be our President today if majority rule applied to the Presidential elections.

It is clear that the administration has not met its burden of demonstrating the suitability of this nominee. The nomination process is not a game of hide and seek, in which the White House selects only the positive information about a nominee to give the Senate and withholds the rest, in the hope that the Senate will not find it. The process is not complete until the administration shares with the Senate all of the available information, so that the Senate can exercise its advice and consent power deciding for itself, under its own rules, what is relevant and what is not, what is dispositive and what is not.

The members of the President's party do not serve him well, nor do they serve their own interests well, nor do they fulfill their obligations to the Senate, if they allow the White House to short-circuit the process by selectively withholding information. And the fact that some of that information may be confidential, or sensitive, or classified, or embarrassing does not end the matter. It merely starts a process within the administration of deciding whether the nomination of a particular person for a particular position at a particular time is important enough to the President to justify the release of that information.

In some cases it may be possible to block out particular items in documents without destroying their utility. In some cases it may be appropriate to allow receipt and discussion of particular documents in closed committee session without immediate release to the public. In some cases, it may be necessary to provide classified documents to committees with the facilities to handle it properly and with staff who are cleared to review it. Once the Senate has the information on any of these grounds, we can decide whether the information is relevant, what weight to place on it, and whether further investigation or questioning is required.

The argument for withholding documents in close cases is not a very strong one—it does not rise to the level of proprietary business information or intelligence methods, for example. And as many of us on the committee have pointed out to the White House, there are many instances in recent history where the Justice Department has provided such materials to us.

One of the best examples of such a case was the Richard Kleindienst confirmation proceeding. In that case, as

here, members of the Committee requested extensive litigation materials from the Justice Department. Unlike the present case, the Chairman, although he disagreed with those Senators on the merits of the nomination, agreed that they were entitled to make their requests, and certified the requests as Committee requests to which the Department would have to respond. The Department in fact provided the Judiciary Committee with extremely sensitive deliberative litigation documents from various offices at Justice. They revealed the Department's strategies and thought processes on the appeal and settlement of a major set of antitrust cases.

Moreover, the Solicitor General himself, the eminent former Dean of Harvard Law School, Erwin Griswold, appeared before the committee and answered questions of Senators on both sides of the aisle on the content of the recommendations made to him by attorneys in the Department and by him to the Acting Attorney General and Antitrust division, including his own and others' opinions on the strengths and weaknesses of various litigating positions. Like every Solicitor General, he asserted the right of the Department to withhold deliberative documents. But at the same time he and the Department in fact disclosed and discussed those deliberations in the Senate, sometimes in unrestricted form and sometimes under restrictions.

Why did they do so? In the Department's own words, they could release any such information whenever they determined that there was a ''compelling public interest'' in doing so. And for some reason they concluded that there was such a public interest in getting Mr. Kleindienst—already confirmed as the Deputy Attorney General—confirmed to fill the vacancy in the position of Attorney General for the one year left in Richard Nixon's first term. I note that Justice did refuse to provide certain materials which the nominee offered to avow under oath would have no relevance to the facts at issue. After extensive additional hearings, the nominee was confirmed, but later resigned when documents eventually released in the Watergate and other proceedings showed that he had not been truthful in his testimony to the committee. He pleaded guilty to a subsequent criminal charge of ''failing to testify fully and accurately'' to the Senate.

That case demonstrates that the Department could and did as a matter of discretion release extremely sensitive litigation documents and information from the Solicitor General's office, including the testimony of the Solicitor General himself, merely to accomplish the confirmation of a cabinet member for a short-term appointment to a post which did not really need to be filled. Clearly then the Department has full power to release sensitive documents when they are requested in the context of a nomination for a lifetime appointment to the nation's ''second highest court.''

In this case a substantial portion of the committee have concluded that the White House has not met its burden of going forward. The nominee's record does not contain the usual body of judicial decisions or legal publications which demonstrate the way he addresses important legal questions. On the contrary, as the hearing record demonstrates, members had serious questions about the nominee's suitability, questions for which the nominee's answers ranged from evasive to inconsistent. But the committee did not have the full record. It did not have what may be the best evidence of the nominee's approach to current legal issues of great import, the writings of the nominee himself, writings composed by the nominee in the Solicitor General's office in circumstances which even his supporters concede were likely to show him at his most candid.

It is perfectly reasonable and logical for Senators to conclude that the Executive's refusal to provide that complete record is based on either or both of two rationales: Either the White House fears that Senate access to the documents—even without automatic public access—would confirm the unsuitability of the nominee, or the White House does not think there is a ''compelling public interest'' in completing Mr. Estrada's nomination process.

In either event, the ball is in the executive branch's court: If they think there is a compelling public interest in moving ahead with this nomination, they can and should turn over the materials. If they do not think there is a compelling public interest in proceeding with this nomination, they can continue to refuse to provide the materials. But if that is their decision, then they should cease their imposition on our time and especially our Republican colleagues' patience, forgo the Rovian hopes of short-term political gain from ''Groundhog Day'' repetitions of useless cloture votes, and just pull the nomination.

Mr. President, this nominee has been sent to the Senate of the United States. We had a very good debate the other day about the shared responsibility between the President and the Senate in naming individuals to the courts with lifetime appointments.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. KENNEDY. Mr. President, could I have 1 minute more?

I yield myself 1 more minute.

We had a very good debate on that issue. The fact is, this administration has seen all of those papers. On that basis, they have nominated him. But they have refused to let us see them and expect us to be a rubberstamp. It is wrong. I hope we will continue to reserve our judgment on this nominee until we get that information.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, it is my understanding we have a vote at noon; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Mr. President, the floor leader, the chairman of our committee, is not in the Chamber at the moment, so I will not propound a unanimous consent request. But I would ask for his staff to consider that we permit another amendment.

I see the Senator is in the Chamber now.

I say to the chairman, I was just saying that we have this vote. Then it would be my hope that, at some point soon thereafter, we could have a vote on my amendment. I am told we need a window until 3 o'clock for votes. Maybe we could have an opportunity to offer additional amendments in that interim period and stack votes at 3 o'clock, if we are limited in our ability to vote until then.

Mr. NICKLES. Mr. President, I will be happy to work with my colleague. Because I have been running back and forth to a lot of meetings, I have not had a chance yet to even address the Senator's amendment that is pending, so I wish to do that.

Are we still working through the lunch break?

Mr. CONRAD. Yes. The intention was to do that. We would have the vote at noon. If the vote is done at around 12:30, that is why I am raising the question now of being able to offer another amendment, so we could use that time productively.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT COURT

The PRESIDING OFFICER. The hour of noon having arrived, the Senate will go into executive session and resume consideration of Executive Calendar No. 21.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as you all know, we are going to vote on the Estrada nomination one more time with regard to cloture. The fact of the matter is, I am very concerned about this because I think the Senate is placing itself into a serious procedural set of problems that literally could come back to haunt the Senate for many years to come. You see, this is the first filibuster in history of a circuit court of appeals nomination.

It is a shame that there has to be a filibuster against one of the leading Hispanic legal thinkers in America—especially since I don't believe there has been a glove laid on Miguel Estrada from the beginning of this debate right up until today.

Everybody knows this man is highly qualified, having received the highest rating from the American Bar Association of unanimously well-qualified. Very few judgeship nominees receive that type of unanimously well-qualified rating from the American Bar Association.

Miguel Estrada has lived an American dream life. He came here from Honduras at age 17. He hardly understood English, and taught himself English. He graduated from high school and went on to Columbia University where he graduated magna cum laude. He then went on to Harvard Law School and graduated magna cum laude. He was editor of the Law Review at Harvard. Miguel Estrada became a law clerk to Judge Amalya Kearse on the Second Circuit Court of Appeals, one of the most coveted spots for young law graduates who are of exceptional ability, and then he became a law clerk for Justice Anthony Kennedy on the U.S. Supreme Court. Certainly, one of the most coveted jobs any young law graduate can have is to clerk for a Justice on the U.S. Supreme Court.

Miguel Estrada became a prosecutor in the Manhattan office and tried appeals there for the prosecutor's office. He went on to become a member of the Solicitor General's Office as Assistant Solicitor General. He worked there for 5 years—4 years for the Clinton administration, 1 year for the Bush administration—where, according to performance reviews, he was given the highest ratings one could possibly receive from his superiors and where he argued cases before the Supreme Court. This man has argued 15 cases before the U.S. Supreme Court, winning 10 of them. Most attorneys never have an opportunity to argue before the Supreme Court, let alone have the experience Miguel Estrada had.

He went through one of the most detailed hearings on record before the Senate Judiciary Committee last September, conducted by the distinguished Senator from New York, Mr. SCHUMER. My friends on the other side have said this hearing was conducted fairly; it was a decent hearing. They had every opportunity to ask any questions they wanted. If they wanted to go longer, they could have gone longer. They did not. Afterwards everyone had the opportunity to file written questions. Only two Democrats filed written questions: Senator KENNEDY of Massachusetts and Senator DURBIN of Illinois.

Now we find ourselves, because the Republicans have taken control of the Senate, with a nominee before the Senate who probably would never have gotten here had it been left up to my colleagues on the other side and whose nomination now hangs in the balance because of a first-time filibuster in history against a circuit court of appeals nominee. In fact, we have only had one successful filibuster in the history of this country against a judicial nominee, and that was Abe Fortas back in 1968 when it was a bipartisan filibuster; both Republicans and Democrats filibustered Fortas. I did not agree with that filibuster then. I do not think it was right then, and I certainly do not agree with the filibuster now. I think it is very dangerous.

More importantly, if we continue to filibuster this nominee, it will show once and for all that the Senate is broken with regard to Executive Calendar nominees and, in particular, judicial nominees. If we are going to filibuster nominees we do not care for on either side of this august room, if the Democrats received a Democrat President and we filibuster his nominee because our nominee has been filibustered, then I think this system will be totally broken, will break down, and be very hard to repair.

I hope my colleagues on the other side will think through what they are doing. I hope there are a number of clear-thinking people on the other side who will realize that this is a dangerous procedure to do. It flies in the face of the Constitution because the President has the nomination power, and he has the appointment power, and we have the advise and consent power. But advise and consent means an up-or-down vote. It means once a person comes to the floor, there comes a time when debate has to end and there should be an up-or-down vote. In this case, that vote has been prohibited by our colleagues on the other side through this mechanism of a filibuster for the first time in history.

I believe what they are doing is blatantly unconstitutional because by requiring 60 votes to have an Executive Calendar nominee pass through the Senate, we are diminishing the executive branch of Government and the judicial branch of Government vis-a-vis the legislative branch of Government. All three are supposed to be coequal branches of Government.

This practice is dangerous. In my view, it is unconstitutional. We have to face this one way or the other, and all because my colleagues on the other side claim they do not know enough about Miguel Estrada, after all of these experiences, all of this knowledge we have about him, after one of the longest hearings on record in the history of circuit court of appeals nominations. In addition they are hiding behind a red herring, a false demand to go on a fishing expedition through all of the appeals certiorari and amicus curiae recommendations that Miguel Estrada worked on while at the Solicitor General's Office for 5 years. That has never been allowed before, it should never be allowed, and, frankly, I do not believe any self-respecting administration will ever allow that type of a fishing expedition into the most confidential, privileged papers in the Justice Department itself.

Seven former living Solicitors General, four of whom are Democrats, three of whom worked with Miguel Estrada as Democrat Solicitors General in the Clinton administration, have said it is highly inadvisable to allow this type of a demand by the Democrats to be approved by anybody because it would certainly damage the information on which so many of our Solicitors General have come to rely.

Yet this day people are saying they just do not know enough about this man. There has hardly been a nominee to any circuit court of appeals in this country in history who is more well known than Miguel Estrada.

The problem really comes down to this: He is conservative, and I think my colleagues on the other side believe he is pro-life. I personally do not know what he is with regard to the abortion issue, but I can tell you this, Mr. President: I do believe he is basically a good, strong conservative but a conservative who worked in the Clinton Justice Department for 4 solid years with the highest recommendations of his supervisors while he was at the Clinton Justice Department in the Solicitor General's Office. So this phony red herring issue is exactly that.

If we continue to filibuster this man, I believe we will have a Senate that is broken, a system that is broken, and we are going to have to do whatever we have to do to see that Executive Calendar nominees get up-or-down votes when they come before the Senate. Presidents of the United States deserve that consideration and they should have it.

If one reads the advise and consent clause in article II of the Constitution, just a few lines above it, it was made clear that you can have supermajority votes, and I think there are seven mentioned in the Constitution. But just a few lines above the advise and consent clause is a requisite two-thirds vote for ratification of treaties. If the Founding Fathers wanted to allow or require supermajority votes with regard to the advise and consent clause, they would have said so. They did not. The natural conclusion from any constitutional scholar would be that we are entitled to an up-or-down vote as the exemplification of the advise and consent clause.

The fact is, that is not being allowed because of a filibuster on the other side with the phoniest of excuses that they do not know enough about this very well-known young Hispanic man of high quality, high ability, with the highest recommendation possible, not only from the American Bar Association but from Democrat attorneys as well, such as Seth Waxman, for whom I have great affection and respect, a former Solicitor General of the United States.

I hope our colleagues will think it through and we vote for cloture so we can have an up-or-down vote on Mr. Estrada, and if they do not, we will have to see what happens in the future.

With this third cloture vote, we will have reached the most cloture votes ever given or ever required in the history of the Senate for an executive calendar nominee. Should cloture not be invoked, we will still go to further cloture votes, as we should. We need to

fight for this nominee because he deserves the right to sit on the Circuit Court of Appeals for the District of Columbia.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, with respect to this issue of Mr. Estrada, if those who come to the floor to make speeches about Mr. Estrada are trying to put together a puzzle for us, they are missing about six or eight key pieces. Let me use some information and some time to describe what those pieces are.

I do not want anyone to tell me that we have folks in this Chamber who do not support the President and the process by which we nominate and confirm judges. I think we have voted on 111 Federal judges in the Senate and I believe I voted for 110 of them. Now, I am a little weary of people coming to the floor and misstating the facts. They say, this is the first filibuster we have ever had. Not true. That is just not the case. Mr. Paez waited 4 years in the Senate, under the leadership of those who are now concerned about moving Mr. Estrada through this Chamber, and in order to get Mr. Paez through this Chamber there had to be a cloture vote. So I am a little weary of these stories about cloture.

We had a cloture vote on Mr. Paez. Why? Because that was required in order to move his nomination, which waited 4 years.

Mr. HATCH. Will the Senator yield on that?

Mr. DORGAN. I am happy to yield to the Senator on his time, if that is all right with the Senator.

Mr. HATCH. Yes. Is the Senator aware that there has never been a cloture vote to prevent somebody from having an up-or-down vote for the circuit court of appeals or the district court in this country, and further, no one has ever been stopped by a cloture vote in this country prior to this other than Abe Fortas?

Further, let me ask the Senator this additional question: If the Senator is referring to me as misstating the facts, I was the one who put Paez through. I was the one who put Berzon through. I was the one who put through a whole raft of them who were criticized on our side. I hope the Senator is not referring to me on this matter.

Does the Senator know of anyone, other than Abe Fortas, who was stopped by a filibuster who did not, once they got to the floor, have an up-or-down vote?

Mr. DORGAN. Mr. President, the Senator asks an interesting and a good question. He talks about people who got to the floor of the Senate. I could bring out a chart that shows candidate after candidate for the circuit court who never got a hearing in the committee, not one hearing on the committee, let alone a vote in the committee or a vote on the floor.

Mr. HATCH. Will the Senator yield on that?

Mr. DORGAN. Let me continue my statement. Let me say this with respect to cloture votes and a filibuster: Mr. Paez waited 4 years. The only way he got to the floor for a vote was with a cloture vote. That is called a filibuster, a cloture vote to break a filibuster.

Let me say this about Mr. Estrada: Having voted for every Federal judge but one who has been nominated by President Bush, I am prepared to have a vote on Mr. Estrada as soon as Mr. Estrada and all of those who support him say to this administration and to this candidate for a lifetime appointment, answer the questions. I would say to the Senator from Utah—on the day he had Mr. Estrada's hearing, he also had a hearing for another candidate for a judgeship. His name is Judge Hovland. He is in the Western District of North Dakota, a Republican, someone I supported strongly. I came that day and spoke for him. I say to the Senator from Utah, on the same day Mr. Hovland appeared before the committee, Mr. Estrada appeared before the committee. Does the Senator know that Mr. Hovland answered the very questions Mr. Estrada would not? Does the Senator know that Mr. Estrada refused to answer the questions Mr. Hovland answered?

Mr. HATCH. Will the Senator yield?

Mr. DORGAN. I ask the question of the Senator: Why is that the case? And I would simply say this: As soon as Mr. Estrada answers the questions and provides the information, I believe there ought to be 100 votes for cloture and we ought to have an up-or-down vote on Mr. Estrada. Until that time, no one who aspires to a lifetime on the Federal bench ought to be able to say to this Senate we are going to withhold information that has been requested.

I do not think the Senator from Utah should want that. I do not want it, and at least speaking as one Senator, I will not allow it. I will not vote for cloture until Mr. Estrada provides the information that has been requested of him.

I am happy to yield on the time of the Senator.

Mr. HATCH. I think the Senator has a splendid record with regard to voting for Federal judges, and I personally appreciate that.

Is the Senator aware that no true filibuster has ever succeeded against any Federal court nominee, other than Abe Fortas, in the history—

Mr. DORGAN. Well, I say—

Mr. HATCH. Let me ask my full question—of this country?

Secondly, is the Senator aware that Mr. Estrada, and the White House, have not only offered to come up and speak personally and answer every question of any Senator, they have offered to answer any questions in writing. He has answered all of those questions in writing for this body. And is the Senator aware that we have also offered to even have another day of hearing, as long as we get an up-or-down vote, where any Senator who wants to can ask any question he wants to on the committee?

I would even go broader than that. I invite any Senator on the Democrat side who wants to ask any question to come to the committee and ask him. But we would want a vote certain in order to do that. No candidate nominated in the history of this country has ever made that offer, and I am just saying I think he has answered the questions and I think the Senator just is not aware of it.

Mr. DORGAN. I am happy to yield to the Senator on his time. The Senator from Utah has had a generous amount of time on the floor of the Senate to make his case on many occasions, and he makes his case in a very persuasive way for those on his side of the aisle, perhaps. But having voted for all but one of the nominees sent by this President, I am a little weary of hearing anybody stand up and say those of us who vote against cloture are somehow obstructing at this point because the Senator knows full well why cloture has not been achieved. The answer is very simple. We have asked for only two things of this nominee: One, answer the questions that were put to him in that hearing.

Mr. HATCH. Which he has done.

Mr. DORGAN. Well, that is not the case. That has not been done. But No. 2, release the information that is available with respect to his service at the Justice Department for the Solicitor General's Office.

The fact is, when those conditions are met, I will be on the floor saying, let us have a final vote on Mr. Estrada. If those conditions are not met, neither the Senator nor anyone else in the Senate ought to demand that we give up our rights and opportunities to ask questions for those who seek a lifetime appointment to the Federal bench.

Mr. HATCH. Will the Senator yield one more time?

Mr. DORGAN. I say this, I am a little weary of the campaign that is going on around the country, letters to the editor, and talk shows, and all the rest that forget about two, three, or four key pieces to the puzzle, and the key pieces to the puzzle are this: This President has a right to nominate candidates to Federal judgeships. He has done two in North Dakota, both Republicans, both wonderful people. I supported them strongly. They are both now on the Federal bench. Our country is better because of it. I have voted for other Federal judges whose philosophy I disagree with because I think by and large they were qualified to serve on the Federal bench, and I have voted for all but one of those nominees sent by President Bush.

Let me come back to this point. On the very day the Senator from Utah presided over a hearing in the Judiciary Committee, Judge Hovland from North Dakota answered questions that Mr. Estrada did not answer. I do not understand why a committee chairman is not the first one on the floor of the

Senate to say we ought not move this until we get all the information we requested.

I am not someone who will stand in the way of a final vote on Mr. Estrada because of philosophical or other concerns. I will not do that. But as long as I am in the Senate with Republican or Democratic candidates for the Federal bench, I will demand they answer the questions put to them. In this case, Mr. Estrada has not done that.

One last time I will yield on your time.

Mr. HATCH. He has answered the questions in writing as well as orally in a very lengthy hearing. Is the Senator aware at any time in history—I am sure he is not—where a fishing expedition has been allowed into the Solicitor General's confidential privileged memoranda, on all appeals, certiorari, and amicus curiae recommendations? That has never happened in the history of this country.

I have offered to the side of the distinguished Senator to make available, if there are specific questions, I would go to the White House and see what I can do. But never has there ever been allowed a fishing expedition into all of these very privileged documents without some reason for authorizing it, and there is no reason offered by my colleagues on your side.

Mr. DORGAN. Reclaiming my time, a fishing expedition is not at all what this is about. The Senator from Utah knows that. I have listened to him at great length and voted with him on almost all judgeships. The Senator from Utah ought to demand what I demand and others demand: Candidates who aspire to a lifetime appointment to the bench ought to respond to the request for information from this Congress. That has not happened in the case. You can assert it until you are blue in the face. It is not the case that the information has been made available. Other candidates made it available. Mr. Estrada has not. When he does, I believe he ought to get his vote. Until he does, he should not get that vote.

I am weary that those who support this President's nominees almost universally are told we are somehow obstructing. That is not the case. Especially in circumstances where there were a good many fine people in this country who were nominated for the Federal judgeships, including circuit courts, who never got a hearing before the committee, I didn't hear anyone on the floor of the Senate, especially from that side, talking about it at great length. These are good men and women. They never got a hearing. This is not payback as far as I am concerned.

Mr. Estrada should get his vote as soon as he complies with the request for information from the Senate, which he has not done. He can do it this afternoon, and we can have a vote tomorrow, as far as I am concerned.

Mr. FRIST. Mr. President, the Senator from Massachusetts earlier made comments as to the Solicitor General memoranda requested for Miguel Estrada that are not well informed and have been refuted by a letter from the Department of Justice, sent to me, dated today, March 18, 2003. I ask unanimous consent that this letter be printed in the RECORD.

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

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, March 18, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I write to correct a significant and recurring misstatement of fact regarding the nomination of Miguel Estrada, which has been repeated several times on the Senate floor in the past several weeks. As noted below, several Democrat Senators have asserted or implied their belief that the White House and the Department of Justice reviewed Mr. Estrada's appeal, certiorari and amicus recommendations authored during his tenure in the Bush and Clinton Solicitor General's Offices before deciding whether to nominate him to the D.C. Circuit, and that the decision not to disclose these memoranda is based on the Administration's knowledge of their contents. Nothing could be further from the truth. Despite the fact that counsel to the President Alberto Gonzales explained in a February 24th letter to Senator Schumer that ''[n]o one in the Executive Branch has reviewed these memoranda since President Bush took office in January 2001,'' Senators continue to repeat this allegation, which warrants this additional response. An identical letter will be sent to Minority Leader Daschle.

Because the professional opinions of attorneys in the Solicitor General's office are—and always have been—confidential, no one in the White House, the Department of Justice or anywhere else in the Executive Branch reviewed these privileged documents—not before Mr. Estrada's nomination on May 9, 2001, and not since then. Unfortunately, the mistaken notion that the Administration has reviewed Mr. Estrada's memoranda has grown rapidly from speculation to rumor to purported fact. In order that your colleagues might have the most accurate information available during your deliberations on Mr. Estrada's nomination, we wish to point out specific misstatements and erroneous assumptions on this issue and to set the record straight.

In a February 12, 2003, floor speech, Senator Leahy speculated that the Administration knows what is in Mr. Estrada's confidential memoranda: ''Regarding the document request related to Mr. Estrada's nomination, he has told both Senator Hatch and myself, as well as several Members of the Senate, that he is perfectly willing to show us his writings and respond to them and answer questions about them, but he has been told by the administration that he cannot; the administration, however, would review those writings. They are the only ones who know whether this direct evidence of his views, the interpretation of law, is accurate or misleading—they are the only ones who have access to it and they say, basically: Trust us.'' Congressional Record, Feb. 12, 2003, at S2251. Senator Durbin elevated the speculation to a conclusion on February 26: ''Mr. Gonzales in the White House said, no, we will not consider producing anything. It leads members to conclude on this side of the aisle that there is something very damaging in these materials that they do not want disclosed. It is the only conclusion you can draw . . . this White House, tentative and concerned about whether or not Miguel Estrada has said some things that could jeopardize his nomination, refuses to disclose.'' Congressional Record, Feb. 26, 2003, at S2756.

Several days later, Senator Schumer repeated the mistaken assumption that the Administration has reviewed Mr. Estrada's memoranda: ''Why won't Mr. Estrada or the administration—which is his sponsor, his mentor—in this particular situation why won't he give up these documents? I will tell you what most people think when they hear about it. And I have talked to my constituents, the few who ask me about this. They say he is hiding something. Do I know he is hiding something. Do I know he is hiding something? Absolutely not. I have not seen the documents. But I tell you one thing: The great lengths that the administration and my colleagues on the other side have gone to not give up these documents makes one suspect there is something there they do not want people to see. So the documents are crucial.'' Congressional Record, Mar. 4, 2003, at S3064.

Senator Kennedy extended the error when he suggested that the Administration reviewed Mr. Estrada's memoranda in the selection and vetting process prior to nomination: ''We certainly have the obligation to do so when the Executive Branch prevents us from exercising our assigned constitutional powers of advice and consent by depriving us of any access to the only documents which might tell us what kind of a judge a nominee will be—the very documents which the President's lawyers used to select and vet the nominee.'' Congressional Record, Mar. 11, 2003, at S 3434.

In a March 13, 2003, floor speech, Senator Leahy completes the cycle of misstatements when he asserted that the Administration reviewed Mr. Estrada's memoranda in deciding whether to nominate Mr. Estrada.

''The real double standard in the matter of the Estrada nomination is that the President selected Mr. Estrada in large part based upon his 4½ years of work in the Solicitor General's Office, as well as for his ideological views. The administration undoubtedly knows what those views are and have seen those work papers. They know what he did. They picked him based on that, but they said even though we picked him based on that, we do not want the Senate to now what it was. We in the Senate cannot read his work, the work papers that would shed the most light on why this 41-year old should have a lifetime seat on the Nation's second highest court.

''We are to a point where the White House simply says, trust us, we know what he wrote and how he thinks and will make decisions, but we do not want you to know what he wrote, just rubberstamp him.

''. . . There seems to be a perversion to require the Senate to stumble in the dark about Mr. Estrada's views when he shared these views quite freely with others, and when the administration selected him for his high office based on these views.'' Congressional Record, Mar. 13, 2003, at S3671.

These assertions are simply wrong. First, each statement is based on the fundamentally erroneous premise that officials in this Administration have seen Mr. Estrada's memoranda. Let me assure you unequivocally—and permanently put to rest any misunderstanding—that at no time has this Department of Justice or the White House ever reviewed the memoranda that Miguel Estrada wrote during his tenure in the Solicitor General's office.

Second, the statements above mistakenly suggest that the Department of Justice has declined to release Mr. Estrada's memoranda

because of concerns over their content. In reality, as we have explained, the Department has chosen to keep these documents confidential for the reason articulated by all seven living former Solicitors General—including four Democrats: ''Any attempt to intrude into the Office's highly priveliged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests.''

Thank you for allowing me to set the record straight on this important point. I appreciate the opportunity to assure you and your colleagues that we in the Administration have never examined Miguel Estrada's confidential memoranda. I hope that by clearing up this misunderstanding, we will have taken an important step toward ending the filibuster of Mr. Estrada—the first filibuster of a lower-court nominee in American history—and allow the bipartisan majority of Senators who support Mr. Estrada to vote on his confirmation.

Sincerely,

JAMIE E. BROWN,
Acting Assistant Attorney General.

Mr. FRIST. Mr. President, today's third cloture vote on Miguel Estrada's confirmation breaks through a new barrier—not the barrier that some may have hoped for with this exceptional nominee.

It is unprecedented that a circuit court nominee be subjected to a third cloture vote. A no vote today remains unfair to this nominee who has been pending over 700 days, it is unfair to the bipartisan majority that wants to end this debate and have a vote, and it is unfair to the President, who deserves better from this Senate.

Eighteen times the majority has requested unanimous consent to vote on the Estrada confirmation. Eighteen requests have been denied, even though Senators have debated this confirmation for over 100 hours. Twice before today, a bipartisan majority has likewise requested to end debate by voting for cloture.

Others, too, have expressed their desire that we end this debate. Over 113 editorials in 31 States have called for an end to this filibuster and expressed their support for this nominee. Only 11 have expressed the opposite.

The filibuster to this nomination continues despite the unprecedented accommodations that have been offered:

Repeatedly, the White House has offered the nominee up to answer more written questions; only one Senator took them up on it.

Repeatedly, the White House has offered the nominee up to meet privately to answer more questions; only one Senator took them up on it.

I have offered the nominee up for a second hearing. The offer was rejected.

Now that the minority has stopped saying that Mr. Estrada is unresponsive they now focus on their unlimited request for confidential and privileged memoranda. They do this even though all living past Solicitors General, including four Democrats, have opined that this request is improper.

We will not give up. This nominee will be confirmed and we will keep on voting if necessary. The minority's position on this is unreasonable. I hope they will be as accommodating as we have been.

Mr. HATCH. Mr. President, it is disturbing to me that much of the debate regarding the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit has focused on previous nominations considered by this Senate. In particular, the nominations of Judge Richard Paez and Judge Marsh Berzon, who now sit on the Ninth Circuit Court of Appeals, have been raised over and over again by Senators opposed to Mr. Estrada.

The discussion of previous nominations is troubling for a number of reasons. First, Judge Paez and Judge Berzon were confirmed by the Senate. They were not subjected to a filibuster as is the case for Miguel Estrada. Second, on a personal level, it is disappointing to me that these two judges should be used as examples of alleged Republican obstructionism, when I worked hard for their confirmation, argued against delay, and supported their nominations.

To continue to inject prior nominations into the Estrada debate indicates to me that the opposition is more interested in some sort of retribution for misperceived wrongs rather than fulfilling the Senate's constitutional duty of advice and consent. I have heard it stated on the Senate floor, referencing the so-called filibuster of Judge Paez, ''what goes around comes around.'' I certainly hope that it is not the case that the refusal to give a vote to Miguel Estrada is some sort of payback.

The distinguished Minority Leader described the Senate's responsibility very well nearly three years ago as we were concluding debate on the nominations of Judge Paez and Judge Berzon. He stated on March 9, 2000, '' . . . [T]here is a time and a place for us to consider any nominee and, once having done so, we need to get on with it.''

I agree with the Democratic leader. We have considered the nomination of Mr. Estrada and now we need to get on with the vote—up or down, as Senators choose to cast their vote.

Senator DASCHLE continued, ''I do not know who is going to be President next. I do not know who is going to be in the majority in the next Congress. But let's just assume that the roles are reversed . . . and we have a Republican President—which I do not think is going to happen. Do we want to pay back our colleagues for having made these people wait as long as they have? . . . I do not want to hear about that in this body. There is going to be no payback. . . . Will we have votes and vote against nominees on the basis of whatever we choose? Absolutely.''

So again, as the Democratic leader stated, Senators are free to vote against the nominee on the basis of whatever they choose, but let us have a vote.

Now, as Chairman of the Judiciary Committee, I worked hard for the ultimate confirmation of Judge Paez and Judge Berzon. Nevertheless, there were some significant difficulties with their nominations which took time to resolve. I agree that they took too much time. However, these nominees did receive a vote, they were confirmed, and they now sit on the Ninth Circuit. These two nominees were not filibustered as Mr. Estrada is now being filibustered. It is true that cloture motions were filed on the nominations. Let me emphasize that it was the Republican Leader who filed a cloture petition, so there would be limited debate and a vote up or down. Furthermore, those cloture motions passed by wide margins, 86–13 in the case of Judge Berzon, and 85–14 in the case of Judge Paez. The record is clear that a true filibuster did not occur with regard to these nominations.

Following the cloture votes, the Majority Leader, Senator LOTT, made the following comments: ''As you know, cloture was just invoked on two Ninth Circuit judges. I still hope we have not set a precedent. I don't believe we have because it was such an overwhelming vote to invoke cloture and stop the filibuster. We should not be having filibusters on judicial nominations and having to move to cloture. But we had to, and it was an overwhelming vote.''

Senator LEAHY's response to the Majority Leader's statement is noteworthy. He said: ''I was struck by the comments of the distinguished leader in saying we should not have the precedents of filibusters and requiring cloture. I commend him for supporting the cloture motion and moving this forward so we would not have that precedent.''

As I have said, the confirmations of Judge Paez and Judge Berzon were not without delay. There was considerable opposition to their nominations. But that delay did not amount to anything sort of a filibuster of these nominees.

The debate on both Judge Paez and Judge Berszon took place on March 7, 8 and 9 under time agreements. The final day of debate, when they were confirmed, was 4½ hours total. The Republican leadership did file cloture to get time agreements and to ensure a final vote on these two nominees of President Clinton. I have asked for similar treatment for Miguel Estrada—a time agreement and an up or down vote but this has been denied repeatedly.

So the record is clear that this was not a true filibuster. There was limited debate with time agreements. Cloture was filed as a floor management tool and was overwhelmingly approved. The nominees did receive an up or down vote both were confirmed. Let's give Miguel Estrada that same courtesy.

Now with regard to the nominations of Judge Paez and Judge Berzon, I do not want to rehash the debate on these nominees, but I do want to put their confirmation into some perspective, since my Democratic colleagues keep bringing them up.

Judge Paez's opponents were very concerned about statements he made in

1995, while a sitting federal district judge, regarding two California ballot initiatives—Proposition 187 to limit public assistance to illegal immigrants, and Proposition 209 to end racial and gender preferences in California. Legitimate questions were raised concerning whether his comments were consistent with the Judicial Canon governing judges' extra-judicial activities. There was genuine concern about these remarks on matters that would likely be the subject of litigation. Many of my colleagues viewed this as evidence of his inability to render fair decisions on these issues.

A second area of concern regarding Judge Paez involved what some saw as his activist views of the judiciary. Judge Paez had stated, ''I appreciate the need for courts to act when they must when the issue has been generated as a result of the failure of the political process to resolve a certain political question. There is no choice but for the courts to resolve a question that perhaps ideally and preferably should be resolved through the legislative process.'' Now, this statement did raise concerns that Judge Paez would use his position to legislate from the bench.

A third issue regarding Judge Paez was his rulings in certain cases. In particular, there was legitimate concern over the judge's role in two cases related to illegal fundraising during the 1996 presidential campaign—those of John Huang and Maria Hsia. You may recall Ms. Hsia was associated with fundraising and money laundering through Buddhist nuns, while Mr. Huang was associated with illegal campaign fundraising, mostly from foreign sources. Judge Paez was assigned to both of these cases.

In the case of John Huang, Judge Paez accepted a very lenient plea agreement. Mr. Huang pled guilty to a felony charge of conspiracy to violate Federal election law and was sentenced to no jail time. He was ordered to pay a $10,000 fine and was required to serve 500 hours of community service.

Many of my colleagues found it suspicious that Judge Paez would be assigned to both of these cases. There was criticism about the handling of these cases. At a minimum, there was concern about the propriety of his involvement in these cases, which pointed back to the Clinton-Gore campaign.

Despite all the concerns regarding the involvement of Judge Paez in these cases, my own view was there was no reasonable basis to further delay the vote on Judge Paez. I was vigorous in my call for an independent prosecutor to investigate all alleged illegalities in the 1996 campaign. However, I also did not believe Judge Paez was implicated and I pressed forward with his nomination. I am asking the same treatment for Miguel Estrada—give him a vote.

There were also questions over Judge Paez's ruling on a Los Angeles city ordinance prohibiting aggressive panhandling at specified public places and passed in response to the death of a young man who refused to give a panhandler 25 cents. Judge Paez found the ordinance unconstitutional under the California constitution because the law constituted ''content-based discrimination.'' The Supreme Court of California, asked by the Ninth Circuit Court of Appeals to rule on the holding, held that the Los Angeles ordinance was constitutional and valid.

Another troubling case was a decision issued by Judge Paez in 1997, John Doe I v. Unocal, in which he ruled that American companies can be held liable for human rights abuses committed by foreign governments or overseas companies owned by the foreign governments with which they do business. These cases, and others, persuaded many of my colleagues that Judge Paez was well out of the mainstream.

With regard to Judge Berzon, I voted for her confirmation, finding her to have the intellect, integrity, and impartiality to serve as a Federal judge.

Those opposed to Judge Berzon pointed out that her entire legal experience was in one narrow field—labor law. Her opponents also pointed out that she had been very vocal in the expression of her political views, with membership and leadership in several organizations that many considered activist.

The fact remains that, regardless of the opposition and careful scrutiny of these nominees, both Judge Berzon and Judge Paez each were given an up or down vote. In the case of Judge Paez, he was confirmed by a vote of 59–39. Judge Berzon was confirmed by a vote of 64–34. Miguel Estrada deserves the same courtesy. If Senators are opposed, let them vote no. But to refuse a vote is unfair to the nominee, harmful to the Senate, and destructive to the notion of an independent judiciary.

Mr. LEAHY. Mr. President, this is not a day, in my view, when the Senate majority should be pressing forward on this divisive matter. Nor has anything changed since last Thursday or since March 6 when the Republican majority scheduled two earlier cloture votes on this nomination. The administration's obstinacy continues to impede progress to resolve this standoff. The administration remains intent on packing the federal circuit courts and on insisting that the Senate rubber stamp its nominees without fulfilling the Senate's constitutional advise and consent role in this most important process. The White House could have long ago helped solve the impasse on the Estrada nomination by honoring the Senate's role in the appointment process and providing the Senate with access to Mr. Estrada's legal work. Past administrations have provided such legal memoranda in connection with the nominations of Robert Bork, William Rehnquist, Brad Reynolds, Stephen Trott and Ben Civiletti, and even this Administration did so with a nominee to the Environmental Protection Agency.

We have the statement of Attorney General Robert H. Jackson, who later became one of our finest Supreme Court Justices, when he wrote an Attorney General Opinion in 1941 acknowledging that among the occasions when exceptions should be made and executive Department files would be produced to the Congress would be confirmations. As Attorney General Jackson noted:

> Of course, where the public interest has seemed to justify it, information as to particular situations has been supplied to congressional committees by me and by former Attorneys General. For example, I have taken the position that committees called upon to pass on the confirmation of persons recommended for appointment by the Attorney General would be afforded confidential access to any information that we have—because no candidate's name is submitted without his knowledge and the Department does not intend to submit the name of any person whose entire history will not stand light.

Senator DURBIN noted last week that the administration has poorly served this nominee and given Mr. Estrada very bad advice. I agree.

The Bush administration claimed that no administration had ever provided materials like Mr. Estrada's work papers in connection with a nomination. We have now demonstrated over and over that precedents exist going back over the last 20 years.

Today, I would like to mention additional examples of similar materials that were provided to Congress. On February 1, 1982, the Senate Finance Committee held a hearing to consider legislation to deny Federal tax-exempt status to private schools practicing racial discrimination, after the Reagan administration decided to reverse a long-standing policy and grant exemptions to segregationist schools. A number of Justice Department memoranda, as well as communications between high-level officials, were turned over by the Reagan administration to the Senate Finance Committee in connection with the hearing, just months after the documents were first written.

The issues at that hearing reveal that some of the documents turned over were much more sensitive than those requested of Mr. Estrada, but they were still provided to Congress by the Reagan administration. After a long and intense debate in the Reagan Justice Department and among high-level Justice and Treasury Department officials and White House counsel, on January 8, 1982, the Reagan Justice Department announced that it would discontinue the IRS's long-standing policy of denying tax-exempt status to racially discriminatory private schools. The Justice Department also changed its position in the Bob Jones case before the Supreme Court, abandoning its defense of the policy that prohibited tax exemptions for discriminatory schools. One of President Bush's current circuit court nominees, Carolyn Kuhl, was an aide to Attorney General William French Smith at the time and participated in urging reversal of the policy.

After the Justice Department decision was announced, more than 200 lawyers and others in the Justice Department's civil rights division sent a letter to William Bradford Reynolds, who then headed the civil rights division, expressing ''serious concerns'' about the Reagan administration's decision that racially discriminatory private schools are entitled to tax exemptions. And they questioned the division's commitment to vigorously enforce the Nation's civil rights laws.

In response to such protests, President Reagan proposed legislation to make it illegal to grant tax exemptions to schools that discriminate on racial grounds. The Senate Committee on Finance, and the House Committee on Ways and Means, scheduled public hearings on the Federal Government's policy regarding the effect of racial discrimination on the tax-exempt status of private schools.

The Senate Finance Committee held its hearing on February 1, 1982. In connection with this hearing, the committee requested high-level Justice Department memoranda, correspondence, deliberations, and other documents related to the reversal of the administration's position. The documents turned over to the Senate Finance Committee included:

Letters from Representative TRENT LOTT to Secretary Regan, IRS Commissioner Egger, and Solicitor General Lee, urging change in the administration's position on Bob Jones;

memorandum from Associate Deputy Attorney General Bruce Fein to Deputy Attorney General Edward Schmults, advising Schmults on private schools;

memorandum from Carolyn Kuhl, Special Assistant to the Attorney General, to Ken Starr, noting Reagan/Bush campaign statements on private schools;

memorandum from Peter Wallison, Treasury General Counsel, to Secretary Regan briefing him on meeting with Representative LOTT;

memorandum from Treasury General Counsel Wallison to Deputy Secretary McNamar and Secretary Regan on Government's position in Bob Jones case;

memorandum from Civil Rights Division Head, William Bradford Reynolds, to Attorney General Smith justifying changes in Administration's position on Bob Jones;

memorandum from Treasury Assistant Secretary for Public Affairs, Ann McLaughlin, to Deputy Secretary McNamar on ''press strategy'' for releasing Bob Jones decision;

memorandum from IRS Chief Counsel Gideon to Treasury Deputy General Counsel Government's statement in Bob Jones;

letter from IRS Chief Counsel Gideon to Civil Rights Division Head Reynolds on formulation of Government's statement in Bob Jones; and

memorandum from Assistant Attorney General Theodore Olson from the Office of Legal Counsel to Attorney General Smith and Deputy Attorney General Schmults responding to the analysis in Reynolds' memo on Bob Jones.

Clearly, in 1982, the Republican administration at that time released to the Senate documents that included internal memoranda among high-level Justice Department officials, interagency communications, and documents relating to the government's position in an important Supreme Court case. They also included letters to the Solicitor General.

Moreover, the Reagan administration turned over these documents within months after being written, and no harm was done to the workings of the Justice Department or the administration. The Bush administration is claiming that it is unprecedented to turn over such documents—and that the release of documents written by Mr. Estrada 6 to 10 years earlier would irreparably harm the government. I urge the administration and Republican Senators to consider this additional precedent. Certainly legislation is different from a nomination. While both are matters for the Senate, legislation is different in that it can be amended or revised. A nomination is a lifetime appointment.

In 2001, this White House agreed to give access to memoranda written by Jeffrey Holmstead, nominated to be an Assistant Administrator of the Environmental Protection Agency. The Senate Committee on Environment and Public Works requested memoranda from Holmstead's years of service in the White House counsel's office under former President Bush. In particular, the committee was interested in materials related to Holmstead's handling of an amendment to the Clean Air Act and other environmental issues. In the summer of 2001, the Bush administration resolved an impasse with the committee over the nomination by permitting committee staffers to review memoranda that Holmstead wrote while in the White House counsel's office. In sum, the administration allowed access to documents from the White House counsel's office—a more sensitive post than the one Mr. Estrada held when he was in the Department of Justice.

In another situation, in 2001, this White House allowed Senator LIEBERMAN and the Senate Government Affairs Committee access to documents regarding environmental rulemaking, although I would note that such access was allowed only after Senator LIEBERMAN threatened to subpoena the information. Faced with this threat, the Bush Administration worked to reach an accommodation, and allowed access to documents, including documents that the administration characterized as ''high-level deliberative documents,'' as part of an oversight investigation of the Bush administration's regulatory rollbacks.

So, despite this administration's continued insistence on confidentiality, it has turned over, allowed access or worked to reach an accommodation on access to documents similar to those requested in connection with the Estrada nomination in other cases and for other committees. And, again, in the instance of the Estrada nomination, the matter before the Senate concerns a lifetime appointment to the second-highest court in the land.

Last Thursday, the former Republican leader accepted ''part of the blame'' for how the Senate has come to consider judicial nominations. I appreciate that because it is one of the few times a Republican Senator has accepted responsibility for what happened during the years in which the Republican majority in the Senate blocked and delayed so many of President Clinton's judicial nominees. The Senator from Mississippi also acknowledged that ''you filibuster a lot of different ways.'' I thank the Senator from Mississippi for trying to be constructive and for suggesting that ''something can be worked out'' on the request for Mr. Estrada's work papers from the Department of Justice.

In yesterday's edition of The Weekly Standard, a report suggests that other Senate Republicans, ''several veteran GOP Senate staffers'' and ''a top GOP leadership aide'' asked the White House to show some flexibility and to share the legal memoranda with the Senate to resolve this matter, but they were rebuffed. It is regrettable that the White House will not listen to reason from Senate Democrats or Senate Republicans. If they had, there would be no need for this cloture vote. The White House is less interested in making progress on the Estrada nomination than in trying to score political points and to divide the Hispanic community.

The real ''double standard'' here is that the President selected Mr. Estrada based in large part on his work for 4½ years in the Solicitor General's Office as well as for his ideological views, but the administration says that the Senate may not examine his written work from the office that would shed the most light on his views. The White House says that the Senate should not consider the very ideology the White House took into account in selecting a 41-year-old for a lifetime seat on the country's second-highest court. Another double standard at work here is that this is a nominee who is well known for having very passionate views about judicial decisions and legal policy and is well known for being outspoken, and yet he has refused to share his views with the very people charged with evaluating his nomination.

It seems to be a perversion of the constitutional process to require the Senate to stumble in the dark about his views, when he shares his views quite freely with others and when this Administration has selected him for the privilege of this high office, and for life, based on those views.

One of the most disconcerting aspects of the manner in which the Senate is approaching these divisive judicial nominations is what appears to be the Republican majority's willingness to sacrifice the constitutional authority of the Senate as a check on the power of the President in the area of lifetime appointments to our federal courts. It should concern all of us and the American people that the Republican majority's efforts to re-write Senate history in order to rubber stamp this White House's Federal judicial nominees will cause long-term damage to this institution, to our courts, to our constitutional form of government, to the rights and protections of the American people and to generations to come.

The White House is using ideology to select its judicial nominees but is trying to prevent the Senate from knowing the ideology of these nominees when it evaluates them. It was not so long ago when then-Senator Ashcroft was chairing a series of Judiciary Committee hearings at which Edwin Meese III testified:

> I think that very extensive investigations of each nominee—and I don't worry about the delay that this might cause because, remember, those judges are going to be on the bench for their professional lifetime, so they have got plenty of time ahead once they are confirmed, and there is very little opportunity to pull them out of those benches once they have been confirmed—I think a careful investigation of the background of each judge, including their writings, if they have previously been judges or in public positions, the actions that they have taken, the decisions that they have written, so that we can to the extent possible eliminate people eliminate persons who would turn out to be activist judges from being confirmed.

Timothy E. Flanigan, an official from the administration of the President's father, and who more recently served as Deputy White House Counsel, helping the current President select his judicial nominees, testified strongly in favor of ''the need for the Judiciary Committee and the full Senate to be extraordinarily diligent in examining the judicial philosophy of potential nominees.'' He continued:

> In evaluating judicial nominees, the Senate has often been stymied by its inability to obtain evidence of a nominee's judicial philosophy. In the absence of such evidence, the Senate has often confirmed a nominee on the theory that it could find no fault with the nominee. I would reverse the presumption and place the burden squarely on the shoulders of the judicial nominee to prove that he or she has a well-thought-out judicial philosophy, one that recognizes the limited role for Federal judges. Such a burden is appropriately borne by one seeking life tenure to wield the awesome judicial power of the United States.

Now that the occupant of the White House no longer is a popularly elected Democrat but a Republican, these principles seem no longer to have any support within the White House or the Senate Republican majority. Fortunately, our constitutional principles and our Senate traditions, practices and governing rules do not change with the political party that occupies the White House or with a shift in majority in the Senate.

The White House, in conjunction with the new Republican majority in the Senate, is purposeful in choosing these battles over judicial nominations. Dividing rather than uniting has become their modus operandi. The decision by the Republican Senate majority to focus on controversial nominations says much about their mistaken priorities. The Republican majority sets the agenda and they schedule the debate, just as they have again here today.

I have served in the Senate for 29 years, and until recently I have never seen such stridency on the part of an administration or such willingness on the part of a Senate majority to cast aside tradition and upset the balances embedded in our Constitution, in order to expand presidential power. What I find unprecedented are the excesses that the Republican majority and this White House are willing to indulge to override the constitutional division of power over appointments and long-standing Senate practices and history. It strikes me that some Republicans seem to think that they are writing on a blank slate and that they have been given a blank check to pack the courts.

They show a disturbing penchant for reading the Constitution to suit their purposes of the moment rather than as it has functioned for more than 200 years to protect all Americans through its checks and balances.

The Democratic leader pointed the way out of this impasse again in his letter to the President on February 11. It is regrettable that the President did not respond to that reasonable effort to resolve this matter. Indeed, the letter he sent last week to Senator FRIST was not a response to Senator DASCHLE's reasonable and realistic approach, but a further effort to minimize the Senate's role in this process by proposing radical changes in Senate rules and practices to the great benefit of this administration.

A distinguished senior Republican Senator saw the reasonableness of the suggestions that the Democratic leader and assistant leader have consistently made during this debate when he agreed on February 14 that they pointed the way out of the impasse. Regrettably, his efforts and judgment were also rejected by the administration.

The Supreme Court, in an opinion authored last year by none other than Justice Scalia, one of this President's judicial role models, instructs that judicial ethics do not prevent candidates for judicial office or judicial nominees from sharing their judicial philosophy and views.

With respect to ''precedent,'' Republicans not only joined in the filibuster of the nomination of Abe Fortas to be Chief Justice of the United States Supreme Court, they joined in the filibuster of Stephen Breyer to the First Circuit, Judge Rosemary Barkett to the Eleventh Circuit, Judge H. Lee Sarokin to the Third Circuit, and Judge Richard Paez and Judge Marsha Berzon to the Ninth Circuit. The truth is that filibusters on nominations and legislative matters and extended debate on judicial nominations, including circuit court nominations, have become more and more common through Republicans' own actions.

Of course, when they are in the majority Republicans have more successfully defeated nominees by refusing to proceed on them and have not publicly explained their actions, preferring to act in secret under the cloak of anonymity. From 1995 through 2001, when Republicans previously controlled the Senate majority, Republican efforts to defeat President Clinton's judicial nominees most often took place through inaction and anonymous holds for which no Republican Senator could be held accountable. In effect, these were anonymous filibusters.

Republicans held up almost 80 judicial nominees who were not acted upon during the Congress in which President Clinton first nominated them, and they eventually defeated more than 50 judicial nominees without a recorded Senate vote of any kind, just by refusing to proceed with hearings and committee votes.

Beyond judicial nominees, Republicans also filibustered the nomination of executive branch nominees. They successfully filibustered the nomination of Dr. Henry Foster to become Surgeon General of the United States in spite of two cloture votes in 1995. Dr. David Satcher's subsequent nomination to be Surgeon General also required cloture but he was successfully confirmed.

Other executive branch nominees who were filibustered by Republicans include Walter Dellinger's nomination to be Assistant Attorney General, and two cloture motions were required to be filed and both were rejected by Republicans. In this case we were able finally to obtain a confirmation vote after elaborate effort, and Mr. Dellinger was confirmed to that position with 34 votes against him. He was never confirmed to his position as Solicitor General because Republicans had made clear their opposition to him. In addition, in 1993, Republicans objected to a number of State Department nominations and even the nomination of Janet Napolitano to serve as the U.S. Attorney for Arizona, resulting in cloture motions.

In 1994, Republicans successfully filibustered the nomination of Sam Brown to be an Ambassador. After three cloture motions were filed, his nomination was returned to President Clinton without Senate action. Also in 1994, two cloture petitions were required to get a vote on the nomination of Derek Shearer to be an Ambassador. And it likewise took two cloture motions to get a vote on the nomination of Ricki Tigert to chair the FDIC. So when Republican Senators now talk about the

Senate Executive Calendar and Presidential nominees, they must be reminded that they recently filibustered many, many qualified nominees.

Nonetheless, in spite of all the intransigence of the White House and all of the doublespeak by some of our colleagues on the other side of the aisle, I can report that the Senate has moved forward to confirm 111 of President Bush's judicial nominations since July 2001. That total includes 11 judges confirmed so far this year, and of those, seven were confirmed last week. The Senate last Thursday moved forward on the controversial nomination of Jay S. Bybee to the United States Court of Appeals for the Ninth Circuit.

Those observing these matters might contrast this progress with the start of the last Congress in which the Republican majority in the Senate was delaying consideration of President Clinton's judicial nominees. In 1999, the first hearing on a judicial nominee was not until mid-June. The Senate did not reach 11 confirmations until the end of July of that year. Accordingly, the facts show that Democratic Senators are being extraordinarily cooperative with a Senate majority and a White House that refuses to cooperate with us. We have made progress in spite of that lack of comity and cooperation.

We worked hard to reduce Federal judicial vacancies to under 55, which includes the 20 judgeships the Democratic-led Senate authorized in the 21st Century Department of Justice Appropriations Authorization Act last year. That is an extremely low vacancy number based on recent history and well below the 67 vacancies that Senator HATCH termed ''full employment'' on the Federal bench during the Clinton Administration.

It is unfortunate that the White House and some Republicans have insisted on this confrontation rather than working with us to provide the needed information so that we could proceed to an up-or-down vote. Some on the Republican side seem to prefer political game playing, seeking to pack our courts with ideologues and leveling baseless charges of bigotry, rather than to work with us to resolve the impasse over this nomination by providing information and proceeding to a fair vote.

I was disappointed that Senator BENNETT's straightforward colloquy with Senator REID and me on February 14, which pointed to a solution, was never allowed by hard-liners on the other side to yield results. I am disappointed that all my efforts and those of Senator DASCHLE and Senator REID have been rejected by the White House. The letter that Senator DASCHLE sent to the President on February 11 pointed the way to resolving this matter reasonably and fairly. Republicans would apparently rather engage in politics.

I urge the White House and Senate Republicans to end the political warfare and join with us in good faith to make sure the information that is needed to review this nomination is provided so that the Senate may conclude its consideration of this nomination. I urge the White House, as I have for more than 2 years, to work with us and, quoting from a recent column by Thomas Mann of The Brookings Institute, to submit ''a more balanced ticket of judicial nominees and engag[e] in genuine negotiations and compromise with both parties in Congress.''

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our nation and, in this case, he has even managed to divide Hispanics across the country. The nomination and confirmation process begins with the President, and I urge him to work with us to find a way forward to unite the Nation on these issues, instead of to divide the Nation.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit:

Bill Frist, Orrin Hatch, Robert F. Bennett, James Inhofe, John Ensign, Sam Brownback, Michael B. Enzi, Wayne Allard, Mike Crapo, Susan Collins, Pete Domenici, Conrad Burns, Kay Bailey Hutchison, John E. Sununu, Norm Coleman, Charles Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Estrada, of Virginia, to be the United States Circuit Judge for the District of Columbia Circuit shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—55

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (FL)
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Breaux	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	
DeWine	Miller	

NAYS—45

Akaka	Dorgan	Lautenberg
Baucus	Durbin	Leahy
Bayh	Edwards	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Lincoln
Boxer	Graham (FL)	Mikulski
Byrd	Harkin	Murray
Cantwell	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Reid
Conrad	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kerry	Schumer
Dayton	Kohl	Stabenow
Dodd	Landrieu	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2004—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session and resume consideration of S. Con. Res. 23.

The Senator from Oklahoma.

Mr. NICKLES. How much time remains on the Conrad amendment?

The PRESIDING OFFICER. The majority has 51 minutes and the minority has 19 minutes.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, we are now on the Conrad amendment. The majority leader wishes to speak. I ask unanimous consent the time for that statement be charged against the majority side on the budget resolution. Following the statement, the Senate will recess. That recess will be charged to the amendment. When the amendment time runs out, it will be charged to the majority side on the budget resolution.

Mr. REID. Reserving the right to object, it is my understanding Senator CONRAD has 19 minutes remaining on the amendment.

The PRESIDING OFFICER. Correct.

Mr. CONRAD. Reserving the right to object, I want to understand just what transpired before we go forward.

Mr. REID. If I could state what is going to happen, after the majority leader makes his statement, we will go into a quorum call and the time will be

charged against the amendment, which would mean you would lose 19 minutes and they would lose whatever additional time they had, which would be an hour and 50 or 60 minutes.

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

IRAQ

Mr. FRIST. Mr. President, last night the President addressed the Nation on the approaching consequences of 12 years of deceit and brutality by the regime of Saddam Hussein. The stark choice presented to Saddam's regime is fully justified: leave or be removed.

Saddam has failed to disarm. He has violated 17 U.N. resolutions, attacked his neighbors, threatened regional stability and sought and used weapons of mass destruction. He has assaulted his own people and ruled them by terror. This 12-year saga of deceit and denial now enters its final chapter.

For those who suffer daily terror under the oppression of Saddam's regime, for those who have survived torture and imprisonment, for those who watched as family members suffered and died in the agony of chemical weapons attacks, their moment of liberation is near. For those who will defend this dying regime, the moment of reckoning is imminent.

The President has shown great patience and given diplomacy every chance to work, but as he stated last night the time to act has arrived.

In recent days we have heard intemperate and ill-chosen words of criticism directed at the President from some elected to serve in this great body. Such statements are, simply put, disappointing.

We have reached this moment of possible conflict with Iraq, not by our choosing but by Saddam Hussein's. We do not prepare for war because we want to. We do so because we must. The failure of diplomacy to deter Saddam Hussein does not date back to the past 4½ months or to the beginning of this President's term.

The failure of diplomacy traces back through 12 years of defiance by Saddam Hussein, 12 years of deceit by his regime, 12 years of slowly eroding international resolve even among our allies while all the time the threat to this country has grown closer and closer and closer.

Since that dark day in September of 2001, many in this great Nation have lived with the fear of the grave and growing threat of terrorism. Instinctively, the American people understand that we cannot permit a ruthless dictator, aggressor and supporter of terror such as Saddam Hussein to pursue and possess the world's most deadly weapons. This is a threat that must be addressed, now.

Last night, in committing to meet this threat, the President stated what we have all come to expect and to respect, in him. He said:

> That duty falls to me as commander in chief by the oath I have sworn, by the oath I will keep.

The President has committed the Nation to action. We will not wait while the threat gathers with a destructive force that is incomprehensible. We will live in freedom of fear.

I thank the Lord that at this moment of testing, this great Nation is led by this great leader.

It has been suggested by some here on the Senate floor that the President acts without justification, without a legal basis, and without the consent of Congress. This is flat out wrong.

Mr. President, each and every Senator is entitled to their own opinion, but they are not entitled to their own facts.

On August 2, 1990, Iraq—without provocation—invaded and occupied the territory of Kuwait. Through 5½ months of diplomacy, Iraq ignored demands that it withdraw from Kuwait. And on January 16, 1991, a U.S.-led coalition of nations launched Operation Desert Storm. After the liberation of Kuwait, former President George Bush announced a cease-fire, unilaterally halting offensive military operations on February 28, 1991.

On March 3, 1991, General Norman Schwarzkopf and the commander of Iraqi forces concluded a cease-fire agreement, temporarily suspending gulf war hostilities. The cease-fire agreement obligated Iraq to accept unconditionally the voluntary destruction, removal, and rendering harmless—under international supervision—of all nuclear, chemical, and biological weapons, and all stocks of agents, and all related subsystems and components, and all research, development, support, and manufacturing facilities.

The cease-fire agreement was ratified and approved on April 3, 1991, by the U.N. Security Council in Resolution 687. That resolution, which is still in force, reaffirms all 13 of the Security Council's earlier resolutions on Iraq's invasion of Kuwait.

In a letter delivered to the Security Council on April 6, 1991, Saddam Hussein's regime formally accepted the terms of the cease-fire without conditions. Nevertheless, Saddam Hussein has consistently and repeatedly refused to abide by his obligations to disarm under international supervision as required in the 1991 gulf war cease-fire and succeeding United Nations resolutions, and has attacked U.S. and British aircraft lawfully enforcing these obligations almost continuously since 1991.

On November 8, 2002, the United Nations Security Council unanimously adopted Resolution 1441. This resolution gave Saddam Hussein's regime ''a final opportunity to comply with its disarmament obligations,'' which preserved and cited the authorities to act contained in Resolution 687, and placed the burden of proving compliance squarely on the Iraqi dictator.

In the intervening 12 years, Saddam Hussein has blatantly and cynically persisted in his illegal refusal to comply with his obligations under the 1991 cease-fire agreement that suspended hostilities in the gulf war, and with Resolution 1441.

Mr. President, international obligations such as those which Saddam Hussein has ignored for more than a decade are meaningless unless they are backed by an unflinching resolve and international commitment to enforce them.

Given Saddam Hussein's weapons of mass destruction programs, his demonstrated willingness to use these weapons, and possible intersections between his regime, al-Qaida, and other international terrorist organizations, the absence of such resolve could have devastating consequences for world peace in general and to the United States in particular.

If it is necessary to act, if Saddam fails to heed the ultimatum, any subsequent military action against Saddam Hussein's regime will be lawful and fully authorized, pursuant to a series of resolutions passed by the Congress, pursuant to the President's Commander in Chief authority under the Constitution, pursuant to the venerable international legal principle confirming the inherent right of a state to defend itself, pursuant to Article 51 of the United Nations Charter, and pursuant to a long series of United Nations Security Council resolutions.

In the event of hostilities, the U.S. service men and women on the front lines will have this Congress' full support and the backing of the American people. We will do what it takes to give them the resources they need to complete their mission. Our thoughts and our prayers are with them, and with their families and loved ones here at home.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Virginia?

Mr. WARNER. Mr. President, I yield myself 5 minutes.

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

Mr. WARNER. Mr. President, I commend our distinguished majority leader for his very heartfelt remarks. We were together last night at the meeting with the President. It was a somber meeting. But, clearly, the President is a man at peace with himself and has inner confidence. He has carefully gone about the decisionmaking to arrive at the decision he made last night and such decisions as he may make here in the ensuing hours and days to come.

But most especially, in the minds of all of us last night were the men and women of the Armed Forces and their families. The distinguished leader has spoken most eloquently about them. Because, in the end, together with a large group of civilians who are employed in the various agencies and Departments of our Government, they must bear the risk, the brunt of such force as may be used against them. So I am privileged to stand here with my distinguished leader today.

I, too, am concerned about the remarks of some of our colleagues. I found some of those remarks to be, in my judgment, a disbelief. I could not believe they were said. But bottom line, this morning, in the Armed Services Committee, in a formal meeting of the committee, I invited each Senator present, on both sides of the aisle, to address opening statements on the events of the last 24, 48 hours. I say to my distinguished leader and to my colleagues, I felt their responses were very responsible and, indeed, showing support for the men and women in the Armed Forces and the Commander in Chief, who must make those decisions to lead them.

I yield the floor.

RECESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m. for the weekly party meetings, provided that recess time be charged as under the previous order.

There being no objection, the Senate, at 12:58 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2004—Continued

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I yield the Senator from Utah 20 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I ask unanimous consent that the time I use be charged against the resolution.

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

MEDICAL LITIGATION CRISIS

Mr. HATCH. Mr. President, today I rise to speak about the medical liability and litigation crisis in our country.

This is a crisis that is preventing patients from accessing high-quality health care—or, in some cases, any care at all—because doctors are being driven out of practice. It is a crisis that is needlessly increasing the cost of health care for every American.

This is not the first time we have addressed this issue. As many of you will recall, we debated, and passed, medical litigation relief in the Commonsense Product Liability and Legal Reform Act back in 1995. Unfortunately, the language we passed was stripped from that bill in conference.

I am sorely disappointed that—in the ensuing eight years—we have not addressed this problem. As a result, the situation has become worse, not better; the problem has expanded, not shrunk. We must act now if we are to fix the crisis in health care delivery this has caused in many parts of our country.

I was pleased last summer when President Bush announced his desire to address this issue. I am even more pleased that the President has continued to emphasize the importance of the problem and the need for reform in speeches around the country, and in his State of the Union Address. We in the Senate welcome the President's support in this effort.

Make no mistake. We have a health care crisis in this country, one that is due in large part to litigation that is out of control. But not all Americans may be aware of just how serious are the ramifications of this crisis.

This map, with data supplied by the American Medical Association, shows the states that currently are experiencing a medical liability crisis and those that are showing signs of developing a crisis. The 18 red states are in crisis. The 27 yellow states are showing problem signs. Only five states are currently ''ok''. On a map with last year's data, only 12 states were in crisis. The problem is growing and it reaches from coast to coast.

I ask unanimous consent to have printed in the RECORD a July 18, 2002, Associated Press article, ''Soaring Malpractice Insurance Squeezes out Doctors, Clinics,'' that highlights some of the problems faced by patients and doctors.

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

[From the Associated Press, July 18, 2002]

SOARING MALPRACTICE INSURANCE SQUEEZES OUT DOCTORS, CLINICS

(By Theresa Agovino)

The shock from Jim Lawson's July 4 death in a Nevada auto accident was felt well beyond his family and friends.

The two-car crash on a busy street leading to Las Vegas airport came just one day after the nearest trauma clinic, at the University Medical Center, closed down. The 58 orthopedic surgeons who rotate through the hospital had insisted on relief from the soaring cost of medical malpractice insurance.

No one can be sure his death, confirmed at an emergency room an hour away, could have been avoided. Trauma centers generally offer more effective attention for accident victims.

But it prompted a quick July 13 reopening of the university center. Some 10 to 15 of the doctors agreed to become temporary employees of the county hospital, limiting their liability to $50,000, while the governor tries to enact legislation that would restrict medical malpractice awards.

On a much broader level, it brought new attention to a national problem that doctors say is obliging many of them to flee certain states or give up certain specialties—or the entire profession—because of skyrocketing insurance premiums linked to soaring jury awards.

The impact of the trauma center's closure in Las Vegas was summed up by its director, Dr. John Fildes: ''The standard of care in our community was set back 25 years.''

The number of communities suffering similar problems is mushrooming.

This summer, two Pennsylvania hospitals, one Arizona hospital and a clinic in Oregon closed their obstetrics units.

Several counties in upstate New York have no obstetricians covering night shifts.

Soon, two counties in Pennsylvania won't have a neurosurgeon. Seven hospitals on the Mississippi coast share 3 neurosurgeons, one of whom, Terry Smith in Biloxi, is likely to leave next month because he can't find insurance.

Thirteen insurance companies have refused to cover Dr. Smith, who currently pays $65,000 in annual premiums. One company may agree to cover him, but it is likely to cost $100,000, an amount he says he can't afford.

Smith said he often puts in seven-day weeks now to meet the community's needs.

''This is an area with lots of poor and minority people, so you as a doctor feel you're doing something important,'' Smith said. ''I feel guilty about leaving but I just don't have a choice.

''The two guys I'm leaving behind are friends of mine and they'll be working even harder,'' he said.

Mississippi is one of 12 states where rising premiums, tied to awards by state juries in malpractice cases, are creating a crisis, according to the American Medical Association. The others are New York, Nevada, Florida, Ohio, Texas, Georgia, Pennsylvania, New Jersey, Washington, Oregon and West Virginia.

Because of risks associated with certain medical conditions and forms of treatment, some specialties pay especially high rates, and those rates are compounded by being charged in states where laws place fewer limits on jury awards.

For example, while premium increases this year average about 15 percent nationwide for all practices, rates for obstetricians and gynecologists in Pennsylvania are set to balloon by anywhere from 40 percent to even 81 percent, according to Medical Liability Monitor, a trade publication. In West Virginia, they are catapulting anywhere from 29 percent to 36 percent.

The average jury award for medical malpractice doubled to $1 million in the six years ending in 2000, according to Jury Verdict Research, a private database used by lawyers, insurers and doctors. Lawyers who handle malpractice cases are critical of the database, pointing out that it is not comprehensive and contending that its findings are inflated.

In any event, verdicts of more than $1 million are common in states like Mississippi and Nevada. in the first six months of this year, there were five jury awards in in Mississippi and the average verdict was $5.6 million, according to the state's medical association.

''I think juries are just frustrated with managed care and health care in general, so they take it out on doctors,'' said Dr. Michael Daubs, an orthopedic surgeon who said he may leave Las Vegas if his rates keep rising.

He says he has never been sued but his insurance jumped $20,000 to $60,000 a year. He has applied for medical licenses in three other states.

Some insurance companies are leaving the medical liability business. St. Paul Cos, the second largest provider of medical malpractice insurance, announced last December it would stop writing policies, leaving 42,000 doctors searching for coverage. St. Paul said it lost close to $1 billion on its medical malpractice line last year.

Smaller insurers are also cutting back or leaving the business. Pennsylvania's second-largest medical malpractice insurer, Phico Insurance Co., failed earlier this year and was liquidated by the state.

Legislation has been introduced in Congress that would limit the pain and suffering portion of malpractice awards to $250,000. The bill, intended to override state laws,

would also curtail lawyers' fees and allow juries to hear about the plaintiffs' other sources of income.

''We absolutely need tort reform,'' said Dr. Donald Palmisano, president elect of the AMA. ''The situation has spiraled out of control.

The AMA lists six states as having their malpractice situations under control: California, Colorado, New Mexico, Wisconsin, Indiana and Louisiana. In Wisconsin, where there is a limit on awards, St. Paul did not suffer a loss.

Trial lawyers are opposed to the caps. They cite surveys showing juries rule in favor of doctors in two thirds of all malpractice lawsuits. They say doctors and hospitals should focus on reducing mistakes, not jury awards.

''If you run over someone over by accident, no one is putting a cap on what you will have to pay them. Why do we want to elevate one group in society above another?'' said Leo Boyle, president of the Association of Trial Lawyers of America.

Boyle blames insurance companies for keeping rates artificially low in the 1990s to win business as they expanded wildly, a practice made possible by blooming returns in the stock market. ''Insurance companies were reckless in their pricing and now patients are supposed to pay for it?'' he said.

Joseph Roethel, who follows the medical insurance industry as assistant vice president at A.M. Best Co., an insurance rating agency, parcels out the blame equally: Insurance companies kept rates too low in the 1990s and jury awards have gone too high.

Now, he said, ''Insurance companies don't have the reserves for these types of jury awards.''

Some doctors are resorting to working without insurance, using a credit line or their own money to cover malpractice expenses. The practice isn't common but is done, especially in Florida. Most hospitals won't allow that practice.

Two hospitals in West Virginia have begun directly employing more doctors and paying their insurance to alleviate the doctor shortage. Many hospitals consider such an option too expensive.

At Bluefield Regional Medical Center in West Virginia, doctors are more careful now in delivering medicine, according to hospital president Eugene Palowski. But they are also much less willing to care for high-risk patients with multiple conditions, leaving them to find physicians in surrounding states.

Many patients are confused, or just plain angry.

Marine Hawkins, 20, of Boyle, Miss., was shocked to hear from her obstetrician that he was closing his practice—just two weeks before her due date of July 21.

The nearest doctor is 30 minutes away. She doesn't have a car, and will have to rely on relatives to get there.

''This isn't what I needed now,'' she said.

Mr. HATCH. The article points to the ''national problem that doctors say is obliging many of them to flee certain states or give up certain specialties—or the entire profession—because of skyrocketing insurance premiums linked to soaring jury awards.''

The article notes, as I am sure my colleagues from Nevada are acutely aware, that the University Medical Center trauma clinic in Las Vegas—the only Level one trauma center in Nevada—closed on July 3 last year.

The 58 doctors who were associated with the trauma center had requested, but had not received, much-needed relief from soaring medical liability insurance costs.

Let me give you just one example of the havoc this wreaked. On the 4th of July, the day after the center closed, Jim Lawson could not access the Level one trauma care that he needed. Mr. Lawson was the victim of a serious traffic accident, and on that day, the closest Level one trauma center was more than an hour away by air!

Unfortunately, Mr. Lawson did not survive. The trauma center was hurriedly reopened on July 13, but with only 10–15 doctors working on a temporary basis, with limited liability. Commenting on the trauma center's closure, its director, Dr. John Fildes, stated, ''The standard of care in our community was set back 25 years.''

Mr. Lawson's family spoke at a press conference here in the Senate last week. His death was a tragedy to his family and to his community. No one knows whether Mr. Lawson could have been saved had he been treated at the nearby trauma center. But would any of us want that to happen to one of our loved ones? To be forced to bypass the nearest trauma center, and travel an hour to receive emergency care?

I certainly would not. And, the Senate should take the necessary steps to ensure that it does not happen to anyone else. But this crisis is not limited to emergency services. Ensuring the availability of adequate obstetric care is also an increasing problem.

According to the same Associated Press article, one Arizona hospital, a clinic in Oregon, and two Pennsylvania hospitals closed their obstetrics units recently. Several counties in upstate New York have no obstetricians covering night shifts.

What does that say to the expectant mother whose child comes into the world at night . . . ''There's no room at the inn''?

The crisis is particularly acute in the farming and ranching communities of rural America. Mr. President, I ask unanimous consent to print in the RECORD a Washington Post article from February 3, 2003, titled ''Insurance Crisis Hits Hard on Prairie; Denied Coverage, Obstetrician for 3 Wyoming Counties Ends Practice.''

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

[From the Washington Post, Feb. 3, 2003]

INSURANCE CRISIS HITS HARD ON PRAIRIE; DENIED COVERAGE, OBSTETRICIAN FOR 3 WYOMING COUNTIES ENDS PRACTICE

(By T.R. Reid)

When the Wheatland High Bulldogs hosted arch-rival Douglas for a basketball game the other night, the gym was jammed with fans roaring support for the home team. But one prominent Wheatland citizen watched the game with mixed loyalties. Willard Woods, the local obstetrician, had delivered just about every player on both the Wheatland and Douglas teams.

As the only ''baby doctor'' serving a three-county swath of the khaki-brown Wyoming prairie for the past quarter-century, Woods has delivered about 2,500 infants, including almost all the high school athletes in Wheatland, Douglas, Chugwater and other rural communities. But this winter, Woods ended his obstetrical practice.

''I love delivering babies,'' the intense physician, 56, said. ''I really love delivering the babies of women I delivered a couple decades ago. And I know this community needs an obstetrician.

''But you can't practice without [malpractice] insurance. And I can't get coverage for deliveries any more.''

The national malpractice insurance crisis that President Bush spoke of in his State of the Union address last week hit home for Wheatland this winter when Woods' insurance company joined a number of national malpractice carriers in declaring bankruptcy.

That left only two firms selling malpractice insurance in Wyoming, and neither one was willing to take on a new obstetrical coverage. Woods did get insurance for his gynecological practice—a branch of medicine that spawns far fewer lawsuits than delivering babies—but the annual premium costs him $116,000, three times what he paid a year ago.

In this wheat-growing region of eastern Wyoming, where medical services are sparse and scattered—Platte County, with a population of less than 9,000, has five doctors, equal to the number of veterinarians—the impact has been acute.

Women with normal pregnancies can still have their babies delivered in the hospital; Woods's two partners, both general practitioners, share the delivery duties.

''But if you have any kind of problem, like I did,'' said Wheatland mother Kori Wilhelm, who has a genetic blood mutation that makes pregnancy dangerous, ''you have to go to Cheyenne now—and it's a three-hour round trip—to get the specialized treatment we used to get right down the street at Dr. Woods's clinic.''

Woods' problem has turned into a financial problem for Platte County Memorial Hospital, a 43-bed facility that is Wheatland's biggest building. ''The economics of a rural hospital are always tight,'' noted hospital director Mike Matthews. ''If I don't have all my physicians providing services here, I'm losing revenue. And if I have to cut back—well, this hospital is the third-biggest employer in the county.''

The two family practitioners who share Woods's practice have found their lives complicated by the insurance problems. Their malpractice premiums have gone up sharply, though neither one has ever been sued. Even worse has been the impact on their daily schedules.

''We're now the only docs delivering babies in the whole area,'' said Steve Peasley, a Douglas native who returned to the prairie after finishing Georgetown Medical School. ''So each one of us has to be on call every other day. That means you can't leave town. You can't have a beer at the barbecue. And after a full day of regular practice, you get a call from the hospital at 3 a.m. saying somebody's in labor.''

Wheatland's medical problem is replicated in communities large and small across the country as more and more doctors find malpractice insurance out of reach. Some doctors in New Jersey plan to demonstrate today to protest the high cost of insurance, while doctors have already staged protests in West Virginia, Nevada and Florida. Bush's proposed solution to the growing crisis is to put a limit on the amount of damages an injured patient can win. That would reduce the number of multimillion-dollar jury verdicts, cutting the risk for doctors and their insurance companies. In Woods's view, the president has it just right.

''We love that plan,'' he said. ''It will save medicine in Wyoming.'' In the neighboring state of Colorado, he notes, which has a limit on pain-and-suffering awards, malpractice premiums tend to be a fraction of the Wyoming rates.

Wyoming's state constitution prohibits any limit on damage claims against a corporation—a ban that goes back to the 1880's, when the Union Pacific Railroad was the most powerful, and most hated, institution in the state. But a federal law capping damages would presumably override the state constitution.

Still, there are doubts here about the Bush plan. ''The cap on damages sounds like a simple solution, but it isn't one,'' said Dave Freudenthal, a lawyer and Wyoming's newly elected Democratic governor. ''We just had hearings in the legislature on this issue. The insurance companies said a cap on damages would not reduce rates, and would not induce any more companies to sell [malpractice insurance] in Wyoming.''

The governor said he hopes to appoint a blue-ribbon panel to study ''new approaches that would work in a rural, sparsely populated state like this.'' Wyoming covers a land area bigger than Maryland and Virginia combined but has fewer residents, and fewer doctors, than the District.

While the study is underway, Wheatland has to get by without an obstetrician.

''I can't practice OB anymore, and nobody else will do it, either,'' Woods said with a grimace. ''My daughter wants to be a doctor, and she asked me what kind of medicine she can do so she doesn't have to worry about insurance. And I said, 'Well, you sure don't want to deliver babies.' ''

Mr. HATCH. Mr. President, the article describes the plight of the people of Platte County, WY, population 9000, where the only obstetrician has been forced to give up delivering babies because obstetrics liability insurance is unavailable.

The article states:

As the only ''baby doctor'' serving a three-county swath of the . . . Wyoming prairie for the past quarter-century, (Dr.) Woods has delivered about 2,500 infants, including almost all the high school athletes in Wheatland, Douglas, Chugwater and other rural communities. But this winter, Woods ended his obstetrical practice. ''I love delivering babies,'' the intense (56-year-old) physician said. ''I really love delivering the babies of women I delivered a couple of decades ago. And I know this community needs an obstetrician. But you can't practice without (malpractice) insurance. And I can't get coverage for deliveries any more.''

This is not news to the rural West. There is an increasing shortage in my home state of Utah as well. Studies by both the Utah Medical Association and the Utah Chapter of the American College of Obstetricians and Gynecologists underscore the problem in my state. According to the Utah Medical Association:

50.5 percent of Family Practitioners in Utah have already given up obstetrical services or never practiced obstetrics. Of the remaining 49.5 percent who still deliver babies, 32.7 percent say they plan to stop providing OB services within the next decade. Most plan to stop within the next five years.

The Utah Medical Association study also relates:

Professional liability concerns [were] given as the chief contributing factor in the decision to discontinue obstetrical services. Such concerns include the cost of liability insurance premiums, the hassles and costs involved in defending against obstetrical lawsuits and a general fear of being sued in today's litigious environment.

Mr. President, ensuring the availability of high-quality prenatal and delivery care for pregnant women and their babies, the most vulnerable members of our society, is imperative. But these are not the only members of society who have difficulty in accessing healthcare.

According to the July 2002 Department of Health and Human Services report, ''Confronting the New Health Care Crisis: Improving Health Care Quality and Lowering Cost by Fixing our Medical Liability System,'' the indigent are finding it increasingly difficult to access care also.

The HHS report states that ''[m]any doctors cannot volunteer their services for a patient who cannot pay, and the proportion of the physicians who provide charity care at all has declined, because doctors cannot afford the required liability coverage.''

The July, 2002 report and the Department's report released this month, ''Addressing the New Health Care Crisis: Reforming the Medical Litigation System to Improve the Quality of Health Care,'' describe the economic consequences of rising insurance costs also.

While many Americans have experienced problems accessing healthcare due to excessive litigation, all Americans are paying for it. This is a national problem and one that requires a national solution.

In my letter of March 12 to Budget Committee Chairman NICKLES and ranking Democrat CONRAD, I emphasized the important implications of medical liability litigation on the Federal budget.

In that letter, I wrote:

The Federal Government pays directly for health care for members of the armed forces, veterans, and patients served in the Indian Health Service. The Federal Government provides reimbursements for the Medicare and Medicaid programs. According to the Department of Health and Human Services March 3, 2003, report . . . the Federal Government spends $33.7 billion–$56.2 billion per year for malpractice coverage and the costs of defensive medicine. That report states, ''reasonable limits on non-economic damages would reduce the amount of taxpayers' money the Federal Government spends by $28.1 billion–$50.6 billion per year.''

I continued to write:

In my view, federal legislation that would decrease costly frivolous medical liability lawsuits and limit awards for non-economic damages is necessary, not only to ensure patient access to health care, but to curb increasing Federal health care costs. Because of the substantial and important budgetary implications, particularly to the Medicare and Medicaid programs, we request that the budget resolution include language calling for medical liability legislation reform.

I am pleased to report that the budget resolution we are considering today recognizes the tremendous impact of medical liability costs. In fact, the budget resolution as reported includes $11.3 billion in savings over 10 years as a result of medical liability reform, based on CBO calculations. The Medicare program alone will save $7.9 billion, while Medicaid will save $2.9 billion. The remaining savings will occur in the Federal Employee Health Benefits Program and the Department of Defense.

Medical liability litigation directly and dramatically increases health care costs for all Americans. But, skyrocketing medical litigation costs also increase health care costs indirectly by changing the way doctors practice medicine. In an effort to avoid frivolous suits, doctors often feel compelled to perform diagnostic tests that are costly and unnecessary.

This defensive medicine is wasteful, but for doctors it has unfortunately become necessary. According to a recent Harris poll, fear of being sued has led 79 percent of doctors to order more tests than are medically needed, 74 percent to refer patients to specialists more often than necessary, 51 percent to recommend invasive procedures that they thought were unnecessary, and 41 percent to prescribe more medications, including antibiotics, that they did not think were necessary.

Defensive medicine increases health care costs, but the real risk of the current medical liability system and the resulting practice of defensive medicine is that it also puts Americans at risk. Every test and every treatment poses a risk to the patient. Every unnecessary test, procedure, and treatment potentially puts a patient in harm's way. According to the Harris poll, 76 percent of the physicians are concerned that malpractice litigation has hurt their ability to provide quality care to patients.

And so, that brings us to the big question: What can we do to address this crisis? The answer is plenty. There are excellent examples of what works. The March, 2003 Department of Health and Human Services report describes how reasonable reforms in some states have reduced health care costs and improved access to quality health care. According to the report, over the last two years, in states with limits of $250,000 to $350,000 on non-economic damages, premiums have increased at an average of 18 percent compared to 45 percent in States without such limits.

California enacted the Medical Injury Compensation Reform Act, also known as MICRA, over 25 years ago in 1975. MICRA slowed the rate of increase in medical liability premiums dramatically without affecting negatively the quality of health care received by the State's residents. As a result, doctors are not leaving California. Furthermore, between 1976 and 2000, premiums increased by 167 percent in California. But, believe it or not, they increased three times as much, an incredible 505 percent, in the rest of the country. Consequently, Californians were saved billions of dollars in health care costs

and Federal taxpayers were saved billions of dollars in the Medicare and Medicaid programs.

The March, 2003 report goes on to state:

> A leading study estimates that reasonable limits on non-economic damages such as California has had in effect for 25 years, can reduce health care costs by 5–9 percent without ''substantial effects on mortality or medical complications.'' With national health care expenditures currently estimated to be $1.4 trillion, if this reform were adopted nationally, it would save $70–126 billion in health care costs per year.

I would guess that no one in this body—with perhaps the exception of our colleague from Tennessee, Dr. BILL FRIST, our majority leader—is more keenly aware of the defects in this system than I. Before coming to Congress, I litigated several medical liability cases as a defense lawyer. I have seen heart-wrenching cases in which mistakes were made. But, more often, I have seen heart-wrenching cases in which mistakes were not made and doctors were forced to expend valuable time and resources defending themselves against frivolous lawsuits.

It has been estimated that 66 percent of all medical liability lawsuits brought are frivolous. They are brought by plaintiff's attorneys who seek to obtain the costs of defense, costs that approach $100,000 per case.

Let me take a moment to address the unfortunate incident that occurred recently in North Carolina. As the country is so painfully aware, Jesica Santillan, a young girl who needed a heart and lung transplant, received organs of the wrong blood type. Her death was a tragedy and our hearts go out to everyone involved.

Some are seizing on Jesica's most unfortunate death to argue that we should not proceed with medical liability reform legislation. I would argue just the opposite: Jesica's death shows the need for reform of the current system. Let me make clear that we do not know all of the facts surrounding Jesica's case. We are not the doctors, the family, the Duke personnel or their lawyers. But we do know that the current medical liability system did not prevent Jesica's death. In fact, many experts believe that the current system, by discouraging communication between doctors, nurses, and hospitals, increases the likelihood that medical errors will occur.

The recent Institute of Medicine report, ''To Err is Human'' described the impact of preventable medical errors in America's health care system. One of the report's main conclusions was that:

> The majority of medical errors do not result from individual recklessness or the actions of a particular group this is not a ''bad apple'' problem. More commonly, errors are caused by faulty systems, processes, and conditions that lead people to make mistakes or fail to prevent them.

We do not know all of the facts of Jesica's case. But, we do know that more lawsuits cannot prevent medical errors from occurring. Her death should not be used by those who oppose medical litigation reform to prevent other patients from receiving access to the care they deserve. No, Jesica's death does not indicate that medical liability reform is unnecessary. If anything, cases such as this support the need for reform.

We need reform to identify better and more efficiently when malpractice has occurred and which patients should be compensated. We need reform to identify better when malpractice has not occurred. The reform that I envision would address litigation abuses in order to provide swift and appropriate compensation for malpractice victims, redress for serious problems, and ensure that medical liability costs do not prevent patients from accessing the care they need.

Jesica's death was a tragedy. But it would be a greater tragedy if we let her death prevent other little boys and girls from receiving access to the life-saving care they need. That is what is happening in many parts of America today. And that is what will continue to happen if we do not address this crisis in this Congress.

And so, we need to move ahead with legislation to improve patient safety and reduce medical errors. I agree that we need to find an appropriate way to address egregious cases. No one believes more than I that victims of malpractice should be compensated swiftly and appropriately for their losses. But that is not what is happening in our current medical legal system. Patients are forced to meander through a complicated legal system and often are awarded damages only after years of legal bickering. Juries are awarding astounding and unreasonable sums for pain and suffering. A sizable portion of those awards goes to the attorney rather than the patient. The result: Doctors cannot get insurance and patients cannot get the care they need.

As Chairmen of the HELP and Judiciary Committees, Senator GREGG and I held a joint hearing earlier this month in an attempt to identify the root causes of the crisis. We heard from a patient who experienced an adverse outcome due to a medical error. But, we also heard from a patient and a patient's wife who were victims of the current crisis, unable to find the medical care they or their loved ones desperately needed because medical liability insurance costs had driven doctors out of practice.

We heard from a lawyer who believes that insurance reform is the answer. But, in addition, we heard from the Texas State Insurance Commissioner and also from the president of Physician Insurance Association of America, representing provider-owned or operated insurance companies that provide insurance for the majority of American doctors. These gentlemen face this crisis and its consequences every day. Their data and their studies as well as those from the Department of Health and Human Services show that increasingly frequent frivolous lawsuits and skyrocketing awards are responsible for rapidly rising premiums.

Has the recent downturn in the economy and the stock market affected medical liability premiums? Possibly, but this does not appear to be a major cause of the current crisis. Insurance companies invest conservatively, primarily in bonds and State insurance commissioners monitor and regulate insurance business practices closely. Moreover, insurance companies are precluded from increasing premiums to make up for past losses.

As a matter of fact, they have to cover these losses. The country's largest medical liability insurance company, St. Paul, no longer provides this insurance. Now doctors are forming their own nonprofit corporations to handle these matters and one can imagine that they are doing their best to reduce costs.

It seems to me that the insurance reform discussed at the hearing not only misses the mark badly; it would do nothing to address the cause of the crisis and it would prevent State Insurance Commissioners from performing the job they were appointed to do. I have to say that I came away from our hearing convinced that out-of-control medical litigation is the major cause of the crisis and that we must do something to stop it.

The current medical litigation system resembles a lottery more than it does a justice system. This system harms patients in many ways and raids every American's wallet. All Americans deserve the access to care, the cost savings and the legal protections that States like California provide their residents. This problem has reached crisis proportions and it is high time that we act. The task before us is to design a system that protects both the patient and the provider. It is important that we take steps to benefit both patients and health care providers, not the trial lawyers. Or else, we are in danger of losing access to necessary healthcare.

Let's put some sense into the system by passing medical litigation improvement legislation this year that gives patients access to their doctors and enables doctors to provide high quality cost-effective medical care. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. REID. On behalf of the Senator from North Dakota, the manager of the amendment, I yield 10 minutes to the Senator from Maryland.

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

The Senator from Maryland.

SUPPORT FOR THE MILITARY

Ms. MIKULSKI. Mr. President, as America braces for war, my thoughts are with our troops. Our men and women in uniform have my steadfast support. Though there is disagreement about the best way to disarm Saddam, there is something we all agree upon,

and that is that America must be united in support for our troops. We must defend our defenders and stand up for the brave men and women of our military.

Each and every member of our military is part of an American family. They are about to make tremendous sacrifices and undertake great risks. They need to know that the United States of America is with them, and that we owe them a debt of gratitude. But the military does not need just our words; they need our help. We must support them not only with words but with deeds. That means to ensure our troops have the best training and the best equipment we can provide.

We also need to stand up for American families, for the military families who are facing long separations and terrible worries about the safety of their loved ones. While they worry about their spouses overseas, they do not need to be facing financial worries at home. America needs to make sure these families do not face financial hardship.

With our U.S. military overseas, their spouses should not be worried about counting pennies. Their spouses should not have to worry about going on food stamps. Their spouses should not have to, as the Guard and Reserve is being called up, worry about if they are going to have to go through their savings and their family's college accounts. So while we are talking about tax cuts for Joe Billionaire, let us make sure we do not forget GI Joe and GI Jane. We need to remember them not only with parades, but we need to remember them in the Federal checkbook and we need to remember them in the Federal Tax Code. We need to get behind those troops and use this budget and other actions we will be taking up to support our troops.

Let's not forget why we are at this point. The fault lies squarely with Saddam Hussein. For the last 12 years, he has ignored U.N. resolutions and embargoes while rebuilding his illegal chemical and biological weapons. U.N. Resolution 1441 gave Saddam a final opportunity to come clean and destroy his prohibited weapons and to fully report to the U.N. He continues to ignore that. He is dangerous and duplicitous. He needs to be disarmed.

Americans have differing views on how best to do this. Saddam is a danger to the world; therefore, the world should share the burden of defanging him. The risks and consequences of acting alone are much greater than they would be from multilateral action. The risks to our troops are greater, and the challenge in postconflict Iraq will be greater if other nations do not share the burden.

That is why, during the debate, I voted against unilateral action but voted for Senator LEVIN's amendment to demand that Iraq disarm and to authorize the use of multinational force if Iraq refused to comply, and to do this through the United Nations. Once we gave unilateral authority to the President, I believe it let the international community off the hook. Why would members of the U.N. Security Council make any tough decisions? They did not have to. They knew we would go it alone. Why would they stand up and make tough decisions and take tough actions? They did not have to. They knew we would go it alone. I believe by authorizing unilateral action, the Senate actually weakened the negotiating position of our President and the Secretary of State at the U.N. Why would other countries send their troops in harm's way if America was ready to do it without them? Unfortunately, this is what has happened.

The U.N. refused to act, and the United States is now poised to act alone with a modest coalition of the willing. We cannot let this be the end of diplomacy. The President must continue to work with other nations to expand that coalition of the willing so that the dangers of war are shared along with the cost. He needs to go back to the U.N. to share the responsibility and the economic cost of rebuilding Iraq. I know we will face a significant humanitarian crisis, and we already are facing significant humanitarian need in the United States of America. While we are going to talk about rebuilding Baghdad, we cannot end up paying the whole bill ourselves. Because while we rebuild Baghdad, I have to worry about rebuilding Baltimore, and Salisbury, and other communities.

I face a budget, as an appropriator, that is skimpy, spartan, and takes it out on public housing residents and shrinks opportunity at the very time we want to be able to go it alone.

The President has made his choice. We are going to support the decision of the United States of America. We are going to support our troops. Let's support our troops in the budget. When we take a look at the budget, let's take a patriotic pause, and make sure we can afford not only to be a world power and stand up for America but make sure we have a budget where we stand up for what America stands for: Empowerment, hope, and opportunity.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the very able Senator from Maryland for her statement and for the values expressed in that statement.

I think we have reached a critical moment. We have 250,000 troops poised on the border with Iraq. There are a number of additional troops from the U.K. Other nations may be involved, as well. There is no provision for the cost of this conflict in the budget.

It does strike me as the better part of wisdom to say we ought to limit any additional measures that add to the deficit by either spending or tax cuts, with the two exceptions I have noted before. On the spending side, certainly we would exempt national defense and homeland security. On the tax side, we would be wise to exempt the funds for a stimulus package in 2003 and 2004. Beyond that, we would require a supermajority vote that adds to deficits when we are on the brink of conflict, the cost of which has not been quantified.

That is what my amendment is about. I hope as we move closer to the time toward a vote on that amendment, our colleagues will give thoughtful consideration to what I have offered.

Mr. KOHL. Mr. President, I rise in strong support of the amendment of the Senator from North Dakota. Though cloaked in the arcane language of a Budget Act point of order, the goal of the amendment is clear and important. The amendment says that this Congress should not pass new spending or new tax cuts until we have adequately budgeted for the war.

The Conrad amendment contains exceptions for spending on national security, homeland security, or stimulative tax cuts with no budgetary effect after 2005. But beyond those essential measures, Congress could not pass any of our new policy initiatives—not Democratic or Republican initiatives—not new entitlement programs or new tax cuts—until we are sure we have the resources to fund the war we will almost certainly begin this week.

It is amazing that we even have to have this debate. It will be even more unbelievable if this amendment fails. The budget is our spending blueprint for the next fiscal year. It lays out our spending and tax priorities. Yet nowhere in the budget are there funds allocated for military action in Iraq, for recovery after the war, for the foreign aid promised to our allies, for increased protection domestically from retaliatory terrorist attacks. Not a dime.

Is that because the supporters of this budget don't want to pay for the costs of fighting the war in Iraq? Of course not. I am confident that every member of Congress fully supports our troops as they deploy overseas. The President will send us a bill for the war and the resulting increases in homeland security, and Congress will pay it—promptly and fully.

So why is it not in the budget? One simple reason. The authors of this budget want an enormous tax cut: $1.4 billion in tax cuts—most of which will benefit upper income tax payers—over the next 10 years. Half of those cuts are even given our special, fast track treatment through the reconciliation process. The authors also want to show a balanced budget within the next decade. And they do that by cutting domestic spending, including defense. The largest cuts come in the last 5 years of the budget.

But if we figure in the costs of the war, the after-war Iraq restoration, and increased homeland security, there's no way our budget will balance in 10, or even 20, years. There is no way we can afford the war we are all already committed to fund and an enormous tax cut. No way.

It is irresponsible to commit to unnecessary, enormous tax giveaways at a time our scarce resources might be needed to fight a war. In the name of responsible budgeting—in the name of sane budgeting—shouldn't we at least delay the tax cuts until we have a better idea of what the war will cost?

The American people are willing to sacrifice for war—especially those who are leaving their families and homes to fight in a foreign land. Shouldn't we be willing to sacrifice as well? Shouldn't we give up these ridiculous budget games and do our jobs. In my mind, that means making sure our troops have adequate funds to successfully win the war in Iraq, that our country is safe from terrorist attacks, and that our debt doesn't grow so large that it strangles growth and opportunity for future generations.

The Conrad amendment will help us write a budget that is responsible—to our troops overseas, to our families at home, and to the future generations who count on us to leave their country better off than we inherited it. I urge my colleagues to support it.

Mr. REID. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. REID. I have worked with the two managers of the bill and the two leaders, and it appears that we will be able to have two back-to-back votes around 5 p.m. today. The staff is in the process of preparing a written announcement. There very likely will be two votes on two separate amendments at or about 5 o'clock today.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, I ask unanimous consent that following a point of order against the Conrad amendment No. 264, Senator CONRAD be recognized in order to make a motion to waive relative to his amendment and that the amendment and the motion then be temporarily set aside; provided further that Senator CONRAD be recognized in order to offer an amendment, the text of which is at the desk, and that the time until 5 o'clock be equally divided in relation to the amendment; further, I ask that at 5 o'clock the Senate proceed to a vote in relation to the motion to waive with respect to amendment No. 264, and regardless of the outcome, the Senate then immediately proceed to a vote in relation to the second Conrad amendment. Also, no second-degree amendments be in order prior to the above amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I believe the pending amendment, No. 264, offered by the Senator from North Dakota, Mr. CONRAD, proposes to create a new point of order prohibiting the consideration of certain spending and tax measures until the President sends information regarding the costs of the war. The language is not germane to the measure now before the Senate; therefore, I raise an objection under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, would the two managers of the bill allow 2 minutes of debate equally divided prior to the second vote?

Mr. NICKLES. Certainly.

Mr. REID. I ask unanimous consent that the agreement be modified to that effect.

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

The Senator from North Dakota.

AMENDMENT NO. 266

Mr. CONRAD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota (Mr. CONRAD) proposes an amendment numbered 266.

Mr. CONRAD. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To redirect $1.214 trillion in revenues that would have been lost by implementing the President's entire tax cut agenda into a reserve fund to strengthen the Social Security trust funds over the long-term)

On page 3 line 9, decrease the amount by $50,472,000,000

On page 3 line 10, increase the amount by $118,203,000,000.

On page 3 line 11, increase the amount by $103,103,000,000.

On page 3 line 12, increase the amount by $67,667,000,000.

On page 3 line 13, increase the amount by $48,733,000,000.

On page 3 line 14, increase the amount by $45,877,000,000.

On page 3 line 15, increase the amount by $46,217,000,000.

On page 3 line 16, increase the amount by $51,107,000,000.

On page 3 line 17, increase the amount by $185,171,000,000.

On page 3 line 18, increase the amount by $279,411,000,000.

On page 3 line 19, increase the amount by $296,254,000,000.

On page 3 line 23, decrease the amount by $50,472,000,000.

On page 4 line 1, increase the amount by $118,203,000,000.

On page 4 line 2, increase the amount by $103,103,000,000.

On page 4 line 3, increase the amount by $67,667,000,000.

On page 4 line 4, increase the amount by $48,733,000,000.

On page 4 line 5, increase the amount by $45,877,000,000.

On page 4 line 6, increase the amount by $46,217,000,000.

On page 4 line 7, increase the amount by $51,107,000,000.

On page 4 line 8, increase the amount by $185,171,000,000.

On page 4 line 9, increase the amount by $279,411,000,000.

On page 4 line 10, increase the amount by $296,254,000,000.

On page 4 line 14, increase the amount by $373,000,000.

On page 4 line 15, decrease the amount by $681,000,000.

On page 4 line 16, decrease the amount by $5,789,000,000.

On page 4 line 17, decrease the amount by $10,895,000,000.

On page 4 line 18, decrease the amount by $14,956,000,000.

On page 4 line 19, decrease the amount by $18,291,000,000.

On page 4 line 20, decrease the amount by $21,806,000,000.

On page 4 line 21, decrease the amount by $25,743,000,000.

On page 4 line 22, decrease the amount by $33,540,000,000.

On page 4 line 23, decrease the amount by $59,747,000,000.

On page 4 line 24, decrease the amount by $77,943,000,000.

On page 5 line 4, decrease the amount by $373,000,000.

On page 5 line 5, decrease the amount by $681,000,000.

On page 5 line 6, decrease the amount by $5,789,000,000.

On page 5 line 7, decrease the amount by $10,895,000,000.

On page 5 line 8, decrease the amount by $14,956,000,000.

On page 5 line 9, decrease the amount by $18,291,000,000.

On page 5 line 10, decrease the amount by $21,806,000,000.

On page 5 line 11, decrease the amount by $25,743,000,000.

On page 5 line 12, decrease the amount by $33,540,000,000.

On page 5 line 13, decrease the amount by $59,747,000,000.

On page 5 line 14, decrease the amount by $77,943,000,000.

On page 5 line 17, decrease the amount by $50,845,000,000.

On page 5 line 18, increase the amount by $118,884,000,000.

On page 5 line 19, increase the amount by $108,892,000,000.

On page 5 line 20, increase the amount by $78,562,000,000.

On page 5 line 21, increase the amount by $63,689,000,000.

On page 5 line 22, increase the amount by $64,168,000,000.

On page 5 line 23, increase the amount by $68,023,000,000.

On page 5 line 24, increase the amount by $76,850,000,000.

On page 5 line 25, increase the amount by $218,711,000,000.

On page 6 line 1, increase the amount by $339,158,000,000.

On page 6 line 2, increase the amount by $374,197,000,000.

On page 6 line 5, increase the amount by $50,845,000,000.

On page 6 line 6, decrease the amount by $60,038,000,000.

On page 6 line 7, decrease the amount by $176,931,000,000.

On page 6 line 8, decrease the amount by $255,492,000,000.

On page 6 line 9, decrease the amount by $319,181,000,000.

On page 6 line 10, decrease the amount by $383,350,000,000.

On page 6 line 11, decrease the amount by $451,373,000,000.

On page 6 line 12, decrease the amount by $528,223,000,000.

On page 6 line 13, decrease the amount by $746,934,000,000.

On page 6 line 14, decrease the amount by $1,086,092,000,000.

On page 6 line 15, decrease the amount by $1,460,289,000,000.

On page 6 line 18, increase the amount by $50,845,000,000.

On page 6 line 19, decrease the amount by $68,038,000,000.

On page 6 line 20, decrease the amount by $176,931,000,000.

On page 6 line 21, decrease the amount by $225,492,000,000.

On page 6 line 22, decrease the amount by $319,181,000,000.

On page 6 line 23, decrease the amount by $383,350,000,000.

On page 6 line 24, decrease the amount by $451,373,000,000.

On page 6 line 25, decrease the amount by $528,223,000,000.

On page 7 line 1, decrease the amount by $746,934,000,000.

On page 7 line 2, decrease the amount by $1,086,092,000,000.

On page 7 line 3, decrease the amount by $1,460,289,000,000.

On page 32 line 6, increase the amount by $26,000,000.

On page 32 line 7, increase the amount by $26,000,000.

On page 32 line 10, decrease the amount by $11,458,000,000.

On page 32 line 11, decrease the amount by $11,458,000,000.

On page 32 line 14, decrease the amount by $10,901,000,000.

On page 32 line 15, decrease the amount by $10,901,000,000.

On page 40 line 2, increase the amount by $373,000,000.

On page 40 line 3, increase the amount by $373,000,000.

On page 40 line 6, decrease the amount by $681,000,000.

On page 40 line 7, decrease the amount by $681,000,000.

On page 40 line 10, decrease the amount by $5,789,000,000.

On page 40 line 11, decrease the amount by $5,789,000,000.

On page 40 line 14, decrease the amount by $10,895,000,000.

On page 40 line 15, decrease the amount by $10,895,000,000.

On page 40 line 18, decrease the amount by $14,956,000,000.

On page 40 line 19, decrease the amount by $14,956,000,000.

On page 40 line 22, decrease the amount by $18,291,000,000.

On page 40 line 23, decrease the amount by $18,291,000,000.

On page 41 line 2, decrease the amount by $21,806,000,000.

On page 41 line 3, decrease the amount by $21,806,000,000.

On page 41 line 6, decrease the amount by $25,743,000,000.

On page 41 line 7, decrease the amount by $25,743,000,000.

On page 41 line 10, decrease the amount by $33,566,000,000.

On page 41 line 11, decrease the amount by $33,566,000,000.

On page 41 line 14, decrease the amount by $48,289,000,000.

On page 41 line 15, decrease the amount by $48,289,000,000.

On page 41 line 18, decrease the amount by $67,042,000,000.

On page 41 line 19, decrease the amount by $67,042,000,000.

Strike all from line 20 on page 45 through line 2 on page 46.

At the appropriate place, insert the following:

"SEC. _____. RESERVE FUND TO STRENGTHEN SOCIAL SECURITY.

If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted that would strengthen Social Security and extend the solvency of the Social Security Trust Funds, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $1,214,000,000,000 in budget authority and outlays for the total of fiscal years 2003 through 2013.

Mr. NICKLES. Mr. President, I know the Senator from Texas has been waiting patiently. I will recognize the Senator from Texas for 20 minutes.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the distinguished chairman of the Budget Committee on which I had the honor of serving for his work on this budget resolution and for his leadership on the Budget Committee. My compliments as well to the ranking member, Senator CONRAD, for the civil but spirited way in which the committee debated the markup of this budget resolution.

I believe the budget resolution we have before us represents the priorities of the Federal Government and, more importantly, of the American people. I rise today to discuss some fundamental questions which I believe are important to this debate, and to address arguments that have been made in support of spending more of the taxpayers' money in the name of fiscal restraint, as odd as that may sound, and at the same time to talk about cutting deficits.

As many of my colleagues on the committee and here on the floor, I support this budget resolution, including the President's jobs and growth package. I believe it can make a real difference, not only to my State of Texas but to the Nation. I believe, if we hold to our principles and our priorities, we can assure that the needs of the Nation are met and help our economy grow.

If we are successful, we can help prevent future generations from being saddled with the bill for excessive spending that some in this body seem determined to create. Over what remains of the 50 hours allotted under the Congressional Budget Act under this debate, many amendments will be offered and have already been offered that reduce the amount of the President's growth package. If that were not enough, many of those who want to cut tax relief want to turn around and spend what would have been tax relief on bigger government. Rather than allow American taxpayers to choose how they want to spend their hard-earned money, those who would seek to cut tax relief and increase spending want to choose for the American people how that money should be spent and grow Government ever larger.

The fundamental question in this debate is simple: Should we support higher taxes, more Federal spending, and bigger government or should we facilitate economic opportunity and jobs? For me, that is what this debate is all about. Who should spend that money: politicians and bureaucrats or taxpayers? Families or the Government? Small business owners on investment and job creation or the Federal Government? Senior citizens on enhancing their retirement security or the Federal Government?

This debate is really about who we should trust to get done the job of growing our economy and creating greater economic opportunity for all Americans. Should we help people keep more of their money so they can spend it, invest it, or save it as they wish or should we simply add more taxes to an already beleaguered American taxpayer, giving up on economic growth and increasing the deficit?

I urge my colleagues, don't be fooled. This debate is not about shrinking deficits. It is about growing spending.

The first chart to which I would like to direct my colleagues is one that demonstrates a rather dramatic fact; that is, over the last couple of years we have seen spending soar, while Government revenues have shrunk. In fact, revenues have fallen by nearly 9 percent over the last 2 years. At the same time, though, Congress has seemed not to have even noticed because spending has increased by 12 percent over that same period.

We all agree on the need to control deficits. Our friends on the other side of the aisle contend that allowing more people to keep what they themselves earned would, in fact, balloon the deficit. I disagree. It is not spending by taxpayers that balloons deficits; it is spending by Congress, as this chart dramatically represents.

If you listen to this debate closely, you will notice that opponents of the President's growth package and this budget resolution do not propose that we pay down the debt instead of tax relief. They, in fact, propose spending hundreds of billions of dollars instead of tax relief and this growth package. They want to spend every penny of what would be relief to taxpayers and an investment in economic growth on something else altogether.

Those on the other side of the aisle, and on the other side of this issue, seem to be concerned about deficits when there is a proposal to provide relief to the beleaguered American taxpayer. They spend hours on the Senate floor and in committee rooms warning

that taxpayers keeping more of what they earned is a risky proposition.

We have heard all that before and it still does not wash. Notice carefully that they are not shy about spending more of the taxpayers' money, even if that spending causes the very same deficits they complain about here on the floor. In fact, despite the deficit, despite a sluggish economy, despite the costs of waging war and rebuilding our military, many of our colleagues want to increase discretionary spending but not just on the Department of Defense and on homeland security. That funding is already provided for in this budget resolution. The money that should flow back to the taxpayers will, if our colleagues who oppose this resolution are successful, flow instead to more and more Government spending.

The next chart I show to my colleagues is a list of Budget Committee amendments to what was ultimately voted out as the budget resolution. Each of these amendments failed. But as you can see, this chart, I believe, is an indicator of what those who oppose this budget resolution propose instead.

For example, here is one amendment for an additional $2.2 billion. You can see the figure of $200 billion more for Medicare, an additional $1.8 billion for function 700 for veterans, another for increased spending on natural resources—all of which are provided for, to some extent, in the budget resolution that was voted out of committee. But you can see from the chart the total of these amendments would have added, if they were not defeated, approximately $440 billion in new spending.

That is why I say those who complain so loudly about budget deficits but at the same time propose huge increases of hundreds of billions of dollars in new Federal spending really do not have their story straight. Because, of course, if we do not cut spending, and if we do not see the economy grow, that means less hope and less opportunity for American workers. And that means more taxes for the beleaguered American taxpayer.

My question is simply this: Why shouldn't the Government be required to do what American families have to do during lean times? Why shouldn't the Government have to tighten its belt in lean times?

Indeed, the growth of Government continues, but the economic recovery will not under these tax-and-spend proposals. Shared sacrifice, which is what is called for during lean times, is not shared, at least by the American taxpayers, if they continue to see nondiscretionary increases in spending with no end in sight.

I support the President's growth package as recommended in this resolution because I believe individuals and families in my State and across America, the people who pay the taxes and earn the money, can better save, spend, and invest their money as they see fit—far better than can the Federal Government. I believe Texans know better what they need than the spenders in the Halls of Congress.

According to the latest Scripps Howard Texas poll, the people of my State are worried about not having enough money for their retirement, about skyrocketing energy prices, and about college tuition for our children. They are worried about the issues that affect their lives directly.

The President's jobs-and-growth plan addresses these concerns by providing a short-term economic stimulus that will encourage investment and job growth, as well as strengthening our long-term economic growth. The President's plan will create more wealth, provide higher wages and more jobs, thereby leaving more money for families, while increasing their standard of living.

As for the argument that this proposal would cause greater deficits, I disagree. If we were to hold the line on new spending, if we were responsible with the taxpayers' money—the money they send to Washington every year—and if we make the most out of the revenues we have by following the limits set out in this budget resolution, then we will prevent growing deficits and extinguish this deficit entirely in the foreseeable future.

It is only by spending beyond our means that we create deficits. Last year's failure to pass a budget resolution is a clear example of the failure to act, the failure to set important guidelines for the Federal budget. The failure of last year's Senate leadership to accomplish what we are now doing on the Senate floor meant the Senate had few guidelines to follow, few limits on spending, and no responsibility, at least within the constraints of a budget resolution, to control boundless spending by the Government.

Let's recall a little bit of history that revisionist historians both in this body and outside seem to forget.

The chart I have in the chamber shows, of course, what we all remember; that is, at the time President Bush came into office, we saw a tremendous trend downward in terms of the growth of our gross domestic product. And, of course, we have seen a tremendous decline in the stock market. It has really only been by virtue of the tax cuts that were passed in 2001—which would be made permanent—that we see increased money in consumers' pockets, money they have been able to use to buy a car, to buy a house, in conjunction with lower interest rates. That is what has kept the meager recovery we have seen as good as it has been.

Of course, the economic recovery was staggered by the events of 9/11 and, of course, the continuing war against terrorism and, obviously, the uncertainty associated with the geopolitical situation in the Middle East.

As a result, our economy has been sluggish and investor confidence remains low. GDP has grown at an anemic rate, while the labor market has remained soft, with an unemployment rate in February of 5.8 percent.

To address the economic challenges that confront our Nation and confront America's families, the President proposed, and I support, and this budget resolution reflects, a jobs-and-growth package. This package will spur near-term and long-term economic growth. It will provide an opportunity for more robust business investment and, yes, it will encourage new job growth.

His proposal, which this budget resolution includes, would first accelerate to January 2003 portions of the tax bill that was passed by this body in 2001 that are currently scheduled to be phased in, including a reduction in marginal income tax rates, additional relief from the marriage penalty, a larger tax credit for children, and increasing the size of the 10-percent income tax bracket. The net effect of these proposals is allowing taxpayers to keep more of what they earn, so they can spend it as they see fit.

Who benefits? Well, obviously, the individual taxpayer. But just as importantly, small business owners, including sole proprietors and partnerships, most of whom report and pay taxes on their personal income tax returns.

This plan will increase the incentives for small business owners to invest in technology, machinery, and other equipment to help them expand and create jobs, and reduce the cost of capital needed to help small businesses grow. And, of course, as a result, people who are looking for work, who want to work but cannot find a job, will benefit, too.

As the President has stated:

> [M]ore than two-thirds of taxpayers who pay the highest marginal tax rates are small business owners who include their profits when they file their individual tax returns with the IRS.
>
> All together, the tax relief I propose will give 23 million small business owners an average tax cut of $2,042 this year. And I'm asking Congress to make those reductions permanent, so that America's entrepreneurs can plan for the future, add more employees, and invest in our economy.

Those were the words of the President of the United States when he made this proposal. Again, it translates into a single word, and that word is ''jobs.''

Under this proposal, this budget resolution, a married couple with two children and an income of $40,000 will see their income tax reduced by $1,133, a 96-percent decline; an older couple with an income of $40,000 will see their taxes reduced by 41 percent; a married couple with one child and an income of $40,000 will see their taxes decline by 33 percent; a married couple with two children and an income of $60,000 will see their taxes decline by 24 percent; and a married couple with two children who earn $75,000 between them will see their taxes reduced by 19 percent.

I also want to address briefly that portion of the budget resolution that eliminates the double taxation of corporate income such that dividend income will no longer be taxed at the individual level.

As the chairman of the Budget Committee has pointed out earlier, American taxpayers pay some of the highest taxes in the world—second only to Japan, I believe, on corporate dividends. Under current law, dividends can be taxed once at the corporate level and up to the highest tax bracket for individual taxpayers, once those dividends are paid by a corporation to its shareholders. That is more than any nation in Western Europe.

Under the President's proposal—which is only fair—those dividends will be taxed once and not twice. There are numerous economic benefits to the economy, and I really believe this is one of the most important aspects of this growth package. The first effect will be to lower the cost of capital. This will make new investments in technology and equipment more attractive to firms while providing investors with larger after-tax returns. For individual taxpayers and families, this means more money to spend, save, or further invest. For companies, as individuals invest more, increasing the amount of capital available in the capital markets, worker productivity will increase, real wages will rise, and more jobs will be created.

This proposal will also—not incidentally—remove the current bias toward debt financing.

As Alan Greenspan said in testimony before the House Financial Services Committee in February:

> In my judgment, the elimination of double taxation will be helpful to everybody. . . . There is no question that this particular program will be, net, a benefit to virtually everyone in the economy over the long run, and that's one of the reasons I strongly support it.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. CORNYN. I ask the chairman for 2 or 3 more minutes.

Mr. NICKLES. I yield an additional 5 minutes to the Senator.

Mr. CORNYN. My thanks to Senator NICKLES.

Finally, I want to point out that 45 percent of those who earn $50,000 a year or less—many of whom are seniors—will benefit from this ability to enhance and secure their retirement years. It will also boost the stock market and the value of hundreds of thousands of retirement plans, as corporations that don't currently pay dividends choose to do so because of the elimination of the bias against payment of corporate dividends in our Tax Code, and grow the stock market value in all likelihood, and, as I say, help secure the retirement of American workers.

Finally, this budget resolution increases to $75,000 the amount small businesses may expense from taxable income in the year that investment occurs. This incentive to further investment by small businesses—which create the vast majority of jobs in our country—will help lower the tax-adjusted cost of capital for small business, the ''job factory of America,'' as the President has called it. This increases the ability of small businesses to make new purchases, invest in new equipment, hire new workers, or retain current ones. That is more jobs and more growth.

In conclusion, while the Congressional Budget Office has scored this proposal by the President, this growth package, in a static way, both sides of the aisle recognize—indeed, one of the Democratic alternatives to the President's proposal embraces the concept—a stimulus effect and growth effect by tax cuts.

PriceWaterhouseCoopers, for example, has reported that the President's growth package would increase the number of jobs by an average of 1.2 million a year during the first 5 years and an average of 900,000 per year over 10 years, and that the proposal would add $738 billion in new income to the economy during the first 5 years and about $1.5 trillion over 10 years, and other private sector estimates are even higher.

The President's Council of Economic Advisers estimates that the jobs and growth plan will create 1.4 million new jobs by the end of 2004.

Mr. President, if we are serious about growing jobs, about putting this economy back on track, and if we are serious about the need to restrain massive Government spending, then we must get serious about setting these priorities in our budget blueprint. Let's not just talk about preventing deficits while at the same time calling for more spending. Let's not decry a plan that benefits the economy by benefiting taxpayers and call for that money instead to be spent by Government. Let's, instead, set limits and stick by them.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, first of all, I ask unanimous consent that Senator DASCHLE, Senator FEINGOLD, Senator KENNEDY, and Senator CORZINE appear as cosponsors of my amendment which is currently pending.

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

Mr. CONRAD. Mr. President, I am going to take a few minutes to respond to my able colleague, the Senator from Texas, who is a member of the Budget Committee. He has suggested that on our side we are just out here spending money as much as they have proposed in tax cuts; so it is either take the Democrats' spending or the Republicans' tax cuts, and here come the deficits, and don't worry about the future of Social Security and Medicare. I could not disagree more strongly.

Facts are stubborn. The facts show that the assertion by the Senator from Texas simply is without merit. Democrats are not proposing additional spending at the size of the tax cuts proposed on the other side—nothing close to it.

The Senator presented a chart that showed a series of amendments offered in the Budget Committee by our side, totaling $440 billion—additional money for prescription drugs, for education, and for homeland security. Yes, we offered amendments to reprioritize, but we paid for each of those by reducing the tax cut, and every time we went further to reduce the budget deficits.

Remember, their tax cuts are $1.4 trillion; with the interest cost, $1.7 trillion. So even if our amendments to change the priorities—more in line with the American people—had been adopted, we would still have been more than a trillion dollars better off in terms of the deficits and debt of this country. That is a fact.

The other side is proposing to borrow the money to give these tax cuts and to finance the spending initiatives that are in their plans. They are going to be borrowing money as far as the eye can see—and right on the eve of the retirement of the baby boom generation.

Many of us on our side, and I also acknowledge a number on their side, believe that is a mistake. Senator MCCAIN talked this morning about the fact that he thought adding spending or tax cuts at this point is ill-advised. I must say, I agree with the Senator from Arizona.

More than that, our colleague is suggesting that somehow their plan reduces deficits. No, it does not. It explodes deficits. We are going to have a debate out here. Let's be truthful with each other and truthful with the American people. Their plan does not reduce deficits; their plan explodes deficits.

Two years ago, we had projected surpluses of $5.6 trillion. If we now adopt the President's spending and tax cut plans, instead we will have $2.1 trillion of deficits. Those are not my numbers. Those are the numbers from the nonpartisan Congressional Budget Office.

Where did the money go, because that is money over a 10-year period? Thirty-eight percent is going to tax cuts under the President's plan, those already passed and those proposed. That is where the money is going. Twenty-seven percent has gone to spending. Where is that spending? Almost exclusively in increases for defense and homeland security which the President asked for, quite rightly, and which we supported, again, quite rightly. Twenty-six percent is technical changes which simply means overestimations of revenue apart from the tax cuts. The models are not giving the correct answers in terms of actual revenue generated for various levels of economic activity. About 9 percent is the economic downturn.

When our colleagues suggest they have a plan that is going to eliminate deficits, that the President's plan somehow does, it does not. We are required by law to exclude Social Security from the calculation of deficits. When we do that, the deficit in 2004 under the President's plan is going to be $512 billion, and those deficits never

get below $400 billion every year for the next 10 years. What are they talking about they have a plan that is going to eliminate deficits? There is no elimination of deficits; there is no end to deficits under this plan that the President has put before us.

This is from his own budget document. You do not have to take my word for it, take his word for it. This is right out of his budget document, page 43, ''Analytical Perspectives.'' This is what happens, according to the President, looking long term, and what it shows is we are in the ''sweet'' spot now. We are in the good times because this is when the Social Security and Medicare trust funds are producing hundreds of billions of dollars of surpluses. This year alone, the Social Security surplus will be $160 billion. They are taking it all, every penny. And under the President's plan, they are going to do that the entire next decade. Every penny of Social Security surplus will go to pay for tax cuts and other spending.

Some of us think that is a disaster for this country. Why? Because very soon the baby boomers are going to start to retire, and then what are we going to do? We should be taking that money and paying down debt or prepaying the liability but not using it to pay other bills, not using it to pay for tax cuts.

If there was a private sector firm in America that tried to take the expenses, they would be headed for a Federal institution, but it would not be the Congress of the United States, and it would not be the White House. They would be headed for a Federal facility all right. It would be a Federal prison because that is fraud.

Let's just get down and get honest about the fiscal circumstances of the country. The President's budget says we never get out of deficit under his plan, and, in fact, if we adopt his spending plan, if we adopt his tax plan, the deficits explode right at the time we see an explosion of expense to the Federal Government because of the retirement of the baby boom generation, the cost of the President's tax cuts explode, and we have a sea of red ink and deficits and debt that are utterly unsustainable.

The head of the Congressional Budget Office told us last year that if we proceed down this path, we will have massive debt, massive tax increases, tax increases of as much as 50 percent, massive cuts in benefits in Social Security and Medicare. Let me predict today, if the President's plan is adopted or anything close to it, very soon our colleagues on the other side will be coming to us with massive cuts in Medicare and Social Security, and if anyone doubts it, just look at the House budget offered this year. They have already started it. They have over $470 billion of cuts to programs such as Medicare and Medicaid, and over $200 billion of cuts to domestic discretionary spending, law enforcement, and all the rest.

The jig is going to be up because this does not add up, and this plan drives this country deep into deficits and debt, and that is a fact. That is according to the President's own calculations, his own budget documents. This is not a question that is even a close call as to whether the plan before us increases deficits or reduces them. It dramatically increases them, and it is going to get much worse when the baby boomers start to retire.

I was glad to see our colleague put up a chart that showed total outlays and total revenues. It is the relationship between outlays and revenues that determines deficits. Our friends on the other side, or at least some of them, seem to think the only thing that creates a deficit is spending. No, no, no. It is the relationship between revenue and spending that determines whether you have a deficit or a surplus. It is when spending exceeds revenue that one runs a deficit. That is a very simple concept, but somehow it has been lost. That is what creates a deficit.

This chart shows the long-term pattern of spending and revenue over the last 20 years. This goes back to 1981. The blue line is the revenue line. The red line is the spending line. You can see we had a big gap back in 1981, 1982. These were the Reagan years. In fact, I will put up what the history of deficits has been under these various administrations.

Here it is: When President Reagan came into office, deficits were running about $80 billion. He then pursued the economic policy that is being repeated today, and deficits exploded to over $200 billion a year. They improved marginally before the first President Bush took office, and then they got much worse. In fact, we had the past record deficit under the previous President Bush, $290 billion. President Clinton came in, and we passed a plan in 1993 that every single Republican opposed—everyone in the House, everyone in the Senate. They said it would crater the economy. We can go back and look now. It is very easy to determine who had it right and who had it wrong.

Our Republican friends said in 1993: If you pass this plan, it will crater the economy. It will increase deficits. It will increase debt. It will increase unemployment. Let's check the record.

We passed the plan in 1993. Every single year of that 5-year plan the deficits were decreased. During this period, we kicked off the longest economic expansion in our Nation's history, the lowest unemployment in 30 years, the lowest inflation in 30 years, and the highest level of business investment in our Nation's history.

In 1997, we then passed a bipartisan plan in which we joined together and finished the job and pulled this Nation completely out of deficit and actually stopped the raid on the Social Security trust fund.

We stopped taking Social Security trust funds and using them for other purposes, and that was the combined effect of the 1993 plan and the 1997 plan. Actually, the 1993 plan did about 80 percent of the heavy lifting. Then President Bush came into office proposing massive tax cuts and saying we could have it all. He said we could pass the tax cuts and we did not need to worry about deficits, that he had enough margin to be assured that, even if the economy weakened, deficits would not return.

Well, he was proved to be wrong, not just because of the tax cuts. Let's be fair. Let's be direct. It is a combination that led us back into the swamp of deficits. In the short term, the biggest effects were the economic slowdown and the attack on this country which required us to increase defense spending and homeland security spending. But over the longer term, over the 10 years of the Bush plan, the biggest reason, as I have indicated, was the size of the tax cuts. It is the biggest single reason for our fiscal deterioration, not in the short term, not in 2003, not in 2002. The biggest reasons in the short term were the economic slowdown and the attack on the country, without question, but over the 10 years of his plan, the biggest culprit is the tax cuts, driving us deep into deficit.

These numbers do not even tell the full story because, in truth, the full story is much more serious than these numbers reveal. The truth is, this does not show the effect of taking Social Security trust fund money every year for the next 10 years, in total more than $2.7 trillion of Social Security money taken.

Mr. President, I am very pleased to see a former colleague, Senator Mack, join us on the floor. He was an outstanding colleague, who we enjoyed serving with very much, truly a gentleman and somebody who we miss in this Chamber. Nobody did more to add an air of civility to this Chamber than our colleague Senator Mack, and we are delighted to see him back.

Mr. NICKLES. If the Senator will yield?

Mr. CONRAD. I would be happy to yield.

Mr. NICKLES. I think he was wanting to speak on the Senator's amendment.

Mr. CONRAD. No doubt he would if he still were a Member of the Chamber.

Let me now turn my attention to the presentation of the amendment that is the next one for consideration because it goes to the central question that we have been talking about. What are we going to do about these deficits?

Let me say to my Republican colleagues, it is important to focus on spending, but we cannot just focus on spending. We have to focus on the revenue side as well. And my colleagues cannot say they care about deficits when they are adopting a budget that is going to cost $1.7 trillion in tax cuts and the associated interest costs that are going to drive us deeper into deficit and make believe they care about deficits. That dog will not hunt.

Now, we are going to give our colleagues another opportunity to face up to these long-term obligations that we face as a country because the amendment I am offering now takes $1.2 trillion in the tax cuts and redirects them to a reserve fund to strengthen Social Security. Instead of raiding $2.7 trillion, we are going to reduce it. We are going to reduce the tax cut by $1.2 trillion, and we are going to apply it, not for spending but to strengthen Social Security.

This is a vote for history. This is a vote for the ages. This is a vote that people are going to look back on, years ahead, and say, who stood up to protect Social Security and who wanted to take the money raised with payroll tax dollars and use it for a tax cut that goes primarily to the wealthiest among us? That is the question before us.

I hope every Member of this Chamber will say we ought to reduce the tax cut and use that money to strengthen Social Security. That still leaves almost $200 billion available in tax cuts—actually, something less than that. With that amount of money, we could provide a short-term stimulus along the lines offered by Senator DASCHLE, a plan that provides important tax relief for working families and small businesses, or we could choose to accelerate the marriage penalty relief and the increase in the child tax credit that were scheduled to be phased in over a period of years when they were enacted in 2001, or we could accelerate the across-the-board tax rate cuts now scheduled to occur in 2004 and 2006. We concluded that was the best way to stimulate the economy. Or we could provide protection for individuals from the alternative minimum tax.

My amendment would not prevent us from providing a significant increase in the amount of investment small businesses could immediately deduct rather than depreciating over a number of years.

The bottom line is that the amount provided for stimulus in our amendment would allow for considerable flexibility in responding both to the needs of our economy and of our taxpayers. My amendment does not dictate how these resources ought to be used to strengthen the Social Security Program over the long term. Rather, our amendment simply reserves budget resources so that when Congress does act to strengthen Social Security, resources will be available to do it.

Nearly every Social Security reform plan that has been proposed requires additional resources. In fact, the plans recommended by the President's own commission to strengthen Social Security requires over a trillion dollars of resources from the general fund.

There are a variety of ways that these resources could be used to strengthen the Social Security Program. Some of our colleagues might prefer to use these resources to prefund the Social Security benefit through individual accounts or collective investments. Others might support using these resources to transfer revenues to the Social Security trust funds or to pay down debt and free up future resources to meet benefit commitments. Until Congress and the President act to strengthen this important program, the resources in this reserve fund would be dedicated to deficit reduction.

Why is this amendment important? Today, we are at an important fiscal crossroads. I think we all know where we are headed. We are in record deficit, and according to the President's own documents, these are the good times. This is the budget sweet spot. We are ready for a leap off the cliff if the proposal before us by the President is adopted.

I hope my colleagues will take a close look at this amendment. We know that Social Security goes cash negative, the trust funds, in 2018. We know that Medicare goes cash negative in 2013 and becomes insolvent by 2026. We know these challenges are real. They are not projections. The baby boom generation has been born. They are alive today. They are eligible for Social Security and Medicare.

If we put up the chart that shows the future of Social Security, we see that the trust fund now is running substantial surpluses, but they turn to massive deficits after 2018. This is going to happen, and we can either prepare for it or fail to do so. The choice is ours, and the most fundamental choice is going to be made very soon. It is going to be made when we determine the outlines of this budget resolution.

It is not just Social Security; it is Medicare as well. The Medicare trust fund is running surpluses now but will turn to massive cash deficits starting in 2013.

The question before us is, How do we respond? The CBO Director, Dan Crippen, said to us:

> Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We will have to increase borrowing by very large, likely unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; or eliminate most of the rest of Government as we know it. That is the dilemma that faces us in the long run, Mr. Chairman, and these next 10 years will only be the beginning.

Unfortunately, he has it right. What the President has proposed is truly stunning in terms of the long-term costs of the tax cuts he has proposed.

This chart shows the Social Security shortfall, according to the Center on Budget and Policy Priorities, some $4 trillion in the 75-year period; medicare shortfall, $5 trillion. The tax cuts the President proposed and which have already been enacted are $12 trillion.

We can take a bad situation and make it much worse or we can begin the process of being serious about our fiscal challenges. That means yes, being tough on spending. It also means being tough on the size of future tax cuts.

I urge my colleagues to give careful consideration to this amendment.

I ask unanimous consent my colleague, Senator CORZINE, be listed as a cosponsor.

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

Mr. DORGAN. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. I note the last comment about discipline with respect to spending. It is the case that the amendment the Senator offered not only has a pause with respect to tax cuts but also on the spending side, is that correct?

Mr. CONRAD. That is the amendment I offered earlier that we will be voting on at 5 o'clock. We are now on my second amendment, an amendment that takes $1.2 trillion of the proposed tax cut and uses it to strengthen Social Security. It is absolutely correct that the other amendment I have offered would create a requirement to a supermajority vote to have new spending initiatives, as well as new tax cuts, other than spending for national defense and homeland security and other than for tax cuts that would provide for an immediate lift to the economy.

Mr. DORGAN. If the Senator will yield further, I was not aware you had gone to the second amendment.

The first amendment, which I intend to support, has a pause with respect both to spending and a tax cut in the name of fiscal sanity to try to resolve massive deficits in the outyears.

The Senator makes the same point, in many ways, with respect to the Social Security amendment as we get into the period of time when the war babies, the largest baby class in American history, begin to retire. The explosion of costs in Social Security to meet those demands will cause us to have serious shortfalls unless we plan for it now. It is precisely the reason we have a so-called ''surplus'' in Social Security each year. It is not truly surplus. It is to be put away in a trust fund and used for that period of time when we need it when we have maximum strength on the Social Security.

If I may make an additional comment. The charts make the compelling case that this fiscal policy is completely out of whack. It reminds me of the joke about the guy caught stealing who said to the policeman, Are you going to believe me or your own eyes?

The presentation is so clear that we are headed towards a cliff. We better stop this one way or the other and find a way to have a pause, find a way to restore some stability and solvency to the Social Security system.

I intend to support both amendments.

Mr. CONRAD. The Senator from New Jersey?

Mr. CORZINE. If the Senator from North Dakota would reflect on a question. I think the numbers are we have 37 million seniors 65 and older, and we are on our way to something approaching 75 million in the next 15 years. Do

I understand that this amendment you are proposing is designed to make sure we begin to prepare for that inevitability, the charges against Social Security, which reduce the poverty rate of seniors in America from when it was conceived from about 50 percent of all seniors to right at 10 percent? Is that correct?

Mr. CONRAD. The Senator is exactly correct. We are going to a circumstance in which we will have 77 million senior citizens, more than double what we currently have. This is unprecedented in our history and perhaps it is one reason we have a hard time coping. It is not something we have ever seen before. Perhaps that is one reason we have a hard time understanding the dimensions of this change.

Mr. CORZINE. If the Senator from North Dakota would clarify another element of how budget practices work. Presumably payroll taxes, which each individual who is working pays into the Social Security and Medicare trust funds, are designed so that people invest in receiving guaranteed benefits—in the case of Social Security—relative to what they expect will be there.

Is it true, or am I analyzing this properly, that we are now potentially, given the kind of framework of the budget outlay before us today, using payroll taxes that people were expecting to be used to build up the Social Security trust fund and Medicare trust fund, to be made available to cut taxes, maybe even dividend taxes for those who may be doing well already in society? We are using payroll taxes to indirectly fund the tax cuts being proposed or allowed in the budget resolution?

Mr. CONRAD. Certainly that is the conclusion I come to. We are taking this year alone $160 billion of Social Security trust fund surpluses and using it for other purposes. We are not paying down debt with it. We are not prepaying the liability with it. We are not investing it. We are taking it to use to fund operating expenses, including other tax cuts.

Looking ahead under the President's plan over the next 10 years, we will take every penny of the Social Security trust fund surplus. We will not pay down debt with it, we will not prepay the liability, we will not invest it. We will use it to help finance these tax cuts. So we are taking payroll taxes, in part, and using them to fund an income tax cut that will go predominantly to the wealthiest among us.

Some say to make that comment is class warfare. I don't think it is class warfare. I think it is a fact. You are taking payroll taxes from people and using it to fund income tax cuts for higher income people. What is most troubling is we are borrowing it all. That is leading us into a very deep deficit-and-debt ditch.

Mr. CORZINE. I thank the Senator from North Dakota.

Speaking in the context of what true fiscal responsibility is about, one needs to make sure the fundamental programs that are accepted by the American people, such as Social Security and Medicare benefits, are properly funded. It certainly strikes me that using the very taxes that are supposed to be supportive of those programs to fund tax cuts that are going to create deficits for as far as the eye can see is a very hard swallow when three out of four Americans pay more in payroll taxes than they actually pay in income taxes.

Mr. CONRAD. My colleague from New Jersey is one of the most sophisticated investors, one of the most sophisticated financial managers in America, with a track record that is clear for all to see. He headed one of the most prominent, most successful financial management houses in the world, and enjoyed an extraordinary reputation there. When the Senator speaks on the question of the effects of fiscal policy on our economy and the future strength of our economy, I think people would be wise to listen.

Is the Senator seeking time?

Mr. CORZINE. I would like to make a few comments with regard to the amendment.

Mr. CONRAD. I am happy to yield 5 minutes off the resolution to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. CORZINE. Mr. President, I rise to strongly support this amendment because I believe it is so important we understand that fiscal responsibility is really what is at stake. This amendment, more than almost anything that I see, actually addresses the issue of making sure we start to reserve for this great need, Social Security, that the able Senator from North Dakota has pointed out we will have to address in subsequent years. It does it by paying down debt now. It really addresses this issue of not using our payroll taxes to fund tax cuts for those who are already doing well in society.

We are making a very large mistake, as the analysis of the ranking member of the Budget Committee showed, with respect to using those resources in a way that is going to leave us with budget deficits over the next 10, 12, 13 years. I think that is hard to understand, particularly in the context of Social Security, which has been such a successful program in America, one that has reduced the poverty rates for seniors from well over 50 percent to down about 10 percent as we go forward.

This is one that is very difficult to understand, particularly in the context of trying to allow room for a dividend exclusion tax for which I have difficulty finding support based on the idea that it is going to be stimulus for job growth or, on any objective analytical basis, be promotive of the well-being of our economy.

One of the places we just turned—everybody has their favorite economist. We just happen to have 10 Nobel Prize-winning economists who spoke out on the tax cut plan proposed by President Bush, saying:

> It is not the answer to our problems. Regardless of how one views the specifics of the plan, there is wide agreement on permanent change in the tax structure and not the creation of jobs and growth in the near term.

I cannot find people who say this proposal is going to do anything to turn around the current state of the economy. And what we are doing is financing it with one of those taxes that is the most heavy burden on those who have the least ability to pay.

It strikes me, again—I mentioned three out of four working Americans pay more in payroll taxes than they do in income taxes, than they certainly receive with respect to any kind of dividend taxation.

This is a very hard swallow—not particularly for the seniors today; we have the resources to fulfill our promises with respect to guaranteed benefits for seniors today. But if we do not address this problem with regard to Social Security over the long run, future generations are not going to have the same guaranteed benefits that have been promised, as they are being committed to as they pay into the Social Security trust fund today. It is a breach of faith. One of the things we need to do is make sure we address it today.

Frankly, the President's tax cut over the period of time that we are looking at the solvency of Social Security, on its lowest, it is about $12 trillion. That is over 57 years. That will help people evaluate the solvency of Social Security. Right now, it will be able to meet the guaranteed benefits out to about 2042, about halfway. Twelve trillion dollars, we are eroding the revenues of the Federal Government. Again, we are eroding it by using payroll taxes to fund tax cuts for the very best off in our society. And the obligation of fixing this Social Security problem is only $3.5 trillion. It sounds like not so much money, but when you compare it to what we are putting into this tax cut that the President is laying on the table and has allowed for in this budget resolution, it is about three times the size.

That is what this amendment is about. It is asking us to make those steps where we can begin to extend that solvency and protect Social Security. By the way, we are paying down the debt at the same time. At least we are limiting the growth of the debt relative to where it would be, which has all the other positive ingredients. The Federal Government is not in the capital markets of the country competing with the private sector to take capital that they will be borrowing to pay for these tax cuts and other expenditures we make for the overall levels of government involvement in the economy. It is called crowding out. It has been a problem at other times in our history. We are creating a format where this will absolutely be the case in the future, and that is why this amendment

is such an important one to support by protecting Social Security and putting in place a framework for fiscal responsibility for the long term. I support the amendment and hope my colleagues will as well.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am going to speak in opposition to both amendments. To remind our colleagues, we expect a vote on both of the amendments offered by our friend and colleague from North Dakota, Senator CONRAD, at 5 o'clock. Both of these amendment also are very important.

Let me just address the first Conrad amendment, the first one we will vote on. In my opinion, it is fatally flawed for a couple of reasons. One, it creates a new 60-vote point of order against the spending and tax legislation until the President sends Congress a report on the cost of the war and reconstruction of Iraq. I think it is a serious mistake for Congress to ever limit itself depending on what another branch of Government does, whether it is the executive or the judicial branch. I think that is a serious mistake. Certainly if you think of balance of powers, does that really make sense? I don't think so. So I urge my colleagues to support a budget point of order against it.

I guess that will be a motion to waive the point of order. But I hope my colleagues will think for a moment what we are doing. We are saying we are not going to act until the executive branch does something. There are a lot of different ways of getting the executive branch's attention other than saying we are not going to deal with the budget or issues before Congress. I think it is very constraining and shortsighted.

It is shortsighted from the standpoint it makes an exemption or an exception. It says we can't do it to consider legislation that deals with spending—except for defense. I agree with that; homeland security, and I agree with that. Then it says: Except for a growth package. Then it kind of defines out the Democrat leader's growth package.

I heard our colleagues on the Democrat side say it has a pause in spending. It doesn't have a pause in spending. I look at the Senate Democrats' stimulus plan. It has $85 billion in new spending in 2003 and $26 billion in new spending in 2004. It has a tax cut in 2003 but a tax increase in 2004, and a tax increase in 2005.

In other words, we are going to have a resolution that says you have to have 60 votes to do anything other than our package. You can't do your package, can't do somebody else's package, but it is OK to do the Democrats' package. I find that to be fatally flawed.

Then I find it repeated in the second amendment. The second amendment is the largest tax increase we have had offered before the Senate in a long time. This amendment is mind-boggling.

First let me state, in the President's initial budget he requested about $1.5 trillion in revenue reductions over the 10-year period of time. Keep in mind, we are talking about over a base of $26 trillion or $27 trillion. We reduced that to $1.3 trillion in the budget resolution we have before us.

Senator CONRAD's second amendment would reduce that 1.3—I keep hearing 1.4, but actually it is 1.314 trillion in our resolution. He would reduce that to $121 billion. I believe that would allow for $87 billion in the first year.

Maybe it is a coincidence, but the Democrats' Economic Recovery Act, introduced by Senator DASCHLE, has spending of $85.6 billion in the first year.

So both amendments basically say, we want to have no tax cuts or we want to have no tax cuts whatsoever except that we want to be able to do our stimulus plan, and even though the amendment may not define it, the stimulus plan as introduced in S. 414, Senator DASCHLE's plan, on which Joint Tax and CBO score its spending at $85.6 billion in the first year and $26.2 billion the second year—that is additional, incremental spending.

The budget resolution we have before us, just to put it in perspective, has about $10 billion in new nondefense spending. So this would be an increase of about 8.5 times the amount of incremental, new spending we have in our bill.

That is a big spending increase. That is a humongous spending increase, not to mention its impact on future taxes.

The budget resolution we have before us assumes that present law, the 2001 tax bill—which is scheduled to sunset in the year 2010—would be extended. It assumes that it would be extended to the years 2011, 2012, and 2013. That is about a $600 billion package.

Senator CONRAD's second amendment assumes that is not the case. In other words, that would not be the case. In other words, there would be a tax increase. It means the people who are paying at the 10-percent income tax level would go to the 15-percent level.

It means for the people who would be paying at the 25-percent level, their rate will go back up to 28 percent. It means that people who would be paying at the 35-percent level will be paying 39.6 percent.

It means that couples who have children, who would have a $1,000 tax credit per child, will go back to $500. It means that couples who saw their marriage penalty greatly reduced will see it greatly reenacted.

It means that married couples who have net effective tax rates or taxable income of $56,000 today, who pay a 15-percent rate on all income up to that level, will find a great percentage of that income taxed at 28 percent.

It is a humongous tax increase. So I urge our colleagues to vote no.

I will again make a couple comments.

I heard, in statements of support, that: Well, this would stop those tax cuts for the wealthy. Well, wait a minute. What is wealthy about a couple making $56,000? What is wealthy about a $1,000 tax credit per child? What is wealthy about trying to get rid of the marriage penalty for married couples who make $56,000? What is so wealthy about that?

Why should individuals be paying at rates in excess of what General Motors pays? People who are sole proprietors, people who own their own business, why should they pay income tax rates in excess of the largest corporations in America?

Why don't we just try to pass—I guess this amendment is just that—you try to pass a big tax increase and see if that really helps the economy. I don't believe it will. I think it would hurt the economy. I think it would cost thousands and thousands of jobs.

I heard our colleague from New Jersey say he had a couple of economists that do not support the elimination of double taxation. I have a whole list of economists who say getting rid of double taxation on dividends would be very positive and have a very stimulative impact on the market. And that would help anybody, not just people who currently own taxable stock or dividends that might be taxable. It would help anybody who happens to have investments in their retirement accounts that are tracking the market, which would include probably every teacher, every public employee, every union member, all of whom have savings plans, retirement plans which are dependent on a vibrant stock market. The President has a plan that would grow that. Our colleagues do not.

Then let me make a couple other comments on Social Security. I keep hearing all this comment about: Well, this budget raids Social Security. I have heard the figure, $2.6 trillion or $2.7 trillion. If you use that analogy, the budget that was reported out of the Budget Committee last year, but not considered on the floor of the Senate, would have so-called raided Social Security of $2.1 trillion.

I want to add some facts on just Social Security and Medicare. The reason I add the two together—maybe this is my old business hat—but I look at payroll taxes and individuals who are self-employed. I used to be self-employed. They pay 15.3 percent of payroll taxes, up to—the taxable amount this year is what? I think it is $87,000. Now, it just so happens that 12.4 percent of that is Social Security and 2.9 percent of that is Medicare. So if you add the two together, it is a combined total of 15.3 percent of payroll.

I actually looked for the last 20 years. I wanted to see how much money is going in from the payroll taxes and how much money is going out in benefits. I did that.

As this chart shows, the income coming in is shown on the blue lines, and the benefits going out are shown on the red lines. And I notice from the years 2003 to 2013, the amount of money coming in is less than the money going out.

I am not crediting interest on these so-called trust funds. I will touch on that for a second.

If an individual is self-employed or they are working for a company where the company matches, they pay 7.45 percent of the 15.3 percent. Their employer matches this amount to create the combined total. That is what is coming in to fund Social Security and Medicare. So the total taxes coming in, in the year 2003, for these functions would be $731 billion. And the amount of money going out in Social Security and Medicare is $746 billion. There is more money going out than coming in.

I wanted to look back at the last 20 years or the last 10 years prior to that to see what happened in actual dollars coming in and going out.

On this chart, the amount of money coming in is the lighter color, and the amount of money going out is the darker color. In almost every year—not every year, but in almost every year—more money is going out than coming in. In a few years there is a surplus.

But then I wanted to know: Wait a minute, if there is a surplus, where did that surplus come from? And I kind of notice there is a general fund surplus or general fund transfer from the general fund into Medicare. In other words, for most of these years, but not every year, you will notice there is more money paid out in Social Security and Medicare.

So I guess you could say: Oh, they had some surpluses in Social Security, but we are raiding it. Well, if you are raiding it, you are moving it out to pay Medicare.

Frankly, an employee, an individual, an employer, they don't really make that fine distinction between Social Security taxes and Medicare taxes. They pay the payroll tax. And it just so happens, they pay the payroll tax and the Government is paying out more than what is coming in.

Even in those few years where there was a surplus—more money came in than went out combined—for those few years, if you look at the amount of money in the general fund, transferred in to Part B—and we subsidize Part B, the doctors' portion of Medicare; we subsidize that to the tune of 3 to 1, 75 percent Federal Government; not payroll taxes, general revenue funds going in to subsidize Part B, the doctors' payments—those amounts exceed any positive amount, as shown over here on the chart. So the point is, more money is coming out than if you add Social Security and Medicare together. Maybe there is some synergy there.

If you look at the amount that some of our colleagues—and I agree with Senator CONRAD on many aspects of Medicare and Social Security and long-term challenges that we have. We have an unfunded liability in Medicare that is about $15.3 trillion. It is about two or three times that of Social Security. Demographically, we have a big challenge. We need to be addressing it in a bipartisan way. We do not make changes around here in Medicare without bipartisan support. So we need to be working together to help save the system and improve the system.

In our budget, we provide for up to $400 billion to strengthen, improve, and save Medicare. That is a lot of money. That is a big expansion of an entitlement, not just for prescription drugs but also to save the system that we know needs to be addressed. We need to do it in a bipartisan way. I hope we will.

But I want to make a couple of analyses. I keep hearing about raiding Social Security, and I think: Wait a minute. Do they not know we are paying all this money extra for Medicare?

Do they not know Medicare has an enormous unfunded liability? Do they not know we are paying a lot of general fund money to subsidize Medicare? Those things also should be computed and added. If Social Security is being raided, it is being raided to pay Medicare.

A lot of this trust fund symbolism is because Congress, over the years—well, we have strengthened the Medicare trust fund and HI fund because we moved home health away from HI into Part B, which is subsidized by the general fund. This made the HI fund look more solvent. In reality, it was financial maneuvering. The real security for Medicare and Social Security is a healthy economy. If we don't have that, we don't have jobs, we don't have payroll taxes coming in, and we won't be able to pay benefits.

Both systems are basically on a pay-go system. If they were funded systems, we would be put in jail because we have not funded the liabilities in the systems. I used to be a fiduciary and trustee of a pension plan. There are liabilities to an employer if you don't fund the plans. We don't do that for public employees. We never have in Social Security or in other Federal employee plans. So I just mention that.

Finally, I want to touch on this comment about ''raiding the trust fund.'' I want to make sure people understand this. Social Security—if we enact no bill, or our budget stays as it is, we will end up having a $4.1 trillion trust fund. If we don't do a budget, we will have $4.1 trillion in the trust fund, period. So, again, the important aspect of being able to pay Social Security and Medicare, frankly, is a growing economy. The President has a plan to grow the economy.

If we adopt either of these two amendments pending before us, what we will say is the only growth package we can enact is the one that is offered by our colleagues on the Democrat side. Looking at their package—look at the composition of it; it is not a tax package, it is basically a spending package. In 2003, it says, we will spend $85.6 billion, and we will have a tax reduction in 2003 of $16.2 billion, but we will have a tax increase in 2004—next year, 6 months from now—of $17.8 billion, and a tax increase in 2005 of $16 billion. We will take away the bonus depreciation provision that was in the 2002 tax bill that had strong bipartisan support, that many people are talking about maybe we should extend or improve or enhance. So we really would encourage investment.

This provision would take it away. If you want to do something to dampen the economy, it would be to adopt these amendments. I cannot think of anything more negative on the economy than if we adopted these provisions. They are consistent in saying, yes, we want to cut your tax bill, but we want to have our proposal, which is not a tax bill, it is really a spending bill.

In about 45 minutes, I urge my colleagues to vote no on both of the underlying amendments.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I don't know, honestly, what amendment our chairman is looking at, but it is not mine. I don't have spending in the amendment. I have not provided for the Democratic leader's plan—I have not. In the amendment the chairman is discussing, I have $150 billion of tax cuts, including $25 billion of refundables, which the chairman has in his own package. I have matched his own package on refundables. I have no spending.

The only thing that, perhaps, he is looking at is in the early years, because I more front-end-loaded the plan. We have additional interest costs initially. But over the life of the plan, it is substantially less interest cost. This isn't a plan with spending in it; it is a plan that has tax cuts in it.

Mr. NICKLES. Will the Senator yield?

Mr. CONRAD. Yes.

Mr. NICKLES. I am reading your first amendment, and correct me if I am wrong. S. Con. Res. 23—it is a point of order amendment; 264 is the amendment number. On pages 1 and 2, it says:

> It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the deficit in any fiscal year, other than one economic growth and jobs creation measure providing significant economic stimulus in 2003 and 2004, which does not increase the deficit over the time period of fiscal years 2005 through 2013. . . .

But it does allow—correct me if I am wrong—a significant increase in spending in 2003 and 2004, comparable to that as introduced by Senator DASCHLE.

Mr. CONRAD. The Senator is talking about my first amendment.

Mr. NICKLES. Yes.

Mr. CONRAD. That amendment provides for a stimulus package. The Senator is correct. In 2003 and 2004, that provides for both tax cuts and spending. In the second amendment I am offering, to reduce the size of the tax cut and still leave $150 billion in tax cuts, there is no provision of spending. So I guess this is an example of why it is better if we handle each of these

amendments individually rather than to stack them, because we get confused about what amendment we are addressing. I guess that is why we are designed here to offer an amendment at a time.

Let me just say, on the second amendment, it is—I say this directly to the chairman—not designed to accommodate the Democratic leader's stimulus plan. It doesn't have the spending that is in his stimulus plan. It simply has $150 billion in tax cuts, $25 billion of which is refundables. I have done that to try to give our colleagues different opportunities to address what I consider the greatest threat we face, which is sinking into this abyss of deficits and debt. I believe, with everything that is in me, that we ought to do something on both the spending side and the tax-cutting side, and that is what the first amendment represents. It is an attempt to say to our colleagues that we are on the brink of war and we don't know what it will cost, we are in record deficit now, and that what we should do is make it more difficult to spend money and to have tax cuts, with two exceptions: We don't make it more difficult to spend money on defense or homeland security, and we don't make it more difficult to have tax cuts to the extent that they are for 2003 and 2004, to accommodate a stimulus package to give lift to the economy.

Mr. DODD. Will my colleague yield?

Mr. CONRAD. Yes, I am happy to.

Mr. DODD. I believe this is the chart regarding the second amendment that really makes the point very clearly. He showed this to me the other day, and it struck me as graphically describing exactly what the Senator from North Dakota is saying. Here are the years 2003 to 2008, and 2013. These are surplus numbers. Correct me if I am wrong, but these are surplus numbers we are looking at, in terms of the Social Security surplus. The light blue at the top is the Medicare surplus. That begins to run down and out around here, just the time that these tax cuts go into effect.

The point I have understood him to make is that this seems to be designed specifically to starve our ability to see to it that both Social Security and Medicare have the resources they need. The President calls for more than $1 trillion in resources to support his tax cuts. Right at about the time these tax cuts will really hit home, we then lose the revenue ability to respond to the needs of Social Security and Medicare; is that correct?

Mr. CONRAD. The Senator from Connecticut does a very good job of describing the enormous challenge we face. The hard reality is that we have record budget deficits now, and this is before the baby boom generation retires. When the baby boom generation retires, the trust funds will turn cash negative.

I want to clear up one thing if I can. The Senator from Oklahoma, the chairman of the Budget Committee, says if you take Medicare and Social Security and lump them together, we are spending more than we are taking in. But what he has done here is mix apples and oranges, if I can say so.

First of all, the Social Security trust fund is separate and apart. It is not lumped with Medicare. If you look at the Social Security trust fund, this is what you will see. Right now it is running substantial surpluses. This year the Social Security trust fund will run a $160 billion surplus. We should be using that money to pay down debt or prepay the liability or invest it, but instead we are taking it and using it for tax cuts.

We know what is going to happen. In 2018, that trust fund is going to turn cash negative, and when it does, it is like falling off a cliff. At the very time it turns cash negative, the costs of the President's tax cuts explode, meaning only one thing: massive deficits, massive debt.

If we look at the Medicare trust fund, and what the Senator from Oklahoma has done, as we know, there is a part A to Medicare. It is largely for hospitals. That has a trust fund. That trust fund is now running surpluses. It is much smaller than the Social Security trust fund, but nonetheless there are surpluses in the tens of millions of dollars. But that, too, is going to go cash negative in 2013 right at the end of this budget period. When it goes cash negative, it goes cash negative in a dramatic way and, again, right at the time the cost of the President's tax cuts explode, leaving us unable to respond to the crisis that is going to occur. If I can conclude by saying what the Senator from Oklahoma has done is he has combined the part A of Medicare, which has a trust fund, the Social Security trust fund, and part B of Medicare, which largely goes to fund the cost of doctors.

The part B of Medicare is funded in a completely different way. The Senator from Oklahoma is correct, three-quarters of that money comes not from payroll taxes but comes from general fund transfers. That is what we did long ago. We have had various formulas, but we decided long ago that part B was going to be funded in part by payroll taxes and in part by general fund transfers.

Lumping these all together obscures the fact we do have trust funds and that those trust funds are running cash surpluses. They are going to go into massive cash deficit, and to run budget deficits on top of that right before the baby boomers retire, and it is going to force excruciating decisions in the future, either massive cuts in benefits or massive tax increases or some combination.

That is the problem I see with the budget plan put to us by the President and put to us by our colleague from Oklahoma.

Mr. DODD. Mr. President, can I receive 5 minutes or so?

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 15 minutes 45 seconds.

Mr. CONRAD. I will be happy to yield 5 minutes to the Senator from Connecticut.

Mr. DODD. I thank my colleague. I see my colleague from Colorado is here as well and wants some time to speak. I will be brief so he can be heard.

These two amendments are different in thrust. I will address the first amendment. I know others have spoken about it.

I heard over and over, and I agree—in fact, I listened to the Vice President the other day on one of our national news programs say how the world really has been divided into two parts over the last 18 months: What was going on prior to 9/11 and what has happened since 9/11. I agree with him. I think we have to look at the world in two parts. We will never be the same again. Others have said that over and over. I do not know anyone who fundamentally disagrees with that point.

I am concerned about this budget process coming right on the eve, if you will, of significant, major conflict, and the fact we are debating the budget needs and priorities of our Nation and excluding from this debate the cost of this conflict and the cost of the reconstruction that will come afterwards. For the life of me, it is almost as if we are engaging in an Alice-in-Wonderland world here. On the one hand, the entire world is anxious about what may happen within hours of this debate, and on the other hand, we are debating a budget process that locks us in for a decade, and there is no discussion about what is going to become a major issue for us: the cost of this conflict and the cost of the reconstruction period afterwards.

This morning I tried to go through the news media to see if I could find an article about this debate. I found very little about this debate. Obviously, the attention is on what will happen in Iraq. Yet what we are debating today, and will be debating tomorrow and the next day, in the midst of this conflict, I will argue is as significant in many ways as the impending conflict in the Middle East. But what concerns me is that we are literally locking ourselves into budget priorities that are excluding a tremendous cost, a cost, by the way, as one who supported the resolution last fall, I accept. It is one that we have to bear, but I do not know how the budget can be debated without talking about the major costs of war that we all know will be coming.

The amendment offered by the Senator from North Dakota says that we ought to at least require that the President provide Congress with a report on the costs of the imminent war with Iraq before the Senate acts on any new tax cuts or spending initiatives. I am not expecting a detailed accounting here. Obviously, you cannot do that, but you are not going to convince this Senator that there have not been people at the executive branch level who have anticipated best- and worst-case scenarios of this conflict.

We have heard estimates anywhere from $60 billion to $95 billion, just on the military part. In fact, I gather we have already spent some $25 billion just in getting our forces and equipment to the Middle East. We are already incurring a cost, and yet there is no mention of those costs in this budget.

Certainly, the idea that we have not incurred the cost yet because the conflict has not started, therefore, we cannot mention these numbers yet, I think flies in the face of reality. Clearly, we have costs already.

I tried to historically see if I could find another example of when we were on a brink of a conflict when we actually had a tax cut of the magnitude we are talking about here. I cannot find any historical precedent for what we are about to do. In fact, Harry Truman, who is revered today as a courageous American President, prior to Korea said: We will do this, but, by the way, I am going to have tax increases to pay for it. If we are going into a conflict in the Pacific rim, I cannot very well ask us to go and not bear the financial cost of doing so.

The only time I recall we went into a conflict and did not face the music financially was during the Vietnam conflict. We saw the ultimate results of trying to wage a fight there and not pay for it simultaneously.

As someone who is supportive of the fact that we have to go to war—reluctantly I regret that is the case but understand it must be so—I for one would like to see us adopt the amendment of the Senator from North Dakota because I think the American public would expect nothing less of us here. This is absolutely critical. We are prepared to put young men and women's lives at risk, who are about to bear the burden—and let's be honest—almost solely so, certainly solely financially—and yet we are engaged in a budget debate and discussion that does not even bring up a red nickel in the cost of this conflict and the cost of reconstruction.

The amendment of the Senator from North Dakota says let's determine what these costs are. Let's factor that all in and then decide whether or not we want to support a $1.3 trillion or a $1.4 trillion tax cut over the next 10 years.

I do not for the life of me understand why we would not pause a few moments here, a few days even, necessarily to see how this issue is going and come back to this issue and resolve it. I am hopeful our colleagues will support this amendment. I think it is patriotic. Can you imagine if this does not go as well as we might like and these costs explode and here we are locked into a situation in which we cannot afford to pay the costs? How ridiculous we will look as a Senate that we did not wait a few days to determine whether or not we needed extra resources to pay for these costs.

My time has expired. I urge my colleagues to support this amendment and support the second amendment as well. With respect to the first amendment, I cannot believe we are going to go on record and adopt a budget that does not take into consideration one of the greatest challenges we face as an American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I ask that the Senator from Oklahoma yield me some time.

Mr. NICKLES. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Twenty-one and a half minutes.

Mr. NICKLES. I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Oklahoma for yielding me 10 minutes.

Before I start my prepared remarks, I wish to thank the chairman of the Budget Committee, Senator NICKLES, for a great job. This is the first year he has taken on the responsibilities of the Budget Committee. It is a tough environment today. With this tough economic environment and being on the brink of war, he has brought a budget bill that holds down spending, cuts taxes, and actually has a plan in which we can eliminate deficit spending over a 10-year period. In today's environment, I think that is phenomenal work.

As a member of the Budget Committee, it has been a pleasure for me to work with him because he has made a commitment to work with members on the Budget Committee to try to put together a reasonable proposal. It is important we get a budget passed in this Congress, this session. Last year we experienced the problem of what happens when we do not pass a budget from the Senate, and we see the free-for-all that happens in spending.

I think we are in a spending spree. There have been some speakers earlier today who tried to blame the current economic problems we are having on this President. I have to remind the Members of this body that the economy was starting to show a downturn the first few months that the President was in office. He did not have any effect on that economic downturn that was coming. In fact, what this President did was he proposed a tax cut. It ended up being a temporary tax cut because it was opposed by the other side, but it was a 10-year tax cut. It was put in place and the argument was made, well, here we are, we are just doing something that is going to benefit the wealthy.

If we look at the figures of who pays the individual income taxes in this country, the top 50 percent of the income producers of this country pay nearly all of the taxes. There is only about 4 percent of the taxes that are paid by the lower 50 percent of the income producers in this country. The other 50 percent pays 96 percent of the taxes. So how can there be a tax cut policy without addressing the needs of those producers who we have in this country?

The naysayers criticize the temporary tax cut, but about October of last year we began to hear some of them admit, yes, the tax cut, even though it was temporary in the spring of 2001, it did help the economy. It helped buoy up the economy. Even an editorial last October in the Washington Post, which is no friend of those of us who want to continue to cut taxes, had to admit that it was the temporary tax cut that helped buoy up the economy.

We are looking at an economy today that is struggling. I had a town meeting this last weekend in my home State of Colorado, the largest county in the State of Colorado in Denver, and we talked about the economy. I talked with them about just having gone through a spending spree—a spending spree, I might add, that started before this President stepped in to office. I said, if we look over the past 4 years or so of spending, it has been the largest amount of spending that we have incurred in any 4 years, excluding World War II. If spending is what it is going to take to stimulate this economy, why have we not seen the economy improve today? At that point nobody wanted to increase spending at that town meeting.

I asked, well, why don't we just do nothing? I mean, some Members of the Senate are saying let's do nothing, leave the current laws as they are and let it ride. I asked, do you think a do-nothing proposal is what we need to help today's economy? Nobody agreed to that.

So what is left? What is left is we need to cut taxes because if we look as a percentage of the gross domestic product, the amount of taxes that are being paid today by Americans is among the highest it has ever been in history. It is not the highest. We peaked down a little bit. Several years ago it was the highest, but we are still among the highest as far as a percentage of gross domestic product. That is very significant because the gross domestic product has been growing in the last decade or so at phenomenal rates. So it is a huge burden.

I commend the President for coming forward with a tax cut that would actually increase jobs in this economy. I am looking at some figures that have been supplied to me about the job growth in this country, and there have been a number of studies that have been put out. Some of them say that 60 percent of what the President is providing in tax cuts will actually spill over to create more job growth and that is going to be reflected in growth in revenue to the Federal Treasury, and as a result of that, the fiscal notes that we have in the Congress are not as severe as some may believe because we are not taking into account the real world of what happens when we actually do a tax cut, how that stimulates the economy.

Now we looked at some individual States where they have done some analysis. This is not the one that says it is 60 percent; it is not the lowest one, which is 40 percent. I might add, the 40-percent economic analysis on number of jobs was made by President Clinton's former assistants in OMB, Office of Management and Budget. The figures are around 57 percent that they came up with, and so we see a growth in jobs in all the States.

Take my State of Colorado, in 2004 we see 16,200 new jobs created because of the economic stimulus plan that is put forward by the President. We go down and look at, for example, Oklahoma, where the chairman of the Budget Committee is from, 11,600 jobs. We can look at Texas, the State of the Presiding Officer, we are looking somewhere at 74,000 new jobs created in the State of Texas. Look at North Dakota, for example, a much smaller State but still there is a proven growth impact of 2,300 jobs. As a result of the President's proposal, economists have analyzed that they anticipate this job growth to occur.

The point can be made, well, we are having to spend money if we use the static analysis that we use in the Congress, but there is a return on that. That same study has indicated that for every dollar of investment, there is a $3.22 return.

I remember when I started my business I had to incur a debt to get things going, to create jobs, to be able to buy equipment and get moving. I considered that was a worthy investment. I think we are going to have to make an investment in today's future. I think we need to make that investment in terms of a tax cut, and I think we need to do something along what the President is suggesting we ought to be doing, that for each $1 in tax cuts we are going to get a $3.22 return over a 10-year period.

That brings me to the two amendments that are before us now. The first amendment we will vote on, where we are cutting out all the whole proposal basically other than what is going to be proposed by the other side of the aisle, which has a lot of severe restrictions on it. There are a couple of problems I have with that amendment. I think we pretty easily defined defense, but in homeland security, sure, we want to protect the homeland security in general terms. That means securing our borders and providing assistance to those people who will deal with emergencies in case of some kind of a terrorist attack, and that is police and firemen in this country. There are individuals who are trying to expand that definition of homeland security.

The point I make is that homeland security has not been well defined, and in some instances we may open up a hole for more spending than what we intend to do.

The other thing I point out that we have, I will take them at their word, $150 billion is what they want to use to stimulate the economy. It does not do much. If we took that $150 billion and put it out over 11 years, it is only .5 of an impact on the total amount of taxes collected over that period of time. That does not do much. We need to do more.

Mr. President, $150 billion is a drop in the bucket. We need to look, at a minimum, at what the President is looking at. Maybe we ought to do more. Time of war I don't think is the time to be pulling back on the economy. It is the time to try and stimulate the economy. When we stimulate the economy, we create job growth, we allow individuals and businesses to retain more of the money in their own pockets. They spend money on equipment, and that means we will begin to see this economy grow.

I will vote no on the two amendments. I urge my colleagues to do the same.

I thank Senator NICKLES for granting me the time, and I yield the floor.

Mr. NICKLES. How much time remains on both sides?

The PRESIDING OFFICER. There remain 10½ minutes for the majority and 5½ minutes for the minority.

Mr. NICKLES. I suggest the absence of a quorum and ask that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. CONRAD. And the vote is scheduled for 5 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Mr. President, let me take a few minutes to talk about the two amendments I have offered that are now pending. The first amendment I offered says we should not add to new spending initiatives or tax cuts until we have a full idea of the cost of this war.

As my colleagues know, there is no provision in this budget, either in the one sent to us by the President or the one that has come out of the Budget Committee, for war costs. We know the number is not zero. That is the number that is in the budget.

So the first amendment I offered is to make it more difficult to add to deficits by spending or tax cuts, with two exceptions. On the spending side we would have an exception for national defense or homeland security. On the tax-cutting side, we would have an exception for a stimulus package with costs in 2003 or 2004. So that is the first amendment I have offered.

The second amendment I have offered would reduce the tax cut by $1.2 trillion, still leaving a $150 billion tax cut but using the $1.2 trillion to strengthen Social Security, given the fact that the baby boom generation is about to retire, given the fact under the budget resolution before us, virtually every penny of Social Security surplus during the entire next decade is being used to pay for other things. It is being used to pay for tax cuts. It is being used to pay for other expenses of Government.

Those are the two amendments I have pending. I hope very much my colleagues will give serious consideration to them.

Again, the first amendment says simply this:

> The Senate may not consider legislation that would increase the deficit until the President submits to Congress a detailed report on the overall estimated costs of the war.

That is enforced with a 60-vote point of order, so it could be overcome if there were a supermajority vote here in the Senate. There are two exceptions: On the spending side, legislation relating to national or homeland security and, on the tax-cutting side, an economic recovery and job creation package which does not increase the deficit over the time period 2005 to 2013. That would permit a stimulus package in 2003 and 2004. Again, the second amendment reduces the tax cut, which approaches $1.4 trillion, by $1.2 trillion, and reserves that money to strengthen Social Security.

I again welcome support from my colleagues on both of these amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have already made a budget point of order on the first amendment. Senator CONRAD moved to waive it. I urge my colleagues to vote no on the motion to waive.

The amendment creates a new 60-vote point of order against spending and tax legislation until the President does something, until the executive branch does something. I think that is a serious mistake. We are going to handicap what congressional action can be waiting on what the executive branch must do. There are other ways of getting the administration's attention than saying we are not going to legislate. So I think that's a serious mistake.

Also, it is very interesting but fatally flawed from its definition. It says we won't do anything except for—well, maybe the Democrat stimulus plan. In other words, we are not going to consider anything but maybe our bill, because it says we have an exemption in 2003 and 2004, and also not increase the deficit in 2005 to 2013.

If I look at the Democratic leader's package, it has significant deficit increases in the first year of about $100 billion in 2003; $85.6 billion in spending, $16 billion in tax reduction for a total of a $101 billion increase in deficit in

2003. Then in 2004 it has $26 billion in new spending but a tax increase of $17.5 billion, and a tax increase in 2005 of $16 billion.

It assumes the bonus depreciation that we passed in 2002 would be curtailed; In other words, a tax increase on business. Even though we have already given it to you, we are going to take that away from you. That is really going to help the economy?

I think this resolution is fatally flawed, and I hope our colleagues would vote no on it.

On the second amendment, it is an amendment that basically says we should have at least $1.2 trillion more tax increases than proposed by the President or the budget resolution that is pending before us; a $1.2 trillion tax increase. It is not every day we vote for something that large. It also says no reconciliation bill. It says let's do a $150 billion—actually $121 in tax reduction, $29 billion in spending in the first year or so. Again, it is kind of patterned where maybe this would fit for the Democrats' proposal but not anything like the President's proposal. Let's have our stimulus or growth package or just gut the bill.

What is the net increase? It assumes the 2001 tax cuts that are scheduled to sunset in 2010, that will not happen. Those tax increases we are going to hit. So people who are paying 10 percent, look out, your tax rate will go to 15 percent.

In our proposal we assumed we would extend those tax cuts, but we did not do it in reconciliation, so Congress would have another 6 years or 7 years to make that decision. Senator CONRAD's amendment assumes we are going to have those tax increases hit. We are going to allow all the changes we made in 2001 to sunset; therefore, you are going to see death tax rates go back up to 55 percent; you are going to see rates climb back to higher levels. It means for couples who were receiving $1,000 per child, that is going to be reduced to $500. It means couples who have a combined income of $56,000 and are paying in the 15 percent tax bracket are going to find about $12,000 of that income is going to be taxed at 28 percent instead of 15 percent.

It is a big tax increase compared to the resolution we have before us. I urge my colleagues to vote no on both amendments.

These are important amendments. I thank my friend and colleague from North Dakota because I told people, if people want to cut the growth package, let's vote and find out where the votes are. This is an amendment to say the growth package should be maybe $150 billion, but even at that we are going to reduce the total amount of tax reduction assumed in our bill to zero on the growth package, other than the $150 billion, and assume there will be very large tax increases actually hitting the American people in the years 2010, 2011, and 2012.

I hope we would not enact such a plan. I think it would be a disastrous move for the economy.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from North Dakota.

Mr. CONRAD. Madam President, let me be clear. My first amendment does not contain the Daschle growth package. It does not. It simply is not reading my amendment. My amendment says very clearly the following: That we would prevent additional increases to the deficit by spending, or by taxes. And we would enforce it with a 60-vote point of order with two exceptions: On spending for national security, homeland security, national defense; on taxes, you can have a stimulus package in 2003 and 2004. It could be the Daschle package. It could be the Nickles package. But you could not have a stimulus package that adds to the deficit in 2005 and beyond.

That in no way restricts you to the Daschle package. It would allow it, but it would not prevent any other stimulus package from being enacted for 2003 and 2004.

On my second amendment, which reduces the tax cut by $1.2 trillion, still leaving a tax cut of $150 billion, the money is used to strengthen Social Security. It is held in a reserve fund. That allows us to reduce the deficit and reduce the debt. If we want to have a growth package here, we better get serious about the deficit and the debt because most economists are telling us the President's so-called growth package doesn't grow the economy at all. It actually hurts long-term economic growth. Why? Because the President's tax cuts are not offset by spending reductions. The President's tax cuts are offset by borrowing.

That increased borrowing, that increased deficit, that increased debt reduces the pool of societal savings, reduces the pool of money available for investment and reduces economic growth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. NICKLES. Madam President, I thank my colleague and want to inform our colleagues we will be voting in 2 minutes on two important amendments, and I encourage our colleagues to vote no.

I have a list of economists who state the President's package would help the economy and help grow it. It is several pages. I don't know if I want to clutter the RECORD further. I ask unanimous consent to have printed at least a couple of pages. I do not want to burden the taxpayers.

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

Here is what prominent economist and industry leaders are saying about the President's economic growth proposal:

''President Bush's fiscal stimulus package is desirable not only to deal with the current sluggishness in the economy, but also with the longer term problems arising from disincentives to save, invest and work in America.'' (Richard Vedder, Distinguished Professor of Economics, Ohio University)

''The President's economic growth package is a very positive step forward for investors, workers, and taxpayers. For the sake of the economy, we hope that Congress will speedily enact the President's tax relief proposals and NTU will be working toward that goal.'' (John Berthoud, President, National Taxpayers Union)

''The package is a great New Year's surprise. We'll be raising our economic and equity outlooks and lowering our unemployment rate expectations.'' (David Malpass, Bear Stearns & Co. Inc.)

''A brilliant, double-barrelled tax cut that will increase the income of every American worker and create millions of new and better jobs.'' (Martin Anderson, Keith and Jan Hurlbut Fellow, Hoover Institution, Stanford University)

''President Bush's proposed growth plan is not just a bunch of random tax cuts, it is a plan that really pushes the 'growth buttons' by improving incentives to work, save and invest, and is a step toward real tax reform. This package, along with recent improvements in the tax treatment of business investment, will give a real lift to jobs and GDP.'' (Stephen J. Entin, President and Executive Director, Institute for Research on the Economics of Taxation (IRET))

''By accelerating tax rate reductions and eliminating the double-taxation of dividends, President Bush's tax package would significantly increase the economy's performance. But the proposal also represents much-need tax reform and is a significant step toward a simple and fair system like the flat tax.'' (Dan Mitchell, The Heritage Foundation)

''President Bush's proposal on dividends ameliorates the double-taxation of corporate profits, ending the incentives in our tax code #1 to over-leverage business, with the consequence of too much debt and vulnerability to the business cycle, and #2 to over-rely on accounting numbers rather than the pay-out of cash. His proposal on expensing of capital expenditures will help invigorate our economic recovery.'' (Clifford F. Thies, Professor of Economics and Finance at Shenandoah University, and member of the Board of Directors of the American Association of Small Property Owners (AASPO))

''The double taxation of dividends has never made sense and this is a perfect time to remove this crazy form of taxation. It not only harms economic growth in the obvious ways, but also in subtle ways. Given the wave of recent corporate scandals, this is the perfect time to introduce a policy change that will simultaneously increase investor confidence while creating greater accountability for managers.'' (Brian J. Hall, Associate Professor, Harvard Business School)

''Taxpayers at all income levels should cheer President Bush's call for greater tax relief. These pro-growth and pro-family tax cuts are well-timed to provide stimulus for the U.S. economy.'' (Russell Lamb, North Carolina State University)

''The President's proposal eliminates unfairness in the tax code, distributes the gains widely to Americans who pay income taxes, and creates incentives for growth. What more can we ask?'' (Don Booth, Professor of Economics, Chapman University)

''The President's Economic Growth Package is a solid and aggressive plan to further boost economic growth and job creation in 2003 and beyond. The cuts in marginal tax rates will allow all individuals to better spend, save, and invest, and they are especially beneficial to the ongoing viability of

the small businesses that pay taxes at the individual level such as Subchapter S Corporations.'' (Paul Merski, Chief Economist & Director of Federal Tax Policy, Independent Community Bankers of America)

''I think this is a bold economic package that both provides much-needed near-term economic stimulus and boosts after-tax incentives for growth and investment. The current double-taxation of dividends is unjustifiable on economic efficiency grounds and its elimination should provide a welcome lift to the equity market by increasing after-tax returns on stocks and further improve corporate governance by encouraging firms to increase dividend payouts. The acceleration of the margin tax rate cuts from 2006 into 2003 should eliminate incentives to defer income and economic activity, which in turn should further boost economic growth in 2003. This is the most significant proposal to roll back tax disincentives to growth and stimulate the economy since the Reagan tax cuts.'' (John Ryding, Chief Market Economist, Bear Stearns & Co. Inc.)

''This is the type of bold action needed to jump start the stagnant U.S. economy. When these measures go into effect, the U.S. industrial sector will resume its role of innovating and creating jobs to provide an engine for growth in the global economy.'' (Thomas J. Duesterberg, President and Chief Executive Officer of the Manufacturers Alliance/MAPI, a public policy and business research organization in Arlington, VA)

''The President's plan is directly targeting consumer spending and investment incentives. The reduction of marriage penalty, the increase in child tax credit, the extension of unemployment benefit and speeding up tax relief will help revive consumer spending, increase confidence and boost aggregate demand in the short-run. The end of double taxation of dividends and increasing incentives for small businesses should help sustain momentum in favor of job creation and long-term growth.'' (Magda Kandil, International Monetary Fund)

''Once again, President Bush is demonstrating his strong leadership ability. This stimulus package is just the type of measure his economy needs to get back on track. Just upon hearing about it the markets have reacted wildly in response. Imagine how it'll be when it's enacted.'' (Horace Cooper, Centre for New Black Leadership)

''Business investment is key to fostering healthy levels of economic growth. President Bush's plan offers much needed capital and incentives to the sector of the economy shouldering the bulk of job creation, economic growth and innovation—small businesses and entrepreneurs. We are also encouraged by the President's proposal to eliminate the double taxation of dividends. With the strength of the economy becoming increasingly dependent on the health of the equity markets, this measure will help restore both certainty and investor confidence. The overall package is good for small business, which means it's good for America.'' (Karen Kerrigan, Chair, Small Business Survival Committee)

''The President's plan alleviates one of the most economically destructive distortions in the tax law and also provides welcome relief to small businesses.'' (David R. Burton, The Argus Group)

''President Bush's 'Taking Action to Strengthen America's Economy' plan is a sound and well thought out policy package. The plan offers not only short-term stimulus for the American economy but it also lays the foundation for long-term, non-inflationary, economic growth for the decades ahead. By extending unemployment benefits, the plan reaches out to those workers who, through no fault of their own, find themselves out of work. In addition, the creation of the new Personal Reemployment Accounts will help to ensure that America has the most dynamic labor markets the world has ever seen. One of the most impressive things about the plan is that it is not limited to only short-term stimulus. President Bush obviously understands the importance of long-term economic growth for America's future. By eliminating the double taxation of dividend income President Bush's plan will allow Americans to save more effectively for their retirements and to save money for their children's future. In addition, by encouraging small business to invest and invent the plan will help to ensure the rapid advancement of American productivity. These productivity increases will help to insure that America's children of today will enjoy a higher standard of living than their parents and their grandparents. The positive effects of the President's plan will be felt for decades into the future.'' (Michael W. Brandl, Ph.D., The University of Texas at Austin, McCombs School of Business, Department of Finance)

''A far-reaching reform of the U.S. tax system to reduce the large distortions implied by the existing structure of taxes on capital income is long overdue. Studies published in leading economics journals show that the welfare of U.S. households improves by an amount equivalent to an increase of between 1.5 to 3 percent per quarter forever because of the tremendous efficiency gains that the economy stands to make from lower taxes on dividends and other forms of capital income. These findings are not driven by glossy budgetary arithmetics. In fact, they follow from economic models that impose tough assumptions keeping current levels of government expenditures and transfer payments covered and making the long-run rate of economic growth independent of the tax cuts.'' (Enrique Mendoza, University of Maryland)

Mr. NICKLES. I also have a list of economists who say the President's package would greatly increase the stock market: James Glassman from Chase, 10 percent to 15 percent; Charles Schwab, 10 to 15 percent; and on and on. Some of us would love to see the stock market increase. The amendment of the Senator would basically gut the growth package. There would be zero growth package—maybe $150 billion in the first 2 years, but that is not long-term growth. And his first amendment does say a point of order would lie unless there was significant economic stimulus in 2003 and 2004, and also you can't have any increases. It happens to fit the Daschle plan. It doesn't fit any plan I have seen on this side, so it is kind of a carve-out. We will have a budget point of order or super point of order against any bill I have seen, but certainly not the minority leader's plan.

I urge our colleagues to vote no on the motion to waive. And then I will move to table the second amendment at the appropriate time.

Also, Madam President, I ask unanimous consent that the vote on the second amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NICKLES. Madam President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 264. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—43

Akaka	Feingold	Lieberman
Biden	Feinstein	Lincoln
Bingaman	Graham (FL)	Mikulski
Boxer	Harkin	Murray
Byrd	Hollings	Nelson (FL)
Cantwell	Inouye	Pryor
Carper	Jeffords	Reed
Clinton	Johnson	Reid
Conrad	Kennedy	Rockefeller
Corzine	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landrieu	Stabenow
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NAYS—56

Alexander	Crapo	McConnell
Allard	DeWine	Miller
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bayh	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Breaux	Frist	Sessions
Brownback	Graham (SC)	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Campbell	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Collins	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	McCain	

NOT VOTING—1

Edwards

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 266

The PRESIDING OFFICER. There are now 2 minutes of debate prior to the vote in relation to amendment No. 266.

Who yields time?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

Madam President, this amendment reduces the tax cut by $1.2 trillion, leaving a tax cut of $150 billion, and with the reduction in the tax cut, it is put in the reserve fund to strengthen Social Security. That means it will be used to reduce the deficit until it is needed to help supplement the Social Security system.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I am going to move to table the amendment, so I urge our colleagues to vote aye in favor of the motion to table.

This amendment says we should have zero stimulus except for $150 billion up front; zero extension of the current law. In other words, we have a lot of taxpayers right now who are paying 10 percent. Their rate would go to 15 percent. We have a lot of taxpayers who are paying 25 percent. Their rate would go to 28 percent. We have some taxpayers paying 35 percent. Their rate would go to 39.6 percent. We would have increases in the death tax, the marriage penalty, and a decrease in the child tax credit from $1,000 to $500.

I urge my colleagues to vote against this $1.2 trillion tax increase compared to the budget resolution before us.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—57

Alexander	Crapo	McCain
Allard	Dayton	McConnell
Allen	DeWine	Miller
Baucus	Dole	Murkowski
Bayh	Domenici	Nelson (NE)
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Breaux	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NAYS—42

Akaka	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Graham (FL)	Lincoln
Boxer	Harkin	Mikulski
Byrd	Hollings	Murray
Cantwell	Inouye	Nelson (FL)
Carper	Jeffords	Pryor
Clinton	Johnson	Reed
Conrad	Kennedy	Reid
Corzine	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Landrieu	Schumer
Dorgan	Lautenberg	Stabenow
Durbin	Leahy	Wyden

NOT VOTING—1

Edwards

The motion was agreed to.

The PRESIDING OFFICER (Mr. ALEXANDER). The majority leader.

Mr. FRIST. I take a second to update Members as to the schedule for this evening and the remainder of the week. There are approximately 35 hours remaining for the consideration of the budget resolution. The two managers were here late into the evening yesterday and have been here all day today. Both are ready for business. Thus, we will continue to around 11 o'clock tonight. Members who will be offering amendments should notify the chairman or ranking member so there can be some sense of order to the process, both tonight and over the next several days, as well.

We will finish the budget resolution this week. To that effort, the Senate will need to remain in session late into the evening tonight, tomorrow night, and likely the next night. With that, we will consume the statutory limit of time. Members should be aware of these lengthy sessions this week and adjust their schedules accordingly.

With respect to tonight, there will be one other amendment laid down shortly. That amendment will relate to ANWR. A number of Senators will want to speak on that issue tonight. I do not anticipate any further rollcall votes tonight.

Again, I will alert Members that we will remain in session late.

Mr. REID. If the leader will yield, speaking for this side of the aisle, the ANWR amendment will be laid down. Senator CONRAD, the manager on our side, and our leader, have indicated it would be to everyone's interest on our side to debate ANWR tonight. So if Members have a speech to give on ANWR on our side, it should be done tonight because there will shortly be a unanimous consent agreement that we will attempt to have approved that has the approval of both leaders that will take us to other amendments tomorrow morning, pay-go and the tax cut to be offered on our side. The two leaders have indicated these would be stacked for votes sometime tomorrow afternoon.

On our side, I repeat, we have all night tonight to debate as much as people want on ANWR. Tomorrow morning and afternoon on our side will be a very limited time to speak on ANWR.

Mr. FRIST. Madam President, we will also encourage our Members to speak on ANWR tonight. I do know there is at least one Member who wants to speak on ANWR tomorrow—at least two people.

The other statements were correct. Pay-go will be laid down tomorrow, another amendment will be laid down in the morning, and we will likely have stacked votes some time tomorrow afternoon, the time to be determined based on people's schedules.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, on behalf of Senator CONRAD, I yield as much time as the Senator from California desires to speak at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 272

Mrs. BOXER. I send an amendment to the desk and ask for its immediate consideration. I ask the following cosponsors be included on this amendment: Mr. CHAFEE, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, Mr. FEINGOLD, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. DURBIN, Mr. WYDEN, Mr. REID of Nevada, Ms. STABENOW, Mr. HARKIN, Mr. KENNEDY, Mr. EDWARDS, and Mr. BINGAMAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, and Mr. CHAFEE, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, Mr. FEINGOLD, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. DURBIN, Mr. WYDEN, Mr. REID, Ms. STABENOW, Mr. HARKIN, Mr. KENNEDY, Mr. EDWARDS, and Mr. BINGAMAN, proposes an amendment numbered 272.

Mrs. BOXER. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prevent consideration of drilling in the Arctic National Wildlife Refuge in a fast-track budget reconciliation bill)

On page 45, beginning on line 13, strike subsection (a) (the reconciliation instruction to the Committee on Energy and Natural Resources).

Mrs. BOXER. Madam President, it is a great honor for me to offer this amendment. I hope very much that Members on both sides will support it. The amendment is very simple. It strikes the reconciliation instructions given to the Energy Committee that will lead to oil drilling in a pristine place in America, a God-given gift, the Arctic National Wildlife Refuge.

We are striking, in essence, the instructions, and that will in essence say, no, we will not have drilling in this pristine area.

There are so many Members on both sides of the aisle that want to speak on this tonight, I will give a little instruction as to the beauty of the refuge, and then I will yield to my colleagues as they come over, and get back to the stream of my four-part argument.

In light of the world situation, we need to see something beautiful. This is something quite beautiful. I will show some beautiful photographs from the Alaska National Wildlife Refuge. This is Wild Sweet Pea and Marsh Creek in the coastal plain. It speaks volumes to what God has given us.

This picture on the plain shows the caribou and beautiful mountains with the water in front. The last time we debated this issue, I showed this photograph and one of my colleagues from Alaska said this is not where it is going to happen. We quickly called to Alaska and had their wildlife people confirm that is a fact.

Let me show more of the wildlife. This is a magnificent bird, the chart

bird. This unbelievable photograph shows a polar bear reflected in the water. Cast your eyes on this. This is pretty extraordinary. One cannot paint anything quite as magnificent as what God has created. The musk oxen is seen running through this area. The next photograph shows the porcupine caribou swimming. These are pretty extraordinary photographs.

This gives Members an idea of what we are trying to save and why we ask colleagues from both sides of the aisle to please support us in striking this instruction from the budget.

I first make an argument about process. After I do that, I am going to yield to my colleague from Connecticut for up to 10 minutes.

This debate over the Arctic National Wildlife Refuge, though it is coming in the evening at 6 p.m., is a very important debate. It is a very important environmental issue. If you look at some of the polling data from every one of our States, people believe very strongly that this place should be preserved, as it was when it was given to us.

The fact we are discussing it as an amendment to the budget bill is, it seems to me, inappropriate. It deserves to have much more debate. It deserves to have much more consideration. It deserves to have much more public input. It deserves to have much more time. But this is the hand we are dealt. We are dealt a hand where, without even mentioning the Arctic National Wildlife Refuge except in one line, it really is kind of snuck into this budget resolution.

But be that as it may, the result is the same. We then move forward under reconciliation and we could not stop it except if we were able to get the majority vote. We could not really filibuster it.

I want to have printed in the RECORD a letter on this point from OLYMPIA SNOWE, LINCOLN CHAFEE, and there are four others on this. I will read their names: SUSAN COLLINS, JOHN MCCAIN, MIKE DEWINE, PETER FITZGERALD. I ask unanimous consent to have this letter printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January, 30, 2003.

Hon. BILL FRIST,
Senate Majority Leader, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FRIST: With the start of the 108th Congress, we believe the Senate has an opportunity and obligation to set the nation's fiscal priorities by ensuring that a sound and responsible budget blueprint is adopted. As this important work begins, we respectfully ask for your leadership in promoting an FY 2004 budget that does not include an assumption for the leasing of the Arctic National Wildlife Refuge or reconciliation instructions directing the raising of such revenue.

Because the opening of the Arctic Refuge to drilling raises a host of policy concerns, including serious environmental ramifications, we do not believe this issue should be injected in the budget process. Opening up the Arctic Refuge proved to be extremely controversial in the 107th Congress and was debated at length during the Senate's consideration of an omnibus energy bill. Ultimately, on April 18, 2002, by a vote of 54–46, the Senate defeated a procedural motion to invoke cloture on an amendment that would have opened the Arctic Refuge to drilling. With its strict rules limiting debate, the budget is not conducive to adequate consideration of an issue of this magnitude.

We believe that the Arctic Refuge should be preserved and that budgetary effects of oil leases in the Refuge are incidental when considering the profound negative impact of drilling in the Arctic Refuge.

Accordingly, given the strict rules governing debate of the budget and the significance of our national policy on the Arctic Refuge, we respectfully ask that you resist efforts to include provisions in the FY 2004 budget resolution related to opening up the Arctic Refuge for drilling.

Thank you for your consideration of this important matter.

Sincerely,

OLYMPIA SNOWE.
LINCOLN CHAFEE.
SUSAN COLLINS.
MIKE DEWINE.
JOHN MCCAIN.
PETER FITZGERALD.

Mrs. BOXER. They make this point I think quite eloquently. They say:

Because the opening of the Arctic refuge to drilling raises a host of policy concerns including serious environmental ramifications, we do not believe the issue should be injected into the budget process.

I have to applaud my Republican friends who wrote this letter. Such an important issue about such a place involving such beauty should not be the subject of a little amendment here dealing with reconciliation. We need to have much more serious debate.

I will close this part of my statement in this way. In 1960, when President Eisenhower set aside 8.9 million acres to form the original Arctic Range, his Secretary of the Interior noted that the area was:

one of the most magnificent wildlife and wilderness areas in North America, a wilderness experience not duplicated elsewhere.

As you can see, nothing has changed about that description. It remains a special place, richer in wildlife than perhaps any other part of the country.

I say to my Republican friends, it was a Republican President who said let's preserve this place forever. It seems sad that the Republican President now is saying let's simply turn our back on this legacy. I hope Republicans and Democrats will join together. I think we have a good chance to do it and stand up tonight during debate and tomorrow when we have this vote, and make the case that this is a special place that deserves protection.

There is not enough oil in it to make a whit of difference, which I will get into later. Let's do the right thing here.

I am very pleased Senator LIEBERMAN is here. He has taken a tremendous leadership role on this issue. It is my delight to yield him 10 minutes, or if he needs more time, I am happy to yield that as well.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from California, Senator BOXER, for introducing this amendment and taking the lead role on it. It is characteristic of the way in which, ever since she came to the Senate, she has been a great champion for environmental protection, for natural resource conservation, and for the protection of the American people from the assaults on their health that are so often represented by environmental pollution.

I rise to support the amendment and to say, once again, the issue is joined here about the Arctic National Wildlife Refuge. Will we allow oil companies to drill for oil on this extraordinary piece of America, one of God's great gifts to this country? The pictures speak much more than 1,000 words about the beauty and magnificence, the tranquility, the sense that you are looking at a piece of Earth the way it looked around the time of creation, if I may take some liberties with the description.

Is it worth desecrating—and I use that word advisedly—this magnificent part of America for oil, 6 months' worth of oil, to ruin the natural beauty of the Arctic National Wildlife Refuge forever for 6 months' worth of oil which will reduce our dependency on foreign oil by the year 2020, if, God forbid, drilling is allowed, from 62 percent to 60 percent?

This question before us invokes the extent to which we value and wish to protect in the spirit not only of Eisenhower but in the spirit of the seminal figure in American government for the conservation ethic, which is another great Republican President, Teddy Roosevelt. Do we value this land and are we prepared to protect it or are we going to desecrate it, diminish it, change it forever for a small amount of oil? Is that really what our energy policy should be about? Does it really offer us any hope of more energy independence which we strive for? The answer of course is, no, it is not worth it.

This is a battle that has gone on now in Congress for more than a quarter of a century. It is one of the reasons why I sought to come to the Senate of the United States in my campaign in 1988, because the incumbent Senator I declared against had voted in favor of drilling for oil in the Arctic Refuge. It is a battle I have been proud to continue to wage with colleagues on both sides of the aisle over the 14-plus years I have been here. I feel sometimes as if we are guards at the borders protecting the beauty that those pictures illuminate.

Here the issue is joined again and joined, if I may say so, in a way that is a backdoor method. It is kind of an abuse of process, if I can use a term from my old law practice and attorney general days. It is an abuse of practice because it attempts to allow for the drilling for oil in the Arctic Refuge by including the permission and authorization in a budget bill. It does it, of course, for one reason, which is to

overcome and avoid the Senate's proud tradition of unlimited debate.

Senator BYRD is in the Chamber. I have heard him speak so eloquently about this, and about the extent to which the Senate honors this tradition. Of course, this goes back to the very way in which our Founders and Framers conceived of the Senate, the famous saucer and cup metaphor. I have heard the Senator say, and have been moved by it, the rule of unlimited debate—filibuster, if you will—is there to protect the Nation, its values—in this case its resources, unmatched natural beauty and resources—from falling to the passions of the moment that destroy something timeless, our values, or in this case, again, the natural beauty of a part of America. For what?

That is exactly why we ought not as a matter of process allow this end run to occur. I would like to think that even those who favor drilling in the Arctic Refuge would consider voting for this amendment Senator BOXER has introduced just on the principle of it, the process principle of it. If we allow this controversy to be settled in a backdoor method with far less than 60 votes, which would be required on cloture, we are opening the door for this to happen on more and more issues that are of concern to our colleagues.

That is the fundamental question that is raised as a matter of process, the substance I have spoken to, a 62- to 60-percent reduction in dependence on foreign oil. This is of course the wrong policy. But we need to invest our resources in alternative, renewable, clean sources of energy. We have so many. We need to depend on sources of energy that are within our possession, not dispersed in unsettled areas of the world that compromise our international security and international independence. We need to require vehicles to be more fuel efficient. That would save much more energy and make us a much stronger country than the drilling for oil in this most beautiful place.

The coastal plain of the Arctic Refuge has been called the American Serengeti. It is inhabited by 135 species of birds and 45 species of land mammals. The plain crosses all five different eco-regions of the Arctic. It is breathtakingly beautiful.

Some will argue in this debate, as they have off the floor, that you can somehow put oil wells and pipelines into this area, and it is just going to be kind of a small blemish on the landscape of the refuge—a little brown mark on a red apple. But, believe me, this apple will soon be rotten to the core. If we allow these pipelines to go on there and this drilling to occur, there will be a series of blemishes—dozens of holes that will be connected together by roads, pipelines, and other infrastructure. Spidering out of these blemishes would be an elaborate additional infrastructure of roads and pipelines and airstrips and processing plants.

The effect of all this has been documented over and over again, most recently in an independent study authorized and requested by the National Academy of Sciences, which documented the impact of the drilling that has gone on in other areas in this part of America, and documented it in a very discouraging and upsetting way.

This is going to be a close vote. We have had many close calls in this long-term, very worthy effort to protect the Arctic Refuge.

I was with a group of people the other day, advocates who are concerned about the refuge. We were commenting that this battle has been going on for more than a quarter century here in the Senate. I mentioned I had been fighting it for my 15 years in the Senate. There was a lady, a very distinguished woman from the Gwich'in Native American people who inhabit this area, and she said: We have been living here and working to protect and preserve this sacred ground for more than 10,000 years.

That is what is on the line here: whether not just the Gwich'in people but all the American people are going to be able to enjoy the tranquility, the perspective, for another 10,000 years, and another 10,000 years beyond that, that comes from the natural magnificence that is dramatized in the pictures Senator BOXER has shown us.

This is not a time to ignore the basic conservationist—I would add, conservative—values of our country that teach us we ought not to look at every available natural resource area in our country as something more to exploit. Our values are stronger than that and longer term than that. We owe the Earth that God has given us more respect than that. Nature, after all, reminds us of our humanity. And that is what conservation and this battle on this amendment are all about.

So I thank my colleagues of both parties for standing with us. I thank Senator BOXER again for being such a leader, a battler, a champion for what is right. I urge my colleagues to support this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of the manager of the bill, Senator CONRAD, I yield 15 minutes off the resolution to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if I might add, if we could make clear that when Senator BYRD concludes, Senator KERRY be recognized for 10 to 15 minutes to speak on the amendment that is pending.

Mr. REID. That would be yielded off of the amendment.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from California, Mrs. BOXER, for her thoughtfulness and her characteristic courtesy.

AMENDMENT NO. 264

Mr. President, I speak with reference to the Conrad amendment No. 264, which was voted on earlier today. I had hoped to speak prior to the vote on that amendment, but I was unable to do so.

Mr. President, the amendment that was before the Senate at that time was one of simple common sense. The President, last night, spoke to the Nation of imminent military action. The American people know that war is looming. The Senate knows that war is looming. And yet the budget resolution before the Senate ignores that war. It ignores the obvious costs that are staring all of us square in the face. This Senate ought to be up front with the Nation and anticipate the costs of war in this budget.

Last night, I went to the White House with a number of my colleagues from this body and from the other body. The message I carried was a simple one. I will support the funds as ranking member of the Appropriations Committee to ensure the safety of the men and women in our Armed Forces. They did not ask for this mission. They did not ask to go overseas. But they are there. They are ready to carry out their orders. They are ready to defend America. I will not flinch when it comes to their safety and support.

But I do not support the policy that sent them there or that sends them there even though they will not have the support and endorsement of the United Nations.

What I will not support is a blank check for this administration to allow military action in Iraq to slowly creep into other operations, into other lands. We have seen how the goal of disarmament in Iraq has changed to fighting terrorism in Iraq, to ousting the leadership of Iraq, to bringing peace to the Middle East through war in Iraq, to forcing Saddam Hussein and his sons from Iraq. Is it any wonder that I and others worry what goal may be next? Where is this preemptive strategy taking us? Where are we taking the world?

I have stood in this Chamber time and again to warn of the dangers of this policy of preemptive strike without imminent threat. I have urged the President to step back and reconsider his decisions. But the administration has its eyes shut, its ears covered, its mind closed. The decision, apparently, has been made.

This is a war that does not have to be. This is a war that could be avoided. But the President has placed this Nation on the road to war, and there is little hope, if any, of turning back.

In the coming days, we will hear again from the President. I hope that, as he gives the command to commence military action, he and his administration will be looking at several moves ahead.

Reconstruction and peacekeeping will be huge tasks. The American people must be prepared for the strains of

these missions. We should not feed them rosy scenarios that a war will be painless or that an occupation would be of minimal length. Nor should we keep them in the dark. It is imperative that, in times of crisis, the American people can maintain trust in their Government.

We must repair our alliances. Already our move to war has had fallout for our closest ally, Britain, with the resignation of Britain's Foreign Secretary. There is an ever-increasing chance of serious repercussions in the Middle East. We will need the combined political strength of all of our friends and allies, and the process of repairing our ties must begin immediately.

Winston Churchill once said about war:

> The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events.

It is those unforeseeable and uncontrollable events that may be precipitated by a war with Iraq that keep me awake at night. I wish I could share the President's confidence that the toppling of Saddam Hussein and his regime will set into motion a peaceful revolution in the Middle East. Perhaps it will. We may be lucky. But I have watched too many decades of strife and bloodshed in the Middle East to believe that yet another war can serve as a reliable road map to peace.

It is true that no one can predict the final cost of this war. But it certainly is not zero. That is what the President has asked us to budget, zero, and that is what the resolution would budget. Absolutely nothing. It is as if the looming war where simply a figment of one's imagination.

If only that were the case.

Mrs. BOXER. Will the Senator yield for a question before Senator KERRY takes us back to this very important environmental amendment?

Mr. BYRD. Yes.

Mrs. BOXER. I just want to thank my colleague once again for continuing to speak out from his heart on an issue that is on everyone's mind. I remember so well standing with my friend on this issue and coming to the floor in October and laying out a number of questions. How much would this war cost, I was asking in October. How long do we plan to stay in Iraq? Who would bear the combat risk with us? Who was going to pick up the bill? Are there any other countries, and what would they pay? And what is the impact of this war on terrorism here at home? Are we prepared?

It seems to me amazing—the question I have for my friend is—that here we are debating the budget for this year and everyone knows exactly what is going to happen because the President has been very open about it. We are going in there. I say to my friend, does he have one more answer today than he had those 5 months ago, in October? Does he have one more answer to those economic questions or those very important questions that were raised at that time than he had 5 months ago?

Mr. BYRD. Mr. President, I have had no answer. I received no answer, no estimates whatsoever. And the administration, through some of its department heads, has said: That is impossible. It is impossible. And why should we do that? That would be—if I may use my own words—a wasteful exercise. The administration has sent forth no estimate.

Of course, we all understand that there can be no hard and fast estimate at this point. Many of us have been Members of this body and/or the other one through previous wars. We know how difficult it is to come up with solid estimates. But we also know when an administration is leveling with us. After all, we are the elected representatives of the American people. They send us here. They are entitled to know the answers to these questions. The American people are entitled to know what is the best estimate at this particular time and, under the conditions the administration foresees at this point, what are the best estimates of the actual cost of the war in treasure and blood, what is the best estimate with respect to the occupation of Iraq, the morning after, reconstruction in Iraq. But we get nothing. We get nothing from the administration.

The administration treats the elected representatives of the American people with seeming contempt. When the representatives of the people ask those questions, the answer, may I say to the Senator, is what it was then: We don't have the estimates.

The administration is no nearer now than it was then in giving it to us. I think it is our duty to continue to ask.

Mrs. BOXER. I thank my friend. I certainly will continue to ask.

I believe under the previous order Senator KERRY gets the floor; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Was a request made?

The PRESIDING OFFICER. Yes, it was made without objection.

Mr. STEVENS. I have been waiting for time. I would hope we would not enter a unanimous consent request without some consultation.

The PRESIDING OFFICER. An order has already been entered.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. For parliamentary purposes, I don't want to have the Senator from Alaska believe something was abused here. I would like to see what he would like. There was no effort to try to slide something by. There was nobody else on the floor, and the Senator just asked if we could have a little bit of time.

Mr. STEVENS. Mr. President, I am perfectly happy. I will seek recognition when the lady has finished.

Mr. KERRY. Mr. President, I think the request was for 10 to 15 minutes. That is all. Then I will yield the floor. The Senator can proceed as he desires.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent to proceed for 1 minute outside of that time. I want to say a few words to the Senator from West Virginia.

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

Mr. KERRY. I thank the Senator from West Virginia, to whom I have listened over the course of the last months, who has asked extraordinarily important questions of the Senate. While we differ on the vote, we don't differ in our goals or on what we believe have been the failures of diplomacy over the course of the last months. He is absolutely correct about the failure to be forthcoming. One can desire a goal and hope that an administration is in fact going to implement the goal effectively. Many of us feel bitterly disappointed by the way in which diplomacy, relations with Congress, the transparency, the degree of effectiveness of our involvement with allies—there are a host of failures that raise extraordinary questions.

I thank the Senator from West Virginia whose years here are unparalleled and whose credibility as a consequence is unmatched by anybody here.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his kind remarks. He is overly charitable, and I deeply appreciate them.

AMENDMENT NO. 272

Mr. KERRY. Mr. President, I rise in support of the amendment of the Senator from California. I thank her for bringing this amendment, which is one of the most important issues we will vote on in the Senate this year. It is not just a vote to protect a refuge; it is a refuge; it is a pristine wilderness.

The words ''pristine wilderness'' together mean something. They carry more than just the notion of a policy put in place by President Eisenhower in 1960, I believe, reinforced later in the Alaska Lands Act signed by President Carter. This is a national treasure. The words ''pristine wilderness'' both are destroyed, the entire concept is destroyed, by what this amendment seeks to do, may I add, not in the normal process of legislation as we approach it here but slipped into the budget for the specific purpose of trying to bypass the normal rules of the Senate.

Now, certainly, any tool is available to anybody, but I think Americans ought to judge whether or not they want a pristine wilderness destroyed in its pristineness and in its wilderness for the sake of a minor, tiny percentage of oil that has no impact on world oil prices, has no impact—or negligible, to be accurate, about a 2 percent impact ultimately, 10 years from now, if it delivers its potential—on the total amount of dependency on American oil from abroad.

In 1975, when President Carter first began to wrestle with the issue of America's dependency on oil, we were about 35 percent dependent on foreign oil. At that time, we sought to reduce that dependency and to create alternatives, renewables, and to move to a different kind of energy base.

Today, after all the talk of seriousness of purpose, guess what. The United States of America is no longer 35 percent dependent; we are approaching 60 percent dependency on foreign oil. God only gave us 3 percent of the world's oil. Saudi Arabia has 46 percent. The Middle East, in total, has about 65 percent. So do the equation. Any kid in America can do this equation.

If the United States only has 3 percent of the world's oil, and the Middle East has 65 percent of the world's oil, and your demand for oil is going from 35 percent to 60 percent, a 2 percent difference for the destruction of the wilderness does not solve America's problem.

The bottom line is, there is only one way to solve America's problem. You cannot drill your way out of America's problem. You have to invent your way out of America's problem. Inventing your way out of America's problem means beginning to push the curve on the creation of an entirely differently based economy—a hydrogen-based economy or some other. We could do that if we were to harness the energy of our colleges, universities, and venture capitalists and create the tens of thousands—if not hundreds of thousands—of high-value-added jobs that would come from pushing in that direction.

So my objection is to the proposal by those who want to drill in the Arctic Wildlife Refuge, which is shortsighted and destructive of a wilderness. This photograph represents what the wilderness looks like today. If you start drilling, this other photo is what it could look like. It will be no longer a wilderness.

Most recently, the GAO issued a report that said there is an enormous negative downside to the environment in those areas in which we have already agreed to drill. In those areas in which we have already agreed to drill, there is an extraordinary amount of drilling left to be done. We have enormous leases that are available and open that can be pursued. We don't need to drill in the Arctic Wildlife Refuge. In fact, the most important oil companies of the country are not particularly seeking to drill there. They don't have any intention of drilling there, except to the degree that it is opened up and someone else goes there; then they may believe, competitively, that they have to.

Lord John Brown, the president of British Petroleum—which has been working hard to push solar and alternatives and renewables—said publicly: We don't really need the Alaska refuge. We don't think it is the principal place to drill.

The real drilling for America's future is offshore drilling in the Gulf of Mexico. I know some will argue that it is an energy security magic bullet. But I have described why it is not a magic bullet, No. 1. No. 2, this is not sound energy policy.

The United States of America is still spending, I think, about $6 billion in order to provide oil and gas fossil fuel incentives. The total incentive of the United States for alternatives and renewables is $24 million. Billions of dollars to go after fossil fuel, which we know is a dependency that leads us nowhere—in fact, it leads us to increased global warming problems, to increased dependency on foreign oil—$24 million going into alternatives and renewables.

Europe has a much better sense of the future than, apparently, this administration in the United States right now. Great Britain has determined that they are going to provide almost all of their electricity in Great Britain—even though they are oil rich in the North Sea—from windmills, wind power, over the next 10 to 15 years. If you go to Holland or Denmark, you will see in the bays off those countries windmills that are providing enormous power.

In Minnesota, in our own country, I have met farmers who are actually earning more providing wind power to their local farm neighbors. From windmills, wind power, they are earning more, providing some 2,000 farms with power, than they are from farming. Think of what you could do if you began to move to biomass ethanol or corn-based ethanol for Iowa and for other States that grow and farm, which are already in huge dependency on the U.S. Government for billions of dollars—to do nothing or to not grow.

We are completely on the wrong track. This effort to try to drill in the Arctic Wildlife Refuge is a misguided effort to try to keep America locked into a place that takes us nowhere. I believe we need to open up a different future for this country, and the Energy Information Administration concluded last year that drilling in the refuge would only reduce oil imports by a tiny 2 percent, which provides no security to the United States at all. It is not good environmental policy, it is a terrible excuse for an energy policy, and it seems to me that domestic and renewable sources are urgently needed.

Why? Well, no foreign government can embargo them. No Saddam Hussein can seize control of them and reduce the flow. No cartel can play games with them. No American soldier will ever have to go and protect them with his or her life because they are here, they are home grown, and they don't put us into that predicament.

So I will be voting in support of Senator BOXER's amendment in favor of protecting the Arctic National Wildlife Refuge. I strongly urge my colleagues to do the same. We have had this debate before. A majority of the Senate had decided previously that this does not contribute to the energy policy of our Nation, and I hope we will stand by that decision.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be able to yield 10 minutes to the Senator from Wyoming and that I be recognized after that time.

Mr. DURBIN. Mr. President, reserving the right to object, may I have an understanding as to how much time will be used on your side before it returns to our side of the aisle?

Mr. STEVENS. Mr. President, it is my intention to use such time as may be available to me in making statements to answer comments made by the Senator from California and the Senator from Massachusetts. I have no estimate of how long I am going to take.

Mr. DURBIN. Mr. President, reserving the right to object, it is my understanding—and I may be mistaken—all I am trying to establish is how long you will speak on your side before it returns to this side of the aisle. Can the Senator give us an estimation of the time that you will use?

Mr. STEVENS. I don't think I am limited in time. I will yield myself time off the bill, by authority of the manager on our side. I don't know how much time. I will not agree to a time limit.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, I am just confused. Senator THOMAS is going to speak for how many minutes?

Mr. STEVENS. Ten minutes.

Mrs. BOXER. Is it on this measure? Senator DURBIN has been here, and he would like 10 minutes, too. If you can work him in following Senator THOMAS, then the Senator from Alaska can talk the night away if he wants.

Mr. STEVENS. Mr. President, I say to the Senator that I will speak now, and then I will yield to him later. I have the floor.

The PRESIDING OFFICER. The Senator from Alaska——

Mr. NICKLES. Will the Senator from Alaska yield for a second?

Mr. STEVENS. Yes.

Mr. NICKLES. Just to clarify, I believe the Senator from California yielded to both the Senator from West Virginia and the Senator from Massachusetts, in addition to making an opening speech. So there were at least three speakers.

The Senator from Wyoming wanted 10 minutes, and the Senator from Alaska wishes to speak as well. So we would like to have the idea that we would alternate back and forth, but I believe there were three consecutive speakers on your side.

Mrs. BOXER. Mr. President, I say to my friend, if he does not mind yielding to me for an answer, we were very brief on this side. I spoke about 7 minutes. Several speakers spoke for 10 minutes.

All I am trying to do is get Senator DURBIN into the debate. Senator STEVENS may well want to go on for an hour or so. We just do not know. We are just trying to work Senator DURBIN in at some point.

Mr. STEVENS. Mr. President, I have a request pending, and I ask it either be agreed to or I be permitted to start speaking. I believe I still have the floor; is that correct?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I have withdrawn my request. If the Senator wishes to ask me a question, I will be glad to answer the question. I would be pleased to make a request that the Senator from Wyoming be accommodated in his request to speak for 10 minutes. I do not wish at this time to be limited to the amount of time I can speak. I am speaking about my State. I am speaking about the future of my State, and I do not see why I should be yielding back and forth 5 minutes at a time in terms of speaking on this issue. It is a very important issue to me. I do not know how long I am going to speak, but I am not going to speak all night, obviously. I am not prone to long speeches, but I do not wish to say how long I am going to speak at this time.

I renew the request that the Senator from Wyoming have 10 minutes; after that, I be recognized to make my statement about an issue so vital to my State.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair. Mr. President, I appreciate the opportunity to talk a few moments about energy for this country, about an energy policy that we have not yet developed and have the responsibility to develop. I appreciate the opportunity to talk about the requirement for an energy policy.

We worked on this issue last year, my colleagues will recall, and did not get this done. It is more necessary now than before that we have an energy policy for the future of this country's economy. It is a little naive to talk about all the little problems when we do not talk about where we need to be. And if we paid attention at all to what has been done in energy over the last several years and what the demands are going to be for energy, we would start being a little more realistic about where we want to go.

I have listened for several years to the environmentalists and the political aspect of energy, and I think that is what it is. We need to talk about the realism of providing energy for American families and for the jobs that are required.

Energy is such an important element in our lives. I live in a State that is a producer of energy. I live in a State where we have lots of public lands. I live in a State where we have been able to have access to public lands and production from public lands without ruining the environment.

Most of us recognize that America is now 60 percent or more dependent on foreign sources of oil. Much of that comes from areas of the world that are now in great upheaval and are hostile to the interests of the United States. Oil represents about one-third of our trade deficit. We spend hundreds of millions of dollars per day overseas to support unstable regimes around the world. ANWR is one of America's best chances for a major discovery, as much as 16 billion barrels of oil. Each barrel produced at home is one less we need to buy abroad.

Just a few months ago, we saw the labor strike in Venezuela shut down oil production there. It halted nearly 15 percent of our imports. A threatened strike in Nigeria also constrained oil supplies, and we saw the result of that in prices this time. One of these days, we will see the result in a shortage of energy.

Domestic oil inventories are at an all-time low level, the lowest in 27 years, destroyed by the strike in Venezuela and a colder than average winter. There is very little excess capacity in the world for oil production. The International Energy Agency recently said that the global oil supply is running on empty. They said that on March 13. Development of ANWR will, of course, ease the strain on global markets but ensure a continued stable supply.

In addition, of course, higher oil prices are a tax increase on the U.S. economy, and every American citizen feels that loss. Economists estimate a loss of 0.5 percent in GDP for every $10 increase in oil costs. Every American family spends more of their money on energy, and it leaves less money for other important priorities, such as education, health care, investments in new homes, and in the economy.

Energy costs hit lower income Americans the hardest. A family earning less than $15,000 a year spends 14 percent of its household budget on energy compared to only 2.3 percent for a family earning $50,000 a year, and we are very concerned about that. We talk about it all the time. Here is an opportunity to do something about it. Diesel prices and truckers—there are lots of issues, and we all know what they are.

I think, too, we ought to talk—and I am sure the Senator from Alaska will—about the development of oil and gas in ANWR. It will be conducted with the best advanced technology available in America today: Ice roads, directional drilling, 3–D seismic exploration, many we have used in Wyoming. We know it can be done. New technologies allow a field the size of Prudhoe Bay, with 20 percent of U.S. oil supply for the last 25 years, to be developed in an area less than the size of Dulles Airport.

This proposed development at ANWR would be limited to less than 2,000 acres in an area of 19 million acres, close to the coast, not up in the mountains as the picture always shows. The picture is not valid. It is not true. It is not there.

Exploration will be limited to the winter months, November to May, to protect breeding and wildlife migration patterns.

I have been through this a number of times. I have been to Alaska. I have been to this area. I am satisfied it is going to be a great boon to our need for energy. I am satisfied it can be done in a way that is environmentally satisfactory, and I think it can be a great boon for our economy. I certainly hope we can take an opportunity to provide a better chance for our future economy by opening this field.

I thank my colleague for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my blood pressure goes up when this amendment comes up because I was in the Eisenhower administration, and I was one of those who participated in drawing the order which led to the creation of the Arctic National Wildlife Range. That order stated specifically that the area involved was withdrawn from all forms of appropriations under the public land laws, including the mining but not the mineral leasing laws. So starting in that period in the fifties, the area of Alaska way up in the corner, 9 million acres, was set aside at the request of the Fairbanks Women's Garden Club.

My then-boss, Secretary Fred Seaton, Secretary of the Interior, decided to take that action, and it was subsequently confirmed by President Eisenhower 2 years later.

That land along the Arctic has never been closed—never been closed—to oil and gas leasing and exploration. In 1980, President Carter signed a law after the election which set aside over 100 million acres of Alaska land.

I start off with this map to show our State is the largest State in the Union. One-fifth the size of all the land under the American flag is in Alaska. When one looks at this map, all the colored areas have been set aside by an act of Congress. They are no longer available for development in Alaska. These lands were set aside after prolonged battle over the Alaska lands.

One of the few conditions, stipulations we requested was that this area of the Arctic Plain be open for oil and gas exploration. At that time, I parted from my then-colleague, Senator Gravel of Alaska, and allowed this bill to become law in 1980, which President Carter signed based upon the commitment that was made to me by two Senators.

This is the photograph that was taken at the time we entered that agreement, Senator Jackson of Washington, Senator Tsongas of Massachusetts, and myself, in 1980. I was the minority whip, Senator Jackson was chairman of the Interior Committee, and Senator Tsongas was a member of that committee. I was in the minority.

These gentlemen wished to withdraw over 100 million acres of Alaska. We

asked for some stipulations pertaining to access and other such matters that were in the bill President Carter signed. The one area we asked be maintained to be available for oil and gas was the Arctic Plain. I say this in all humility, but those who come to this floor and say that is wilderness are not telling the truth. It is not a wilderness area. It has never been a wilderness area. It was specifically left out of the designation of wilderness and it is not wilderness.

Those photographs we have seen of caribou, the caribou are the porcupine herd. They come up from Canada. They come up and they calve in this area in the summertime. Oil and gas exploration does not take place in the summertime. The tundra is soft. We wait until it is frozen and we build ice roads across. The caribou are not there when the oil and gas exploration takes place, and the assertion that it is wilderness is absolutely not true. Those who offer these photographs and claim this is wilderness ought to come in here and say that.

By the way, I do not know where that crossing is which the Senator from California is displaying in her chart, but I presume that it is in June sometime when the caribou come up and leave within, at the maximum, 6 weeks. As a matter of fact, in recent years, they have not come up at all. They have gone up to calve on the Canadian side of the Arctic.

In any event, of the enormous amount of caribou that reside in Alaska, and they do reside there year round, this herd does not reside there year round. It migrates up for a few days in the summertime. The central Alaska herd which is up around Prudhoe Bay—I heard all of these arguments about caribou and I saw the beautiful pictures at the time the oil pipeline amendment was on the floor to authorize the construction, the right of way of the Alaska oil pipeline. We heard claims that the action in building that pipeline would destroy the caribou, that they would suffer all sorts of harm. As a matter of fact, that is a myth. The caribou herd in the vicinity of the oil pipeline is almost six times larger than it was at the time the pipeline was built. Oil and gas activity does not harm the caribou at all. There is no proof whatsoever it ever harmed the caribou.

That is not the only caribou herd. There is a western caribou herd. There are more resident caribou, not migrating caribou, in Alaska than people. I represent more caribou than I do people. I am trying to represent those caribou, too, because they are maligned by this assertion that oil and gas activity has harmed them when their numbers have grown so greatly since that took place.

Some claim this oil and gas activity we seek to have take place in the 1002 area, as we call it, is opposed by the native people. We are going to hear that from people on the other side of the aisle. That is not true, either. There is one group of Alaska Indians whose basic home is in Canada, the Gwich'ins, who reside on the South Slope of the Brooks Range. At the most, they number a thousand of our people and some of them are in Canada. They oppose it. All the people of the North Slope and the Alaska Federation of Natives, which represents over 100,000 Alaska native people, support going forward with the oil and gas activity in this 1002 area.

The real problem about it is, I have trouble trying to get people to understand the size of Alaska. I want to show Alaska's map superimposed on the South 48, as we call it. As we can see, Alaska is almost as wide and almost as deep as the United States. Up in the corner is the Arctic National Wildlife Refuge which was created in 1980, which engulfed the Arctic Range. The Arctic Range came down like this, and this is the 1002 area in green. It is not part of the wildlife refuge.

When the oil and gas activity is over, we stipulated it would revert to the Refuge. My colleagues cannot see it, but right up there is a little dot. This green area is a million and a half acres. That little dot is 2,000 acres. We have agreed that not more than 2,000 acres will be used out of the million and a half acres set aside for oil and gas development in prosecuting the exploration and development of oil and gas in the North Slope.

I think we have to take a look at what is going on in terms of the estimates that have been made. I understand there have been assertions of fact that I disagree with entirely. The largest untapped oil field in the North American continent is the area of the Arctic Plain, or the 1002 area. There is estimated recoverable oil there of 10.3 billion barrels.

For historic basis, let's go back to the time that Prudhoe Bay was discovered and we were trying to build this enormous pipeline from Valdez to Prudhoe Bay. The estimate then was there would be a billion barrels of oil in that reserve at Prudhoe Bay. Last year, out of Prudhoe Bay, we produced the fourteenth billionth barrel of oil. The estimates were conservative fourteen times over. They said there would be about a billion barrels of oil, and we have produced already 14 billion barrels and we know we have more to go.

Some people assert this is a small amount of oil. It is more than is produced in Texas. Our reserves are greater than Texas's. The estimated daily production is about 1.4 million barrels a day from the 1002 area, from the area we are talking about. Texas produces 1,065,000 barrels. We can see across the level of production as far as the—we produce 972,000 barrels from Prudhoe Bay now and that is another story. That is one of the stories I did not want to be limited on because I want to tell the Senate this story.

At the time we had the Persian Gulf war, at the request of the Federal Government, the throughput of the Alaska oil pipeline was increased from 1.9 million barrels a day to 2.1 million barrels. We went up 200,000 barrels a day to offset the loss of access to oil at that time and the increased demand for oil because of the war.

Today, that throughput is 972,000 barrels. That pipeline is less than half full. Why? Since the 1970s, it has been producing from the Prudhoe Bay area, and we need additional daily production. Where is it to come from? Where did we believe it would come from? We believed it would come from the 1002 area, from the area that is in dispute as to whether or not we should drill it. If that area is not drilled and we do not get additional reserves, the time will come when it will be uneconomical to use the oil pipeline. That is really what these people want. They want to go back and reverse history because they do not like the oil pipeline becoming filled again.

This is the greatest reserve we have in the United States. This is another depiction of the situation at the Arctic National Wildlife Refuge. This is the refuge. The area in light brown is wilderness. The area in green is not wilderness. It is reserved for oil and gas exploration, and the balance of the area is wildlife refuge. The Coastal Plain is the 1002 area, a million and a half acres. Its description and its boundaries were drawn by Senator Jackson and Senator Tsongas in order to make sure the area would be available to oil and gas exploration. As a matter of fact, when he signed the bill, President Carter referred to that. I quote from the signing ceremony from the administration of Jimmy Carter in 1980:

> This act reaffirms our commitment to the environment. It strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources.

The only area covered by that bill that had any oil and gas potential was the 1002 area. We have the right to explore and develop this 1.5 million acres, and President Carter withdrew over 100 million acres.

Now this amendment seeks, once again, to renege on that commitment my two friends from the Senate in 1980 made and put into law. It was not just a verbal commitment but a proposed development of the Arctic Coastal Plain of up to 1.5 million acres.

We have included in this resolution a reference to income that will come from the bidding to develop oil in that area. It is $2.1 billion. That is the beginning. We estimate the income to the Federal Government from the development of that area on an annual basis will be roughly $1 billion a year. That is from the royalties that come from developing Federal land.

What has to be recognized is this is an area of barren tundra. Ask anyone who has been there in the wintertime. This is not some picture of caribou and

lakes and a dreamy sort of place to be. As a matter of fact, one of the reasons the caribou do not come up is, the bugs are so bad, they go into Canada. When they are really bad in that part of Alaska, they go to Canada. They go up there and get in the water to avoid the bugs.

If they want to show a picture of the 1002 area, that is it, as far as you can see—nothing but frozen tundra. You do not see any caribou; you do not see any bears; you do not see pictures of beautiful flowers. There are tourists in the summertime, the 6 weeks the caribou are there, and they leave with the caribou. My Eskimo people stay there and live there. They want this land drilled so they can have some income to support their lifestyle.

Before the oil and gas came up there, I used to go up there in the 1950s, and it was a terrible place, to see how those people lived. Now, because of the revenue they get from the development of oil on the North Slope, they have nice homes, they have nice buildings, they have one building with a nice elevator, they have a beautiful small college, they have one of the most beautiful set of schools to be found anywhere in America. They support it with their money, coming from the taxes they derive from drilling and activities on their land.

One time I took a postmaster general up there to visit the area. We got into a bus right off the airplane and went over to the post office. He went into the post office. I thought he would faint because the digital thermometer said minus 99. It was a wind chill factor thermometer, minus 99. My people were living up there. We went to the post office; we went to lunch that day.

This is a picture of some of these children in Kaktovik. This is the one village in the center of the area that people say is a wilderness area. Right in the center is this village of Kaktovik. You do not have development in wilderness—that is my memory. These are beautiful people. And they know what they want. They want that area drilled so they can continue to get the income, send their children to school, have telephones, and have the kind of facilities we have everywhere else in the country. Without it, they have no basic income. Their income is in resources.

By the way, to shock the Senate, half the coal in the United States is also in Alaska. We do not produce it because a Senator came on the floor one day and offered an amendment to prohibit the mining for coal unless the natural contour was restored after taking the coal out—a virtual impossibility: Take tons of coal out of the tundra, and you are supposed to restore the natural tundra. That has blocked coal development in Alaska for 45 years. That is another typical type of amendment that comes from people with minds that oppose this.

Look at that picture. I hope the camera can compare that with where the children are in wintertime. This is propaganda of the worst sort, from the richest people in the United States, who finance these extreme environmental organizations and come here and tell us how to live in Alaska. They spend more money in lobbying than the oil industry. They spend less money than the oil industry in protecting the environment. I have an aside on that, too, which I will get to tomorrow.

Another aspect of this is pipeline prices. One of the problems about the supply of oil in the United States is the ability to maintain some stability in prices. This is a busy chart, but it shows the relationship of the throughput of Alaska pipeline to the price of oil in the United States. The green line is the throughput of the oil pipeline. The red line is the price of oil. As the throughput started, as we started to build the pipeline, the price kept going up. But when we reached the peak of production, the price was the lowest in the United States that it has been in 30 years. When we keep going, as the pipeline throughput declined—and this is the current situation—the price of gasoline in the whole United States went up. Our ability to produce 25 percent of the domestically produced oil in the United States stabilizes the price of oil and stabilizes the price of gasoline in the United States.

The price of gasoline today is up considerably. The price of aviation gas is almost double. The spiking price on gas, top demand gas, went up about 900 percent this last week. We are running short of both oil and gas domestically produced. The way to keep prices down is to maintain the ability to approve a substantial portion of what we consume. At the time of the oil embargo of the 1970s, we imported 34 percent of our oil. Today, we import 56 percent of our oil. That is what is causing that price to go up.

This is a chart that shows the potential of production from ANWR to the amount of imported crude oil by the barrels we are bringing in. We are bringing in 1.5 million barrels a day from Saudi Arabia; Canada sends 1.4; Mexico, 1.2; Venezuela, 1.2; Iraq, half a million, but the stability for prices comes from our ability to produce oil.

What is happening today is, the pipeline is less than half full. We need to get greater reserves and start producing at the rate of at least 1,000 barrels a day, fill up the pipeline, and we will maintain some stability in the price of oil.

Now to the problem of people who I call extremists who say there is only a 6-month supply of oil in ANWR. That assumes ANWR has only 3 billion barrels, and the estimate is at least three times that. It also assumes the only oil the United States uses in that 6-month period is that from ANWR. You could apply the same suggestion to Texas. If all the current production of Texas was used and that was the only oil we used, it would be a 9-month supply. This one deposit in Alaska, under their computation, is 6 months. That is the worst statistic economically I have ever seen used on the floor of the Senate. It is so misleading as to be dishonest. It is a dishonest statistic.

I really believe we have to find some way to get Senators to understand what this is basically all about.

When Prudhoe Bay was developed, the technology then required using a substantial amount of land. Of the 19 million acres in the area known as ANWR, the Coastal Plain is 1.5 million acres, as I have said. The limitation under the proposal before the Senate is 2,000 acres. This would depict the size of Dulles Airport—13,000 acres. We are looking at an area that is so small it would fit into Dulles Airport more than six times. We are not using a lot of land. We will not use a lot of land. We agreed to this limitation. Not more than 2,000 of the million and a half acres will be used for oil and gas development.

The other thing they say is there will be permanent damage to our arctic tundra. This is an area that was developed. That was an oil well at one time. The whole area has been restored.

One of the interesting sidelights is what the University of Alaska did when there was development of the Arctic. They developed a whole new set of grasses that are planted in the area which produced some of the best forage for caribou that was ever known. That is why that one herd increased almost six times.

This, at one time, what I just showed you, was a well right here similar to this well. As a matter of fact, it has been totally restored by virtue of the activities of our universities, as they have led the country in rehabilitation of land used for oil and gas development. We have a commitment in every contract for drilling in Alaska to restore the area to its original state or better. There will be no real problem.

In terms of restoration, to date the oil industry has spent over $200 million in restoring the area that is used for oil development. We also have more than $30 million committed to go further, to restore and study the vegetation, make certain everything is going to survive.

We have a problem with regard to gravel. Gravel itself has been removed from drill beds and replaced. This is the most scientifically designed oil and gas development in the world, on Alaska's North Slope. What the opponents would rather have us do is go to Russia, I guess. One of them even suggested that in a debate last year, we should look to Russia. I know Russia is going to produce substantial oil in the future. But there is no question that assertions made that we will be permanently damaging this property is wrong.

As a matter of fact, the permit issued by the Federal Government to use this land states categorically that if and when the permittee desires to abandon the activity authorized by the district

engineer, the permittee must restore the area to a condition satisfactory to the engineer. The State of Alaska says:

All operating areas shall be maintained and on completion of the operation shall be left in a condition satisfactory to the director.

We have absolute control over anyone's ability to abandon an area. They must restore it under Federal and State law.

Where are we, when it comes right down to this? The real problem is—what are we talking about? We are talking about jobs for our people, and not just jobs for Alaskans, by the way. But I believe the experts, in terms of job creation, are America's unions. America's unions are behind us in terms of our desire to open this area for oil and gas exploration: The Teamsters, the Seafarers International Union, the Building Construction Trades, the Iron Workers, Laborers, Operating Engineers, Masons, Sheetmetal Workers, Maritime Workers, Carpenters, Plumbers and Pipefitters.

There is no question in my mind that those people who are interested in the security of the United States, in terms of energy, should look to the Arctic.

I heard the Senator from Massachusetts talk about windmills. I invite him to go to Alaska. We have some windmills in Alaska. They are working fairly well to supply power to very small areas.

He mentioned the United Kingdom and their fuel supply. Forty percent of the United Kingdom's fuel supply comes from natural gas; 32.2 percent comes from petroleum oil; only 1.1 percent comes from renewable energy. Are we to rely on the 1.1 percent for the future of America?

He had a chart here that shows how much land it would take to have the equivalent of this energy reproduced with wind power. It is something one must look at. I will refer to it as soon as it gets here.

One of my predecessors as chairman of the Appropriations Committee, Senator Hatfield, stood here on the floor one day and explained to the Senate why he was voting for the development of this area. He said he hoped never to see the day when one American would have to go overseas to try to protect an area's oil production when that could be produced in the United States, that oil could be produced here in the United States. This is a sound proposition for America, I believe.

The equivalent of Rhode Island and Connecticut both would have to be totally in wind power to equal the daily product that will be produced from this area, roughly 1.4 million barrels of oil a day. People who want to talk about wind power ought to talk about how much land it will take. We are going to take 2,000 acres to drill for oil, on an area that is 1.5 million acres on the Arctic. It would take 3.7 million acres to have wind power sufficient to have the same amount of energy produced on a daily basis.

I should allow other people to speak, as the Senator from California has indicated. I intend to speak a little bit more tomorrow when we come back to the amendment.

I know of nothing in my service in the Senate that represents the issue this is for me because at the time that 1980 bill passed, I went against the other members of my delegation, Congressional delegation, to support getting a bill done. We had been arguing 7 years over how much of Alaska's land should be withdrawn. We finally came to a conclusion and that conclusion is represented by the basic map I have here. All of those areas there, all of them, were withdrawn by President Carter.

The only thing we got out of the whole bill in land guarantees was the guarantee that 1.5 million acres of the Arctic Plain would remain open to oil and gas. It was left open by President Eisenhower. I understand the Senator from California mentioned President Eisenhower. It remained open. It was specifically mentioned in the order that was issued on the Arctic Wildlife Range that it was open to oil and gas. As these withdrawals were made—just think of this.

Think of this: That bill created 13 new national parks and added land to 3 other national parks; it created 9 wildlife refuges and added additional land to another 9 wildlife refuges. And all that Alaskans received, when all of those lands were set aside, was a commitment that these 1.5 million acres would remain open for oil and gas exploration and would not be part of the refuge until that period of oil and gas exploration was completed.

Now, I do not know what other people think, but I have always acted on the basis that Members of the Senate would be bound by the law, that we would follow the law and understand what led to the passage of the law, that we would honor the commitments that were made by our predecessors, and if they were wrong, we would find some way to handle a matter of correcting their wrong without damaging the people who had relied upon the commitment that was made by the United States in a public law.

The people of my State on the North Slope relied upon that commitment that oil and gas exploration would be permitted. We started in 1981 to fulfill that commitment. This is 22 years later, and we are still here arguing against the same people who tried to block the Alaska oil pipeline, and may well block this.

It is a very close vote for everyone. So was the Alaska oil pipeline. That pipeline, as I said in the beginning, was authorized after an action here in the Senate based on a tie vote, which Vice President Agnew broke when he voted for the building of the Alaska oil pipeline.

I hope Senators tomorrow, when we vote, will think about the history of this area, the commitments that have been made to the people of this area by the Senate and by the Congress of the United States, and will vote no on the amendment that has been offered by the Senator from California and the Senator from Connecticut.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, for the benefit of my colleagues, I will not be speaking long at all. I just want to put a few things in the RECORD and wrap up my comments for tonight. It will probably take me 10 minutes—maybe a little longer—and that will be it for me. I know Senator MURKOWSKI and Senator ALEXANDER would like to speak. I see Senator CANTWELL is in the Chamber.

Let me put a few things in the RECORD.

The first thing I want to have printed in the RECORD is a letter from the Alaska Inter-Tribal Council, which represents 187 Alaskan tribes. They oppose drilling in the Alaska National Wildlife Refuge. I ask unanimous consent that that letter be printed in the RECORD.

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

ALASKA INTER-TRIBAL COUNCIL,
Anchorage, AK, December 11, 2002.

DEAR SENATOR: We urge you to reject H.R. 4 and any other proposals to authorize oil exploration and development of the birthplace and nursery of the Porcupine Caribou Herd, the coastal plain of the Arctic National Wildlife Refuge, during the conference committee on the National Energy bill. The very heart of the Gwich'in culture is at stake and their way of life must not be negotiated or traded in any shortsighted schemes to open the last 5% of America's Arctic coast to development when 95% is already open to oil and gas exploration and development.

The Gwich'in continue to live a subsistence-based way of life. The Gwich'in remain firm in resistance of oil and gas development of the birthplace and nursery of the Porcupine Caribou Herd, the coastal plain of the Arctic National Wildlife Refuge—Vadzaii Googii Vi Dehk'it Gwanlii *The Sacred Place Where Life Begins.* The Gwich'in rely upon the *Caribou* to meet their essential physical, cultural, spiritual, economic and social needs. The Gwich'in ancestral way of life is a birthright, to bestow upon their unborn future generations. Oil development of this sacred place will have devastating impacts on the very health and well being of the Gwich'in.

The U.S. Geological Survey concluded that there is only six months of oil in the Arctic Refuge. The future of the Gwich'in must not be jeopardized for such a short-term fix of oil. We believe that there are solutions that would be more appropriate. Our energy policy should emphasize decreasing the demand rather than increasing the supply, of fossil fuels. There are reliable and sensible means of achieving these ends—such as energy conservation, alternative energies and improved energy efficiency—which can reduce our dependence on oil without sacrificing Gwich'in culture and the last intact arctic ecosystem.

This issue is about the basic inherent fundamental human rights of the Gwich'in to continue to live their ancestral way of life. These rights are affirmed by civilized Nations in the international convenants on human rights. Article 1 of both the International Covenant on Civil and Political Rights and the Internatonal Covenant on

Economic, Social, and Cultural Rights read in part:

''In no case may a people he deprived of their own means of subsistence.''

We support the Gwich'in to seek permanent protection of this sacred Arctic Refuge, which is vital to their livelihood. Regardless of how much oil may be in the refuge, it is morally wrong to expect the Gwich'in to sacrifice their way of life to meet this country's energy needs. What will be lost and what is at stake is too high a price to pay.

The American public has consistently defended the rights of the Gwich'in, and the integrity of the Arctic Refuge. We urge you to defend their plea and reject efforts to destroy this essential Sacred Place Where Life Begins.

Sincerely,

MIKE WILLIAMS,
Chairman,
Alaska Inter-Tribal Council.

Mrs. BOXER. Mr. President, I would also like to have printed in the RECORD an editorial that was published just yesterday in the Los Angeles Times. I think it said it very well. I would like to read part of it, and then I will have it printed in the RECORD. The first thing they do is call attention to the Fish and Wildlife Service. They have a Web site. And the Web site says:

The Arctic refuge is among the most complete, pristine and undisturbed ecosystems on Earth . . . a combination of habitats, climate and geography unmatched by any other northern conservation area. . . .

And they say:

The refuge will no longer be complete, pristine or undisturbed if President Bush and [Secretary Gale] Norton have their way.

And they point out that Secretary Norton showed a slide and said:

This image of flat, white nothingness is what you would see the majority of the year.

The LA Times makes the point that it is really an interesting situation. As a matter of fact, the headline is: ''A Curious Commemoration.'' It says:

The U.S. Fish and Wildlife Service is proudly celebrating the 100th anniversary of the national wildlife refuge system, which it manages.

Then it just points out how ironic it is that Secretary Norton calls it an ''image of flat, white nothingness.''

I want to put that in RECORD. I think it is a good editorial. I ask unanimous consent that the editorial be printed in the RECORD.

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

A CURIOUS COMMEMORATION

The U.S. Fish and Wildlife Service is proudly celebrating the 100th anniversary of the national wildlife refuge system, which it manages. Theodore Roosevelt created the first refuge, Pelicans Island in Florida, 100 years ago this month to save brown pelicans from hunters who gunned them down for their feathers. The system's 575 refuges today cover 95 million acres and shelter everything from tropical fish to polar bears.

The service is marking the occasion by ''showcasing and strengthening the entire agency's programs.'' It's curious then that the service's ultimate boss, Secretary of the Interior Gale A. Norton, should have asked Congress last week to subject one of the nation's most celebrated refuges to oil and gas exploration and production. Even more curious, Norton painted the Arctic National Wildlife Refuge on Alaska's North Slope as a barren, uninviting place where it would scarcely matter if some tundra was torn up.

Showing House members a slide, Norton said, ''This image of flat, white nothingness is what you would see majority of the year.'' Never mind that the refuge often teems with birds, fish and wildlife, including the Porcupine caribou herd, polar bears and wolves. Environmentalists call the refuge America's Serengeti because of the richness of its wildlife.

The decision may hang by a single votes. Democratic Sens. Blanche Lambert Lincoln and Mark Pryor, both of Arkansas, Sen. Gordon Smith (R–Ore.) and Sen. Norm Coleman (R–Minn.) are being heavily lobbied to abandon the fragile majority opposed to drilling.

Norton's Appeal Wednesday was that Alaska's Arctic coastal plain (she mostly avoided referring to it as refuge) could produce more oil than any state. That may sound impressive, but the nation could save more oil and sooner, by raising fuel-economy standards by a few miles per gallon.

Norton said oil companies would be required to use new technology and to drill with little or no damage to the tundra. She did not add that if oil was found, the wells would be linked by collection pipelines that must be maintained in summer and winter. This industrial support infrastructure is what most mars the landscape and creates a hostile environment for wildlife.

The Fish and Wildlife Service makes a compelling case on its own Web site for keeping the refuge as it is: ''The Arctic refuge is among the most complete, pristine and undisturbed ecosystem on Earth. . . a combination of habitats, climate and geography unmatched by any other northern conservation area. . .'' The refuge will no longer be complete, pristine or undisturbed if President Bush and Norton have their way.

Mrs. BOXER. Mr. President, then there is the question of how much oil is there. Senator STEVENS basically said, anyone who says it is 6 months' worth of oil is not—I don't want to put words in his mouth—telling the truth was the essence of his remarks.

I want to make a point. In the USGS report in 1998, they said there was a 50 percent chance that the amount of economically recoverable oil is 3.25 billion barrels. So I think what we are seeing here is a very different point of view. And CRS estimated that the Alaska wildlife production would range from 200,000 to 1 million barrels daily, and maybe at some point reach 1.9 million barrels a day.

The point is, when Senator STEVENS says people who are saying there is 6 months' worth of oil are being disingenuous, that is just not the case.

I also want to put in the RECORD a paper entitled ''Caribou in the Arctic National Wildlife Refuge.'' It talks about the caribou and what is happening and kind of backs up what was stated here, that the Native peoples are saying the oil activity is driving the caribou herds away. And they explain what has happened to the caribou.

The Senator from Alaska, I certainly respect his point of view, but these are Alaska groups that have this very important discussion about what has happened to the Porcupine caribou herd. I ask unanimous consent that that paper be printed in the RECORD.

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

CARIBOU IN THE ARCTIC NATIONAL WILDLIFE REFUGE

There are two separate caribou herds found in the Arctic Refuge. The Porcupine Caribou herd—named after the Porcupine River found within its range—which numbers about 128,000 and makes long migrations each year between winter habitat in Canada and Alaska south of the Brooks Range, and summer habitat (calving and post-calving) on the Arctic Refuge coastal plain. The second herd is the Central Arctic Herd, which uses the central portion of the North Slope including the area around Prudhoe Bay and the western part of the Refuge, and numbers about 27,000 animals. Almost 30 years of data have shown that the concentrated calving and post-calving area of the Porcupine herd is located within the Refuge's coastal plain nearly every year. Both herds frequently use the northwest portion of the Refuge during the post-calving period for insect relief habitat.

One of the greatest myths concerning caribou is that oil development has caused an increased in the Central Arctic herd's numbers. Before development, the herd contained about 5,000 animals. Today it number around 27,000. This increase is largely attributable to several years with mild weather and has nothing to do with development. In truth, the Central Arctic herd's calving activity has shifted away from developed areas to alternative calving grounds with poorer quality habitat.

The Porcupine herd has no alternative calving areas to shift to because of the densities of the herd and the narrowness of the coastal plain within the Arctic Refuge; there are 5 time more caribou in about one-fifth the area compared to Prudhoe Bay. On the few occasions when weather has prevented the Porcupine herd from reaching the coastal plain before calving, calf survival was significantly diminished. The caribou need the coastal plain during the calving and post-calving periods because the core calving area of the Arctic Refuge coastal plain provides the highest quality forage, lowest density of predators, and optimal insect relief. Should they be forced to shift their calving activities away from the region because of oil development, calves would be vulnerable to higher predation and lower quality forage possible leading to a decline in their numbers. Numerous scientific articles written by leading caribou researchers clearly document that industrial development has resulted in changing caribou movements and distribution within the oil fields displacing caribou from the highest quality habitat.

Mrs. BOXER. Mr. President, in closing my remarks, I have shown the beauty of the wildlife refuge. Now I want to talk about the yield from the wildlife refuge when you compare it to what you could gain in energy with some very simple things we could do.

For example, better tires: We are talking about a 4.3 percent reduction in dependence on foreign oil if we could just get that out of tires. And this chart shows, in the billions of barrels, what could be saved in the same period of time.

Also, if you close the SUV loophole, look at how many billions of barrels you save by 2030. These are all by the year 2030. If we just said that cars would average 35 miles per gallon, look at the fuel economy we would save if that occurred by the year 2013. So by

the year 2030, look at this: We could do so much more for our country without giving up one bit of our quality of life, just getting the SUVs to have the same fuel economy as our autos. Every 6 years, you would actually have another ANWR field.

So for people to say we have to drill, we have to drill, we have to drill, I just would tell them, these are just a few ideas that some of us have on how we can avoid drilling in a place that looks like this chart shows, a place that President Eisenhower chose to save.

So I really think, if you look at the several arguments I have laid out—first, the fact is, this is not the way to go about debating the Arctic Wildlife Refuge: a little bit of a sentence in the big budget. That is not right. It deserves a lot more discussion.

This is a God-given, this God-given land. This is precious, and it deserves more debate than we are going to be able to give it tonight and a little bit in the morning. So it makes no sense. It is a magnificent area.

Second, we can get the equivalent way more—way more—than what you could get in the Arctic, by doing some very simple conservation. Just to take this SUV loophole: saying that they get the same mileage as cars, we could reduce our dependence on foreign oil by 16 percent. This reduces it by 2 percent. Let's do it by 16 percent.

If we increase the CAFE, the corporate average fuel economy, to 35 miles per gallon by the year 2013, by the year 2030—listen to this; this will really get you excited if you are listening to this debate—we could cut back on the importation of foreign oil by 43 percent.

So when anyone tells you, we have to drill in a place that looks like—you know what I want to show you, those beautiful pink flowers; here it is—that looks like this, yes, not every month of the year—Washington does not look so great right now, but in a couple of months it is going to look good.

I don't think we want to bring the oil cranes on to the Capitol Grounds, although it kind of looks something like that right now.

I will close by showing some of the wildlife to my friend from Washington. These are so magnificent.

I ask unanimous consent that she be given 10 minutes upon completion of my remarks.

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

Mrs. BOXER. To be followed by the Senator from Tennessee, if he wishes, 10 minutes after that.

Mr. ALEXANDER. I thank the Senator.

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

Mrs. BOXER. I close the debate the way I started it and leave it to my good friend to wrap things up. This is what we are talking about. No one could make this up: The polar bear; the muskoxen. Look at this; this is called the chart bird, so we have it on a chart. Quite extraordinary, isn't it? I say to my friends, think about what you are about to do here. Don't have this on your conscience when you could just raise fuel economy and have 10 ANWRs, 20 ANWRs, because when you save this, you save it over and over again.

I hope my amendment will pass. I am very proud that Senators CHAFEE and SNOWE are on the amendment and other Republicans because this is not about politics, this is about saving a God-given gift. That is the way I see it.

I yield the floor and thank my colleagues for their patience.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I commend the Senator from California for her articulate presentation of this issue, not only protecting a very important part of our wildlife refuge system but also for talking about the issue from an energy consumption perspective. Where is the best place for the United States to be investing its time and energy and to get the highest return, particularly at a time when our foreign dependence on oil is very important for us to make those decisions to move forward?

I commend the Senator from California for her time and energy and for her amendment that we will be voting on tomorrow, a very important amendment that, on the one hand, you could say got a lot of attention in a debate last year. This body heard many hours of presentation from a variety of Members and made a decision on that issue. Tomorrow I will support Senator BOXER's amendment, but I question seriously why we have to go to this extent of having Senator BOXER's amendment at all. Why is this issue coming up on a budget resolution when a more appropriate time and place would be for us to take it up as part of our energy discussion, even though we did that last year and decided that it wasn't a priority for us in the Senate?

I support what we are trying to do in protecting the Arctic National Wildlife Refuge because by protecting that wildlife, we are protecting as well a great part of what has been the last great wilderness in the United States. Proponents of drilling in the Arctic Refuge talk about reducing dependence on foreign energy supplies. I also support us focusing on reducing that foreign energy. But the best way to meet that goal is to develop a domestic natural gas resource, particularly looking at Alaska, and also to promote renewable energy technologies and reduce oil consumption through conservation measures.

Alaska is a very important source of domestic energy. Make no mistake about that. The North Slope has trillions of cubic feet of natural gas. We should develop that natural gas on Federal lands, including the National Petroleum Reserve which was set aside for development. I am eager to work with my colleagues, Senator STEVENS and Senator MURKOWSKI and others, to build that gas pipeline to bring natural gas to the marketplace. Building a gas pipeline and developing the NPRA in an environmentally sound manner will create jobs in Alaska and will benefit the Native communities. It will strengthen our overall energy policy.

We also, though, need to develop renewable energy sources, including domestically produced biofuels, and to focus on energy efficiency technologies, some of which I am sure we will be discussing later in an energy bill. These technologies can reduce our dependence on foreign oil sources.

For example, Senator BOXER showed a chart on what could be done by using low-friction tires. That was an interesting chart because we have seen that in focusing on these new cars to help them comply with fuel standards, these new tires could cut gasoline consumption of all U.S. vehicles by 3 percent. That is a savings to our Nation of about 5 billion barrels of oil over the next 50 years. As Senator BOXER pointed out, the reason that number is so important is, it is the same amount, 5 billion barrels over the next 50 years, that the U.S. Geological Survey says can be economically recovered from drilling in ANWR.

Why take what is a national treasure in the last great wilderness for these 5 billion barrels when we can do the same thing by moving to a more efficient energy economy?

I believe through a balanced approach, we can demonstrate our commitment both to wildlife conservation and strengthening energy security.

However, this budget resolution is not a balanced approach. Drilling in the Arctic really is a reversal in America of about 100 years of commitment to conservation. I say that because, most importantly, the resolution would violate our duty as stewards of the Arctic Refuge, in the National Wildlife Refuge System as a major system, and would take away what has been one of our most valuable national treasures.

During this debate, we must consider the number of people who have been involved and how we have been involved over the last 100 years to work to protect the sensitive wildlife habitat in this country and specifically the Arctic Refuge. Senator BOXER showed many pictures demonstrating what that wildlife refuge looks like and how pristine it is today and the wildlife that exists there. Everyone in this body wants to see us continue the Wildlife Refuge System.

Last week, we marked our 100th anniversary of establishing the National Wildlife Refuge System. That was done by President Theodore Roosevelt at Pelican Island—the 100-year anniversary. Through that work, countless Americans have helped build a system of over 500 refuges in every State in the country. Tens of thousands of volunteers, several hundred ''friends organizations,'' scores of partnership organizations have worked closely with the

U.S. Fish and Wildlife Service to maintain the integrity of the system.

In Washington State, local volunteers have built and helped protect various lands: Willapa Bay, the Nisqually River, the Hanford Reach of the Columbia River, and many other locations. Americans have worked to build the system because they love wildlife and because there is the trust that we in Congress will be good stewards of these lands.

Unfortunately, that stewardship is being called into question with this budget resolution as an assault on the system as a whole. This budget undermines the work of millions of Americans, including hunters, anglers, wildlife enthusiasts, and many others.

It is very important that the hard work and focus of maintaining our wildlife, not just in the Arctic but all throughout America, be celebrated this week as we have reached this 100th anniversary, and that we support the Boxer amendment tomorrow, to say there is a wiser way for us to preserve and to move forward our energy conservation and security, and that there is a wiser way for us to get off our foreign dependence on oil, and that wiser way will mean making the right investment in natural gas, in technology, in conservation, and in preserving the Arctic Refuge.

I yield the floor.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that my statement count against the opposition's time on the amendment, which is our side's time.

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

Mr. ALEXANDER. Mr. President, I support the Budget Committee's recommendation that there be an instruction to the Energy and Natural Resources Committee, on which I serve, to permit leasing and drilling for the oil in Alaska.

I listened carefully to what the senior Senator from Alaska told us about history tonight. He reminded us that most recently, in 1980, our country made a decision. Congress debated it here, and President Carter, during his administration, made this decision. He approved of and made both parts of the decision as President. One was to set aside 100 million acres of land in Alaska, an astonishing amount for wilderness area—of which I approved—and then to set aside 1.5 million acres for drilling. That was the decision our country made.

Almost all of our decisions about energy and the environment intersect. They almost always are balanced. In 1980, we decided 100 million acres in Alaska for conservation and 1.5 million acres for drilling. And then we are talking, in this proposal, about 2,000 of those 1.5 million acres that we would drill.

I would not stand here and say there is no environmental burden when we drill for oil. Of course, there is. But I would like to assert that we almost always seek to find a reasonable balance. What is on the other side of the balance? Why do we need the oil? We are being reminded of that in a great many ways today. We are a nation about to go to war. We are a nation where gasoline prices and gas prices are going up in remarkable numbers. That means for us fewer jobs. That means for us cold homes. We know we are a nation that depends upon a reliable supply of energy. We also know that this Alaskan Refuge we are debating tonight has—as the Senator from Alaska reminded us—more reserves than the State of Texas. So it is not incidental, unless somebody wants to call the oil of Texas incidental. I would not.

It is also more than a million barrels of oil a day through the pipeline. By one estimate—the one by the Senator from Alaska—it is 1.4 million a day. So it seems the 1980 balance that this Senate, this Congress, and President Carter made was the right balance, which ought to be honored. A hundred million acres in Alaska for conservation, 1.5 million for drilling, and we will drill on 2,000 of those 1.5 million.

I, too, agree that I am ready to see us become serious in our country about finding a new energy base for our economy. I was pleased with the President's proposal for a hydrogen car. In the Energy Subcommittee, which I chair, we will spend a lot of time on that. But the hydrogen car and a hydrogen-based economy are 20 years away. In the meantime, we need jobs and we need to be able to drive to work. We cannot afford to have energy prices and home heating oil and natural gas prices going up to a level our citizens cannot afford. So we have to strike a reasonable balance. I believe the Budget Committee did that, and I support that.

Second, I want to point out something else the Budget Committee did that hasn't been mentioned in the debate, as far as I am able to tell. The Budget Committee has within it the creation of a new reserve fund for the State grant program of the Land and Water Conservation Fund.

If this budget resolution is passed by the Senate, I, along with Senator SUNUNU of New Hampshire, and Senator STEVENS and Senator MURKOWSKI of Alaska—and I hope many other Senators—will introduce legislation to take the first $250 million of each year's revenues from drilling in this Alaska venture and put it into the State side of the Land and Water Conservation Fund. Let me repeat that. If we produce, by authorizing this drilling for oil in the 2,000 acres, the $1 billion a year that is expected, which should happen in about the year 2005 or 2006, the legislation I propose, along with other Senators, would take the first $250 million and put it into the State side—not the Federal side—of the Land and Water Conservation Fund.

This money is used by States and cities and communities to create neighborhood parks, greenways, and land trusts. In other words, we would be balancing what we are doing. We might be creating some environmental burden, taking some environmental risk, but we would be balancing that by a huge environmental benefit on the other side by helping build numbers of State parks and greenways and land trusts, closer to where people live, near their homes.

The legislation I propose would more than double the Federal dollars, creating critically needed neighborhood parks, trails, and greenways. More important, it would substantially and reliably fund that State grant program, as Congress intended and the President pledged we would do.

The Land and Water Conservation Fund is one of the most popular programs in America with State and local officials. It stems from the recommendations of the Rockefeller Commission, appointed by President Johnson in 1963. When Ronald Reagan was President, he sought to have a followup to the Rockefeller Commission. I was its chairman. We called it the President's Commission on America's Outdoors. It had four Members of Congress as participants. The vice chairman was Gilbert Grovner, president of the National Geographic Society, and it included such distinguished members as Patrick Noonan, who is today president of the Conservation Fund.

We made a number of recommendations in 1985 and 1986 to Congress, to the President, and to the Nation. One of the most important of those recommendations was that we use money from nonrenewable energy sources to create permanent assets for the Land and Water Conservation Fund. This was a conservation commission, and we recognized that we would be drilling for gas and oil, but we wanted to use some of that money to build neighborhood parks.

Twenty years after President Reagan's Commission on America's Outdoors, I still believe in that principle. I believe we should use revenue from oil and gas drilling, and other activities that deplete our natural resources, to fund conservation efforts, and I believe smart development always includes strong environmental stewardship.

The State grant part of the National Park Service Land and Water Conservation Fund provides matching grants that can be used for planning, acquisition, and site development in all 50 States. Many States have actually increased their revenues so that they can match these popular programs. But the State grant program of the Land and Water Conservation Fund has been underfunded by 70 percent, or more, and it has been very unreliable. It has gone up, and it has gone down.

Our cities are in desperate need of more funding for neighborhood parks and recreation areas. It is a nice idea to drive all the way out to Yellowstone if you live in New York City, or in Nashville, but most people cannot

drive that far. Eighty percent of the people do their outdoor recreation in the neighborhood where they live. The most important park to them is the park that is somewhere in their neighborhood, and this $250 million a year would help create thousands and thousands of new neighborhood parks, walking trails, and greenways. It would create a source of reliable funding. The funding, as I said, has been volatile and inconsistent. This legislation would make the reserve fund from the ANWR revenues mandatory.

The Arctic National Wildlife Refuge—the land we are discussing that is near there—is owned by all the people, and all should benefit.

By allocating a portion of these revenues, a generous portion, in a mandatory way for the benefit of communities everywhere in America, we would be making sure that we balanced our conservation ethic with our need for energy and oil.

Mr. President, I ask unanimous consent to print in the RECORD a comparison of land and water conservation funds.

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

COMPARISON OF LAND AND WATER CONSERVATION FUND—$160 MILLION[1] (FY 04 PROPOSED ADMINISTRATION BUDGET) AND AUTHORIZED LEVEL OF $450 MILLION

State	FY 2004 Admin.	Estimate @ $410 million
Alabama	$2,584,985	$6,795,505
Alaska	1,381,136	3,630,049
Arizona	2,912,142	7,655,896
Arkansas	1,926,581	5,064,133
California	13,510,052	35,524,587
Colorado	2,630,623	6,915,630
Connecticut	2,465,933	6,482,745
Delaware	1,481,806	3,894,824
Florida	6,768,113	17,795,546
Georgia	3,666,264	9,638,538
Hawaii	1,612,710	4,239,025
Idaho	1,533,066	4,029,463
Ilinois	5,437,145	14,295,560
Indiana	3,135,341	8,242,683
Iowa	1,979,392	5,202,963
Kansas	1,975,615	5,193,127
Kentucky	2,295,321	6,033,633
Louisiana	2,671,004	7,021,793
Maine	1,529,729	4,020,692
Maryland	3,119,929	8,202,469
Massachusetts	3,544,075	9,317,863
Michigan	4,581,752	12,046,252
Minnesota	2,739,571	7,201,988
Mississippi	1,899,539	4,992,921
Missouri	2,937,097	7,721,351
Montana	1,416,617	3,723,276
Nebraska	1,689,124	4,439,842
Nevada	1,851,381	4,866,585
New Hampshire	1,577,981	4,147,650
New Jersey	4,348,865	11,434,222
New Mexico	1,733,898	4,557,587
New York	7,982,453	20,988,950
North Carolina	3,612,306	9,496,646
North Dakota	1,388,885	3,650,430
Ohio	5,063,914	13,314,119
Oklahoma	2,223,613	5,845,233
Oregon	2,275,889	5,982,773
Pennsylvania	5,464,786	14,368,336
Rhode Island	1,598,430	4,201,527
South Carolina	2,443,725	6,424,064
South Dakota	1,400,563	3,681,106
Tennessee	2,946,607	7,746,330
Texas	8,160,283	21,456,000
Utah	1,926,824	5,064,961
Vermont	1,358,927	3,571,631
Virginia	3,519,932	9,254,038
Washington	3,190,738	8,388,500
West Virginia	1,686,882	4,433,903
Wisconsin	2,866,580	7,535,933
Wyoming	1,335,704	3,510,584
District of Columbia	240,257	631,446
Puerto Rico	2,163,575	5,687,775
Virgin Islands	49,719	130,672
Guam	62,621	164,580
American Samoa	50,000	68,539
Northern Marianas	50,000	73,526
Totals	156,000,000	410,000,000

[1] $4 million of Proposed FY 04 Funds are directed toward administration of the program.

Mr. ALEXANDER. Mr. President, it compares on one side the administration's proposals for this budget we are debating. For the year 2004, there is $160 million in President Bush's budget. By my calculation, with full funding of the State side of the Land and Water Conservation Fund, we would go to $450 million. That would mean, for example, in California, instead of having $13 million for neighborhood parks, there would be $35 million, or in Tennessee, instead of $3 million for neighborhood parks, there would be $7.7 million.

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Chair informs the Senator he has used the 10 minutes which he was yielded under the previous order. Would the Senator like to ask consent for more time?

Mr. ALEXANDER. I ask unanimous consent for 1 more minute.

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

Mr. ALEXANDER. In Missouri, instead of $3 million, there would be $7.7 million. In Washington State, there is $3 million for neighborhood parks under the President's proposal; this would raise it to $8.3 million.

I call to this body's attention two parts of the budget resolution. The first part has to do with drilling in ANWR. The second part is a new reserve fund that would permit taking the first $250 million of money that comes from the oil drilling and put it in the State grant program for the Land and Water Conservation Fund which would more than double the amount of Federal dollars available for neighborhood parks.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. I thank the Chair. Mr. President, I ask unanimous consent that my statement count against the opposition's time to the amendment.

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

Ms. MURKOWSKI. Mr. President, it is actually quite fortuitous I am standing before you tonight. I have not spoken on the floor but once since I have been here in my new role as the junior Senator from Alaska. But I stand before you tonight to do the one thing I have been asked by the residents, the people of Alaska to do, and that is to work for jobs, for a sustainable economy for my State and for my constituents. So to stand tonight to talk about ANWR and what ANWR means not only to my State but to all of America is, as I say, significant because ANWR is about jobs, it is about the economy, it is about economic security, domestic energy production. It is also about Native rights in my home State, and it is about common sense.

I have been listening very closely to the comments that have been made tonight, some by my fellow colleague from Alaska, quite passionately arguing the facts. We have seen some beautiful pictures, and we have seen some numbers thrown around. I think it is so important that we put into perspective what ANWR really is, what it means. To do that, we have to go back a bit in history. We have to look to the history of ANWR.

We have known about ANWR's oil potential since the early 1900s. It was in 1913, 1914 that the U.S. Geological Survey found strong indications of oil. So we have known that oil reserves, strong oil reserves, are on the North Slope.

This area now known as the Arctic National Wildlife Refuge was originally created in 1960 by Executive order under the Eisenhower administration. This Executive order has been pointed to a couple times tonight. It seems that it has been construed that it was recognized by this order that somehow ANWR, the Coastal Plain, should be reserved as some wilderness or should be put off limits. It is important to go back to the language of that Executive order so we understand clearly what President Eisenhower recognized in 1960.

The order states:

> For the purposes of preserving the wildlife, the wilderness, and the recreational values described in northeastern Alaska containing approximately 8.9 million acres, is hereby subject to valid existing withdrawals, withdrawn from all forms of appropriations under the public land laws, including mining, but not the mineral leasing laws.

This is where people are failing to read the rest of that order: ''but not the mineral leasing laws.''

In 1960, through Executive order, was the first time it was recognized that the potential for mineral and oil was significant on the Coastal Plain.

I have a chart that details exactly what is in the refuge. The Coastal Plain, which is 1.5 million acres, was created in 1980 under ANILCA. The wilderness area in yellow was also set out in ANILCA. When the initial refuge was set up, it was this portion, additional refuge land, which is not wilderness, which was created under section 303 of ANILCA. It added this section.

When we talk about ANWR, the refuge, and the wilderness and the 1002 area, it is important to keep in mind that we are talking about different animals, if you will. The Coastal Plain, the 1002 area, is separate and distinct from the wilderness area that has been created and separate from that refuge.

In 1959, Alaska had become a State with certain rights guaranteed to it under the Statehood Act. Within that act was a recognition by President Eisenhower—again through the Executive order—that the North Slope had

vast oil and gas potential and that it should remain available at all times for domestic use.

There was a recognition in 1960 that something was different about the Coastal Plain—a Federal recognition that the oil and gas potential along the plain is too important to lock it up.

Go forward 13 years when Congress authorized through the Trans-Alaska Oil Pipeline Authorization Act the construction of the Trans-Alaska pipeline. This pipeline was to carry up to 2.1 million barrels of oil from the North Slope to the tidewater in Valdez for export to the lower 48. This was the next recognition, if you will, of the potential for reserves in the North Slope.

Our pipeline spans 800 miles from the north of the State all the way down to the southern terminus in Valdez. It goes through some of the most rugged and beautiful country one is ever going to see, and this pipeline carries the oil safely and efficiently without harm to the environment or the wildlife. It survived the biggest earthquakes the designers could have foreseen. We had a 7.1 earthquake in November. It was a construction marvel that pipeline worked the way the designers had envisioned it would.

Our pipeline is an amazing wonder of American ingenuity and spirit. This pipeline has been around for three decades now, and it has been doing a good job. As Senator STEVENS pointed out earlier this evening, our pipeline is half full. We need additional oil deposits to maintain operations.

I have said this is an 800-mile pipeline, but again I think it helps to put things in perspective if one is not from the State of Alaska. This pipeline covers a span of country equal to the distance between Duluth, MN, and New Orleans, LA. To date, it has carried over 14 billion barrels of Alaska oil to the lower 48—day in, day out.

This pipeline was constructed in 1973. We have been transporting oil in it ever since. In 1980, Congress enacted the Alaska National Interest Land Conservation Act, which is commonly known as ANILCA. This bill was a culmination of 5 years' worth of legislative negotiations spanning three separate Congresses. There was an agreement reached, which Senator STEVENS mentioned earlier, between Senator Scoop Jackson of Washington and Senator Paul Tsongas of Massachusetts, two Democrats and two protectors of the environment. The bill included language which was agreed to by Alaska to ensure access to the Coastal Plain for oil and gas exploration.

This is where we get the phrase or why we keep referring to this parcel as the 1002, because it came from section 1002 of ANILCA. It specifically set forth the requirements for exploration and development of oil and gas reserves in this small portion of ANWR, consistent with the protections for wildlife.

With ANILCA, we doubled the size of President Eisenhower's Arctic National Wildlife Range. This was the range initially. We doubled the size by adding the refuge and changed the name to the Arctic National Wildlife Refuge.

Through ANILCA, we put half of the land in refuge, 8 million in wilderness and 1.5 million reserved as an energy bank for the United States. Again, I point out, it is important to mention that the 1002 area is technically not part of the refuge. It lies within the outer boundaries of the refuge, but it is technically not part of it. It is essentially an area in legal limbo waiting for Congress to fulfill the statutory requirements that were set out in section 1002 of ANILCA, and to fulfill the promises that were made to Alaska on statehood.

It is not really in the refuge, but it is definitely not a part of the wilderness, and it is not part of the wilderness by definition or in just the everyday sense of the word.

If one looks up ''wilderness'' in Webster's, it is defined as an unsettled and uncultivated region. The Coastal Plain does not meet this definition of wilderness, because for years we have had military installations that have been involved in monitoring Soviet and cross polar activity. We have a community. We have the village of Kaktovik which sits right within the 1002 area. These people call the area home. They have their homes there. They have a school there. They have community centers there. They have hospitals. They have a community. This is not a wilderness.

Some of the pictures we have seen lead one to believe there is nothing up there, but when you take your camera, you can look in whatever direction you want to prove your point. So I think we need to keep in mind, let's envision what we have up there. We have made offers to people. If they have not seen ANWR, come up and see what we are talking about. See what the Coastal Plain is. See what drilling looks like in Alaska.

At the outset, I mentioned this also had to do with Native rights issues. Under the Alaska Native Claims Settlement Act, some Alaska Natives were given the right to select lands on the North Slope. A group of Alaska Natives from the North Slope region selected 92,000 acres within the boundaries of the 1002 area specifically for its oil and gas potential. Those Natives who have selected those lands are denied any opportunity to develop. Through the 1971 act of Congress, they were given the right to select those lands. They selected them, but there is nothing further they can do with them. They are being denied the right to do with the land what they feel should be done. If they need jobs and opportunities, we are denying them that opportunity.

This refusal to allow the Natives to use their land is another example of the hand of Government falling upon Natives and Indians in America, because Government knows how to do it best. So that is kind of our preliminary history lesson about ANWR.

Let's get to some of the facts, though, that have been mentioned this evening. We are importing nearly 11 million barrels of oil every day from other countries. Most of them are from countries that are not so very friendly or not so very stable. Alaska is producing 1 million barrels of oil per day, when the pipeline can carry twice that amount. We are wasting this national asset. We have a pipeline that is half full.

Prior to the last gulf war, Alaska produced nearly 2.1 million barrels of oil per day, all of it destined for West Coast ports in the lower 48. Now, rather than move to open a small portion of the Coastal Plain to responsible oil and natural gas development, our opponents are suggesting we can basically conserve our way out of the reduced dependency in an economically responsible manner.

I will be the first to tell my colleagues we must work on our conservation efforts, but we must be realistic about what it is we can and cannot do. I have heard those who state that ANWR is a false choice when compared with higher CAFE standards, that that is the way we need to go. But desiring tougher standards at the expense of more domestic production is the real false choice. It is a false choice because we have to do both. We have to pursue conservation, but we have to pursue increased domestic production if we are going to get our energy situation back on track.

To suggest we do not do any more, that we cut it off, that there is no need for any more oil, that we are going to go to this wonderful hydrogen-based society and we are all going to be able to power our vehicles on something other than gasoline, it is not today, it is not tomorrow, it is probably not 10 years. Having said that, should we not work toward it? Sure, that is fine, but let's keep in mind that we use gasoline for more than powering our vehicles. We use gasoline in a whole host of ways.

I was talking to a group of students this morning. They said, gasoline is used for cars, and if we change the way our vehicles are fueled, surely we will not need to rely on gasoline.

But it is used for home fuel oil, jet fuel, petrochemicals, asphalt, kerosene, lubricants, maritime fuel, other products. If we look at this chart, of the gasoline that we consume, one barrel of oil makes 44.2 gallons of economic essentials. So 44 percent of a barrel of oil is going into the gasoline component. The remainder, 56 percent, is going into all of these other things.

So the kids wanted to know, what are all of these other things? They are plastics, CDs, crayons, contact lenses, panty hose, photographs, roofing material, dentures, shaving cream, perfumes, umbrellas, golf balls, aspirin, bandages, deodorant, tents, footballs.

To suggest we need to cut back on oil because we do not want to have a society that is dependent on oil for our vehicles is one thing. We can look to alternatives for how we might power our vehicles. But we have to recognize we are oil-dependent: 56 percent, 58 percent of the oil we consume in the United States is imported oil. That is not a good place to be, particularly when we can do better domestically. We want to be able to do that.

Alaska has been a proud supplier of 20 percent of this country's oil production for the past 25 years. We produce this oil in the harshest environment imaginable. We do it better and we do it safer and we do it in a more environmentally sound and scientific manner than anywhere on Earth. Every spill on the North Slope is reported. Every drop. If a can of soda pop is dropped, it is reported. We are conscious. We know what is going on. We are being careful and cautious.

The National Academy of Sciences 2 weeks ago released a report on the cumulative impact of North Slope oil development. What did they find about oil spills on the North Slope? No major oil spills had occurred. There was no cumulative effect. The discussion about how to drill and where to drill is moot because we are in a situation where we have essentially a professional environmental community that says no development at all anywhere. They are using ANWR as their rallying cry.

What they are doing by stopping development in ANWR and by saying you cannot go there, they are shutting down not only oil development but human progress. There is a community in Kaktovik, a community on the North Slope in Barrow, existing because of oil. Their school, their hospital, their community exists because they have jobs and a resource base. That is human progress that most would see as positive.

There was an interesting article in the Washington Post a few days back. Phillip Clapp, president of the National Environmental Trust, summed up what today's modern professional environmental movement is about, talking about drilling in ANWR and talking about the technology and whether cumulative impact had been good or bad. He noted, even if new technology has lessened the environment damage, it is not the drilling itself but the other activities, such as road building, housing for workers, the infrastructure needed to support them, that cause damage.

If you think that through, if it is the school, if it is the house, if it is the road that causes the damage, it is not necessarily the drilling. They are doing the drilling fine. The road is that way or the house is blocking the wind and causing snow to drift and that will accumulate and then melt and puddle in the spring; that is a negative change. We are going to have all kinds of problems. By Mr. Clapp's standard, the elementary school in Fayetteville, AR, causes a negative impact.

We have to be realistic. We deal with this not-in-my-backyard syndrome and it seems this NIMBY is now morphing into BANANA, build almost nothing anywhere near anyone. If you carry it further to a little more ludicrous level, you have the term NOPE: not On planet Earth.

We in Alaska are starting to feel cut off from the rest of the world, that the rest of the world or the rest of the country would just as soon lock us up and say nothing, nada, zip, you cannot do anything. You are not responsible enough to carry on development because we are concerned about the environment.

Again, I challenge Members to come up, see the oil development, how we bring oil out of the ground safely every single day and deliver it to the rest of the lower 48. We do a good job. Give us credit.

We had a bit of an example about the technology used on the North Slope now. The comment was made earlier when we first began producing in Prudhoe Bay, the size of the oil fields, the pads, the footprint was bigger, but the technology in the past 30 years has brought us to a remarkable place where we can drill, and for all intents and purposes you do not know we are there. We have a picture that shows when the drill is complete there is a stump put in the ground. That is what you look at at the end. You do not have a huge infrastructure.

I had a meeting this afternoon with an independent oil company working in Alaska, explaining to us some incredible new technology that allows for construction of modules on the tundra, elevated so the tundra is not affected by any warmth or heat coming off the building. These modules are supported on beams not made from ice but inserted in an ice sleeve so when drilling is complete, when the project is complete, they melt the ice, pick everything up, and they are out of there. The technology we have today is so remarkable, so incredible, we can go in, we can do the job, and we can do it in a manner that does not disturb the environment.

The point was made earlier about the size we are talking about. The maps of Alaska do not do justice to the size or the expanse. The development of the Coastal Plain would use an area of land smaller than the Little Rock airport. It was mentioned that in the area of drilling we are looking to do in the 1002 area, six of them would fit within Dulles Airport. Conceptualize this: An area 290 times smaller than Ted Turner's private ranch in New Mexico. I have not been there, but I can visualize it. Or an area the size of George Washington's Mount Vernon when he first inherited the property in 1761.

This is what we are talking about, a tiny sliver on the Arctic Coastal Plain. Yes, we did see lovely pictures taken during the summer when the tundra is abloom. Those flowers do exist, although I don't know, I have seen the purple flowers. But most of the time it looks like the moon. It is white, it is deserted. Most days you cannot tell the sky from the land. This is the world that we are talking about. It is frozen 9 months out of the year. It is windswept. It is bitter cold. It is not hospitable country. Yet small groups of Alaskan Eskimos have chosen to call this home and want to be able to stay there, have decent jobs there. This is what we are talking about when we talk about ANWR.

I was going on about the size of ANWR. It was pointed out to me that the amount of land we need is the same size as the world famous Pinehurst Golf Resort in North Carolina, home to eight world-class golf courses. In fact, a new golf course opens every day in the U.S., which means that the amount of land that we need to produce billions of barrels of oil for the American consumer is gobbled up in just 8 days by golf courses nationwide.

It seems kind of silly to be comparing ANWR and the incredible contribution you are going to be getting from ANWR and its resources to a golf course, but I think it helps to put it in perspective. First, think about the size we are talking about and think about our land use. This is not an area you would want to go and have a round of golf.

Also tonight there has been discussion about the wildlife up in the 1002 area. Since Alaska oil production began nearly three decades ago, the caribou herds have increased an average of 450 percent; duck, geese, and other migratory birds are flourishing. As has been mentioned, there are more caribou in Alaska than there are people. The caribou are doing fine. They hope it is not going to be another bad bug year, but the caribou are thriving.

When we get right down to what ANWR is about to the Alaskan people, it is about economic opportunity; it is about real jobs for them. But I don't stand here and try to suggest that only my State is going to benefit, that the only reason we should open ANWR is so people in the State of Alaska can have jobs. This is jobs for the Nation. This is jobs for America.

By opening the Coastal Plain as intended by President Eisenhower, we would create hundreds of thousands of jobs nationwide, employ thousands of union and nonunion members in many States, and produce $2.1 billion in the first few years alone for the Federal Treasury.

Going back to the jobs I mentioned, it is not just Alaska. There was a study done. It was just completed in Alaska by probably the most reputable analyst in the State, the McDowell Group. They did an assessment of ANWR-developed-related employment throughout the United States. They base their numbers on $36-a-barrel oil. But given that price range throughout the 50 States, it is estimated that a total of 575,000 jobs would be created across the country.

We are talking today, tomorrow, and the following day about the President's economic stimulus plan, the economic growth plan. I am here to tell you, if we want economic growth, if we want economic stimulus, we need jobs. And 575,000 jobs across the country is nothing to shake a stick at.

It is not just jobs on the west coast. Just pick a number here. Pennsylvania: 27,000 jobs; Tennessee—the good Senator was here speaking earlier: 11,000 jobs are estimated to be available in Tennessee.

The sponsor of this amendment, from California—California will see 63,000 jobs. The Senator from Washington was here earlier: 10,000 jobs in Washington.

You can go down the list. There is no State that somehow or other does not stand to gain if we are able to open ANWR.

You say, how are we really getting 10,000 jobs in Washington or 63,000 jobs in California? We are going to need the pipes, the valves, the drill bits, the trucks—everything else that goes along with drilling and opening a new field and connecting these pipes. So these are real.

It is not an accident that this is included in this budget resolution. It is part of the President's priority and agenda because this is about jobs.

To many of the unions across the country, they have truly identified this as a jobs issue and are working very hard on this issue. To many of the families who are struggling, this is a family issue.

We talk about the caribou and we are concerned about the caribou and we care for the wildlife. But the fact is, you have to have money to buy your kids shoes and put food on the table, and only the jobs can provide that.

The other thing about the jobs that will come, they will be real jobs with real wages for people in my State. To hear the opponents of ANWR talk, you would think that they want Alaska to be locked up and to be just this big, beautiful tourist attraction so they can come and visit. That is nice. We want to have visitors to our State. We want people to come up and see Prudhoe Bay. We want them to come and see the good job that we do.

But this thought process implies that they want California or Massachusetts or New York or other States to produce tangible items for our economy. Alaskan residents, my constituents, the jobs they will get are carrying bags for these people when they come to visit as a tourist. Those are not the kinds of jobs that I want for my constituents. That is not the kinds of jobs that Alaskans want. We want real jobs. We want the ability to create real jobs.

It is demeaning and it is unfair to say that Massachusetts can keep its 20,000 petroleum-based jobs; that New Jersey can keep its 27,000 petroleum-industry jobs; and New York can keep its 36,000 petroleum-industry jobs, while Alaska supposedly looks to other alternatives. Why is it OK for everybody else to do it, and yet in Alaska for some reason we are not responsible, we can't handle it, we don't do it right, we need to lock it up and preserve it because it is the last Serengeti?

By opening ANWR, we are trying to save the 11,000 petroleum-industry jobs that we have in Alaska. We want to provide other States with similar opportunities.

When it comes to resource development in Alaska, we are not looking to spoil the environment. We want the environmental safeguards. We want to make sure we do it right. We want to make sure that we, those of us who choose to live there, are going to continue to want to stay there because it is the quality of life that attracts us. We don't want to circumvent any environmental requirements or processes. We want to use the most safe and most clean and most expensive technology available to get this oil out of the ground.

I have lived my whole life in Alaska. I was born there. I am third generation. In fact I am the first person to represent Alaska in the Congress who was actually born in the State. I was actually born during territorial days. I have no desire to see the environment of my State ruined.

My husband came to Alaska because he was attracted by the beauty of the State, by the fishing, by the wildlife. My husband and I are raising two sons who live for hunting and fishing and camping. This is why we are in Alaska. I would be the last person to suggest that we should do anything to ruin our environment.

But I have seen what we can do. I know we can do it right. And we can balance the development with the environment. They are not contradictory terms.

It is difficult to stand here as a new Senator and go over these arguments, but I cannot imagine what it must be like to stand in the senior Senator's shoes, and having had this argument and this discussion and this debate about opening ANWR for the past 20, 25 years, and to hear the same concerns and the same argument and the same discussion, and still our oil is locked up. It is a long time to be talking about this. It is a long time.

If we had been successful—actually, they were successful in 1995, when ANWR passed the Congress, but President Clinton vetoed that ANWR legislation in 1995. If he had not vetoed that, the oil from ANWR would soon be on its way down the existing Alaska oil pipeline in time for who knows what lies ahead.

I have mentioned we have a lot to look forward to in the years ahead, and it is not necessarily an oil-based economy. We have mentioned that the President's initiative, the hydrogen initiative to power our cars, is out there. We are looking forward to that. But we have also talked about the need to continue with our oil reserves for all those other resources and products that we have out there.

I have not touched on the desire, the concern, the request from Alaskans. Alaskans are looking at ANWR and saying: Well, wait a minute. Why is it so difficult? If we are willing to accept the development in our State, why can't we move forward with this?

We listen very well and very closely to the arguments and concerns in other locales. In the Midwest, right now, they are saying: No, don't drill in the Great Lakes. We don't want to do that. And I would say: If you don't want drilling in the Great Lakes, and you are the people who live there, and you say, no, we don't want it in our area, then, no, there is no need to go there.

But in Alaska, we have said: We accept it. We want it. We are here to help. Yet we are being turned down. We are being refused. We are being blocked by outside interests that seem to think they know better than Alaskans about what we need to do.

In Alaska, we do not have this NIMBY syndrome. We are saying: Put it in our backyard. We will accept it. We will be responsible stewards for this environment and for this resource. Let us help you.

We respect and defer to the opinions of those in other parts of the country who do not want drilling near them. All that we ask is that same deference be afforded to us.

I agree with many of my colleagues that we need to increase our use of renewable fuel sources. We have had some good discussions with several Senators about biodiesel, ethanol. But the Senators from those States also need to recognize that in order to grow the crops necessary to make these renewable fuels, they are going to need fertilizers.

Fertilizers come from natural gas. I have been talking, for most of the evening, about oil. But we need to also keep in mind that ANWR has vast deposits of natural gas, as much as 10 trillion cubic feet of natural gas that could be used to mitigate the unusually high natural gas prices we are seeing.

Yesterday we received a letter from the American Farm Bureau Federation. In it the Farm Bureau requests support of environmentally sound energy development in ANWR and supports its inclusion in the Senate budget resolution. They recognize it is critical, it is important, for the farmers of America. If they are going to get the fertilizer they need, they are going to need that natural gas from somewhere. They are projecting ahead; they are anticipating that demand, and asking that we assist with the supply. And ANWR can assist with the supply.

Mr. President, I ask unanimous consent that this letter from the American Farm Bureau be printed in the RECORD.

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

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, March 17, 2003.

Hon. LISA A. MURKOWSKI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MURKOWSKI: The American Farm Bureau Federation requests that you support environmentally sound energy development in the Arctic National Wildlife Refuge (ANWR) and support its inclusion in the Senate Budget Resolution.

America's farmers and ranchers utilize numerous energy sources in the most efficient ways possible to grow the products that help feed and clothe the world. Current world circumstances have clearly pointed out this nation's over-reliance of foreign sources to meet our energy needs. American agriculture will spend from $1–2 billion more this year than last and that is just to complete the planting season and to get a crop in the ground. The instability of current energy prices negatively affects each and every aspect of agricultural production. From the fuel we use directly to the natural gas that is turned into fertilizer for crops to the diesel used in the locomotives and barges to transport agricultural commodities to processors and consumers; we are all reliant on affordable energy.

A balanced national energy agenda, complete with new technology advancements, renewable energy allowances and a significant increase in the domestic production of oil and gas supplies will help meet the energy needs of America's growing economy and population while providing a more reliable, affordable and environmentally responsible energy supply.

AFBF supports the environmentally sound energy development in ANWR and urges you to oppose any attempt to remove this language from the budget resolution.

Sincerely,

BOB STALLMAN,
President.

Ms. MURKOWSKI. Mr. President, I was commenting a moment ago about the desire or the willingness of Alaskans to take on ANWR development, that we are receptive to it. Earlier, on the floor this evening, the good Senator from California mentioned, and I believe had printed in the RECORD, a statement of opposition to drilling from a tribal entity. I have not seen that. I am not certain from where it came.

But I would like to also have in the RECORD that the Alaska Federation of Natives, which is the federation of all the Natives in the State of Alaska, has passed a resolution in support of the opening of ANWR and urging the Congress ''to adopt legislation to open the Coastal Plain area of ANWR to an environmentally responsible program of oil and gas leasing and development.'' I ask unanimous consent that this resolution be printed in the RECORD.

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

ALASKA FEDERATION OF NATIVES, INC., BOARD OF DIRECTORS, RESOLUTION 95–05

Whereas, the members of the Alaska Congressional Delegation, as representatives of the people and in their capacity as newly elected Chairmen of the Senate and House Committees having jurisdiction over matters related to Alaska Native people and the management of the energy and natural resources on public lands, have requested the Alaska Federation of Natives' Board of Directors to adopt a resolution in support of the opening of the Coastal Plain; and

Whereas, the Governor of the State of Alaska has requested the Alaska Federation of Natives' Board of Directors to adopt a resolution in support of the opening of the Coastal Plain of ANWR, with a proviso for the protection of the Porcupine Caribou Herd and the subsistence needs for the Native people of Alaska; and

Whereas, the Alaska State Legislature has adopted a resolution calling upon the U.S. Congress to adopt legislation that would open the Coastal Plain of the Arctic National Wildlife Refuge to responsible oil and gas leasing and development, with protection for the Porcupine Caribou Herd and the subsistence needs for the Native people of Alaska; and

Whereas, North Slope oil production has declined from more than two million B/D in 1990, to less than 1.6 million B/D today; and

Whereas, revenues from oil production have been providing about 85 percent of the State's revenues to fund programs to meet the educational, social welfare, and other needs of Alaska's people; and

Whereas, the small 1.5 million acre Coastal Plain study area of ANWR, adjacent of Prudhoe Bay and other producing fields is the nation's best prospect for major new oil and gas discoveries; and

Whereas, opening the Coastal Plain area to an environmentally responsible and carefully regulated program of environmental oil and gas leasing would provide important revenue benefits to the U.S. and to the State of Alaska; and

Whereas, opening the Coastal Plain will create new jobs for Alaska Native people, new contracting opportunities for Native-owned companies, and stimulate the State's local and regional economies: Now, therefore, be it

Resolved, That the members of the Board of Directors of the Alaska Federation of Natives calls upon the Congress of the United States to adopt legislation to open the Coastal Plain area of the Arctic National Wildlife Refuge to an environmentally responsible program of oil and gas leasing and development.

Ms. MURKOWSKI. Mr. President, this is, obviously, an issue that generates a lot of passion. We have seen that on the floor this evening. It has generated a lot of facts and figures. I would caution people to look critically at the facts. Make sure they add up.

We have heard discussion from a couple of different individuals tonight about the amount of oil that is out there. And is it a 6-month supply? And, if so, we surely should not open up ANWR.

As was pointed out by my fellow Senator from Alaska, that is assuming there is no other source produced domestically or used domestically. It is an overt effort to skew the facts to one side's advantage.

In a debate such as this, it is critical that we know that our facts are sound, that our science is sound. So I ask people not to be swayed by the emotion. Caribou are beautiful animals, but I can tell you, we are caring for the caribou, our caribou are doing fine, our caribou are multiplying at a wondrous rate, and they are doing it around the areas of development.

So it is important to try to show the rest of the country what ANWR is. But keep in mind, these little, tiny brief snapshots of a flowered field, with beautiful mountains in the background, are not where the 1002 area is that we are intending to drill. We are intending to drill an area that is the size of the Pinehurst Golf Resort in North Carolina, in an area that looks like the Moon.

I appreciate the hour. I appreciate the attention to this issue because in my State there is nothing more important that is happening. I would certainly encourage my colleagues tomorrow to listen intently to the debate.

I hope we move forward on oil and gas exploration along Alaska's Coastal Plain and oppose the Boxer amendment.

I don't see anyone else in the Chamber. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I am proud to join my colleagues as a cosponsor of this amendment, because the provision in the Budget Resolution on the Arctic National Wildlife Refuge, also known more commonly as ''ANWR,'' has no place in this resolution.

There are so many great things about our country. And one of them is the progress made to protect our natural resources, including wildlife refuges such as ANWR. ANWR—which constitutes just five percent of the area of Alaska's North Slope—is the last remaining stretch of the North Slope that is closed by law to oil and gas development. Even if the oil in this small patch there were plentiful, which it is not, the provision in this resolution still would not be the path we want to choose.

The oil in the refuge could supply only a tiny percentage of our needs, and is not worth the likelihood of permanent damage to wildlife in this vital habitat. A recent report from the National Academy of Sciences highlighted the current damage to Alaska's North Slope from energy production. For example, animals have been affected in different ways, including direct mortality and displacement, reduced reproductive rates of birds due to enhanced predator populations, diversion of bowhead whale migrations, and altered distributions and productivity of caribou. Furthermore, the National Academy of Sciences report concluded that while new technologies have reduced some effects from energy production, expansion in new areas is certain to exacerbate existing effects and generate new ones. I see no need to risk an American treasure in an environmentally-damaging hunt for this very limited, unsustainable fossil fuel source.

The long-term solution to our fuel needs is to tap a variety of renewable

energy sources, such as ethanol and biodiesel, wind, and biomass, as well as energy efficient technologies such as hydrogen-powered fuel cells.

My continual support for ethanol is only strengthened by the topic on the table right now. Ethanol offers a much more environmentally friendly and economically sustainable energy option than the short-sighted approach embodied by the ANWR drilling plans. Fuel that is 80 percent ethanol—developed over the next decade or two—will dramatically reduce our dependence on fossil and foreign fuels.

Another source of renewable energy is soy diesel. For example, over 30 buses in Cedar Rapids, IA, now run on soy diesel.

The transition to cleaner, domestically-produced fuels offers near and long term benefits, and we must start investing now in these renewable fuels. Pinning our energy hopes on reaping a relatively small amount of oil from an ecologically fragile area is not a long term strategy. It is, in fact, very short-sighted, and will not meaningfully reduce our dependence on foreign oil.

The Department of Energy has estimated that without drilling in the Arctic refuge, we'll import 62 percent of our oil in the year 2020. If we do drill, the department says we'll still be importing 60 percent of our oil in 2020, when ANWR production will reach its peak, according to the Energy Information Agency. Furthermore, according to the U.S. Geological Survey, the Arctic Refuge contains less economically recoverable oil than the U.S. consumes in 6 months. Oil company executives confirm it would take at least 10 years of exploration and development before this oil would reach markets. That's scarcely a compelling case for despoiling this environmental treasure.

And with 10 year build-up, this is not a short term, immediate stimulant for our economy. The revenue won't be seen for years, and it will be a small amount at that! Instead, we should focus on developing new domestic energy sources in this country by supporting the development of renewable fuels.

Further, we shouldn't be authorizing this kind of policy in a budget. Inserting controversial policy changes into a budget measure via reconciliation instructions shortchanges the normal legislative process by limiting debate. This ANWR debacle short circuits the normal legislative process used for consideration of controversial policy issues of this magnitude in the Senate.

I am committed to protecting and preserving our wilderness areas, parks, forests and wildlife. I cherish these resources, and I will continue to do what I can to see that they are protected. I am likewise committed to energy security for our Nation. The only way truly to achieve that goal is with renewable sources of energy available right here in our country.

Because of the concerns I have stated here, I am opposed to the Budget Resolution's reconciliation instructions to the Energy and Natural Resources Committee to write a bill that would open up ANWR so that the Federal Government can receive revenue from drilling in that fragile area. Consequently, I urge my colleagues to join me in voting for this important amendment.

Mr. FEINGOLD. Mr. President, I rise today to support amendment No. 272, which is similar to one I offered in the Budget Committee. It would strike the reconciliation instruction to the Energy Committee contained in the budget resolution before us.

This instruction requires the Energy Committee to produce $2.15 billion by reporting out legislation by May 1, 2003, with the assumption that they open the coastal plain of the Arctic National Wildlife Refuge to oil drilling.

Management of the Arctic Refuge coastal plain has been hotly debated for many years. Some Senators, like myself, believe that this area should be designated as a Federal wilderness area. Other Senators believe that this area should be explored for its oil potential.

I support this amendment because I believe that the fate of the coastal plain of the Arctic Refuge is a question of Federal National Wildlife Refuge management, not budgetary policy. And if a Senator believes that oil reserves which may be located under the coastal plain are needed today or 20 years from now, for reasons of enhancing this country's energy security, then the fate of the refuge is a question of energy policy, not budgetary policy.

No matter where a Senator might consider himself or herself in the discussion over the fate of the refuge—and this issue was debated at length during the Senate's consideration of the energy bill last year—no Senator has said that the primary reason to change the management of the Refuge was because we just needed the revenue.

In fact, the chairman of the Budget Committee, Mr. NICKLES, again stated, when I offered my amendment in committee, that these instructions are included in the budget resolution because Arctic drilling is needed to stimulate the economy, create jobs, and produce oil.

I know there are strongly held views on this topic, and I do not intend here to go into all the reasons why I have concerns about the possibility of oil drilling in the refuge. Other Senators who join in offering this amendment will be making that case.

I feel that the fate of the coastal plain of the Arctic Refuge is too important to become a number in the budget process.

I also think that, for several reasons, Senators who support drilling in the refuge should support this amendment and object to using the budget resolution and reconciliation to achieve that goal.

As Senators know, debate on a reconciliation bill and all amendments, debatable motions, and appeals related to it is limited to a total of 20 hours. After 20 hours, debate ends. Consideration of amendments then may continue without debate.

I am concerned that using a fast track procedure like reconciliation to open the refuge exposes the Senate to criticism that we are using the refuge revenues in part for tax cuts or to authorize new spending programs.

Particularly, the Senate may be accused of dispensing refuge revenues in unrelated accounts to gain political support for refuge drilling. Our constituents may also be concerned that we will have to spend a great deal to implement a drilling program in the Arctic Refuge because much of the infrastructure needed to bring oil from the Refuge to the rest of the country does not exist today.

As well, I am concerned that some Senators are supporting drilling in the refuge because they feel that it can be done in an ''environmentally safe'' way or they feel that it should be done jointly with energy efficiency, oil savings, and alternative energy programs to reduce our dependence upon foreign oil.

But reconciliation limits the way in which Senators who are concerned about these issues, and who do not serve on the Energy Committee, are able to address those issues on the floor.

The Congressional Budget Act explicitly prohibits the offering of nongermaine amendments to a reconciliation bill. If a Senator felt that the Energy Committee's reconciliation bill opening the refuge did not go far enough to regulate environmental impacts associated with Arctic drilling, or to promote alternative energy in light of Arctic drilling, the Senator may not be able to offer amendments on the floor to improve the bill.

Such amendments, which might improve the bill from an environmental standpoint, might well be considered extraneous because they do not raise revenue. I would caution all Members of the Senate who have committed to support Arctic drilling only in certain cases, or only if certain other legislative or regulatory actions take place, to think seriously about whether reconciliation serves their interests and their constituents' interests.

Finally, I oppose using reconciliation because I believe it is being used to limit consideration of a controversial issue. The American people have strongly held views on drilling in the refuge, and they want to know that the Senate is working to pass legislation to manage the area appropriately in a forthright and open process.

That will not be achieved if reconciliation instruction on the Arctic Refuge is included in the resolution before us. I urge support for the amendment of the Senator from California, Mrs. BOXER.

Ms. COLLINS. Mr. President, I rise today to express my opposition to the

inclusion of provisions in the fiscal year 2004 budget resolution that would provide for oil drilling in the Arctic National Wildlife Refuge.

The United States critically needs to reduce its dependence on foreign oil. Some believe we can drill our way to energy independence. That is simply not the case.

If we were today to start drilling in ANWR, our largest remaining domestic oil reserve, we would do almost nothing to decrease our reliance on foreign oil. It is a cold, hard fact: the United States uses about 25 percent of the world's oil, but only possesses 3 percent of the world's known oil reserves.

The Department of Energy has projected that if current trends continue, we will need an additional 5 million barrels of oil per day by 2020. Even under the most optimistic scenarios, ANWR could supply only a small fraction of that amount.

The alternative is to increase energy efficiency and develop alternative technologies. Simply increasing fuel economy standards for automobiles would do far more to reduce our imports of foreign oil than would drilling in the Arctic. Not only that, but it would also save Americans billions of dollars.

Protecting the Arctic National Wildlife Refuge is the right thing to do for the environment. Along with increased fuel efficiency and renewable energy production, protecting the Arctic is also the right thing to do for the economy and for America's energy security. Most important, it is the right thing to do for future generations.

I call on my colleagues to join me in support of removing provisions from the fiscal year 2004 budget resolution that would open ANWR to oil drilling.

Mrs. FEINSTEIN. Mr. President, I rise in support of Senator BOXER's amendment to strike the budget resolution provision opening the Arctic National Wildlife Refuge to oil drilling.

To begin, I do not believe that the ANWR provision should be attached to a budget resolution. ANWR is a prominent national issue, arousing the passions of people of both sides. Regardless of one's view on the issue, the question of whether to open the refuge to drilling warrants an independent debate on the floor of the U.S. Senate.

We must also remember that a majority of Americans—55 percent according to the latest poll—oppose drilling in the refuge. We should not use backdoor techniques to sneak a drilling provision through on a technicality.

The budget bill is simply not the appropriate forum for the Arctic Refuge debate.

As a member of the Energy Committee, I believe the ANWR debate is better addressed in the context of an energy bill.

Now to discuss the provision itself. Proponents of drilling claim that drilling in ANWR will free us from our dependence on oil from the Middle East. This is simply not the case.

The bottom line is that, according to estimates from the United States Geological Survey, the Arctic Refuge would yield only about 6 months' worth of oil.

Facts are, we would have to get the oil over a longer period but would still receive less than a million barrels of oil per day even at peak production.

Furthermore, the oil would not flow for at least 10 years and would do nothing for our current national security situation.

Even the Energy Information Administration, the most optimistic forecaster of ANWR's oil potential, estimates that drilling in ANWR would reduce our oil imports by only 2 percent by 2020. And for a reduction of 2 percent, we would damage a national treasure.

Proponents of drilling would also have us believe that we can drill in ANWR without significant environmental cost. However, as the recent report by the National Academies shows us, even with the newest technologies, oil exploration and development harm the North Slope's Wildlife, ecosystems, and wilderness qualities.

The report tells us that the effects of previous development on the North Slope will remain for centuries, and we know that the oil is a short term supply.

To quote the report, we face an essential trade-off in assessing ''whether the benefits derived from oil and gas activities justify acceptance of the inevitable accumulated undesirable effects'' that accompany development on the North Slope. My answer to this question is a resounding no, the small benefits are simply not worth the costs.

Development's effects on wildlife warrant more discussion. According to the National Academies' report, oil exploration and development has negatively affected—and will continue to affect—caribou and bowhead whales.

In some developed areas, feeding on garbage has caused population explosions of predators and the local populations of nesting birds can no longer support themselves without immigration from undeveloped areas.

As more and more of the North Slope falls prey to oil development, one has to wonder from where the additional birds will come.

Therefore, while I agree that we are too dependent on foreign oil, and need to reduce that dependence, drilling for oil in the Arctic National Wildlife Refuge is simply not the answer. Drilling would not give us energy security and would carry huge environmental costs.

Reducing oil consumption and increasing Corporate Average Fuel Economy, or CAFE standards, is the better route to energy security.

In contrast to a small, temporary supply available far in the future and including serious environmental consequences, simply raising average fuel economy standards for sport utility vehicles could save us more than a million barrels per day by 2020.

The savings from increasing efficiency would begin sooner than oil from ANWR and, unlike oil from ANWR, the savings would not run out. Raising CAFE standards for all vehicles would save even more oil.

I would like to focus on energy security for a moment. If we truly want to increase our energy independence, it is vital that we understand why we are now so dependent on foreign oil.

The United States contains only 2 percent of the world's oil reserves and only 4 percent of the world population. And yet we consume 25 percent of the oil produced worldwide.

Almost two-thirds of that oil goes to fuel the transportation sector.

Given our current level of consumption in relation to our domestic reserves, it is clear that modest increases in domestic production—as from ANWR—will not solve our energy problems.

Reducing consumption is the key to increasing America's energy security.

Our system of fuel economy standards needs updating. When CAFE standards were created in 1975, the U.S. consumed about 16 million barrels of oil per day and imported a little more than a third of that oil. Today, American consumes about 19 million barrels each day but we now import more than half of that oil.

When fuel economy standards were first implemented, a lower standard was created for light trucks because they were not considered passenger vehicles. At the time, light duty trucks made up a small percentage of vehicles on the road and were primarily used for agriculture and commerce, not as passenger vehicles.

Today, however, SUVs are predominantly passenger vehicles and yet they are still held to a lower fuel economy standard than other cars.

The fuel economy standard for other passenger automobiles has remained constant at 27.5 miles per gallon since 1990, while the standard for SUVs and light trucks has been just 20.7 miles per gallon since 1991. This lower standard is called the ''SUV loophole.''

When there were few SUVs and light trucks on our roads, the SUV loophole did not affect our national oil consumption. However, with SUVs and light duty trucks now making up almost half of all new vehicles sold, overall fuel economy has reached its lowest level in two decades. We have been moving backwards.

Senator Snowe and I have introduced a bill which would require SUVs and light duty trucks, which are used as passenger vehicles, to meet the same fuel economy standards as other passenger vehicles by 2011.

According to the National Academy of Sciences, automakers can meet the higher standard with existing technologies.

The Feinstein-Snowe bill would save 1 million barrels of oil a day, more than we can expect to recover from ANWR, and, again, these benefits would not run out.

Our legislation would increase SUV fuel economy, reduce oil consumption,

and increase energy security. But just closing the SUV loophole is not enough.

The Feinstein-Snowe legislation would also increase the average fuel economy of the Federal Government's fleet of vehicles. With Federal vehicles comprising about one percent of all vehicles sold in the U.S. each year, the Federal Government should set an example and reduce the Federal fleet's fuel consumption.

Increasing fuel economy includes additional benefits. First, increased efficiency will protect consumers from higher gasoline costs. Our bill would save American motorists billions of dollars per year at the pump.

Second, the Feinstein-Snowe bill would fight global warming by preventing about 240 million tons of carbon dioxide from entering the atmosphere each year.

Still, we should also go beyond the Feinstein-Snowe legislation and increase average fuel economy standards for all cars.

Raising average fuel economy standards to 39 miles per gallon, an achievable goal, would save 51 billion barrels of oil over the next 50 years, 5 to 10 times more than what is technically recoverable from ANWR.

So if this were really a debate on our dependence on foreign oil, we would already have passed legislation to improve fuel economy standards.

Drilling in ANWR, on the other hand, would not significantly increase our energy security and would not fight climate change. Because the price of oil is set on the world market and the quantity of oil in ANWR would not affect the world price, drilling in ANWR also would not save consumers any money.

To sum up, drilling in ANWR is simply not worth the price. The Arctic National Wildlife Refuge is a crown jewel of the National Wildlife Refuge system.

ANWR is the only conservation unit in the U.S. encompassing a complete range of arctic ecosystems, and the coastal plain provides essential habitat for many species.

The coastal plain, which proponents of drilling paint as small and insignificant, is the ecological heart of the refuge, the center of wildlife activity, and the calving area of the porcupine caribou herd.

Proponents of drilling would have us risk all of this for a small amount of oil that would not even begin to flow for 10 years and would barely reduce our dependence on foreign oil.

The National Academies' report shows us that we should not consider the drilling provision in isolation. We must consider both the role of the coastal plain in the overall refuge and the cumulative effects of development in surrounding areas.

ANWR is a crucial part of the larger landscape and is now the only sliver of the North Slope coastal plain that the administration is not opening to leasing.

In short, the refuge's coastal plain is too precious, and contains too little oil, for us to allow drilling to take place.

Although the National Academies' report is silent regarding ANWR policy, the chairman of the committee, Dr. Gordon Orians, has said that he hopes the report will inform the debate. The committee's findings should inform our decision. The price of drilling is simply too high.

Future generations will thank us for our foresight in protecting the ANWR coastal plain and its wildlife. They will thank us for finding other avenues to increased energy security.

Ms. MIKULSKI. Mr. President, I rise in support of a patriotic pause amendment to the budget resolution.

America stands on the brink of war. Yet this budget resolution ignores the war and ignores the costs of war. We need to take a patriotic pause and not proceed with huge permanent tax breaks when we don't yet know the cost of this war—or the costs that come after the war, in the rebuilding of Iraq.

This budget resolution calls for a $1.4 trillion tax cut. These are permanent tax breaks that would add to the structural deficit even without war. The patriotic pause amendment states that before we consider tax cuts, we need to ensure the Federal budget addresses our very real national security needs. That means the cost of deploying our troops; the cost of fighting the war; the cost of keeping troops in the region afterward and the cost of rebuilding Iraq.

The budget must also provide for the continuing war on terrorism. It must cover the costs of other conflicts and potential conflicts, such as standing sentry on North Korea. The budget must ensure that we can help our troops and their families face the hardships of deployment. And it must meet the costs of homeland security—and hometown security.

I supported a multilateral approach to confronting Iraq—to enable the world to share the costs and the burden. I believe that because Saddam Hussein is a danger to the world the world should share the burden of defanging him. America must redouble our diplomatic efforts to broaden the coalition of the willing. That means returning to the U.N. to share the costs of the war and the costs of rebuilding Iraq.

In the meantime, the administration must consider the costs of this war. The former White House economic adviser, Lawrence Lindsay, estimated that the war in Iraq could cost $100 to $200 billion. The fact that some of these costs may be hard to predict does not excuse assuming they won't cost anything at all. One thing we know for sure is that the cost is not zero. We must ensure that our national security needs are covered before considering tax cuts. We need to think about national security—and economic security.

I urge my colleagues to join me in supporting a patriotic pause in the budget process.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 30, 2001 in Grand Forks, ND. A 26 year-old man attacked and punched a Saudi Arabian student unconscious in a local bar. The assailant later explained to police that he feared the student might be in Grand Forks training for a future terrorist attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

GIDEON v. WAINWRIGHT

Mr. LEAHY. Mr. President, today marks the 40th anniversary of the Supreme Court's Gideon v. Wainwright decision, which held that all people facing serious criminal charges are entitled to a lawyer, whether they can afford one or not. The anniversary of this watershed moment in American law should be a cause for celebration. Sadly it is not.

Forty years after the Supreme Court ruled that a fair trial requires the right to counsel, people in courtrooms across the country are represented by attorneys who do not have the time, training, or tools to do their jobs. The unfortunate fact is that in some parts of the country, it is better to be rich and guilty than poor and innocent, because the rich will get their competent counsel, but those who are not rich often find their lives placed in the hands of underpaid court-appointed lawyers who are inexperienced, inept, uninterested, or worse.

Just 2 years ago, the Department of Justice declared that public defense in the United States is in a ''chronic state of crisis.'' Around the country there are alarming statistics about the many flaws that continue to plague the

criminal justice system. For example, according to the National Legal Aid and Defender Association: In Wisconsin, more than 11,000 people go unrepresented annually because anyone with an annual income of more than $3,000 is deemed able to afford a lawyer. In Bucks County, PA, the public defender office handled 4,173 cases in 1980. In 2000, with the same number of attorneys, the office handled an estimated 8,000 cases. In Lake Charles, LA, the public defender office has only two investigators for the 2,550 new felony cases and 4,000 new misdemeanor cases assigned to the office each year. Indigent clients in Lake Charles typically meet their public defender for the first time an average of 281 days—more than 9 months—after their arrest. In Virginia, a juvenile charged with a felony who cannot afford a lawyer gets an attorney who is paid for the equivalent of only 90 minutes of work because of the $112 per-case fee cap.

The crisis in public defense is not limited to misdemeanor and minor felony cases. I have spoken many times over the past 3 years about the shameful but all too common spectacle of underpaid, underfunded, and incompetent counsel in capital cases.

When people in this country are put on trial for their lives, they deserve to be defended by lawyers who meet reasonable standards of competence, and who have sufficient resources to investigate the facts and prepare thoroughly for trial. As citizens, we expect that of our prosecutors. We ought to expect the same thing of our defense attorneys. Yet in these most important cases, where life or death hangs in the balance, defendants have been represented by sleeping lawyers, drunk lawyers, lawyers under the influence of drugs, lawyers who do not meet or even speak with their client until the eve of trial, and lawyers who refer to their own client with racial slurs.

Part of the problem, I think, lies with some State court judges who do not appear to expect much of anything from criminal defense attorneys, even when they are representing people who are on trial for their lives. Good judges, like good prosecutors, want competent lawyering for both sides. But some judges run for reelection touting the number and speed of death sentences they have handed down. For them, the adversarial system is a hindrance.

The problem of low standards is not confined to elected state judges. Last year, the U.S. Supreme Court held that it was OK for the defendant in a capital murder trial to be represented by the same lawyer who represented the murder victim. Two years ago, a Federal appeals court struggled with the question whether a defense lawyer who slept through most of his client's capital murder trial provided effective assistance of counsel. Fortunately, a majority of the court eventually came to the sensible conclusion that ''unconscious counsel equates to no counsel at all.''

If Gideon is to have any meaning in the 21st century, the courts must start demanding more of defense lawyers than that they simply show up for the trial and remain awake. At the same time, the people's representatives in the State legislatures and here in Congress must also do their part.

For 3 years, I have been working with colleagues on both sides of the aisle to pass the Innocence Protection Act, a basic, commonsense package of criminal justice reforms. This bill would help make good on Gideon's promise of equal justice in the small but consequential set of cases in which the accused faces a possible death sentence. More specifically, the bill would help States create the systems and pay the price for qualified attorneys in capital cases.

Last year, the Innocence Protection Act won the support of a bipartisan majority of the Senate Judiciary Committee, and more than half the entire House of Representatives. This year, my cosponsors and I are committed to getting the bill signed into law.

The anniversary of Gideon is a time to reflect on how far we have come, and how far we have to go, in ensuring equal justice for all Americans. The United States must do better to protect the rights of its citizens and provide qualified defense counsel to the poor and disadvantaged. It should not take another 40 years to deliver on this basic constitutional guarantee.

SUPPORT FOR A MISSILE DEFENSE SYSTEM

Mr. KYL. Mr. President, I would like to submit for the RECORD a recent resolution passed by the Arizona State Legislature declaring its support for a missile defense system. I commend the sponsors and supporters of this resolution for their recognition of the need for the United States to end its vulnerability to a ballistic missile attack by developing and deploying a missile defense system as soon as possible.

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

HOUSE CONCURRENT RESOLUTION 2027

Whereas, the people of the State of Arizona view with growing concern the proliferation of nuclear, chemical and biological weapons of mass destruction and the missile delivery capabilities of these weapons in the hands of unstable foreign regimes; and

Whereas, the tragedy of September 11, 2001 shows that America is vulnerable to attack by foreign enemies; and

Whereas, the people of the State of Arizona wish to affirm their support of the United States government in taking all actions necessary to protect the people of America and future generations from attacks by missiles capable of causing mass destruction and loss of American lives: Therefore be it

Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. That the Members of the Legislature support the President of the United States in directing the considerable scientific and technological capabilities of this nation and in taking all actions necessary to protect the states and their citizens, our allies and our armed forces abroad from the threat of missile attack.

2. That the Members of the Legislature convey to the President and Congress of the United States that a coast-to-coast, effective missile defense system will require the deployment of a robust, multi-layered architecture consisting of integrated land-based, sea-based and space-based capabilities to deter evolving future threats from missiles as weapons of mass destruction and to meet and destroy them when necessary.

3. That the Members of the Legislature appeal to the President and Congress of the United States to plan and fund a missile defense system beyond 2005 that would consolidate technological advancement and expansion from current limited applications.

4. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

SENATE CONCURRENT RESOLUTION 1021

Whereas, the people of the State of Arizona view with growing concern the proliferation of nuclear, chemical and biological weapons of mass destruction and the missile delivery capabilities of these weapons in the hands of unstable foreign regimes; and

Whereas, the tragedy of September 11, 2001 shows that America is vulnerable to attack by foreign enemies; and

Whereas, the people of the State of Arizona wish to affirm their support of the United States government in taking all actions necessary to protect the people of America and future generations from attacks by missiles capable of causing mass destruction and loss of American lives: Therefore, be it

Resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the Members of the Legislature support the President of the United States in directing the considerable scientific and technological capabilities of this nation and in taking all actions necessary to protect the states and their citizens, our allies and our armed forces abroad from the threat of missile attack.

2. That the Members of the Legislature convey to the President and Congress of the United States that a coast-to-coast, effective missile defense system will require the deployment of a robust, multi-layered architecture consisting of integrated land-based, sea-based and space-based capabilities to deter evolving future threats from missiles as weapons of mass destruction and to meet and destroy them when necessary.

3. That the Members of the Legislature appeal to the President and Congress of the United States to plan and fund a missile defense system beyond 2005 that would consolidate technological advancement and expansion from current limited applications.

4. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

FEDERAL EXECUTION OF LOUIS JONES, JR.

Mr. FEINGOLD. Mr. President, I want to take a moment to comment on the execution of Louis Jones, Jr., earlier today by the Federal Government.

Louis Jones was a highly decorated 22-year Army veteran, including service to our nation as an Army Ranger.

He rose through the ranks to reach the top of enlisted personnel and retired with an honorable discharge in 1993 as a Master Sergeant. After serving on active duty in the Persian Gulf during Operation Desert Storm/Desert Shield, Mr. Jones returned to the United States and began experiencing symptoms consistent with gulf war syndrome. He exhibited personality and behavior changes, including increased hostility, aggression, and a tendency to fixate irrationally.

In 1995, in a Federal district court in Texas, Louis Jones, Jr., an African-American, was convicted and sentenced to death for the kidnaping and murder of an airwoman at Goodfellow Air Force Base in Lubbock, TX. There is no question that Mr. Jones committed this horrific crime. Mr. Jones did not dispute his guilt. But what Mr. Jones requested, and what I believed he should have had, was further examination of his medical condition and its potential role in the crime he committed.

Evidence of his brain damage was not available at his trial, as scientific research about the effects of exposure to toxins during the gulf war was still in its early stages. Since his trial, however, extensive research on gulf war syndrome and its symptoms has revealed brain damage as one possible result of exposure to toxins during the gulf war. Dr. Robert Haley, one of the Nation's most renowned researchers and experts on gulf war syndrome, has now concluded that Mr. Jones's symptoms were consistent with those of a subset of gulf war syndrome patients who were exposed to particularly toxic chemical agents during the gulf war. Had the jury known of Mr. Jones mental condition and that his condition was the result of service in the gulf war, it is very possible that the jury would have returned a sentence other than death.

It is unconscionable that the Federal Government would execute a gulf war veteran who displayed the symptoms of gulf war syndrome at the time of the crime, but was denied a fair opportunity to use this evidence to argue for a sentence other than death. On the eve of war, and especially on the eve of another war in the Persian Gulf region where more than 200,000 brave American men and women are prepared to make the ultimate sacrifice for their nation, President Bush could have taken a small step for fairness and justice. He could have stayed the execution to allow further medical testing and examination.

I believe that President Bush should have done more. He should not have gone forward with this execution in the face of increasing concerns about the fairness of the Federal death penalty system.

Today, more than 2 years after the U.S. Department of Justice released a survey showing geographic and racial disparities in the Federal death penalty system, we still do not have an explanation of why who lives and who dies in the Federal system appears to relate to the color of the defendant's skin or the region of the country where the defendant is prosecuted. Attorney General Janet Reno was so disturbed by the results of this survey that she ordered a further, in-depth study of the results. Attorney General John Ashcroft pledged to continue that study, but we still await the results.

And while we await the results of this study, we have also learned that the Justice Department appears to be seeking the death penalty more aggressively in Federal cases. Attorney General Ashcroft appears to be pursuing consistency in the application of the Federal death penalty nationwide by seeking it more aggressively in jurisdictions where Federal prosecutors have infrequently requested authorization from the Attorney General to seek the death penalty. In other words, he seems intent on making the Federal system replicative of States that aggressively pursue the death penalty States like Texas, which this week is scheduled to execute its 300th inmate in the modern death penalty era.

I am very concerned that the Attorney General's apparent determination to increase death penalty prosecutions, including sometimes overriding decisions of local prosecutors, increases the risk that the Federal Government could execute an innocent person. Former Federal prosecutors have said that ''they need to take every last precaution to avoid the risk of condemning an innocent person to death.'' Last week I sent a letter to Attorney General Ashcroft expressing my grave concern about these issues and asking him to answer several questions about the Justice Department's decision-making process in death-eligible cases.

There is no punishment in our criminal justice system more worthy of careful review and absolute certainty before we carry it out than capital punishment. Each time the Federal Government carries out the ultimate punishment while so many questions remain unanswered, it erodes confidence in the justice system. The case of Louis Jones, Jr., is no exception. His case is plagued by particularly troubling circumstances that also cast doubt on the fairness of the Federal death penalty system. The existing cracks in our Federal death penalty system seem to be widening, and new ones are appearing, further weakening the foundation of our justice system.

Today, with the execution of Mr. Jones, our Federal criminal justice system has taken a step backward. Our goals of fairness and equal justice under law were not met, and the American people's reason for confidence in our Federal criminal justice system was diminished.

I urge my colleagues to support a temporary freeze on executions to allow a thorough, nationwide review of the fairness of the administration of the death penalty. I urge my colleagues to support the National Death Penalty Moratorium Act.

I ask unanimous consent to print a copy of the above-referenced letter in the RECORD.

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

U.S. SENATE,
Washington, DC, March 14, 2003.

Hon. JOHN D. ASHCROFT,
Attorney General of the United States,
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL ASHCROFT: I write to inquire about the decision-making process for determining whether to seek the death penalty in federal capital-eligible cases.

I am concerned about the fairness of the decision-making process, after reading recent news report that indicate you have overridden the recommendation of local federal prosecutors in at least 28 federal death-eligible cases. You appear to be pursuing consistency in the application of the federal death penalty nationwide by seeking it more aggressively in jurisdictions where federal prosecutors have infrequently requested authorization from the Attorney General to seek the death penalty. In other words, you seem intent on making the federal system replicative of states that aggressively pursue the death penalty—states like Texas, which next week is scheduled to execute its 300th inmate in the modern death penalty era.

I am concerned that your apparent determination to increase death penalty prosecutions, including sometimes overriding decisions of local prosecutors, increases the risk that the federal government could execute an innocent person. Former federal prosecutors have said that ''they need to take every last precaution to avoid the risk of condemning an innocent person to death.'' See ''In Brooklyn Murder Case, Doubts on Identification,'' New York Times, Feb. 12, 2003. While you and I may disagree on the fundamental question of whether the federal government should be authorized to use capital punishment, I hope that we can agree that the Constitution and the integrity of our criminal justice system require the fair administration of the death penalty and that only the guilty are convicted.

I join in Senator LEAHY's request in a letter to you dated February 7, 2003, for the following information about the capital case review and decision-making process:

(1) (A) What is the process by which the Department decides whether to accept a U.S. Attorney's recommendation that the death penalty should or should not be sought in a particular case? (B) To what extent are the U.S. Attorney's recommendations afforded deference? (C) In cases in which the death penalty has been sought, does the Department follow the same process and afford the same level of deference in deciding whether to approve a plea or cooperation agreement that requires withdrawal of the notice of intention to seek the death penalty?

(2) (A) Since you became Attorney General in February 2001, how many capital-eligible cases have been submitted to the Department for review? (B) In how many cases has the Department rejected a U.S. Attorney's recommendation not to seek the death penalty, and in what States? (C) In how many cases has the Department rejected a U.S. Attorney's recommendation to seek the death penalty, and in what States? (D) In how many cases in which the death penalty was sought has the Department authorized the U.S. Attorney to enter into a plea or cooperation agreement that requires withdrawal of the notice of intention to seek the death penalty? (E) In how many cases in

which the death penalty was sought has the Department overridden the judgment of local federal prosecutors and rejected a plea or cooperation agreement that requires withdrawal of the notice of intention to seek the death penalty?

In addition, I request that you provide responses to the following questions:

(a) (A) Since you became Attorney General in February 2001, in how many cases and in which federal districts have you directed the federal prosecutor to seek the death penalty, even though both the U.S. Attorney and the Capital Case Review Committee made recommendations to decline seeking the death penalty? (B) In how many cases and in which federal districts have you directed the U.S. Attorney to seek the death penalty, where the U.S. Attorney recommended against seeking the death penalty and the Capital Case Review Committee recommended in favor of seeking the death penalty? (C) In how many cases and in which federal districts have you directed the U.S. Attorney to seek the death penalty, where the U.S. Attorney recommended in favor of seeking the death penalty and the Capital Case Review Committee recommended against seeking the death penalty? I note that the Department provided similar information as part of its 2000 survey of the federal death penalty system, and I request that the Department compile this information again and provide it to me. See the Federal Death Penalty System: A Statistical Survey (1988–2000), U.S. Dept. of Justice (Sept. 12, 2000).

(4) ''The Attorney General will, of course, retain legal authority as head of the Justice Department to determine in an exceptional case that the death penalty is an appropriate punishment, notwithstanding the United States Attorney's view that it should not be pursued.'' The Federal Death Penalty System: Supplementary Data, Analysis and Revised Protocols for Capital Case Review, U.S. Dept. of Justice (June 6, 2001), p. 27 (emphasis added). I understand that, as of March 11, 2003, 30 of your 67 death penalty approvals have apparently been such ''exceptional cases.'' (A) How do you account for this amazingly high proportion of cases in which you have forged ahead to seek death despite your own prosecutors' recommendations to the contrary? (B) In how many cases, in which federal districts, and under what circumstances, have you concluded that the case was ''exceptional'' and exercised your authority to direct U.S. Attorneys to seek the death penalty?

(5) In June 2001, you revised the ''death penalty protocols,'' U.S. Attorneys Manual §9–10.000, et seq., by changing the definition of ''substantial federal interest'' so as to remove an earlier provision that forbade the Department from relying on the fact that a state has chosen through democratic means not to impose capital punishment. U.S.A.M. §9–10.070. (A) In how many cases and in which federal districts, have you directed U.S. Attorneys to seek the death penalty where the death penalty would be unavailable in a state prosecution? (B) For each of these cases, please state whether the U.S. Attorneys, the Capital Case Review Committee, or you accorded any weight to the unavailability of the death penalty under state law as a reason favoring federal prosecution, or federal pursuit of the death penalty.

(6) The June 2001 revisions to the ''death penalty protocols'' included adding a provision under which proposed plea bargains in death-eligible cases must be approved by you rather than by the U.S. Attorney. U.S.A.M. §9–10.100. You enacted this modification in an attempt to address the concern that white defendants fare better in the plea bargaining process and are almost twice as likely as African American defendants to enter into plea bargains, thus saving them from a death sentence. (A) In how many cases and in which federal districts, have you denied requests to approve plea bargains, after you have authorized the U.S. Attorney to seek the death penalty? (B) In how many cases and in which federal districts, have you granted requests for such approval? (C) With respect to each of these cases, please provide data on the race and ethnicity of the defendants. (D) With respect to each of the above cases, how many of the proposed plea bargains included a provision requiring the defendant to provide cooperation to the government?

(7) Concern that racial and geographic disparities exist continue to plague the federal death penalty systems. *See. e.g.,* ''Death Penalty Cases Raise Race Questions,'' New York Times, Feb. 13, 2003. In releasing the 2000 survey, then-Attorney General Reno directed the National Institute of Justice to fund research about the use of the federal death penalty. At your confirmation hearing in January 2001, and again in testimony by Deputy Attorney General Larry Thompson before the Senate Judiciary Subcommittee on the Constitution in June 2001, you and the Department expressed your commitment to pursuing such research. (A) Please provide an update as to the status of that research project, including a description of who is conducting the research and when it is expected to be completed.

(B) In your letter to me dated July 25, 2001, and the Department's responses to my written questions following the June 2001 Constitution Subcommittee hearing, you agreed to support researchers in gaining access to the data they will need to conduct this study and expressed your intention to issue guidance to all U.S. Attorneys to cooperate with the researchers, consistent with privacy and sensitive law enforcement issues and grand jury secrecy rules. What instructions have you provided to U.S. Attorneys or Department employees about granting the researchers access to information regarding the investigation and prosecution of potential capital cases? Please provide me with copies of all instructions or guidance you have issued to U.S. Attorneys and Department employees about this issue.

(8) ''U.S. Attorneys will be required to submit information, including racial and ethnic data, about potential capital cases, as well as those in which a capital offense is actually being charged.'' The Federal Death Penalty System: Supplementary Data, Analysis and Revised protocols for Capital Case Review, U.S. Dept. of Justice (June 6, 2001), p. 4. Specifically, the Department has stated that ''more complete racial and ethnic data'' should be made ''available for both actual and potential federal capital cases on a continuing bases.'' Id. I am pleased that the Department recognizes that there is a need for public disclosure of information about the use of the federal death penalty on a regular basis. I therefore request that the Department publish data on the federal death penalty system that updates the data contained in the survey published by the Department in September 2000, The Federal Death Penalty System: A Statistical Survey (1988–2000), in as complete a form as the 2000 survey. Please let me know the time frame for when this updated survey will be made available.

I look forward to your response.

Sincerely,

RUSSELL D. FEINGOLD,
United States Senator.

PASSING OF PRIVATE FIRST CLASS STRYDER STOUTENBURG

Mr. BAUCUS. Mr. President, I rise today to honor a young man from Missoula, MT, who was killed when the Army helicopter he was riding in crashed in the remote woods of New York State during a training exercise. PFC Stoutenburg was among the 11 people in his 13-person unit killed in the Black Hawk crash. PFC Stoutenburg was only 18 years old.

Like his fellow men and women in uniform, PFC Stoutenburg dedicated his life to defending our country and upholding the principles it was founded upon. As a member of the 10th Mountain Division based at Fort Drum, NY, he trained not only to defend the United States against aggressors but also to uphold our country's greatest values—freedom, liberty, equality, and democracy.

PFC Stoutenburg's sacrifices for his State and country make all of us proud to be Montanans and Americans. He truly did his part to hold the bright torch during the dark night that will guide the way to a brighter day of democracy and stability around the world. His tragic death is a reminder that our freedom is the result of the courageous men and women who everyday face great risk while defending our country.

PFC Stryder Stoutenburg is survived by his mother Jane; maternal grandmother, Joyce Sleep of Dade City, FL; two sisters, Laurel Miller of Middletown, NY, and Joyce Rodriguez of Harrisonburg, VA; and two nieces and two nephews.

ADDITIONAL STATEMENTS

ROY ROWE

• Mrs. LINCOLN. Mr. President, I rise to pay tribute to a true American hero from my State—Mr. Roy Rowe of Mena, AR. In the coming weeks, Mr. Rowe will be awarded a Presidential Unit Citation for his service in the U.S. Army during the Second World War, an honor that is richly deserved.

Roy Rowe was inducted into the U.S. Army in October 1942. Serving in the Pacific theater, Mr. Rowe was assigned to the 96th Infantry Division. Over the course of three months beginning in April 1945, the 96th Division landed on the beaches of Okinawa as part of the greatest concentration of land, sea, and air power ever assembled in the Pacific. The battle for Okinawa was the costliest single battle of the Pacific war for both sides. In terms of U.S. casualties, Okinawa was second only to the Battle of the Bulge. Of U.S. Army personnel, 4,436 were killed in action, and 17,343 were wounded. Of U.S. Marines, 2,793 were killed and 13,434 were wounded. Japanese casualties numbered 107,539 killed in action and 10,755 captured. It was a terrible price to pay for both sides, but the result brought the Allied forces to Japan's doorstep

and helped to precipitate the war's end in August 1945. I should also note that, following the war's end, the United States and Japan entered into a long period of geopolitical alliance, cultural goodwill, and economic partnership, and to this day we count the Japanese people among our closest friends in the world community—a fortunate result stemming from a long and difficult war.

As rifleman, Roy Rowe fought alongside his fellow soldiers to secure Okinawa as a base for launching an attack on Japan. He was awarded numerous decorations for his service, including the Purple Heart, the Asiatic-Pacific Ribbon, the Philippine Liberation Ribbon, the American Theater of Operation Ribbon, and the Silver Star Medal. Mr. Rowe's service ended in October 1945, three years after it had begun. His is a service record that he can be proud of, and we're proud of him for it. Through his service to his country and his willingness to endure great personal sacrifice to defend our freedoms, Roy Rowe represents the most admirable qualities in the American spirit.

In this new century, in these difficult times, when a new generation of young Americans is taking up arms to defend our freedoms against the threats posed by international terrorism and rogue nations, let's remember Roy Rowe's example of courage, patriotism and selflessness. I am honored to pay tribute to him on the floor of the Senate today.●

NCAA TOURNAMENT

● Mr. LEAHY. Mr. President, for the past few days my friends and fellow Senators have repeatedly been asking me one question: What in the world is a catamount? Today I am delighted to answer that question by explaining what a catamount is, what it takes to be a catamount and why it is so fitting that the University of Vermont chose the catamount as its mascot.

On Saturday, March 15, the 2003 University of Vermont men's basketball team defined ''catamount'' for college basketball fans throughout the great State of Vermont and the Nation. These determined young men, from four different countries and nine states, including Vermont, took victory Saturday afternoon against No. 1-seeded Boston University in a close 56-to-55 game, becoming the 2003 American East Conference Men's Basketball Champions and earning themselves a chance to play in the national championship tournament—the ''big dance,'' March Madness—the 2003 NCAA Division I Men's Basketball Championship Tournament. This is the first time the UVM men's basketball team has taken the title and made it to the national tournament in the program's 103-year history.

It is only appropriate that the catamount, a type of cougar known for its athletic ability, including its speed and its ability to jump, is the emblem of these hard-working and talented young men. The catamount was once thought to be extinct from the Green Mountains of Vermont. Like the division title for men's basketball, it had not been seen in Vermont for more than 100 years. But within the last decade, the people of Vermont have started seeing the mountain cat in our beautiful mountains. And it was only a little over a decade ago that the fans of UVM basketball saw the UVM Catamounts come within one game of the division title. One of my former staffers, Bill Bright, played on the team from 1987 to 1991 and was at that game on March 10, 1990. But the title eluded Vermont and Bill Bright.

Last Saturday, the UVM squad proved that catamounts do exist. Their dramatic victory came on a last-second shot by sophomore David Hehn at Boston University's Case Gymnasium. The Burlington Free Press quoted David Hehn after the game as saying: ''For all the guys in this room, this is our dream.'' Vermont was the only team in the Nation this year to win a conference title on their opponent's home court.

Members of my staff, including a senior counsel on the Senate Judiciary Committee and a member of the Catamount's 1981 through 1985 squads, Ed Pagano, gathered last weekend to watch the game on ESPN, and you can be sure we will be watching again Thursday as they play their first game in the NCAA tournament. Many Vermonters, including my good friend Mary Anne Gucciardi—known by many on the UVM squad as Momma Gucc—will be clearing their schedules Thursday to watch history in the making in the first round of the tournament.

Coach Tom Brennan, who is in his 17th season with UVM, led these young men to victory. I have had many conversations with Coach Brennan, both personal and professional. He is the co-host of a popular radio show in Vermont. In a Burlington Free Press interview he said, ''I just kept believing this day would come, I have been treated so wonderfully at Vermont. . . . To be able to give that back and say 'Here, this is for you' it's the most incredible feeling that I've had in a long, long time.''

I find it fitting that the two Vermonters on this year's team were so instrumental in the team's championship run. Sophomore Taylor Coppenrath of West Barnet was given the Reggie Lewis Award for being the America East Player of the Year, and junior Matt Sheftic of Essex Junction won the Kevin Roberson Most Valuable Player Award for his exceptional performance in the America East Tournament.

The conference title means the University of Vermont has secured its first-ever berth in the NCAA Tournament in the competition's 64-year history or, as the Free Press called it, UVM's ''First Dance.'' On Thursday, March 20, they will travel to the University of Utah in Salt Lake City to face the University of Arizona Wildcats. The Wildcats are this year's Pac-10 regular-season champion, and this will be their 19th consecutive NCAA Tournament appearance. Like Ethan Allen and the Green Mountain Boys fighting for our freedom, the Catamounts know the Wildcats are well-groomed for the match, but they are determined to play their best against the goliath Wildcats.

I called Coach Brennan and the team to wish them luck before Saturday's game and again Sunday as they found out who they would be facing in the tournament. The team is excited and energized for their trip to Utah and to face one of the Nation''s top-ranked teams. Coach Brennan says, ''We're going to do the very best we can, we're going to enjoy it.''

I would like to add that the entire State of Vermont is going to enjoy it. And I would like to thank Coach Brennan, the Athletic Department at UVM, our student-athletes and their families for giving so much to the State and to the fans of Catamount Basketball.●

TRIBUTE TO THE STUDENTS OF ST. ALBERT THE GREAT SCHOOL AND JAMIE DIEBEL

● Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to the students of St. Albert the Great School in Louisville, KY.

In September of 2001, 13-year old student Jamie Deibel was diagnosed with leukemia. Jamie was unable to attend school with her classmates all last year since she was frequently in and out of the hospital. Jamie's treatment forced her to lose her hair twice. Even though she will be in treatment until next January, Jamie fortunately feels well enough to attend class at St. Albert's and participate on the volleyball, softball, basketball, and swim teams.

Jamie's friends at St. Albert showed their support for their classmate this week by raising money for the National Childhood Cancer Foundation. In a show of solidarity with Jamie, more than 60 students shaved their heads to donate their hair to Locks of Love. Locks of Love makes wigs for children like Jamie who have lost their hair due to cancer treatments and other reasons. Beauticians from all over Louisville donated their services for this worthwhile cause. Students, teachers, and parents from St. Albert have so far raised over $3,500 and hope to raise at least $5,000 for the National Childhood Cancer Foundation.

I ask that my fellow colleagues join me in honoring Jamie's courage and the gracious efforts of the students from St. Albert to support one of their classmates. I believe we all can learn from St. Albert's example of caring for and serving others. My thoughts and prayers are with Jamie and her classmates.●

COMMENDING THE ROBERT WOOD JOHNSON FOUNDATION

● Mr. CORZINE. Mr. President, today I recognize The Robert Wood Johnson Foundation in Princeton, NJ, which recently awarded its five billionth grant dollar to improve the health and health care of all Americans.

Established in 1972, The Robert Wood Johnson Foundation is the Nation's largest philanthropy devoted exclusively to health and health care. It concentrates its grantmaking in four goal areas: to assure that all Americans have access to quality health care at reasonable cost; to improve the quality of care and support for people with chronic health conditions; to promote healthy communities and lifestyles; and to reduce the personal, social and economic harm caused by substance abuse.

Since its inception, the Foundation has spearheaded a number of important advances in Nation's health. Currently, 97 percent of all emergency management systems, EMS, use 911 as the universal access number for emergencies. This is the result of a program RWJF launched in the early 1970s to start multi-community emergency medical networks in 32 States. Today, Americans benefit from professional, organized, and effective emergency medical care as a result of this program

The foundation has also made significant contributions to the nursing and dental professions. It helped to create the fields of nurse practitioners and physician assistants during the early 1970s as part of its effort to increase health care access in the inner cities and rural areas.

All dental students are now trained to treat patients with disabilities, such as cerebral palsy or seizure disorders, building on a foundation-funded training program. The project, Health Care for the Homeless, became a model that was cited when the federal government passed the McKinney Act in 1987, providing Federal funds to improve access to health care for homeless people throughout the country.

The creation of school based health clinics represents another area where RWJF has had a major impact. The foundation's interest was sparked by reports that American teenagers suffered from deteriorating health. Approximately six million adolescents during the mid-1980s suffered from at least one serious health problem. Five million teenagers did not have health insurance. This was an especially alarming figure considering the increase in drug and alcohol abuse and rise in sexually transmitted diseases among adolescents. During the past 12 years, the Robert Wood Johnson Foundation has helped to establish more than 1,100 health centers in schools.

More recently, the foundation has recognized the need to focus increased attention on promoting healthy communities and lifestyles. For example, the recent grant to push the Foundation over the $5 billion threshold went to the Church Health Center in Memphis, TN, which will use its funds to test a model program designed to help people age 50 and older become more physically active. Physical inactivity is one of the greatest health risks for mid-life and older adults, contributing to illnesses and disabilities such as arthritis, cancer, diabetes, heart disease, and stroke.

There are obviously a number of other noteworthy examples of efforts the Foundation has undertaken—from pediatrics to care at the end of life—which continue to result in important positive health outcomes for our citizens.

It is with great pride that I commend The Robert Wood Johnson Foundation for its ongoing commitment to improving health and health care for all Americans. As we in the Congress face the daunting challenge of addressing a number of health care problems in this country, we must continue to draw on the experience and lessons learned from foundations and their grantees, which truly serve as the guideposts for experimentation and innovation.●

ROSWELL HIGH SCHOOL

● Mr. DOMENICI. Mr. President, I rise to honor the achievements of a New Mexico high school.

Roswell High School has been honored with the esteemed designation of being named one of the top 10 schools in America by the Bill and Melinda Gates Foundation. This great honor is a tribute to the hard work and commitment to excellence demonstrated by the students, parents and families, teachers, staff, and administration of Roswell High School.

In order to qualify for this award, schools must meet very strict criteria. Each school must have both a minority student population and low income rates of 50 percent or higher. In addition, the recipient must have a graduation rate of at least 90 percent with 90 percent of the previous years graduating class attending either a two- or four-year college. I am both honored and privileged to announce that the class of 2001 from Roswell High School had a graduation rate of 96 percent with 90 percent of graduating seniors enrolled in post-secondary education courses. This is truly a laudatory achievement.

Roswell High's students come from many different backgrounds, but they are successful because they have the mind-set that says every student can succeed. They have embraced the differences in their student body, and they have demonstrated that every single student, regardless of background, can and will learn. It takes the dedicated leadership of a good principal, talented teaching corps and engaged parents to achieve this level. The Gates Foundation recognition is a salute to the successful learning environment achieved at Roswell High.

Soon after President Bush took office, he called on Congress to fundamentally change the structure of education, and enact the most sweeping change in education in 35 years. When President Bush signed the No Child Left Behind Act, he began a new era of improved student performance, and introduced us to an educational system that insists on accountability, results, and teacher quality.

Roswell High School has embraced this philosophy and they have taken the lead in their community by insisting on teaching methods that work and taking a stand to get involved and change the expectations we have for our public schools. They deserve to be recognized for their excellence.

One of the most honorable and important duties of government is to educate its children. As our Nation grows, and new generations of leaders emerge, the education they receive early on will reflect in their ability to lead us through tough times, such as the ones currently facing our great country. It is our responsibility to ensure that this new generation is prepared. Their success in the future is a direct reflection on each and every one of us.

Roswell High's student success is also a tribute to this city's long history of a ''can do'' spirit, deriving from the hearty first settlers on the Chisum Trail, to the rocketry breakthroughs of Robert H. Goddard, to the constant striving of its current leaders to build the best American city possible.

I congratulate Roswell High School. Its commitment to excellence is something that every high school in New Mexico and America should strive to attain.●

MESSAGE FROM THE HOUSE

At 12:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 22 U.S.C. 276L, and the order of the House of January, 8, 2003, the Speaker appoints the following Member of the House of Representatives to the British-American Interparliamentary Group: Mr. PETRI of Wisconsin, Chairman.

The message also announced that pursuant to 22 U.S.C. 276d, and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. HOUSTON of New York, Chairman.

The message further announced that pursuant to 22 U.S.C. 276h, and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman.

The message also announced that pursuant to 2 U.S.C. 501(b), and the order of the House of January 8, 2003, the Speaker appoints the following Members of the House of Representatives to the House Commission on Congressional Mailing Standards: Mr. NEY of Ohio, Chairman; Mr. ADERHOLT of Alabama; Mr. SWEENY of New York;

Mr. LARSON of Connecticut; Mr. THOMPSON of Mississippi; and Mr. HOLT of New Jersey.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1612. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Utilities Service Specification for voice Frequency Loading Coils'' received on March 13, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1613. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled ''Licensing and Inspection Requirements for Dealers of Dogs Intended for Hunting, Breeding, or Security Purposes (Doc. No. 99–087–3)'' received on March 13, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1614. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Addition of Regulated Area (Doc. No. 02–129–3)'' received on March 13, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1615. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Reclassification and Codification of Fully Automated Short-Term incubation Cycle Antimicrobial Susceptibility Devices From Class III to Class II (Doc. No. 97P–0313)'' received on March 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1616. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Labeling Requirements for Systemic Antibacterial Drug Products Intended for Human Use (RIN 0910–AB78)'' received on March 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1617. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision to the General Safety Requirements for Biological Products (RIN 0910–AB51)'' received on March 12, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1618. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Ophthalmic Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment (RIN 0910–AA01)'' March 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1619. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on March 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1620. A communication from the Vice-Chairman, Federal Election Commission, transmitting, pursuant to law, the Fiscal Year 2004 Budget Request; to the Committee on Rules and Administration.

EC–1621. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Earned Income Credit (RIN 1545–BA34)'' received on March 12, 2003; to the Committee on Finance.

EC–1622. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''1259 Transition Rule (Rev. Rule 2003–31, 2003–13, I.R.B.)'' received on March 12, 2003; to the Committee on Finance.

EC–1623. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disallowance of Deductions and Credits for Failure to File Timely Return (1545–AY26)'' received on March 12, 2003; to the Committee on Finance.

EC–1624. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interest Rates; underpayments and overpayments'' received on March 12, 2003; to the Committee on Finance.

EC–1625. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 1502; Suspension of Losses on Certain Stock Disposition (RIN 1545–BB95)'' received on March 12, 2003; to the Committee on Finance.

EC–1626. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment of 26 CFR 301.6103(n)–1 to Incorporate Taxpayer Browsing Protection Act (1545–BB13)'' received on March 12, 2003; to the Committee on Finance.

EC–1627. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report entitled ''Operations of Glen Canyon Dam'' received on March 17, 2003; to the Committee on Energy and Natural Resources.

EC–1628. A communication from the Assistant General Counsel, Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulations: Affirmation Procurement Program—Acquisition of Products Containing Recovered Materials (1991–AB47)'' received on March 17, 2003; to the Committee on Energy and Natural Resources.

EC–1629. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Giddings, Texas (MM Doc. NO.99–331)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1630. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, Fm Broadcast Stations (Jasper, Florida and Tigerton, Wisconsin) (MB Docket No. 02–274; RM–10560 and MB Doc. No. 02–275; RM–10561)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1631. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickens, Floydada, Rankin, San Diego and Westbrook, Texas) (MB Docket No. 02–258, RM10500; MB Doc. NO.02–259, RM–10501; MB Docket No. 02–262, RM–10504; MB Docket No. 02–264, RM–10505; and MB Docket No. 02–265, RM–10556)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1632. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Crawfordville, Georgia (MB Doc. 02–225)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Monroe and Luna Pier, Michigan) (MB Doc. No. 02–115)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Murrietta, Arcadia, Fallbrook, Yucca Valley, and Desert Hot Springs, CA) (MM Doc. No. 01–11)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Greenwood, Mississippi, Hyannis, Nebraska, and Wall, South Dakota (MB Doc. Nos. 02–209, 02–210, and 0–211)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Little Rock, AR (MM Docket No. 00–139, RM–9915)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ridgeway and Rangerly, Colorado (MB Doc. No. 02–118)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, La Grange, North Carolina (MB Doc. No. 02–110; RM–10406)'' received on March 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Blanket Texas (MB Doc. 02–351)'' received on March

13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1640. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Satellites Home Viewer Improvement Act of 1999: Application of Network Non-Duplication, Syndicated Exclusivity and Sports Blackout Rules to Satellite Retransmission of Broadcast Signals (CS Doc. No. 00–02, FCC 02–287)'' received on March 17, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1641. A communication from the National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation Regulations; Shrimp Fishery Activities; Amendments to Turtle Excluder (TED) (0648–AN62)'' received on March 17, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1642. A communication from the National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Direct Investment Surveys: BE–12, Benchmark Survey of Foreign Direct Investment in the United States—2002 (0691–AA44)'' received on March 12, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1643. A communication from the National Marine Fisheries Service, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Direct Investment Surveys: BE–605, Transactions of U.S. Affiliate, Except A U.S. Banking Affiliate, With Foreign Parent, and BE–605 Bank, Transactions of U.S. Banking Affiliate With Foreign Parent (0691–AA45)'' received on March 12, 2003; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–68. A petition containing approximately 62,000 signatures forwarded by the Organization For Full Statehood For Puerto Rico; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of March 13, 2003, the following reports of committees were submitted on March 14, 2003:

By Mr. NICKLES, without amendment:

S. Con. Res. 23. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

The following nominations were discharged from the Committee on Rules and Administration pursuant to the order of March 18, 2003:

NOMINATIONS DISCHARGED

Ellen L. Weintraub, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2007.

Michael E. Toner, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2007.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 637. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 638. A bill to repeal the provisions of the September 11th Victim Compensation Fund of 2001 that requires the reduction of a claimant's compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, Ms. CANTWELL, Mr. CORZINE, Mr. WYDEN, Ms. STABENOW, Mr. REED, Mr. SCHUMER, Mrs. BOXER, and Mr. KERRY):

S. 639. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. MIKULSKI, and Mr. DURBIN):

S. 640. A bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. LINCOLN (for herself, Mr. SMITH, and Mr. MILLER):

S. 641. A bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments; to the Committee on Armed Services.

By Mr. BAYH:

S. 642. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 643. A bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mrs. HUTCHISON, Mr. SESSIONS, and Mr. GRASSLEY):

S. 644. A bill to enhance national efforts to investigate, prosecute, and prevent crimes against children by increasing investigatory tools, criminal penalties, and resources and by extending existing laws; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Ms. COLLINS, Mr. REED, Mr. KENNEDY, Mr. LEAHY, Mrs. CLINTON, Mr. SCHUMER, Mr. SARBANES, Mr. BAUCUS, Mr. LIEBERMAN, and Mr. KERRY):

S. 645. A bill to amend the Public Works and Economic Development Act of 1965 5o provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORZINE (for himself, Mr. DASCHLE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. JOHNSON, and Mr. SARBANES):

S. 646. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the Medicare program; to the Committee on Finance.

By Mr. KENNEDY:

S. 647. A bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Mr. ENZI, Mr. JOHNSON, Mr. WARNER, Ms. LANDRIEU, Ms. COLLINS, Mr. INOUYE, and Mr. ROBERTS):

S. 648. A bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 649. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself, Mrs. CLINTON, Mr. GREGG, Mr. DODD, and Mr. KENNEDY):

S. 650. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD:

S. 651. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. GRAHAM of Florida, Mr. DEWINE, Mrs. FEINSTEIN, Mr. WARNER, Ms. CANTWELL, Mrs. CLINTON, Mr. SMITH, Mr. ROCKEFELLER, Mr. BUNNING, Mrs. MURRAY, Mr. KENNEDY, Ms. LANDRIEU, Mr. KERRY, and Mrs. HUTCHISON):

S. 652. A bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. GRAHAM of Florida):

S. 653. A bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. BOND, and Mr. HOLLINGS):

S. 654. A bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

By Mr. BUNNING:

S. 655. A bill to provide for the conveyance of land at Fort Knox, Kentucky, to facilitate the establishment of a State-run cemetery for veterans; to the Committee on Armed Services.

By Mrs. MURRAY:

S.J. Res. 10. A joint resolution authorizing special awards to World War I and World War II veterans of the United States Navy Armed Guard; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. CANTWELL, Mr. CORZINE,

Mr. DAYTON, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Ms. LANDRIEU, Mr. HARKIN, Mr. FEINGOLD, Mr. SARBANES, Ms. MIKULSKI, Mrs. FEINSTEIN, and Mrs. BOXER):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE:

S. Res. 92. A resolution designating September 17, 2003 as ''Constitution Day''; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. FRIST):

S. Res. 93. A resolution commending Jeri Thomson for her service to the United States Senate; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. FRIST):

S. Res. 94. A resolution commending Alfonso C. Lenhardt for his service to the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 13, a bill to provide financial security to family farm and small business owners while by ending the unfair practice of taxing someone at death.

S. 158

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 158, a bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes.

S. 159

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 159, a bill to require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes.

S. 196

At the request of Mr. ALLEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 250

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 250, a bill to address the international HIV/AIDS pandemic.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 289

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 289, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 321

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 321, a bill to provide for the establishment of a scientific basis for new firefighting technology standards, improve coordination among Federal, State, and local fire officials in training for and responding to terrorist attacks and other national emergencies, and for other purposes.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 377

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 377, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 447

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 447, a bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.

S. 470

At the request of Mr. SARBANES, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from Utah (Mr. HATCH), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. SCHUMER), the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KERRY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 504

At the request of Mr. ALEXANDER, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 504, a bill to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

S. 516

At the request of Mr. BUNNING, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 516, a bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 538

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 538, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 544

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 544, a bill to establish a SAFER Firefighter Grant Program.

S. 582

At the request of Mr. BUNNING, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 582, a bill to authorize the Department of Energy to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 598

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 598, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 603

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 603, a bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education.

S. 606

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 606

At the request of Mr. DODD, his name was added as a cosponsor of S. 606, supra.

S. 622

At the request of Mr. GRASSLEY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Missouri (Mr. BOND) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 622, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 634

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 634, a bill to amend the National Trails System Act to direct the Secretary of the Interior to carry out a study on the feasibility of designating the Trail of the Ancients as a national historic trail.

S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 1, A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 6

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 6, A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of Daniel ''Chappie'' James, the Nation's first African-American four-star general.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. Res. 48, A resolution designating April 2003 as ''Financial Literacy for Youth Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 637. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

Mrs. BOXER. Mr. President, today, I am introducing the Health Insurance Tax Relief Act to help our Nation's working families deal with the recent dramatic increases in health care costs. The legislation would allow taxpayers to deduct up to $2000 in out-of-pocket health insurance costs per year.

While this small Federal contribution to assist families with the health care costs they bear will not solve all of the problems in our health care system, it will provide immediate help for working families who have seen health care costs explode. In 2001, the last year for which we have data, the cost of health care for employer sponsored insurance rose 11 percent. To deal with this increase, 75 percent of large employers and 42 percent of small business employers said they were likely to increase employee premium costs.

In addition, according to the Center for Health System Change, employers will likely be raising deductibles and co-payments and perhaps using more coinsurance, where patients pay a percentage of the cost of their care rather than a fixed dollar amount. And, some businesses are dropping health insurance benefits entirely.

This is an issue of fairness. We already provide a tax break for small business owners who provide health insurance, and we also provide one for individuals who are self-employed. But currently there is no provision that allows for employees, who are faced with additional financial responsibility for their premium costs, to take a tax deduction on their out-of-pocket expenses. This legislation rectifies that unfairness and will help families meet rising health care costs.

The need for this legislation is particularly important for employees in small businesses, many of which sought to minimize premium increases by adding or increasing deductibles, copayments and coinsurance. But this shifting of health insurance costs from employers to employees is not limited to small firms. The California Public Employees' Retirement System, CalPERS, the second-largest purchaser of health care after the Federal Government, approved a 25 percent increase in health insurance premiums for 2003. CalPERS provides retirement and health benefit services to more than 1.3 million members and nearly 2,500 employers. These are hard working Americans struggling to make ends meet in a weak economy.

That is why, we should provide some targeted assistance to help families pay for health care. I urge my colleagues to support my legislation.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, Ms. CANTWELL, Mr. CORZINE, Mr. WYDEN, Ms. STABENOW, Mr. REED, Mr. SCHUMER, Mrs. BOXER, and Mr. KERRY):

S. 639. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act. This legislation is in keeping with our Nation's bipartisan commitment to preserve our natural heritage. The preservation of our Nation's vital natural resources will be one of our most important legacies.

Unfortunately, remaining wilderness areas are increasingly threatened and degraded by oil and gas development, mining, claims of rights of way, logging and off-road vehicles. America's Red Rock Wilderness Act will designate 9.1 million acres of land managed by the Bureau of Land Management, BLM, in Utah as wilderness under the Wilderness Act. Wilderness designation will preserve the land's wilderness character, along with the values associated with that wilderness—scenic beauty, solitude, wildlife, geological features, archaeological sites, and other features of scientific, educational, and historical value.

America's Red Rock Wilderness Act will provide wilderness protection for red rock cliffs offering spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

Volunteers took detailed inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet federal wilderness criteria.

The BLM also completed a re-inventory of approximately 6 million acres of Federal land in the same area. The results provide a convincing confirmation that the areas designated for protection under this bill meet Federal wilderness criteria.

For more than twenty years Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. The lands we propose to protect surround and connect eight of Utah's nine national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection.

I'd like to thank all of my colleagues who are original cosponsors of this

measure this year, many of whom have supported the bill since it was first introduced. The original cosponsors of the measure are Senators FEINGOLD, LEAHY, HARKIN, KENNEDY, BAYH, CANTWELL, CORZINE, WYDEN, STABENOW, REED, SCHUMER, BOXER, and KERRY. Additionally, I would like to thank The Utah Wilderness Coalition, which includes The Wilderness Society and Sierra Club; The Southern Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated, ''The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.'' Enactment of this legislation will help us realize Roosevelt's vision. In order to protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

Mr. FEINGOLD. Mr. President, I am very pleased to again join with the Senator from Illinois, Mr. DURBIN, as an original co-sponsor of legislation to designate more than one million acres of Bureau of Land Management, BLM, lands in Utah as wilderness.

I had an opportunity to travel twice to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

I support this legislation, for a few reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the BLM lands of Southern Utah.

Second, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah. Unfortunately, the Senate has not, as we do today, always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. During the 104th Congress, I joined with the former Senator from New Jersey, Mr. Bradley, in opposing that Congress's Omnibus Parks legislation. It contained provisions, which were eventually removed, that many in my home state of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote: ''Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness which is not fully protected. We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.''

I believe that the measure being introduced today will accomplish that goal. Identical in its designations to legislation sponsored in the other body by Rep. MAURICE HINCHEY of New York, it is the culmination of more than 17 years and five Congresses of effort in the other body beginning with the legislative work of our recent deceased colleague, the former Congressman from Utah, Mr. Owens.

The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would co-sponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that ''These are not scenes that you could see in Wisconsin. That's part of what makes them special.'' He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, ''the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas.''

Wisconsinites are watching this test cane closely. I believe, that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the nation is headed with respect to its stewardship of natural resources. For example, some in my home state believe that among federal lands that comprise the Apostle Islands National Lakeshore and the Nicolet and Chequamegon National Forests there are lands that are deserving of wilderness protection. These federal properties are incredibly important, and they mean a great deal to the people of Wisconsin. Wisconsinites want to know that, should additional lands in Wisconsin be brought forward for wilderness designation, the type of protection they expect from federal law is still available to be extended because it had been properly extended to other places of national significance.

What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness insures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Third, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the federal government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans.

Finally, I support this bill because I believe that there will likely be action during this Congress to develop consensus legislation to protect the lands contained in this proposal. We all need to be involved in helping to forge that consensus in order to ensure the best stewardship of that land. As many in this body know, the BLM has completed a review of the lands designated in the bill sponsored in the 106th Congress by the Senator from Illinois, Mr. DURBIN, and adjacent areas. BLM has found that 5.8 million acres of lands, slightly more than the acreage of the old bill, meet the criteria for wilderness protection under the Wilderness Act. While the re-inventory is not a formal recommendation to Congress for wilderness designation, it suggests that there are and should be more lands in play as the debate over wilderness protection in Utah moves forward.

I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

Mr. HARKIN. Mr. President, I am proud to join my colleagues as a cosponsor of the Redrock Wilderness Act. It designates 9.1 million acres of Federal public lands in Utah, managed by

the Bureau of Land Management, as a wilderness area under the 1964 Wilderness Act. Wilderness designation affords lands an extra level of protection—preserving the land in its ''wild'' state for future generations.

I know that citizens all across America, including many in Iowa, have enjoyed the wilderness in Redrock. Or some folks may never have visited that great place and just want it to be protected because it is so precious.

The redrock canyons of Utah are famous, even to many who have never been there. The dramatic cliff walls, sculpted by wind and water into swirling crimson towers have been captured in stunning photographs. Pink sandstone arches stretch across creek beds and gold-toned crevices slice through massive slabs of rock. These are refreshing sights we must save for generations to come.

And we must preserve Redrock for its invaluable wildlife. For example, some of Utah's last healthy populations of longhorn antelope and bighorn and sheep roam this isolated and majestic desert landscape.

Thanks to the Bush administration's rush to turn over public land for energy production, this unspoiled place is now in grave danger. The Interior Department has fast-tracked oil and gas leases and projects, opening the door to habitat destruction, road building, and industrial pollution. These precious lands should not be the target of energy production when we have bountiful sources of renewable energy, including sources from agriculture that can also help farmers and rural communities.

At a time when the administration is willfully neglecting our public lands by rejecting adequate funding for them, proposing oil and gas development in them, and increasing destructive logging practices, we need to protect these areas from such assaults.

Utah's unique Redrock Wilderness area should be designated as wilderness and protected from environmentally destructive activity. I am proud to be a cosponsor of the Redrock Wilderness Act, and urge my colleagues to support this important piece of legislation.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. MIKULSKI, and Mr. DURBIN):

S. 640. A bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes; to the Committee on Governmental Affairs.

Mr. LEAHY. Mr. President, I rise to introduce, with my good friends Senator HATCH, Senator MIKULSKI and Senator DURBIN, the Federal Prosecutors' Retirement Benefit Equity Act of 2003. This bill would correct an inequity that exists under current law, whereby Federal prosecutors receive substantially less favorable retirement benefits than other nearly all other people involved in the Federal criminal justice system. The bill would increase the retirement benefits given to Assistant United States Attorneys by including them as ''law enforcement officers'', LEOs, under the Federal Employees' Retirement System and the Civil Service Retirement System. The bill would also allow the Attorney General to designate other attorneys employed by the Department of Justice who act primarily as criminal prosecutors as LEO's for purposes of receiving these retirement benefits.

The primary reason for granting enhanced retirement benefits to LEOs is the often dangerous work of law enforcement. Currently, Assistant United States Attorneys, AUSAs, and other Federal prosecutors are not eligible for these enhanced benefits, which are enjoyed by the vast majority of other employees in the criminal justice system. This exclusion is unjustified. The relevant provisions of the United States Code dealing with retirement benefits define an LEO as an employee whose duties are, ''primarily the investigation, apprehension, or detention'' of individuals suspected or convicted of violating federal law. See 5 U.S.C. §§ 8331(20) & 8401(17). AUSAs and other federal prosecutors participate in planning investigations, interviewing witnesses both inside and outside of the office setting, debriefing defendants, obtaining warrants, negotiating plea agreements and representing the government at trials and sentencings, all of which fall within the definition of the duties performed by law enforcement officers. Indeed, once a defendant is brought to into the criminal justice system, the person with whom they have the most face-to-face contact, and often in an extremely confrontational environment, is the Federal prosecutor.

Although prosecutors do not personally execute arrests, searches and other physically dangerous activities, LEO status is accorded to many criminal justice employees who do not perform such tasks, such as pretrial services officers and probation officers and accountants, cooks and secretaries of the Bureau of Prisons. Moreover, because they are often the most conspicuous representatives of the government in the criminal justice system, Federal prosecutors are natural targets for threats of reprisals by vengeful criminals. Indeed, there are numerous incidents in which assaults and serious death threats have been made against federal prosecutors, sometimes resulting in significant disruption of their personal and family lives.

Only recently a veteran Federal prosecutor in the Western District of Washington was murdered in his home, and, although the crime remains unsolved, based upon the facts of the case the authorities have referred to the crime as a hit. In addition, I have received many other accounts from Federal prosecutors regarding specific threats to which they and their families have been subjected because of the performance of their duties. Federal prosecutors have written to me that they have been forced to relocate themselves and their families due to death threats; that they have been assaulted; that they and their families have been followed by members of criminal organizations; that have been forced to install security systems at their homes and to change their routes to and from the office to protect their safety and the safety of their families.

As our fight against terrorism continues, Federal prosecutors arel on the front lines once again as the symbols of our criminal justice system, and unfortunately therefore the targets of those who seek its downfall. Among other tasks, the Attorney General has designated AUSA's to play a major role working with police and Federal agents in each judicial district's Anti-Terrorism Task Force. One Federal prosecutor wrote to me stating that shortly after his name was in the local news as heading his district's Anti-Terrorism Task Force and he had spoken to his family about taking suitable precautions, that his young son came into his bedroom one night holding a hockey stick for protection asking about their safety. Thus, Federal prosecutors and their families will deal more than ever with a level of stress and danger that justifies their being treated as LEOs.

Another example of the danger facing Federal prosecutors appeared in the USA Today earlier this month. That article, which I ask unanimous consent to make part of the CONGRESSIONAL RECORD, reports that United States Attorney's will also be asked to play an advisory role in potential hostilities with Iraq. If there was ever an illustration of the importance of granting Federal prosecutors equal retirement status as their other law enforcement partners, this is it.

Enhanced retirement benefits are also justified by the Federal Government's need for experienced prosecutors to bring ever more sophisticated cases under increasingly complex Federal criminal laws. In recent years, we have seen the growth of complex Federal prosecutions to combat the threats posed by organized crime, drug cartels, terrorist groups and other sophisticated criminals. The prosecution of such difficult cases is best handled by experienced prosecutors. It is therefore in the public interest to provide reasonable financial incentives for talented, experienced prosecutors to remain in government service.

This bill would make Assistant United States Attorneys and other Federal prosecutors designated by the Attorney General eligible for immediate, unreduced retirement benefits at age 50 with 20 years of service. For example, prosecutors who are covered by the Civil Service Retirement System would receive 50 percent of the average of their three highest years' salary. At

the same time, it would exempt prosecutors from the mandatory retirement provisions that require other law enforcement officers to retire at age 57. Because the loss of physical strength and agility does not adversely affect a person's ability to function as a prosecutor, there is no reason to mandate early retirement.

Two important features of this bill will contain its costs. First, the bill provides that incumbent Federal prosecutors are themselves responsible for making up the difference in individual contributions owed to the Civil Service Retirement and Disability Fund for their prior service. An incumbent has the choice of making up this difference either by making a payment up front or by accepting a reduction in retirement benefits. Second, government contributions for the prior service of incumbents are made ratably over a ten-year period under this bill. Thus, payments for prior government contributions are spread out to lessen the financial impact. These two provisions will insure that the cost of the bill is kept well within reason.

This bill enjoys broad, grass roots support. When Senator HATCH and I introduced this same bill in the last Congress, I received literally hundreds of letters supporting this bill, sent from over 40 states, District of Columbia and Puerto Rico. The bill also enjoys support in the law enforcement community. The National Association of Assistant United States Attorneys, the Federal Criminal Investigators Association, and the Southern States Police Benevolent Association have all wrote me to voice support for the inclusion of AUSAs in the definition of an LEO. I tried, with Senator HATCH, to include this measure in our Department of Justice Authorization legislation in the last Congress, but the House would not agree to its inclusion in the conference report. I hope that we can work together in both houses to enact the bill in this Congress.

In addition, I know that other Senators, including Senator MIKULSKI, are considering additional measures to expand these same retirement benefits to other Federal employees who perform law enforcement functions, including IRS employees whose primary duty is to collect delinquent taxes. I cosponsored such a measure in the last Congress, and I continue to support and commend her leadership in bringing these matters to the forefront.

For all of these reasons, I am pleased to introduce this legislation with Senators HATCH, MIKULSKI and DURBIN, and I urge its swift enactment into law.

I ask unanimous consent that the text of the bill be printed in the RECORD along with the sectional analysis and the newspaper article to which I referred.

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

S. 640

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Prosecutors Retirement Benefit Equity Act of 2003''.

SEC. 2. INCLUSION OF FEDERAL PROSECUTORS IN THE DEFINITION OF A LAW ENFORCEMENT OFFICER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by striking ''position.'' and inserting ''position and a Federal prosecutor.''.

(2) FEDERAL PROSECUTOR DEFINED.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (27), by striking ''and'' at the end;

(B) in paragraph (28), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(29) 'Federal prosecutor' means—

''(A) an assistant United States attorney under section 542 of title 28; or

''(B) an attorney employed by the Department of Justice and designated by the Attorney General of the United States.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Paragraph (17) of section 8401 of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by adding ''and'' after ''agency;''; and

(C) by adding at the end the following:

''(E) a Federal prosecutor;''.

(2) FEDERAL PROSECUTOR DEFINED.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (33), by striking ''and'' at the end;

(B) in paragraph (34), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(35) 'Federal prosecutor' means—

''(A) an assistant United States attorney under section 542 of title 28; or

''(B) an attorney employed by the Department of Justice and designated by the Attorney General of the United States.''.

(c) TREATMENT UNDER CERTAIN PROVISIONS OF LAW (UNRELATED TO RETIREMENT) TO REMAIN UNCHANGED.—

(1) ORIGINAL APPOINTMENTS.—Subsections (d) and (e) of section 3307 of title 5, United States Code, are amended by adding at the end of each the following: ''The preceding sentence shall not apply in the case of an original appointment of a Federal prosecutor as defined under section 8331(29) or 8401(35).''.

(2) MANDATORY SEPARATION.—Sections 8335(b) and 8425(b) of title 5, United States Code, are amended by adding at the end of each the following: ''The preceding provisions of this subsection shall not apply in the case of a Federal prosecutor as defined under section 8331(29) or 8401(35).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after 120 days after the date of enactment of this Act.

SEC. 3. PROVISIONS RELATING TO INCUMBENTS.

(a) DEFINITIONS.—In this section, the term—

(1) ''Federal prosecutor'' means—

(A) an assistant United States attorney under section 542 of title 28, United States Code; or

(B) an attorney employed by the Department of Justice and designated by the Attorney General of the United States; and

(2) ''incumbent'' means an individual who is serving as a Federal prosecutor on the effective date of this section.

(b) DESIGNATED ATTORNEYS.—If the Attorney General of the United States makes any designation of an attorney to meet the definition under subsection (a)(1)(B) for purposes of being an incumbent under this section,—

(1) such designation shall be made before the effective date of this section; and

(2) the Attorney General shall submit to the Office of Personnel Management before that effective date—

(A) the name of the individual designated; and

(B) the period of service performed by that individual as a Federal prosecutor before that effective date.

(c) NOTICE REQUIREMENT.—Not later than 9 months after the date of enactment of this Act, the Department of Justice shall take measures reasonably designed to provide notice to incumbents on—

(1) their election rights under this Act; and

(2) the effects of making or not making a timely election under this Act.

(d) ELECTION AVAILABLE TO INCUMBENTS.—

(1) IN GENERAL.—An incumbent may elect, for all purposes, to be treated—

(A) in accordance with the amendments made by this Act; or

(B) as if this Act had never been enacted.

(2) FAILURE TO ELECT.—Failure to make a timely election under this subsection shall be treated in the same way as an election under paragraph (1)(A), made on the last day allowable under paragraph (3).

(3) TIME LIMITATION.—An election under this subsection shall not be effective unless the election is made not later than the earlier of—

(A) 120 days after the date on which the notice under subsection (c) is provided; or

(B) the date on which the incumbent involved separates from service.

(e) LIMITED RETROACTIVE EFFECT.—

(1) EFFECT ON RETIREMENT.—In the case of an incumbent who elects (or is deemed to have elected) the option under subsection (d)(1)(A), all service performed by that individual as a Federal prosecutor shall—

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this Act; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of such title, as if the amendments made by this Act had then been in effect.

(2) NO OTHER RETROACTIVE EFFECT.—Nothing in this Act (including the amendments made by this Act) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (d) is made (or is deemed to have been made).

(f) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (d)(1)(A) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by section 2 had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required

under paragraph (1) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) PRIOR SERVICE DEFINED.—For purposes of this section, the term ''prior service'' means, with respect to any individual who makes an election under subsection (d)(1)(A), service performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(g) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—If an incumbent makes an election under subsection (d)(1)(A), the Department of Justice shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under paragraph (2) with respect to such service.

(2) AMOUNT REQUIRED.—The amount the Department of Justice is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (over and above those actually paid) that would have been required if the amendments made by section 2 had then been in effect.

(3) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this subsection on behalf of an incumbent shall be made by the Department of Justice ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in subsection (f)(3).

(h) REGULATIONS.—Except as provided under section 4, the Office of Personnel Management shall prescribe regulations necessary to carry out this Act, including provisions under which any interest due on the amount described under subsection (f) shall be determined.

(i) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act.

SEC. 4. DEPARTMENT OF JUSTICE ADMINISTRATIVE ACTIONS.

(a) DEFINITION.—In this section the term ''Federal prosecutor'' has the meaning given under section 3(a)(1).

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Attorney General of the United States shall—

(A) consult with the Office of Personnel Management on this Act (including the amendments made by this Act); and

(B) promulgate regulations for making designations of Federal prosecutors who are not assistant United States attorneys.

(2) CONTENTS.—Any regulations promulgated under paragraph (1) shall ensure that attorneys designated as Federal prosecutors who are not assistant United States attorneys have routine employee responsibilities that are substantially similar to those of assistant United States attorneys assigned to the litigation of criminal cases, such as the representation of the United States before grand juries and in trials, appeals, and related court proceedings.

(c) DESIGNATIONS.—The designation of any Federal prosecutor who is not an assistant United States attorney for purposes of this Act (including the amendments made by this Act) shall be at the discretion of the Attorney General of the United States.

[From the USA Today]

U.S. ATTORNEYS DISPATCHED TO ADVISE MILITARY

(By Steven Komarow)

KUWAIT CITY.—There could be civilians chained to an Iraqi missile launcher to serve as human shields. Tanks could be parked next to mosques. Chemical weapons plants might also produce medicine.

In a war with Iraq, U.S. commanders could often have an agonizing choice: strike a target and run the risk of killing civilians, and being accused by the rest of the world of committing a war crime, or hold fire and run the risk that Saddam Hussein will still have deadly weapons he can use against U.S. and British troops or neighboring countries.

To help weigh those issues, the Pentagon has dispatched dozens of attorneys to command posts in the region. Their job: help keep the United States legal if President Bush unleashes its fury against Saddam's forces.

Military commanders have long had legal advisers. But more than ever, attorneys are in the teams that choose the strategies, the targets and even the weapons to be used. Lawyers from the Army, Navy, Air Force and Marines will be working around-the-clock to be on hand when targets appear and fast decisions are needed.

With so much of the world skeptical of U.S. intentions, pressure will be high. ''The world expects the United States to do the right thing,'' says Capt. Noah Malgeri, an Army lawyer.

COLLATERAL DAMAGE

Col. Rocco Lamuro, who runs a course on ''targeting law'' at Ramstein Air Base in Germany, say that when air power came of age in World War II, the missions would almost always be planned weeks in advance. There weren't any spy satellites sending ''real-time'' pictures of enemy movements—and thus pushing commanders to make quick decisions on whether to strike. In World War II, there was plenty of time to discuss legalities and debate the potential ''collateral damage,'' the unintentional killing of civilians.

It was also true back then that collateral damage was accepted as an unfortunate but natural part of war. Sixty years ago, ''you might send 100 B–17 (bombers) to try to destroy something that's within an acre,'' Lamuro says. There were no ''smart bombs'' that could zero in on small targets. It was assumed that many bombs would hit ground far from the target. Today, Lamuro says, ''you'd send only one'' bomber or missile, and the weapon would be expected to hit its target.

When missiles do go awry, as happened when the United States accidentally struck the Chinese Embassy in Belgrade in May 1999 or when a bomb dropped on Baghdad hit a shelter and killed 408 civilians in 1991, there is alarm worldwide.

What do U.S. military lawyers—who work in offices of each service's Judge Advocate General (made famous by the CBS–TV show JAG)—use to guide them? The Law of Armed Conflict is a set of rules derived primarily from post-World War II Geneva Conventions. Commanders also must follow U.S. law and the top command's rules of engagement.

The rules are not pie-in-the-sky pronouncements. They reflect how battles are fought. They try to protect innocents but recognize the reality of battle. ''If you're a priest who's running around blessing people on the battlefield, you're OK,'' Lamuro says. ''If you pick up a gun, you'll get shot. You can't use a technicality to shield yourself.''

In most cases, there's little dispute about the legality of clear military targets. A tank on a battlefield is always fair game. A school is not—unless it can be proved that it's used as a military site.

Other cases are less clear, and legal issues aren't the only factors. There is, for instance, the issue of human shields. The 1949 Geneva Convention specifically states that the presence of civilians cannot be used to render a target immune from attack. Just because an enemy has surrounded a weapons depot with civilian volunteers does not make it an illegal target. Even so, Lamuro says, commanders must also worry about ''the CNN test.'' Is the target worth all the loss of innocent life—and the inevitable outcry? Targets such as dams and power plants also are hot-button issues because their destruction would harm civilians. The lawyers would advise they be destroyed only when necessary, Lamuro says. It's practical advice, he says, because the military must be ''as concerned with winning the peace as winning the wars.''

INDIVIDUALS

Targeting individuals is an especially difficult issue. A year ago, there were numerous reports that a Predator drone aircraft loaded with Hellfire missiles had the ousted Taliban leader Mohammed Omar in its sights in Afghanistan. But no missile was fired, reportedly on the advice of a lawyer.

It isn't known for sure whether the strike was scrubbed because civilians were nearby or for some other reason. But the incident provoked discussion about whether attorneys have too much influence. Lamuro says it would be wrong ''to overstate the lawyers's role.'' They are advisers, he says. Commanders make the ultimate choice.

One of the hottest legal topics that would be decided only at the highest levels is whether to target Saddam himself. Legally, it could depend on timing: Lawyers say that before a war, he would not be considered a valid military target. U.S. policy also prohibits assassinations of leaders.

If there was a war and Saddam was commanding the Iraqi army, he would be considered a combatant and could be targeted.

If he no longer had that role and allied forces caught him fleeing, the target status might be revoked. Instead, he might be given exile or arrested and charged with war crimes.

Another tenet of the Law of Armed Conflict is that the force used should be proportional to the task. For targeters, that fits neatly into their objective of conserving firepower.

''I look for the minimum number of targets that must be struck to adequately achieve the commander's objective,'' says one U.S. intelligence officer, who asked that his name not be reported to protect his identity. In the end, neither the lawyers nor the other officers in the targeting teams have the final word on what will be struck.

Air plans are reviewed and approved up the chain of command—again with attorneys on hand—to make sure the individual pieces add up to a war plan that is legally defensible.

''FEDERAL PROSECUTORS RETIREMENT BENEFIT EQUITY ACT OF 2003''

SECTION-BY SECTION ANALYSIS

Sec. 1. Short title. Contains the short title, the ''Federal Prosecutors Retirement Benefit Equity Act of 2003.''

Sec. 2. Inclusion of Federal prosecutors in the definition of a law enforcement officer. Amends 5 U.S.C. §§8331 and 8401 to extend the enhanced law enforcement officer, ''LEO'' retirement benefits to Federal prosecutors, defined to include assistant United States attorneys, ''AUSAs, and such other attorneys in the Department of Justice as are designated by the Attorney General of the

United States. This section also exempts Federal prosecutors from mandatory retirement provisions for LEO's under the civil service laws.

Sec. 3. Provisions relating to incumbents. Governs the treatment of incumbent Federal prosecutors who would be eligible for LEO retirement benefits under this Act. This section requires the Office of Personnel Management to provide notice to incumbents of their rights under this subtitle; allows incumbents to opt out of the LEO retirement program; governs the crediting of prior service by incumbents; and provides for make-up contributions for prior service of incumbents to the Civil Service Retirement and Disability Fund. The section gives incumbents the option of either contributing their own share of any make-up contributions or receiving a proportionally lesser retirement benefit. The section allows the government to contribute its share of any make-up contribution ratably over a ten year period.

Sec. 4. Department of Justice administrative actions. Allows the Attorney General to designate additional Department of Justice attorneys with substantially similar responsibilities, in addition to assistant United States attorneys, as Federal prosecutors for purposes of this Act and thus be eligible for the LEO retirement benefits.

By Mr. DOMENICI:

S. 643. A bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise to reintroduce a bill that authorizes the Secretary of the Interior to help construct and occupy part of the Hibben Center for Archaeological Research at the University of New Mexico. This bill will help the University of New Mexico finish a state of the art museum facility to store, and display the National Park Service's Chaco Collection.

Let me give you a bit of background. In 1907, Theodore Roosevelt founded the Chaco Canyon Culture National Historical Park in Northwestern New Mexico. The Monument was created to preserve the extensive prehistoric pueblo ruins in Chaco Canyon.

The height of the Chaco culture began in the mid 800's and lasted over 300 years. Dozens of complex multi-storied masonry buildings containing hundreds of rooms were built over that time. These complexes were connected to communities by a network of prehistoric roads. I helped to establish the Chaco Culture National Historic Park to preserve these areas.

Since 1907, the University of New Mexico and the National Park Service have been partners in this area. From 1907 to 1949, the University owned the land within the Park boundaries. During this period, Dr. Frank Hibben excavated in Chaco Canyon and remained interested in the area throughout his long career. The University built a large collection of artifacts that it retains today.

In 1949, the University deeded the land to the Federal Government, and since that time, the University and the Park Service have continued a partnership through a series of memoranda of understanding. Since 1985, the NPS Chaco collections have been housed at University of New Mexico's Maxwell Museum of Anthropology. As both the University of New Mexico and the National Park Service collections have begun to grow, a new home for them is needed.

To this end, Dr. Hibben began planning a new research and curation facility at the University of New Mexico. He asked the Park Service to partner with him on this project, and today, construction of the Hibben Center, a modern, professional facility to house the University of New Mexico's collections as well as the Park Service collections, is a reality.

Dr. Hibben recently passed away, and left the University of New Mexico the funds to assist with this project. The partnership between the Park Service and the University will mean that the Hibben Center will hold a world-class collection of historical artifacts and will facilitate and encourage the study of these important Southwestern collections.

This bill will provide authorization to pay for the Federal share of the improvement costs to the Hibben Center. This bill is long overdue, and will honor both the legacy of Dr. Hibben and the Chaco Culture.

I urge my colleagues to support this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 643

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hibben Center for Archaeological Research Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) when the Chaco Culture National Historical Park was established in 1907 as the Chaco Canyon National Monument, the University of New Mexico owned a significant portion of the land located within the boundaries of the Park;

(2) during the period from the 1920's to 1947, the University of New Mexico conducted archaeological research in the Chaco Culture National Historical Park;

(3) in 1949, the University of New Mexico—

(A) conveyed to the United States all right, title, and interest of the University in and to the land in the Park; and

(B) entered into a memorandum of agreement with the National Park Service establishing a research partnership with the Park;

(4) since 1971, the Chaco Culture National Historical Park, through memoranda of understanding and cooperative agreements with the University of New Mexico, has maintained a research museum collection and archive at the University;

(5) both the Park and the University have large, significant archaeological research collections stored at the University in multiple, inadequate, inaccessible, and cramped repositories; and

(6) insufficient storage at the University makes research on and management, preservation, and conservation of the archaeological research collections difficult.

SEC. 3. DEFINITIONS.

In this Act:

(1) HIBBEN CENTER.—The term ''Hibben Center'' means the Hibben Center for Archaeological Research to be constructed at the University under section 4(a).

(2) PARK.—The term ''Park'' means the Chaco Culture National Historical Park in the State of New Mexico.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TENANT IMPROVEMENT.—The term ''tenant improvement'' includes—

(A) finishing the interior portion of the Hibben Center leased by the National Park Service under section 4(c)(1); and

(B) installing in that portion of the Hibben Center—

(i) permanent fixtures; and

(ii) portable storage units and other removable objects.

(5) UNIVERSITY.—The term ''University'' means the University of New Mexico.

SEC. 4. HIBBEN CENTER FOR ARCHAEOLOGICAL RESEARCH.

(a) ESTABLISHMENT.—The Secretary may, in cooperation with the University, construct and occupy a portion of the Hibben Center for Archaeological Research at the University.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may provide to the University a grant to pay the Federal share of the construction and related costs for the Hibben Center under paragraph (2).

(2) FEDERAL SHARE.—The Federal share of the construction and related costs for the Hibben Center shall be 37 percent.

(3) LIMITATION.—Amounts provided under paragraph (1) shall not be used to pay any costs to design, construct, and furnish the tenant improvements under subsection (c)(2).

(c) LEASE.—

(1) IN GENERAL.—Before funds made available under section 5 may be expended for construction costs under subsection (b)(1) or for the costs for tenant improvements under paragraph (2), the University shall offer to enter into a long-term lease with the United States that—

(A) provides to the National Park Service space in the Hibben Center for storage, research, and offices; and

(B) is acceptable to the Secretary.

(2) TENANT IMPROVEMENTS.—The Secretary may design, construct, and furnish tenant improvements for, and pay any moving costs relating to, the portion of the Hibben Center leased to the National Park Service under paragraph (1).

(d) COOPERATIVE AGREEMENTS.—To encourage collaborative management of the Chacoan archaeological objects associated with northwestern New Mexico, the Secretary may enter into cooperative agreements with the University, other units of the National Park System, other Federal agencies, and Indian tribes for—

(1) the curation of and conduct of research on artifacts in the museum collection described in section 2(4); and

(2) the development, use, management, and operation of the portion of the Hibben Center leased to the National Park Service under subsection (c)(1).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) to pay the Federal share of the construction costs under section 4(b), $1,574,000; and

(2) to pay the costs of carrying out section 4(c)(2), $2,198,000.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

(c) REVERSION.—If the lease described in section 4(c)(1) is not executed by the date that is 2 years after the date of enactment of this Act, any amounts made available under subsection (a) shall revert to the Treasury of the United States.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mrs. HUTCHISON, Mr. SESSIONS, and Mr. GRASSLEY):

S. 644. A bill to enhance national efforts to investigate, prosecute, and prevent crimes against children by increasing investigatory tools, criminal penalties, and resources and by extending existing laws; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, we have all been devastated by the repeated news flashes of violent crimes being committed against children across the Nation. In June 2002, Elizabeth Smart, a 14 year old from my home State of Utah was kidnapped at gun point from her home in Salt Lake City. Just this past week, the entire Nation rejoiced with the Smart family after Elizabeth was found alive and reunited with her loved ones.

Five year old Samantha Runnion was not so lucky. Just one month after Elizabeth Smart's abduction, Samantha was kidnapped while playing with a neighborhood friend down the street from her home in Stanton, CA. The following day, her body was found along a highway, nearly 50 miles from her home. California authorities have charged Alejandro Avila with Runnion's abduction, sexual assault and murder. Reportedly, Avila was acquitted two years ago of molesting two young girls under the age of 14.

Elizabeth Smart and Samantha Runnion are just two, among many, recent child victims. The list of tragic cases involving minor victims goes on and on.

These horrific incidents illustrate the need for comprehensive legislation—at both the State and national level—to protect our children. We need to ensure that federal and state law enforcement officers have all the tools and resources they need to find, prosecute, and punish those who commit crimes against our youth.

Today, I rise to reintroduce the ''Comprehensive Child Protection Act of 2003'' which enhances existing laws, investigative tools, criminal penalties and child crime resources in a variety of ways. I introduced this important bill with Senator FEINSTEIN last year, but it failed to go anywhere. My unwavering commitment to this issue compels me to introduce it again this year. Let me elaborate on the Act's specific provisions.

By broadening existing laws, the Act enhances the ability of child victims to pursue and prevail in criminal proceedings against their predators.

First, the Act extends the statute of limitations period that applies to offenses involving the sexual or physical abuse of children under 18 years of age. Current law permits such cases to be brought until the victim reaches the age of 25 years. This amendment will allow meritorious cases of child sexual and physical abuse to be brought up until the date the minor reaches the age of 35 years.

It is well-documented that child abuse victims often do not come forward until years after the abuse occurred. Victims fail to come forward because they fear their disclosures will lead to further humiliation, shame, and even ostracism. Abusers should not benefit from the lasting psychological harms they have inflicted on innocent children.

I believe that there should rarely, if ever, be a time when we say to a victim who has suffered as a child at the hands of an abuser: you have identified your abuser; you have proven the crime; yet the abuser will remain free because you, the victim, waited to long to come forward. Our criminal justice system should be ready to adjudicate all meritorious claims of child abuse. This amendment is meant to recognize that the arm of the law should be long in the prosecution of crimes of this heinous nature.

Second, the Act amends an existing Federal evidentiary rule, Federal Rule of Evidence 414, to permit the admission into evidence of prior offenses involving child molestation, or the possession of sexually explicit materials containing actual or apparent minors. The current evidentiary rule permits such evidence to be admitted only where the victim was under 14 years of age. This amendment extends the rule to apply to any minor—any victim who was under 18 years of age at the time the offense was committed.

In addition, the amendment makes clear that even where an individual possesses what may be virtual, as opposed to actual, child pornography, and therefore, may have a valid defense against prosecution in light of the Supreme Court's recent decision in Ashcroft v. Free Speech Coalition, 122 S. Ct. 1389 (2002), such evidence is nonetheless admissible under Rule 414. Like the possession of actual child pornography, the possession of virtual child pornography is highly probative evidence that should be admissible in a case involving child molestation or exploitation.

Third, the Act also limits the scope of the common law marital privileges by making them inapplicable in a criminal child abuse case in which the abuser or his or her spouse invokes a privilege to avoid testifying. Where a child abuser is charged with a crime against the child of either spouse, or a child under the custody or control of either spouse, neither the abuser nor his or her spouse should be permitted a marital privilege to avoid providing critical evidence.

The marital privileges exist because we in society believe that forcing a person to testify against his or her spouse, or permitting a spouse to testify about confidential marital communications, may jeopardize a marriage. While we value trusting, harmonious marriages, our societal interest in the proper administration of justice far exceeds our interest in preserving marital harmony where a spouse has chosen a vulnerable, defenseless child in the home as his or her victim. In my view, it is more important to prosecute and punish child abusers than it is to minimize the potential risk to the life of a marriage in which child abuse is occurring.

The Act increases the investigative tools available to law enforcement agencies in several significant ways.

First, the Act amends the DNA Analysis and Backlog Elimination Act by increasing the categories of offenses that are included in the database of convicted offender DNA profiles, the Combined DNA Index System, CODIS. Without question, DNA—which is unique to each individual and maintains its evidentiary integrity for long periods of time—is a valuable investigatory tool. Time and again DNA evidence has aided in solving difficult criminal cases by linking suspects to crimes and by eliminating others.

This Act expands the class of offenses that are included in CODIS by adding all federal felony offenses to the database. Currently, the DNA Analysis and Backlog Elimination Act includes only select Federal offenses. The successful experiences of approximately 19 States, including Utah, which currently authorize the collection of DNA samples for all felony offenses illustrate the need for this extension. These States have solved numerous crimes where DNA has been found—frequently based on an offender's conviction for a nonviolent offense—such as burglary, theft or a narcotics offense.

Remarkably, not all States currently authorize the collection of DNA samples from all types of child offenders. Thus, the Act also expands the definition of qualifying offense to include all state offenses against children, such as those involving child kidnapping or abuse. This expansion will increase law enforcement's ability to solve such crimes where DNA evidence is found.

Second, the Act extends the Federal wiretap statute by adding sex trafficking, sexual abuse, exploitation, and other sex-related offenses as predicate offenses to the statute. As we all know, the Internet is becoming an increasingly popular means by which sexual predators make contact with child victims. Although predators typically initiate a relationship online, they ultimately seek to make personal contact with the child—both over the telephone and through face to face meetings. But as the law exists today, investigators are restricted in their ability to investigate such predators. This provision will enable investigators, who meet the statutory requirements of the Federal wiretap statute, to obtain court authorization to monitor such communications. This amendment will not only aid investigators in obtaining evidence of these crimes, it will also help

stop these crimes before a sexual predator makes contact with a child.

To obtain a wiretap, law enforcement authorities will still need to meet the strict statutory guidelines of the wiretap statute and obtain authorization from a court. Thus, the legislation will not undermine the legitimate expectations of privacy of law-abiding Americans. This expanded tool will be particularly useful to investigators who track sexual predators and child pornographers.

The Act also strengthens criminal penalties by extending the supervised release period that applies to certain offenders, increasing the maximum penalties that apply to offenses involving transportation for illegal sexual activity, and directing the United States Sentencing Commission to review the guidelines that apply to criminal offenses with which child predators are frequently charged to determine whether they are sufficiently severe.

The Act grants Federal judges the discretion to impose up to lifetime periods of supervised release for individuals who are convicted of sexual abuse, sexual exploitation, transportation for illegal sexual activity, or sex trafficking offenses. Under current Federal law, a judge can impose no more than 5 years of supervised release for a serious felony, and no more than 3 years for a lesser categorized offense. This amendment to the general supervised release statute will not require judges to impose a period of supervised release longer than 5 years; it will simply authorize them to do so where a judge sees fit based on the nature and circumstances of the case.

In my view, if there is any class of offenders on which our criminal justice system should keep a close eye, it is sexual predators. It is well documented that sex offenders are more likely than other violent criminals to commit future crimes. And if there is any class of victims we should seek to protect from repeat offenders, it is those who have been sexually assaulted. They suffer tremendous physical, emotional and psychological injuries. By ensuring that egregious sexual offenders are supervised for longer periods of time, we will increase the chance that they will be deterred from and punished for future criminal acts.

The Act increases the maximum penalties that apply to certain offenses, including sexual offenses that involve the trafficking of children and transportation. Stiffer penalties are needed to punish and deter individuals who commit such offenses.

The Act also directs the United States Sentencing Commission to review the sentencing guidelines that apply to various offenses that apply to kidnappers, sexual abusers and exploiters, to ensure that Federal sentences are sufficiently severe where aggravating circumstances exist, such as where the victim was abducted, injured, killed, or abused by more than one person.

In a number of significant ways, the Act enhances the resources that are available to investigate and prosecute crimes against children.

First, the Act directs the Attorney General to appoint a Deputy Assistant Attorney General to oversee a new section at the Department of Justice designated to focus solely on crimes against children. Among other things, the new section will be tasked with prosecuting crimes against children, providing guidance and assistance to Federal, State, and local law enforcement agencies and personnel who handle such cases, coordinating efforts with international law enforcement agencies to combat crimes against children, and acting as a liaison with the legislative and judicial branches of government to ensure that adequate attention and resources are focused on protecting our children from predators of all types.

In addition, the Act tasks the new Crimes Against Children section to create an Internet site that consolidates sex offender information which States currently disclose under the Federal reporting act. The Act also direct States that have not developed Internet sites to do so. The creation of a national Internet site will enable concerned citizens to find in one, easily accessible place, critical information about sexual predators.

Currently, all 50 States have registration statutes that require sex offenders to register and to share information with the United States Attorney General through the Federal Bureau of Investigation, and over 30 States make offender information available to the public on the Internet. A national Internet site will enhance the public's ability to find and access information that is already available in the public record, and will protect citizens in States where sex offenders move to try to avoid detection of their past criminal acts. In short, the national Internet site will provide parents and other concerned citizens with essential information about the whereabouts and backgrounds of child abusers, so they can take all necessary steps to protect our Nation's children from harm's way.

The Act also increases resources and funding for the Federal Bureau of Investigation. The recent series of tragic events involving child victims has convinced me that we need to take a more proactive approach to prevent, deter and prosecute child predators of all types—abusers, molesters, pornographers and traffickers. And at the same time, we need to provide our children, the vulnerable victims of such predators, with the support systems they need to recover fully from such horrendous crimes and to assist law enforcement in effectively investigating and prosecuting these crimes.

To this end, the Act directs the FBI to establish a National Crimes Against Children Response Center whose primary mission will be to develop a comprehensive and rapid response plan to reported crimes involving the victimization of children. While the National Response Center is to be established by the FBI, in consultation with the Deputy Assistant Attorney General for the Crimes Against Children Office, it will integrate the resources and expertise of other Federal, State, and local law enforcement agencies, as well as other child serving professionals. By creating and training rapid response teams comprised of federal, state and local prosecutors, investigators, victim witness specialists, mental health and other child serving professionals, the Center will greatly enhance our national response and prevention efforts. The combination of valuable expertise and resources provided by such multi-jurisdictional and multi-disciplinary partnerships will increase the likelihood that law enforcement authorities will successfully identify, prosecute and punish child predators, and that child serving professionals will provide child victims with much needed support.

The ''Comprehensive Child Protection Act of 2003'' will enhance our ability to combat crimes against children, but it is by no means an end. Congress needs to continue to explore additional ways in which we can improve our ability on a national level to protect our children. Our children fall victim to many of the same crimes we face as adults, and they are also subject to crimes that are specific to childhood, like child abuse and neglect. The effects of such heinous crimes are devastating and often lead to an intergenerational cycle of violence and abuse.

I want to do all I can to ensure that we devote the same intensity of purpose to crimes committed against children, as we do to other serious criminal offenses, such as those involving terrorism. We have no greater resource than our children. I invite the Department of Justice, the Federal Bureau of Investigation and other non governmental entities and professionals who are charged with protecting our children to work with me to improve our Federal laws and to assist States in doing the same.

Mr. DEWINE. Mr. President, I rise today with my colleague from Utah, Senator HATCH, to reintroduce the ''Comprehensive Child Protection Act of 2003''—a bill to help protect our Nation's children from child molestation and other forms of abuse. Senator HATCH and I introduced this bill for the first time on September 10, 2002.

Sexual abuse of children is a pervasive and extremely troubling problem in the United States. I learned that over 25 years ago when I was serving as the County Prosecutor in Greene County, Ohio. I saw what this kind of abuse does to innocent, helpless children and how pervasive the crimes are in our communities. In fact, according to the Congressional Research Service, one of every three girls and one of every seven boys will be sexually abused before they reach the age of 18.

Our local police and prosecutors are on the front line in the fight against these criminals, and they deserve credit and our thanks for their hard work. For example, in Greene County recently, a number of child pornographers were identified and prosecuted when local law enforcement carried out a successful Internet sting operation.

Despite successes like this, however, the data suggest that law enforcement is fighting an uphill battle. In 2001 alone, there were over 5,400 registered sex offenders living in my home State of Ohio—an increase of 319 percent over 1998. Equally troubling, many child molesters prey upon dozens of victims before they are reported to law enforcement. Some evade detection for so long because many children never report the abuse. According to the Bureau of Justice Statistics, between 60 percent and 80 percent of child molestations and 69 percent of sexual assaults are never reported to the police. And, according to the Congressional Research Service, of reported sexual assaults, 71 percent of the victims are children.

For these reasons, it is vitally important that Congress do everything in its power to support law enforcement in its efforts to protect our nation's most vulnerable citizens. Enacting the ''Comprehensive Child Protection Act of 2003'' would be a step in the right direction. By enacting this measure, we would help protect our children from sexual predators, pornographers, and others who abuse children. Among its major provisions, this legislation would: 1. Direct the FBI to establish a new center that creates and trains ''rapid response teams'' (composed of prosecutors, investigators, and others) to respond promptly to reported crimes against children; 2. Establish a national Internet site that would make sex offender information available to the public in one, easily accessible place. Currently, about 30 states make offender information available to the public online; 3. Authorize the collection of DNA samples from registered sex offenders and the inclusion of these DNA samples in the Combined DNA Index System, or ''CODIS;'' 4. Permit the prosecution of child abuse offenses until a victim reaches the age of 35 (as opposed to the age of 25 under current law). This provision recognizes that victims of such crimes often do not come forward until years after the abuse, out of shame or a fear of further humiliation; 5. Make it easier for investigators to track sexual predators and child pornographers and make it easier to prosecute criminal child abuse/molestation cases; 6. Create a new section at the Department of Justice to focus solely on crimes against children; and 7. Stiffen penalties for sex-related offenses involving children.

This is a good bill—a bill that would help ensure that our children are protected from some of the most heinous of criminals. It is a bill that would increase the punishment for those criminals. And, it is a bill that, quite simply, is the right thing to do. I encourage my colleagues to join us in co-sponsoring this important measure.

Mr. GRASSLEY. Mr. President, today, I again rise in support of the Comprehensive Child Protection Act. I am proud to be standing with Senator HATCH as a co-sponsor of a bill that represents one of the most comprehensive pieces of legislation ever drafted to protect children. The miracle that Elizabeth Smart was found safe and sound, reminds us of how important this bill is.

As a former chairman of the Youth Violence Subcommittee and Ranking Republican on the Subcommittee on Crime and Drugs during the 107th Congress, I have been greatly concerned with the increase in reports of child abductions and murders, so I am glad to be a part of this effort to address this growing problem. In my tenure on the Judiciary Committee, I have long fought for our Nation's children, and have ardently supported laws that bring them and their families greater protection.

This legislation comes at a critical time because we are hearing more and more about children being taken from their homes or schools and abused, or worse, murdered. Our children are a gift to us, are our national treasure, and are our future. We must do all that we can to protect these innocents and give law enforcement every tool possible to ferret out the criminals who would do our children harm. With this legislation, we will be ensuring a greater measure of protection for our children. The miracle that Elizabeth Smart was found safe and sound, reminds us of how important this bill is.

The bill does many important things. First, it helps law enforcement respond immediately to incidents of child abduction, because, as we've seen with the Amber Alert system, time is critical in any abduction case to thwart further injury or harm. The bill creates a National Crimes Against Children Response Center at the FBI that will integrate the resources and expertise of all Federal, State and local law enforcement sources to provide a rapid response for crimes involving child victims. The bill also helps law enforcement by making it possible to get wire taps for suspected sex trafficking and exploitation offenses, and will require that all Federal child sex crimes offenders have their DNA added to the national DNA registry. So the bill will help to centralize information about criminals and crimes, and makes the job of the criminal investigator easier and more accurate through wiretaps and DNA evidence.

The bill also creates a website registry for convicted child sexual offenders so that parents, neighbors, and police know who in their communities is a convicted child predator. This website will supplement registries in all 50 States. This important tool will help families make better and fully informed decisions about their children's safety, and will greatly aid law enforcement's response to reports of child abductions and other offenses against children. The bill also gives new tools to prosecutors and the courts. It extends the statute of limitations for prosecuting child offenders, allows prosecutors to introduce evidence of past child sex crimes in sentencing hearings, removes the so-called ''spousal privilege'' so that a spouse can't stand silent in the prosecution of the other spouse for child sexual abuse, and increases the maximum sentences and probation periods for child sex offenders. These important tools will make our communities safer by helping to rid them of child predators, and by keeping a tight leash on predators when they get released from prison.

So this bill helps the public know about sexual predators in their communities, improves the nation's ability to respond to child abduction reports, and aids criminal investigators and prosecutors in their efforts to protect the public by identifying and locking-up child predators. I ask my fellow Senators to support this important bill.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Ms. COLLINS, Mr. REED, Mr. KENNEDY, Mr. LEAHY, Mrs. CLINTON, Mr. SCHUMER, Mr. SARBANES, Mr. BAUCUS, Mr. LIEBERMAN, and Mr. KERRY):

S. 645. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I am introducing today along with Senators COLLINS, JEFFORDS and others the Brownfields Redevelopment Assistance Act of 2003. As a resident of Michigan I am familiar with the obstacles facing local communities in their attempts to return brownfields sites to productive economic uses. As co-chair of the Senate Smart Growth Task Force I understand the national economic importance of these efforts.

Brownfields are abandoned, idled or under-used industrial and commercial properties where expansion or redevelopment is hindered by real or perceived environmental contamination. More than 450,000 of these sites taint our nation's landscape, inhibiting economic development and posing a threat to human health and the environment. Undeveloped, or underdeveloped, brownfields sites blight communities forcing development onto greenfields where they exacerbate the problems associated with urban sprawl. If brownfields were instead redeveloped they could offer new opportunities for business, housing and open space.

Brownfields redevelopment is a fiscally-sound way to bring investment back to neglected neighborhoods, clean-up the environment, maximize use of existing infrastructure, create jobs and relieve development pressure on our urban fringe and farmlands. My

home state of Michigan is a national leader in brownfields redevelopment. For example, the City of Traverse City managed to leverage $662,000 of government brownfields funding to turn a former gas station and junk yard site into a $20 million private investment in a retail, office and parking facility called Radio Center. The City of Ludington used brownfields funding to spur the development of a multi-use retail/office/condominium complex adjacent to a marina. These are only two examples of the many successful efforts by local communities to leverage Federal, State and local money to harness the resources and expertise of the private sector in economic development efforts. The Brownfields Redevelopment Assistance Act of 2003 would open up the possibilities of redevelopment to numerous other communities nationwide.

The Brownfields Redevelopment Assistance Act expands the Department of Commerce's Economic Development Administration, EDA, initiatives to assist communities with brownfields redevelopment. The bill authorizes $60 million annually for five years for brownfields redevelopment. Grant money will be used for purposes including collaborative economic development planning, eco-industrial development and revolving loan funds. By encouraging development in existing communities the brownfields program will strengthen local economies, preserve precious resources and make best use of existing infrastructure. This bill for the first time would provide specific authority and funding to the EDA for these initiatives. The new projects authorized by the bill would complement the existing and successful brownfields efforts of the Environmental Protection Agency, the Department of Commerce and the Department of Housing and Urban Development.

The U.S. Conference of Mayors estimates that redevelopment of all of the brownfields nationwide could generate more than 550,000 additional jobs that would benefit our many economically struggling communities. Cities and States could see as much as $2.4 billion in new tax revenues. The Economic Development Administration has helped distressed communities attract investment, create jobs and strengthen their economies for the last forty years. This bill will build on EDA's success in helping localities improve their infrastructure and help them redevelop their brownfields sites. Communities nationwide have expressed interest in brownfields redevelopment but lack the financial resources necessary to accomplish their goals. This bill is an excellent example of how the Federal Government can be supportive of local economic development projects. The Brownfield Redevelopment Assistance Act of 2003 advances the goals of the smart growth movement by helping create healthier communities and strengthens the economy through federally supportive, locally driven initiatives.

Many organizations support these bills, including the American Institute of Architects, American Planning Association, American Society of Civil Engineers, Enterprise Institute, National Business Incubation Association, National Association of Counties, National Association of Regional Councils, National League of Cities, US Conference of Mayors, National Congress for Community Economic Development, Smart Growth America and others. I ask unanimous consent to have letters endorsing this bill printed, the RECORD. I also ask unanimous consent that the text of the bill be printed in the RECORD.

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

THE ENTERPRISE FOUNDATION,
Columbia, MD, March 17, 2003.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: The Enterprise Foundation commends you for joining Senator Jeffords in introducing the ''Brownfields Redevelopment Assistance Act.'' Enterprise strongly supports this bill.

Enterprise is a national nonprofit organization that raises resources and channels them to grassroots groups at the local level for affordable housing, economic development and other community revitalization initiatives in distressed urban and rural neighborhoods nationwide. Central to our mission is generating investment in areas suffering from blight, neglect and disinvestment. Brownfields are prime examples of such areas.

Enterprise is engaged in several large-scale brownfield redevelopment efforts around the country. Targeted incentives such as your bill provides would enable Enterprise and others in the private sector to convert more brownfields to productive uses.

By spurring brownfields redevelopment, your bill would direct limited public resources to places that already benefit from existing infrastructure and promote economic investment where it is needed most. The bill epitomizes smart growth and comprehensive community development principles.

Thank you for your leadership on this important issue.

Sincerely,

F. BARTON HARVEY III,
Chairman of the Board
and Chief Executive Officer.

SMART GROWTH AMERICA,
Washington, DC, March 17, 2003.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

Hon. SUSAN COLLINS,
Russell Senate Office Building,
Washington, DC.

Hon. JIM JEFFORDS,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS LEVIN, JEFFORDS and COLLINS: Smart Growth America would like to thank you for your leadership on the introduction the Brownfields Redevelopment Assistance Act of 2003. As advocates of smart growth—growth that revitalizes neighborhoods, supports affordable housing, promotes transportation choice, and preserves open space and farmland—we regard brownfields redevelopment as a top priority.

With an estimated 450,000 nationwide, brownfields pose a major barrier to reinvestment in many communities. These parcels are not simply gaps, they are an active blight, pulling down surrounding property values and driving development and investment further away from existing infrastructure.

The Brownfields Redevelopment Assistance Act would supply an additional tool for local communities to return these sites to productive use by providing the Economic Development Administration (EDA) with the authority and dedicated funding to support brownfield redevelopment projects. Specifically, the legislation would authorize the EDA to administer a $60 million per year grant program for targeted assistance to projects that redevelop brownfield sites and promote eco-industrial development.

We believe the Brownfields Redevelopment Assistance will assist communities nationwide in encouraging economic development, removing environmental and public health hazards, promoting neighborhood revitalization, and preserving open space. We support your efforts and look forward to working with you to pass this important legislation.

Sincerely,

DON CHEN,
Executive Director.

NATIONAL CONGRESS FOR
COMMUNITY ECONOMIC DEVELOPMENT,
Washington, DC, March 17, 2003.

Hon. CARL LEVIN,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR LEVIN: The National Congress for Community Economic Development thanks you for re-introducing The Brownfields Redevelopment Assistance Act of 2003.

We support the efforts of HUD, EPA, and the other agencies that are part of the Brownfields National Partnership. Moving these lands into productive reuse, reducing sprawl, and increasing the tax base will help local economies and improve the quality of life.

As the trade association of America's 3,600 community development corporations, we believe that this bill would help in our efforts to revitalize distressed urban and rural communities.

Sincerely,

CAROL WAYMAN,
Director of Policy.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, March 14, 2003.

Hon. CARL LEVIN,
Russell Senate Building,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the nation's elected county officials, I am writing in support of the Brownfields Redevelopment Assistance Act of 2003. This legislation is important to the redevelopment efforts of brownfields sites in communities.

The National Association of Counties (NACo) has been longtime supporter of brownfield site revitalization. After restoring abandoned properties to active use, redeveloped properties contribute to a community's overall economic vitality through business attraction, job creation, and the enhancement of the local tax base. Also, NACo is a strong advocate for the work of the Economic Development Administration, and supports additional federal economic development efforts by the agency.

In particular, NACo appreciates the bill's focus on distressed communities experiencing high levels of unemployment or underemployment, as well as population loss and infrastructure deterioration. Additional federal resources are needed to leverage with local economic development efforts to help alleviate economic distress in many communities across the country.

NACo applauds your efforts towards the restoration and redevelopment of brownfields sites, and offers its full support of this important legislation. Please feel free to contact Cassandra Matthews or Julie Ufner, NACo Associate Legislative Directors, at (202) 393–6226, if you need further information or assistance.

Thank you for your leadership on this matter

Sincerely,

LARRY NAAKE,
Executive Director.

AMERICAN SOCIETY
OF CIVIL ENGINEERS,
Washington, DC, March 14, 2003.

Hon. CARL LEVIN,
Russell Building,
Washington, DC.

DEAR SENATOR LEVIN: I am writing on behalf of the 130,000 members of the American Society of Civil Engineers (ASCE) to let you know of our support for your proposed legislation to expand the brownfields program enacted in 2002 by providing federal assistance for distressed communities under the Public Works and Economic Development Act.

As you already realize, the restoration of brownfields is important to the environmental and industrial health of this nation through the revitalization of many of our blighted areas. In 1995, the General Accounting Office estimated that there were more than 450,000 brownfield properties across America. In 2000, the U.S. Conference of Mayors calculated that redeveloped brownfields could generate 550,000 additional jobs and up to $2.4 billion in new tax revenue for cities nationwide.

ASCE believes that brownfields restoration, properly carried out, limits urban sprawl thereby achieving a balance between economic development, the rights of individual property owners, the public interest, social wants and a healthy environment. Revitalized brownfields reduce the demand for underdeveloped land. As devastated urban land is returned to productive use, the pressure to develop distant open spaces is lessened, thereby mitigating the undesirable effects of sprawl, and such as traffic congestion, and preserving culturally and ecologically valuable land.

If ASCE can assist you in any way to enact this important legislation, please do not hesitate to contact Brian Pallasch at (202) 326–5140 or Michael Charles at (202) 326–5126 in our Washington Office.

Sincerely yours,

THOMAS L. JACKSON,
President.

NATIONAL LEAGUE OF CITIES,
Washington, DC, March 18, 2003.

Hon. CARL LEVIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEVIN: On behalf of over 18,000 municipalities across the country represented by the National League of Cities, I am writing to express our support for the Brownfield Redevelopment Assistance Act of 2003. The benefits of returning contaminated parcels of land to productive use for commerce and industry are extensive. If environmental conditions are improved, brownfields have the potential to contribute to the economic revitalization of many cities. For this reason, the National League of Cities calls on the federal government to implement a policy that allows these sites to serve a viable economic purpose, while ensuring the public's health is maintained.

We believe that eco-industrial development, restoring the employment and tax bases, and bringing new investment to distressed communities are necessary and will move forward with the enactment of your brownfields legislation. We support your efforts to provide the Economic Development Administration with funding and tools that will be vital to creating economic redevelopment in economically distressed communities across the nation.

We look forward to working with you to build bi-partisan support for the Brownfield Redevelopment Act of 2003.

Very truly yours,

DONALD J. BORUT,
Executive Director.

S. 645

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brownfields Redevelopment Assistance Act of 2003''.

SEC. 2. PURPOSES.

Consistent with section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121), the purposes of this Act are—

(1) to provide targeted assistance, including planning assistance, for projects that promote—

(A) the redevelopment, restoration, and economic recovery of brownfield sites; and

(B) eco-industrial development; and

(2) through such assistance, to further the goals of restoring the employment and tax bases of, and bringing new income and private investment to, distressed communities that have not participated fully in the economic growth of the United States because of a lack of an adequate private sector tax base to support essential public services and facilities.

SEC. 3. DEFINITIONS.

Section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (1), (2), and (3) through (10) as paragraphs (2), (3), and (5) through (12), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) BROWNFIELD SITE.—The term 'brownfield site' means a brownfield site (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) with respect to which an entity has received, or is eligible to receive, funding under section 104(k) of that Act (42 U.S.C. 9604(k)) for site characterization, assessment, or remediation.'';

(3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

''(4) ECO-INDUSTRIAL DEVELOPMENT.—The term 'eco-industrial development' means development conducted in a manner in which businesses cooperate with each other and the local community to efficiently share resources (such as information, materials, water, energy infrastructure, and natural habitat) with the goals of—

''(A) economic gains;

''(B) improved environmental quality; and

''(C) equitable enhancement of human resources in businesses and local communities.''; and

(4) by adding at the end the following:

''(13) UNUSED LAND.—The term 'unused land' means any publicly-owned or privately-owned unused, underused, or abandoned land that is not contributing to the quality of life or economic well-being of the community in which the land is located.''.

SEC. 4. COORDINATION.

Section 103 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3132) is amended—

(1) by inserting ''(a) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) BROWNFIELD SITE REDEVELOPMENT.—The Secretary shall coordinate activities relating to the redevelopment of brownfield sites and the promotion of eco-industrial development under this Act with other Federal agencies, States, local governments, consortia of local governments, Indian tribes, nonprofit organizations, and public-private partnerships.''.

SEC. 5. GRANTS FOR BROWNFIELD SITE REDEVELOPMENT.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended—

(1) by redesignating sections 210 through 213 as sections 211 through 214, respectively; and

(2) by inserting after section 209 the following:

''SEC. 210. GRANTS FOR BROWNFIELD SITE REDEVELOPMENT.

''(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants for projects to alleviate or prevent conditions of excessive unemployment, underemployment, blight, and infrastructure deterioration associated with brownfield sites, including projects consisting of—

''(1) the development of public facilities;

''(2) the development of public services;

''(3) business development (including funding of a revolving loan fund);

''(4) planning;

''(5) technical assistance;

''(6) training; and

''(7) the purchase of environmental insurance with respect to an activity described in any of paragraphs (1) through (3).

''(b) CRITERIA FOR GRANTS.—The Secretary may provide a grant for a project under this section only if—

''(1) the Secretary determines that the project will assist the area where the project is or will be located to meet, directly or indirectly, a special need arising from—

''(A) a high level of unemployment or underemployment, or a high proportion of low-income households;

''(B) the existence of blight and infrastructure deterioration;

''(C) dislocations resulting from commercial or industrial restructuring;

''(D) outmigration and population loss, as indicated by—

''(i)(I) depletion of human capital (including young, skilled, or educated populations);

''(II) depletion of financial capital (including firms and investment); or

''(III) a shrinking tax base; and

''(ii) resulting—

''(I) fiscal pressure;

''(II) restricted access to markets; and

''(III) constrained local development potential; or

''(E) the closure or realignment of—

''(i) a military or Department of Energy installation; or

''(ii) any other Federal facility; and

''(2) except in the case of a project consisting of planning or technical assistance—

''(A) the Secretary has approved a comprehensive economic development strategy for the area where the project is or will be located; and

''(B) the project is consistent with the comprehensive economic development strategy.

''(c) PARTICULAR COMMUNITY ASSISTANCE.—Assistance under this section may include assistance provided for activities identified by a community, the economy of which is injured by the existence of 1 or more brownfield sites, to assist the community in—

''(1) revitalizing affected areas by—

''(A) diversifying the economy of the community; or

''(B) carrying out industrial or commercial (including mixed use) redevelopment, or eco-industrial development, projects on brownfield sites;

''(2) carrying out development that conserves land by—

''(A) reusing existing facilities and infrastructure;

''(B) reclaiming unused land and abandoned buildings; or

''(C) promoting eco-industrial development, and environmentally responsible development, of brownfield sites; or

''(3) carrying out a collaborative economic development planning process, developed with broad-based and diverse community participation, that addresses the economic repercussions and opportunities posed by the existence of brownfield sites in an area.

''(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY ELIGIBLE RECIPIENT.—

''(1) IN GENERAL.—Subject to paragraph (2), an eligible recipient of a grant under this section may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

''(2) LIMITATION.—Under paragraph (1), an eligible recipient may not provide any grant to a private for-profit entity.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. prec. 3121) is amended by striking the items relating to sections 210 through 213 and inserting the following:

''Sec. 210. Grants for brownfield site redevelopment.
''Sec. 211. Changed project circumstances.
''Sec. 212. Use of funds in projects constructed under projected cost.
''Sec. 213. Reports by recipients.
''Sec. 214. Prohibition on use of funds for attorney's and consultant's fees.''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231 et seq.) is amended by adding at the end the following:

''SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR BROWNFIELD SITE REDEVELOPMENT.

''(a) IN GENERAL.—In addition to amounts made available under section 701, there is authorized to be appropriated to carry out section 210 $60,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.

''(b) FEDERAL SHARE.—Notwithstanding section 204, subject to section 205, the Federal share of the cost of activities funded with amounts made available under subsection (a) shall be not more than 75 percent.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. prec. 3121) is amended by adding at the end of the items relating to title VII the following:

''Sec. 704. Authorization of appropriations for brownfield site redevelopment.''.

Ms. COLLINS. Mr. President, the textile mills and tanneries of Maine helped fuel our country's economic growth. But as these industries closed, brownfields replaced once vibrant factories. In many communities across Maine these sites remain a legacy of our industrial history.

Left undeveloped, brownfields pose threats to the public health, environmental quality and economic strength of our communities. But redeveloped, these sites offer opportunities for new industries, job growth and economic development. I am pleased to join Senators LEVIN and JEFFORDS in introducing the Brownfields Redevelopment Assistance Act. This legislation will provide communities with economic development resources to redevelop brownfields and return them to productive uses.

The legislation we are introducing today would provide EDA with increased funding flexibility to help States, local communities, Indian tribes and nonprofit organizations return brownfield sites to productive use. The bill authorizes $60 million each year for five years for brownfields redevelopment. This funding authorized by this bill will result in hundreds of millions of dollars worth of economic benefits for States and local communities through the leveraging of local and State funds and private investments.

The bill gives EDA the authority to provide grants for brownfield redevelopment projects, including: development of public facilities and public services; business development; activities to help communities diversify their economies; and collaborative economic development planning. This will help States and communities facilitate effective economic development planning for brownfield reuse; develop infrastructure necessary to prepare sites for re-entry into the market; and, provide the capital necessary to support new business development.

The decline of the New England textile industry led to the closure of many textile mills throughout the region, including the Bates Mill in the City of Lewiston, ME. The Bates Mill was once the State's largest employer providing more than 5,000 jobs. Economic decline and layoffs left the residents of Lewiston with large abandoned mill buildings that have been a challenge to redevelop. As a small city of 36,000 people, continued support for redeveloping brownfields located in the heart of downtown is critical to the city's future economic vitality. In 1998, the city received a $200,000 grant from the Environmental Protection Agency to help facilitate the cleanup and redevelopment of the one million square foot mill complex. Today, the City has redeveloped about one-third of the mill and created 1,000 new jobs. The City estimates that it will require $54 million to develop the remaining buildings in the Bates Mill Complex. The economic development resources provided in the Brownfields Redevelopment Assistance Act will help Lewiston and other communities across the nation rebuild their communities and create new economic opportunity.

Brownfields redevelopment is a fiscally responsible strategy for strengthening local economies and reusing existing infrastructure while protecting open space. We recycle cans, bottles and newspapers now we must try harder to recycle our land. I am proud to be an original co-sponsor of the bill to aid in this effort.

By CORZINE (for himself, Mr. DASCHLE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. JOHNSON, and Mr. SARBANES):

S. 646. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce a very important piece of legislation, the Medicare Mental Health Modernization Act of 2003. I introduce this bill today, along with Representative PETE STARK (D–CA), in fond memory of our former colleague and friend, the late Senator Paul Wellstone. Paul was a crusader in many ways and for many causes; however, we will always remember his commitment to ensuring that all Americans have meaningful and equitable access to mental health treatment.

It is because of Paul's efforts that so many Americans, including many in the Congress, have rallied around the call for parity in the treatment of mental illness. Many of us are all too familiar with the stigma that still surrounds mental illness and the disparities in accessing treatment that permeate the private health insurance market. What many of us do not realize is that these inequities also exist in the Medicare program.

Our Nation's Medicare beneficiaries—our elderly and disabled population—have limited access to mental health services. Medicare restricts the types of mental health services available to beneficiaries and the types of providers who are allowed to offer such care. It also charges higher copayments for mental health services than it does for all other health care. In order to receive mental health care, seniors and the disabled must pay 50 percent of the cost of a visit to their mental health specialist, as opposed to the 20 percent that they pay for other services. Medicare also limits the number of days a beneficiary can receive mental health care in a hospital setting to 190 days over an individual's lifetime.

As we talk about modernizing the Medicare program we must address this problem. The need is glaring. Almost 20 percent of Americans over age 65 have a serious mental disorder. They suffer from depression, Alzheimer's disease, dementia, anxiety, late-life schizophrenia and, all too often, substance abuse. These are serious illnesses that must be treated. Unfortunately, they are often unidentified by primary care physicians, or the appropriate services are simply out of reach. Americans age 65 and older have the highest rate of suicide of any other population in the United States. An alarming 70 percent of elderly suicide victims have visited

their primary care doctor in the month prior to committing suicide.

Medicare is also the primary source of health insurance for millions of non-elderly disabled. More than 20 percent of these individuals suffer from mental illness and/or addiction. This very needy population faces the same discrimination in their mental health coverage.

As our population ages, the burden of mental illness on seniors, their families, and the health care system will only continue to increase. Experts estimate that by the year 2030, 15 million people over 65 will have psychiatric disorders, with the number of individuals suffering from Alzheimer's disease doubling. If we do not reform the Medicare program to provide greater access to detection and treatment of mental illness, the cost of not treating these diseases will rapidly escalate. Without the appropriate outpatient mental health services, too many of our seniors are forced into nursing homes and hospitals. If we truly want to modernize Medicare and make it more efficient, we must provide access to these services. Not only will they likely reduce costs in the long-term, but they will also increase Medicare beneficiaries' quality of life.

The Medicare Mental Health Modernization Act takes critical steps to address these issues. First, the bill reduces the 50 percent copayment for mental health services to 20 percent. The proposed 20 percent copayment is the same as the copayment for all other outpatient services in Medicare. Second, the bill would provide access to intensive residential services for those who are suffering from severe mental illness. This will give people with Alzheimer's disease and other serious mental illness the opportunity to be cared for in their homes or in community-based settings. Third, the bill expands the number of qualified mental health professionals eligible to provide services through the Medicare program. This includes licensed professional mental health counselors, clinical social workers, and marriage and family therapists. This expansion of qualified providers is critical to ensuring that seniors throughout the nation, particularly those in rural areas, are able to receive the services they need.

In closing, I urge all of my colleagues to step forward to support the Medicare Mental Health Modernization Act of 2003. It is time for the Medicare program to stop discriminating against seniors and the disabled who are suffering from mental illness.

By Mr. KENNEDY:

S. 647. A bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes; to the Committee on Armed Services.

Mr. KENNEDY. Mr. President, today I am introducing a bill to close an unfortunate loophole in health insurance coverage for families of Reserve and Guard members who are called up for active duty.

As we face the likelihood of war with Iraq, one hundred and fifty thousand members of the National Guard and the Reserves have been mobilized for service. These soldiers, sailors, marines, and airmen are standing by their country in a time of national emergency. But unless the Congress takes immediate action, too many of the spouses and children of these brave men and women may find the quality of their heath care reduced.

Today's military relies more heavily than ever before on the Reserve and Guard. Currently, over 150,000 National Guard and reserve soldiers, sailors, Marines and airmen have been mobilized. They are spending an average of thirteen times longer on active duty today than compared to a decade ago.

Our men and women in uniform are working and training hard for the serious challenges before them. They are living in the desert, enduring harsh conditions, and contemplating the horrors of the approaching war. At the same time, they must put their lives on hold, dealing with family crises by phone and email. We must do our best to take care of those they have left at home.

During the Vietnam war, only 20 percent of all Army personnel were married. Today over 50 percent of the active military are married. These numbers are even higher in the Guard and Reserves. This service places heavy strain on the families who are left behind to worry and cope with the sudden new demands of running a household alone.

For the Guard and Reservists' families, a recall to active duty brings new bureaucratic challenges. Employers are not required to keep paying the health insurance for reservists while they are deployed. Many guardsmen and reservists may not be able to afford to pay for health care for their families while they are away.

If a guardsman or reservist is activated for more than thirty days, their family is eligible to enroll in the TRICARE program. However, during that first month, the family may not have any health insurance. In addition, if their family doctor does not participate in TRICARE, the family must find a new doctor while coping with all the other demands of the service member's absence. A family with a sick child and a father or mother sent off to war should not have to cope with the added burden of giving up the family doctor they trust.

The bill I am introducing will assure continuity of health insurance coverage for families of Reservists and National Guard personnel called to active duty. Under this bill, these families retain the option of private health insurance coverage during the period of active duty, rather than enrolling in TRICARE.

The bill amends the COBRA coverage rules to specify that loss of employment-based coverage due to active-duty allows them to use the COBRA mechanism to retain their health care coverage. The Federal Government will pay the cost of premiums not covered by employers. This assistance will relieve some of the financial burden on families when the service member leaves a more lucrative private sector job to serve in the military. The Federal Government will also pay the cost of continuing family coverage purchased in the individual insurance market, for those who do not have employment-based coverage.

The cost of the modest additional help for the families of our servicemen will be small, since spouses and children who continue to use their private insurance policies will not be using TRICARE medical services that would otherwise be the government's responsibility.

This bill will not change the health care coverage for service members who will continue to receive health care through the military medical system. Nor will it change the health care coverage for active duty family members who retain TRICARE eligibility and receive health care either through the direct care system or TRICARE network.

When Reservists and members of the National Guard are called to active duty in time of international crisis, they are asked to put their lives on the line for their country. The least we can do for them is assure that their families can continue to receive quality health care without interruption during their absence.

I urge my colleagues to move promptly to enact this legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

U.S. SENATE,
Washington, DC March 17, 2003.

Hon. MITCHELL E. DANIELS, Jr.,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. DANIELS: As you prepare the Administration's request for emergency supplemental appropriations, we urge you to consider an important issue facing our National Guard and Reserve Component troops.

Today's military relies more heavily than ever before on these forces. Currently, over 150,000 members of the guard and reserve have been mobilized. They are spending an average of thirteen times longer on active duty than their counterparts a decade ago.

For their families, a recall to active duty brings new bureaucratic challenges. Employers are not required to keep paying for their health insurance coverage while they are deployed, and many of them may not be able to afford to pay for coverage for their families while they are away.

If reservists or guardsmen are activated for more than thirty days, their families are eligible to enroll in the TRICARE program. However, during that first month, the family may not have any health insurance. In addition, their family doctor may not participate in TRICARE, forcing the family to find a

new doctor while coping with all the other demands of the service member's absence.

To address this problem, we are introducing bills to assure continuity of health insurance coverage for families of reservists and National Guard personnel called to active duty. Under this bill, these families will retain the option of private health insurance coverage during the period of active duty, rather than enrolling in TRICARE. This bill will not change the health care coverage for the reservists or guardsmen who will continue to be covered by TRICARE during active military service.

The bill modifies the COBRA continuation-of-coverage rules to specify that loss of employment-based converge due to active-duty is a qualifying event for COBRA, so that they can, if they choose, use the COBRA mechanism to retain their health care coverage. The federal government will pay the cost of premiums not covered by employers, as well as the cost of continuing family coverage purchased in the individual market.

We believe this step is important as part of the overall effort to take care of the families of our men and women in uniform. We urge you to include a proposal to provide continuity of health insurance for reservists and guardsmen in the emergency supplemental.

With respect and appreciation, and we look forward to working with you on this issue.

Sincerely,

EDWARD M. KENNEDY,
United States Senator.
MICHAEL CAPUANO,
United States Representative.

By Mr. REED (for himself, Mr. ENZI, Mr. JOHNSON, Mr. WARNER, Ms. LANDRIEU, Ms. COLLINS, Mr. INOUYE, and Mr. ROBERTS):

S. 648. A bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to reintroduce the Pharmacy Education Aid Act along with my colleagues, Senator ENZI, Senator JOHNSON and others. Last year, the Senate recognized and acted to address the growing, nationwide shortage of pharmacists, by creating a demonstration program under the National Health Service Corps whereby pharmacists agree to serve in rural and medically underserved areas in exchange for partial loan repayment. I commend my colleagues for responding in such a strong, bipartisan way to this critically important health care issue. The bill I am introducing today, the Pharmacy Education Aid Act seeks to build on that bipartisan step while taking a multi-faceted approach to the problem of workforce shortages in the pharmacy sector.

The December 2000 Health Resources and Services Administration, HRSA, report, ''The Pharmacist Workforce: A Study of the Supply and Demand for Pharmacists'' concluded that due to the rapid increase in demand for pharmacists and our limited ability to expand the number pharmacy education programs to train more pharmacists, the shortage was unlikely to abate without significant changes to the current system.

Pharmacists represent the third largest and most trusted health professional group in the United States. In 2000, 190,000 pharmacists were in practice. While this figure is expected to grow to 224,500 by 2010, demand for pharmacists is expected to continue to outpace supply.

These shortages, while particularly acute in rural and medically underserved areas, are felt throughout of health care system. A November 2001 GAO report found that, on average, hospitals report 21 percent of their pharmacist positions are currently unfilled. Vacancy rates are even higher in federal health systems, such as the Department of Veterans Affairs, the Department of Defense and the Indian Health Service.

The Pharmacy Education Act seeks to address these chronic shortfalls in the supply and distribution of pharmacists by building upon Title VII of the Public Health Service Act, with particular emphasis on students with the greatest financial need.

In addition to enhancing students' opportunities to pursue an education in pharmacy, the bill also makes available much needed resources to Colleges of Pharmacy to upgrade and expand facilities and laboratory space as well as to recruit and retain talented faculty to educate future generations of pharmacists.

As Congress works to provide a Medicare prescription drug benefit, the need for more pharmacist involvement in health care decision making, including medication therapy management, formulary development and drug utilization review, will be essential to its long-term success. We must address the pharmacist shortage now. As such, I look forward to working with my colleagues towards expeditious consideration and passage of this timely and important legislation.

I ask unanimous consent that a letter of support be printed in the RECORD.

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

February 21, 2003.

Hon. JUDD GREGG, EDWARD KENNEDY, BILLY TAUZIN, JOHN DINGELL, MICHAEL BILIRAKIS, SHERROD BROWN.

The undersigned associations and organizations urge you to ensure Americans continue to have access to comprehensive pharmacy services. During the 107th Congress you recognized how important it is to ensure enough pharmacists are available to care for our nation's citizens, especially the most vulnerable. We were very grateful that the House introduced two bills and the senate passed one bill, all addressing the supply and distribution of pharmacists. We request your support for similar legislation that is soon to be introduced during the 108th Congress. Helping the nation's colleges and schools of pharmacy increase their educational capacity is an important way of assuring access to this critical health care professional.

''The Pharmacist Workforce: A Study of the Supply and Demand for Pharmacists,'' released in December 2000 by the Department of Health and Human Service was just a starting point for raising public awareness of the growing demand for pharmacists. The American Hospital Association released a study in April 2002 that showed vacancy rates for pharmacists in hospitals and health systems exceeded that of nurses. Recent pharmacy workforce reports from North Carolina, Oregon and Washington make it clear that there are imbalances in the supply of pharmacists in rural vs. urban areas. These reports, and others acknowledge that, like the general population, the pharmacist workforce is aging, placing communities at risk of losing access to pharmacy services.

Congress, in some recent Medicare drug benefit proposals, increases the demand for pharmacists by recognizing the benefits they bring to health care delivery. Retrospective drug utilization review, formulary development, medication therapy management, and prescribing protocols are some of the mechanisms included in proposed legislation. All these mechanisms are dependent on or directly involve a pharmacist. A Medicare prescription drug benefit will dramatically increase the number of prescriptions dispensed. As a result, pharmacists will serve an increasingly important role in utilization control and medication therapy management. This will only place additional workforce pressure on a health profession already in high demand.

The President also increases the demand for pharmacists with his proposals to expand access to health care and improve health through health promotion activities. Colleges and schools of pharmacy educate and graduate a health care professional that is finding growing practice opportunities across a wide range of clinical and community settings. Supported by public and private grants and funding, colleges and schools of pharmacy are working with community-level health care providers to improve patient safety, boost immunization rates, increase patient compliance for treatments associated with chronic illness, and through health promotion activities, better the health and well being of our nation.

Increasing the supply of pharmacists is not something that can be accomplished overnight. We know that you face many challenges and competing priorities during the 108th congress. your support and leadership will help meet the demand for the services of an exceptionally knowledgeable health care professional and ensure future access. We recommend you accomplish this by developing and passing legislation that will assist the nations' colleges and schools of pharmacy to increase their educational capacity.

Thank you for your continued support of pharmacy education and the pharmacy profession, and for your efforts to improve the health and well being of all Americans.

Academy of Managed Care Pharmacists (AMCP)

American Association of Colleges of Pharmacy (AACP)

American College of Apothecaries (ACA)

American College of Clinical Pharmacy (ACCP)

American Pharmaceutical Association (APhA)

American Society of Consultant Pharmacists (ASCP)

American Society of Health-Systems Pharmacists (AHSP)

Healthcare Distribution Management Association (HDMA)

References: Oregon Health Workforce Project ''Pharmacist Workforce 2002: A Sourcebook,'' December 2002; UNC Cecil G. Sheps Center for Health Services Research ''The Pharmacist Workforce in North Carolina,'' August 2002; Washington Workforce Training and Education Coordinating Board

''Health Care Personnel Shortage: Crisis or Opportunity,'' 2002; GAO–02–137R ''Supply of Health Workers''; Department of Health and Human Services ''The Pharmacist Workforce: A Study of the Supply and Demand for Pharmacists,'' December 2000; The American Hospital Association, ''In Our Hands: How Hospital Leaders Can Build A Thriving Workforce,'' April 2002; Department of Labor, Bureau of Labor Statistics, Occupational Employment Statistics.

Mr. ENZI. Mr. President, I rise to speak about a bill to address a significant problem in our Nation's healthcare delivery system—the growing shortage of pharmacists. I am joined by my distinguished colleague from Rhode Island, Senator REED, in the introduction of the Pharmacy Education Aid Act of 2003.

Why is the shortage of pharmacists in our Nation such an important concern, and why is this legislation necessary? It is because pharmacists are playing an increasingly important role in the delivery of quality healthcare, and our academic institutions are currently unable to supply the needed pharmacists. This critical link in our healthcare system is being stretched precariously thin. In December 2000, the Secretary of Health and Human Services, HHS, issued a report which confirmed the shortage of licensed pharmacists in this country.

I am particularly concerned about the shortage of pharmacists in rural and frontier areas like Wyoming. According to the HHS study, ''a threat to the rural pharmacists supply has more dire implications since in many cases, the pharmacist may be the only available health professional.'' We must do more to increase the number of pharmacists serving rural areas.

As the HHS study highlighted, we must take action now to expand the pipeline for licensed pharmacists. The Pharmacy Education Aid Act of 2003 will do so by increasing the likelihood that an individual will pursue an education as a pharmacist, that the pharmacy schools will be able to provide them with a quality education, and that pharmacists will work in facilities having the hardest time recruiting them.

What does the shortage of pharmacists mean to many Americans? It means the closure of local pharmacies. It means a decrease in patient counseling and education. It also means an increase in the potential for medication errors.

What will the Pharmacy Education Aid Act mean to many Americans—particularly those in medically underserved areas? It will mean restoring a critical link in their access to quality pharmacy care. It also will mean better healthcare overall.

Last year, the Senate passed this bill unanimously. I look forward to working with my colleagues this year on the speedy passage of this bill out of the Committee on Health, Education, Labor, and Pensions, and by the Senate.

By Mr. DEWINE (for himself, Mrs. CLINTON, Mr. GREGG, Mr. DODD, and Mr. KENNEDY):

S. 650. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise today to talk about a very important subject—one that affects parents, doctors, hospitals, nurses and our children each and every day. The subject that I am talking about is the safety and efficacy of the medicines that doctors give our children when they are sick.

Nearly six years ago, I was astonished to learn that close to 80 percent of drugs on the market were not tested for use in children—yet, doctors were prescribing these drugs to our children. Doctors had no choice but to prescribe these drugs for children if they thought the medicines would be helpful. And, sometimes the medicines did help—sometimes a child's pain was relieved, or a child would be able to breathe easier or digest food better because of the medicines the doctors prescribed them. But, even when the drugs do work, an anxious feeling remains among doctors and parents about whether these medicines are safe for children. How are doctors and parents to know for certain which medicines will work if they haven't been tested for safety and efficacy in children?

There are many examples, of situations where drugs have been misprescribed for children because doctors simply weren't aware of the effects these drugs would have on kids. For example, the drug, Neurontin, which is used to treat chronic pain, was given to children without being properly tested, and doctors eventually learned they were under-dosing children by 50 percent. That means children were suffering from pain because they were being under-dosed. They weren't being given the proper dose of medication to relieve their pain.

Another drug, Lithium, which has been prescribed to treat bipolar disorder since 1940 was never tested for long-term use in children until just a few months ago. This is an example of a drug that doctors have been prescribing ''off-label'' for years, and only now we are finally getting some evidence of its effect in children. According to doctors, the testing of Lithium revealed important information because children who suffer from bipolar disorder cycle between mania and depression quicker than adults, and they can even have signs of both at the same time. Unlike adults, they don't have periods of normalcy. Doctors now know that Lithium can be used to treat bipolar disorder in children.

Doctors have taken a chance in prescribing medicines for children. Doctors tell parents to cut a pill in half or in quarters so it can be given to a child. Doctors use the best information they have to determine how much or what kind of medicines to give a child. That is all they can do when the medicines children need have not been tested for their use.

Doctors and pediatricians should not be left to guess how much medicine our children should receive. And, parents shouldn't have to feel anxious or question whether the half a pill that's been ground up and put in applesauce will still be effective in treating their child—or whether it's even safe for their child to take.

It's been over a year now since the Senate passed and the President signed into law the Best Pharmaceuticals for Children's Act. As many of my colleagues know, that law has been part of a solution—but just a part of a solution—to address the problem I just mentioned. The law provides a six-month patent extension to pharmaceutical companies in exchange for the testing of medicines in children. And, for as long as the bill has been law, the Food and Drug Administration is reporting its success in ensuring that more medicines are tested for use in children. With the incentive provided by Best Pharmaceuticals, companies are seeing the value of studying their drugs in children and are applying for the patent extension.

But, the Best Pharmaceuticals incentive cannot work alone to ensure that medicines in children do not go untested. The incentive in the Best Act was never intended to work alone. When the Best Act became law, there was already a rule on the books that helped ensure that no medicine used to treat children, including vaccines or other biologics, would go untested. Back in 1997, the Food and Drug Administration proposed what is known today as the Pediatric Rule. The Pediatric Rule allowed FDA to require that the drugs the agency felt are important for children are safe, effective, and properly labeled for children.

Unfortunately, the Pediatric Rule has come under legal challenge, with a District Court ruling just a few months ago stating that FDA lacked the statutory authority to require pediatric studies. This was a troubling step backward for children's health—a troubling step at a time when 75 percent of the medicines on the market still aren't tested and labeled for pediatric use. We've made some improvements from the 80 percent of medicines on the market, but 75 percent is still too much. Without the Pediatric Rule, new medicines and biologics coming onto the market are not required to be tested for use in children. Congress needs to make sure that the FDA continues to have every tool—that includes the market incentives and the pediatric rule—available to them to ensure that drugs for children are tested for safety and efficacy and that they are labeled properly.

Everyday that a drug manufacturer chooses not to participate in the incentive program, the number of medicines

that go untested for use in children increases. Everyday that we don't have the Pediatric Rule, we sacrifice our children's safety. Medicines that are used by children should be tested for safety and efficacy. That is why Senators CLINTON, GREGG, DODD, and KENNEDY and I are introducing a bill today—the Pediatric Research Equity Act—that would ensure that the Pediatric Rule continues to work alongside the Best Act, so that children will remain on safe footing when it comes to the testing of the medications they use.

Congress needs to make sure the Pediatric Rule stays in place, because right now, the Pediatric Rule and the Best Act incentive work together to ensure that drugs are tested for use in children. As I said already, the Best Act was never intended to substitute the rule, but rather to reinforce and work with the rule. For example, the Pediatric Rule may be invoked in instances where pediatric information is essential, but the patent exclusivity is no longer available.

The Pediatric Rule also applies to biologics, whereas the Best Pharmaceuticals does not. A significant portion of therapeutics used in children, including many cancer treatments, are biological products (products that include a live agent). Because Best Pharmaceuticals does not apply to biologics, the Pediatric Rule is the only way to ensure pediatric labeling.

Finally, the Best Pharmaceuticals is voluntary. For any number of reasons, including insufficient sales, a manufacturer may choose not to conduct the testing necessary to receive additional exclusivity under the Best Act. But, just because a drug manufacturer chooses not to study the drug in children does not mean that drug is not critical to the proper treatment of our children. Without the Pediatric Rule, there is no way to guarantee that a drug that is used in the pediatric population is tested for children's use.

With the establishment of the Pediatric Rule and the financial incentives of the Best Pharmaceuticals law, there has been a dramatic increase in the number of studies that have been undertaken. Let me quote from the Government's Response to Plaintiff's Notice of Reauthorization of FDA Modernization Act. This is the document that the government filed to defend the lawsuit against the Rule: ''These two options [the Best Pharmaceuticals for Children Act and the Pediatric Rule] have resulted in a number of drugs being labeled for use in pediatric populations. As of March 31, 2002, 94 applications containing complete or partial pediatric use information had been submitted to the agency. Of these 94 applications, 45 are attributable to the statutory exclusivity provisions. FDA attributes 48 of the 94 applications to the authority of the pediatric rule alone.''

The bill that my colleagues and I are introducing today would help maintain that progress—not erode it. Our bill would provide the FDA with the authority it needs to ensure that the medicines children take are studied for safety and efficacy. And, our bill would give FDA this authority in a way so that it does not conflict with the incentives provided in the Best Pharmaceuticals Act.

Our bill would preserve the waiver and deferral process, so that drug companies can get waivers or deferrals for a range of legitimate reasons. Drug companies could get a waiver or deferral of studies for safety or ethical concerns. A drug company could get a waiver or deferral if the pediatric testing would interfere with the drug's availability for adults.

Ultimately, though, our bill would help make certain that children are no longer a therapeutic afterthought by ensuring that all new drugs are studied for pediatric use at the time a drug comes to market. This would put children on a level playing field with adults for the first time. Our children deserve no less, and I encourage my colleagues to join in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 650

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pediatric Research Equity Act of 2003''.

SEC. 2. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505A the following:

''SEC. 505B. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

''(a) NEW DRUGS AND BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—A person that submits an application (or supplement to an application)—

''(A) under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration; or

''(B) under section 351 of the Public Health Service Act (42 U.S.C. 262) for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration;

shall submit with the application the assessments described in paragraph (2).

''(2) ASSESSMENTS.—

''(A) IN GENERAL.—The assessments referred to in paragraph (1) shall contain data, gathered using appropriate formulations for each age group for which the assessment is required, that are adequate—

''(i) to assess the safety and effectiveness of the drug or the biological product for the claimed indications in all relevant pediatric subpopulations; and

''(ii) to support dosing and administration for each pediatric subpopulation for which the drug or the biological product is safe and effective.

''(B) SIMILAR COURSE OF DISEASE OR SIMILAR EFFECT OF DRUG OR BIOLOGICAL PRODUCT.—

''(i) IN GENERAL.—If the course of the disease and the effects of the drug are sufficiently similar in adults and pediatric patients, the Secretary may conclude that pediatric effectiveness can be extrapolated from adequate and well-controlled studies in adults, usually supplemented with other information obtained in pediatric patients, such as pharmacokinetic studies.

''(ii) EXTRAPOLATION BETWEEN AGE GROUPS.—A study may not be needed in each pediatric age group if data from 1 age group can be extrapolated to another age group.

''(3) DEFERRAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

''(A) the Secretary finds that—

''(i) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

''(ii) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

''(iii) there is another appropriate reason for deferral; and

''(B) the applicant submits to the Secretary—

''(i) certification of the grounds for deferring the assessments;

''(ii) a description of the planned or ongoing studies; and

''(iii) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time.

''(4) WAIVERS.—

''(A) FULL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients is so small or the patients are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups; or

''(iii) the drug or biological product—

''(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients; and

''(II) is not likely to be used in a substantial number of pediatric patients.

''(B) PARTIAL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

''(iii) the drug or biological product—

''(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

''(II) is not likely to be used by a substantial number of pediatric patients in that age group; or

''(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric

formulation necessary for that age group have failed.

''(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

''(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

''(b) MARKETED DRUGS AND BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—After providing notice in the form of a letter and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262) to submit by a specified date the assessments described in subsection (a)(2) if the Secretary finds that—

''(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

''(ii) the absence of adequate labeling could pose significant risks to pediatric patients; or

''(B)(i) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; and

''(ii) the absence of adequate labeling could pose significant risks to pediatric patients.

''(2) WAIVERS.—

''(A) FULL WAIVER.—At the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments under this subsection if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed); or

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups.

''(B) PARTIAL WAIVER.—At the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

''(iii)(I) the drug or biological product—

''(aa) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

''(bb) is not likely to be used in a substantial number of pediatric patients in that age group; and

''(II) the absence of adequate labeling could not pose significant risks to pediatric patients; or

''(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

''(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

''(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

''(3) RELATIONSHIP TO OTHER PEDIATRIC PROVISIONS.—

''(A) NO ASSESSMENT WITHOUT WRITTEN REQUEST.—No assessment may be required under paragraph (1) for a drug subject to an approved application under section 505 unless—

''(i) the Secretary has issued a written request for a related pediatric study under section 505A(c) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m);

''(ii)(I) if the request was made under section 505A(c)—

''(aa) the recipient of the written request does not agree to the request; or

''(bb) the Secretary does not receive a response as specified under section 505A(d)(4)(A); or

''(II) if the request was made under section 409I of the Public Health Service Act (42 U.S.C. 284m)—

''(aa) the recipient of the written request does not agree to the request; or

''(bb) the Secretary does not receive a response as specified under section 409I(c)(2) of that Act; and

''(iii)(I) the Secretary certifies under subparagraph (B) that there are insufficient funds under sections 409I and 499 of the Public Health Service Act (42 U.S.C. 284m, 290b) to conduct the study; or

''(II) the Secretary publishes in the Federal Register a certification that certifies that—

''(aa) no contract or grant has been awarded under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b); and

''(bb) not less than 270 days have passed since the date of a certification under subparagraph (B) that there are sufficient funds to conduct the study.

''(B) NO AGREEMENT TO REQUEST.—Not later than 60 days after determining that no holder will agree to the written request (including a determination that the Secretary has not received a response specified under section 505A(d) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m), the Secretary shall certify whether the Secretary has sufficient funds to conduct the study under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b), taking into account the prioritization under section 409I.

''(c) MEANINGFUL THERAPEUTIC BENEFIT.—For the purposes of paragraph (4)(A)(iii)(I) and (4)(B)(iii)(I) of subsection (a) and paragraphs (1)(B)(i) and (2)(B)(iii)(I)(aa) of subsection (b), a drug or biological product shall be considered to represent a meaningful therapeutic benefit over existing therapies if the Secretary estimates that—

''(1) if approved, the drug or biological product would represent a significant improvement in the treatment, diagnosis, or prevention of a disease, compared with marketed products adequately labeled for that use in the relevant pediatric population; or

''(2) the drug or biological product is in a class of products or for an indication for which there is a need for additional options.

''(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit an assessment described in subsection (a)(2), or a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

''(1) the drug or biological product that is the subject of the assessment or request may be considered misbranded and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

''(2) the failure to submit the assessment or request shall not be the basis for a proceeding—

''(A) to withdraw approval for a drug under section 505(e); or

''(B) to revoke the license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262).

''(e) MEETINGS.—Before and during the investigational process for a new drug or biological product, the Secretary shall meet at appropriate times with the sponsor of the new drug or biological product to discuss—

''(1) information that the sponsor submits on plans and timelines for pediatric studies; or

''(2) any planned request by the sponsor for waiver or deferral of pediatric studies.

''(f) SCOPE OF AUTHORITY.—Nothing in this section provides to the Secretary any authority to require a pediatric assessment of any drug or biological product, or any assessment regarding other populations or uses of a drug or biological product, other than the pediatric assessments described in this section.

''(g) ORPHAN DRUGS.—Unless the Secretary requires otherwise by regulation, this section does not apply to any drug for an indication for which orphan designation has been granted under section 526.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) is amended in the second sentence—

(A) by striking ''and (F)'' and inserting ''(F)''; and

(B) by striking the period at the end and inserting '', and (G) any assessments required under section 505B.''.

(2) Section 505A(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(h)) is amended—

(A) in the subsection heading, by striking ''REGULATIONS'' and inserting ''PEDIATRIC RESEARCH REQUIREMENTS''; and

(B) by striking ''pursuant to regulations promulgated by the Secretary'' and inserting ''by a provision of law (including a regulation) other than this section''.

(3) Section 351(a)(2) of the Public Health Service Act (42 U.S.C. 262(a)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) PEDIATRIC STUDIES.—A person that submits an application for a license under this paragraph shall submit to the Secretary as part of the application any assessments required under section 505B of the Federal Food, Drug, and Cosmetic Act.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ABBREVIATED NEW DRUG APPLICATION.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subparagraphs (A) and (B) of subsection (b)(2) and subparagraphs (A) and (B) of subsection (c)(2) by striking ''505(j)(4)(B)'' and inserting ''505(j)(5)(B)''.

(b) PEDIATRIC ADVISORY COMMITTEE.—

(1) Section 505A(i)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(i)(2)) is amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs'' each place it appears.

(2) Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note; Public Law 107–109) is amended—

(A) in the section heading, by striking ''**PHARMACOLOGY**'';

(B) in subsection (a), by striking ''(42 U.S.C. 217a),'' and inserting (42 U.S.C. 217a) or other appropriate authority,'';

(C) in subsection (b)—

(i) in paragraph (1), by striking ''and in consultation with the Director of the National Institutes of Health''; and

(ii) in paragraph (2), by striking ''and 505A'' and inserting ''505A, and 505B''; and

(D) by striking ''pharmacology'' each place it appears and inserting ''therapeutics''.

(3) Section 15(a)(2)(A) of the Best Pharmaceuticals for Children Act (115 Stat. 1419) is amended by striking ''Pharmacology''.

(4) Section 16(1)(C) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355a note; Public Law 107–109) is amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs''.

(5) Section 17(b)(1) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(b)(1)) is amended in the second sentence by striking ''Advisory Subcommittee of the Anti-Infective Drugs''.

(6) Paragraphs (8), (9), and (11) of section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) are amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs'' each place it appears.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act take effect October 17, 2002.

(b) NO LIMITATION OF AUTHORITY.—Neither the lack of guidance or regulations to implement this Act or the amendments made by this Act nor the pendency of the process for issuing guidance or regulations shall limit the authority of the Secretary of Health and Human Services under, or defer any requirement under, this Act or those amendments.

By Mr. ALLARD:

S. 651. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 651

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Trails System Willing Seller Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In spite of commendable efforts by State and local governments and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails designated by Act of Congress in section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)), the rate of progress towards developing and completing the trails is slower than anticipated.

(2) Nine of the twelve national scenic and historic trails designated between 1978 and 1986 are subject to restrictions totally excluding Federal authority for land acquisition outside the exterior boundaries of any federally administered area.

(3) To complete these nine trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments, limited to acquisition from willing sellers only, and specifically excluding the use of condemnation, should be extended to the Secretary of the Federal department administering these trails.

SEC. 3. SENSE OF THE CONGRESS REGARDING MULTIJURISDICTIONAL AUTHORITY OVER THE NATIONAL TRAILS SYSTEM.

It is the sense of the Congress that in order to address the problems involving multijurisdictional authority over the National Trails System, the Secretary of the Federal department with jurisdiction over a national scenic or historic trail should—

(1) cooperate with appropriate officials of each State and political subdivisions of each State in which the trail is located and private persons with an interest in the trail to pursue the development of the trail; and

(2) be granted sufficient authority to purchase lands and interests in lands from willing sellers that are critical to the completion of the trail.

SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS OF THE NATIONAL TRAILS SYSTEM ACT.

(a) INTENT.—It is the intent of Congress that lands and interests in lands for the nine components of the National Trails System affected by the amendments made by subsection (b) shall only be acquired by the Federal Government from willing sellers.

(b) LIMITED ACQUISITION AUTHORITY.—

(1) OREGON NATIONAL HISTORIC TRAIL.—Paragraph (3) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following new sentence: ''No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.''.

(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Paragraph (4) of such section is amended by adding at the end the following new sentence: ''No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.''.

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Paragraph (5) of such section is amended by adding at the end the following new sentence: ''No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.''.

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Paragraph (6) of such section is amended by adding at the end the following new sentence: ''No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.''.

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Paragraph (7) of such section is amended by adding at the end the following new sentence: ''No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.''.

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Paragraph (8) of such section is amended by adding at the end the following new sentence: ''No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.''.

(7) ICE AGE NATIONAL SCENIC TRAIL.—Paragraph (10) of such section is amended by adding at the end the following new sentence: ''No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.''.

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Paragraph (11) of such section is amended in the fourth sentence by inserting before the period the following: ''except with the consent of the owner thereof.''.

(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Paragraph (14) of such section is amended in the fourth sentence by inserting before the period the following: ''except with the consent of the owner thereof.''.

(c) PROTECTION FOR WILLING SELLERS.—Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

''(l) PROTECTION FOR WILLING SELLERS.—If the Federal Government fails to make payment in accordance with a contract for the sale of land or an interest in land for one of the national scenic or historic trails designated by section 5(a), the seller may utilize any of the remedies available to the seller under all applicable law, including electing to void the sale.''.

(d) CONFORMING AMENDMENT.—Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended—

(1) by striking paragraph (1); and

(2) by striking ''(2) Except'' and inserting ''Except''.

By Mr. CHAFEE (for himself, Mr. GRAHAM of Florida, Mr. DEWINE, Mrs. FEINSTEIN, Mr. WARNER, Ms. CANTWELL, Mrs. CLINTON, Mr. SMITH, Mr. ROCKEFELLER, Mr. BUNNING, Mrs. MURRAY, Mr. KENNEDY, Ms. LANDRIEU, Mr. KERRY, and Mrs. HUTCHISON):

S. 652. A bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Finance.

Mr. CHAFEE. Mr. President, I am pleased to be joined today by Senators BOB GRAHAM, DEWINE, FEINSTEIN, WARNER, CANTWELL, SMITH, CLINTON, BUNNING, ROCKEFELLER, MURRAY, KENNEDY, LANDRIEU, KERRY, and HUTCHISON in introducing the Access to Hospitals Act of 2003. This legislation will freeze Medicaid Disproportionate Share Hospital, DSH, reductions at Fiscal Year 2002 levels, thereby eliminating the scheduled Fiscal Year 2003 drop-off in Federal Medicaid DSH funding. This bill will also provide a growth rate adjustment to help compensate for the increases in the cost of providing care to the most needy and indigent patients.

This legislation is necessary because the Medicaid DSH provision included in the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, BIPA, expired on October 1, 2002. This provision provided crucial, but temporary, relief from the deep reductions in State Medicaid allotments that were contained in the Balanced Budget Act of 1997, BBA. With the BIPA provision, Congress recognized that the funding cuts in the BBA could severely undermine health care safety net services throughout our Nation. These payments help reimburse hospitals' costs of treating Medicaid patients, particularly those with complex medical needs, and make it possible for communities to care for those who lack

health coverage. At a time when our Nation's uninsured rate continues to climb above 40 million, it makes little sense to be reducing much needed Medicaid DSH payments to safety net hospitals.

Hospitals in Rhode Island will absorb approximately $400 million in reductions as a result of changes made to the Medicare and Medicaid programs in the BBA. Nine out of fifteen hospitals in my State had operating loses in Fiscal Year 2002. After the BBA was enacted, it was predicted that cuts in Federal Medicare and Medicaid payments would cost hospitals in Rhode Island $220 million over five years; however, this estimate has proven to be about $180 million off the mark. Every other State is experiencing similar problems. According to the American Hospital Association, hospitals lost almost $10 million on Medicaid and uninsured patients in 2000. This translates into an estimated loss of more than $42 million over five years. Clearly, more needs to be done to keep our vulnerable safety net hospitals from continuing on this downward spiral.

This legislation represents a common-sense approach that will help prevent the further weakening of our Nation's safety net hospitals and the long-term viability of our health care system.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 652

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Access to Hospitals Act of 2003''.

SEC. 2. CONTINUATION OF MEDICAID DSH ALLOTMENT ADJUSTMENTS UNDER BIPA 2000.

(a) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f))—

(1) in paragraph (2)—

(A) in the heading, by striking ''THROUGH 2002'' and inserting ''THROUGH 2000'';

(B) by striking ''ending with fiscal year 2002'' and inserting ''ending with fiscal year 2000''; and

(C) in the table in such paragraph, by striking the columns labeled ''FY 01'' and ''FY02'';

(2) in paragraph (3)(A), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(3) in paragraph (4), as added by section 701(a)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554)—

(A) by striking ''FOR FISCAL YEARS 2001 AND 2002'' in the heading;

(B) in subparagraph (A), by striking ''Notwithstanding paragraph (2), the'' and inserting ''The'';

(C) in subparagraph (C)—

(i) by striking ''NO APPLICATION'' and inserting ''APPLICATION''; and

(ii) by striking ''without regard to'' and inserting ''taking into account''.

(b) INCREASE IN MEDICAID DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Effective for DSH allotments beginning with fiscal year 2003, the item in the table contained in section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r–4(f)(2)) for the District of Columbia for the DSH allotment for FY 00 (fiscal year 2000) is amended by striking ''32'' and inserting ''49''.

(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as preventing the application of section 1923(f)(4) of the Social Security Act (as amended by subsection (a)) to the District of Columbia for fiscal year 2003 and subsequent fiscal years.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to DSH allotments for fiscal years beginning with fiscal year 2003.

By Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. BOND, and Mr. HOLLINGS):

S. 654. A bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the ''Medicare Safety Net Act of 2003.'' I am particularly pleased to introduce this bill with my good friend and colleague, Senator BINGAMAN. Last year we worked together on this bill, and I am confident that with the modifications that we made to the legislation, we will be able to get it enacted into law.

This legislation will improve Medicare beneficiaries' access to primary care services and preventative treatments by increasing access to Community Health Centers. Community Health Centers, also known as federally qualified health centers, provide care to more than 1 million medically underserved Medicare beneficiaries. In many cases, Community Health Centers are the only source of primary and preventive services to which Medicare beneficiaries have access. This is especially true for people living in America's rural medically underserved areas.

In Maine, nearly 20 percent of all Community Health Center patients are on Medicare, and this figure is expected to rise dramatically in the coming years as 25 percent of health center patients will be aging into Medicare in the upcoming decades.

Besides primary and preventive care services, Community Health Centers provide other crucial services to seniors and the disabled, including treatment of chronic diseases, like diabetes and hypertension, mental health services and prescribed medications. Community Health Centers also provide transportation services or arrange for transportation that allows seniors to access health care in the absence of public transportation or a personal vehicle. In short, Community Health Centers provide the ease of ''one-stop health care shopping,'' meaning that seniors, instead of moving from location to location to receive comprehensive primary health services, typically can receive all of their essential primary care in one place.

The Medicare Safety Net Access Act makes four changes to the Medicare program to ensure that Community Health Centers can fully participate in the Medicare program and provide seniors with the vital services. Ensuring that Medicare pays its fair share is important to the stability of Community Health Centers. While one in five of all Health Center patients in Maine are Medicare beneficiaries, Medicare represents only 17 percent of total Health Center revenues. For Health Centers to remain a viable part of the health care delivery system, we must make changes.

Because Medicare currently does not reimburse health centers for the full cost of providing many vital services, like mammograms, nutrition assistance, laboratory and x-rays, health centers must utilize federal grant funding intended to serve the uninsured to cover these costs. This bill will require that Medicare, like state Medicaid programs, allow health centers to provide all Medicare-covered ambulatory services to Medicare beneficiaries in their communities.

Further, Community Health Centers face many challenges in their fight to remain in business and serve their communities. In rural communities that have Community Health Centers, the health center physicians often continue treating patients when they enter long-term care facilities, such as a nursing home. And while Congress took steps to ensure that the new SNF prospective payment system did not adversely affect this relationship, it was not successful in identifying all of the services that are provided. This bill will add health centers to the current list of providers that can bill for services provided to patients in a hospital or nursing home.

Given the role that Health Centers play in serving low-income and uninsured members of the community, providers often are willing to establish special arrangements with the Health Centers to provide additional assistance to these clients. An example of this type of arrangement is offering a reduced price for laboratory work for clients of a Community Health Center. However, under Federal anti-kickback laws this and other arrangements could be deemed illegal. Given the importance of developing community support for Health Centers and the need to encourage private-public partnerships to ensure that community financial support exists to care for low-income and uninsured individuals, this bill creates a safe harbor under the anti-kickback statute.

The final step that this legislation takes to improve access to primary and preventative services for Medicare beneficiaries is to ensure that Medicare covers a Community Health Center's cost of providing care to

Medicare+Choice beneficiaries. While the federal government requires Medicare, under the traditional fee-for-service program, to reimburse health centers for their cost to deliver care to beneficiaries, the same requirement does not exist for Medicare+Choice plans. This bill would require Medicare, like the Medicaid program, to provide wrap-around payments covering the difference between the amount paid to the health center under the managed care arrangement and the amount the health center would have received under traditional Medicare.

By making these four straightforward changes, we will be able to enhance the care that all Medicare beneficiaries receive, especially those living in underserved communities. And we will ensure that Medicare patients are not diluting federal funding intended to help the 41 million Americans that were uninsured in 2001.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. CANTWELL, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Ms. LANDRIEU, Mr. HARKIN, Mr. FEINGOLD, Mr. SARBANES, Ms. MIKULSKI, Mrs. FEINSTEIN, and Mrs. BOXER):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today, Senators MURRAY, CANTWELL, CORZINE, DAYTON, DODD, KERRY, LIEBERMAN, SCHUMER, STABENOW, CLINTON, DURBIN, LANDRIEU, HARKIN, FEINGOLD, SARBANES, MIKULSKI, FEINSTEIN, BOXER and I are re-introducing the Equal Rights Amendment to the Constitution. In doing so, we reaffirm our strong commitment to equal rights for men and women.

Adoption of the ERA is essential to guarantee that the freedoms protected by our Constitution apply equally to men and women. From the beginning of our history as a Nation, women have had to wage long and difficult battles to win the rights that men possess automatically because they are male. In 1920, we amended the Constitution to guarantee women the right to vote, and we must do so again to eliminate discrimination against women. A constitutional amendment is necessary to do so, because existing statutory prohibitions against discrimination have clearly failed to give women the assurance of equality with men.

Despite passage of the Equal Pay Act and the Civil Rights Act in the 1960s, discrimination against women continues to permeate the workforce and the vast majority of areas of the economy. Today, women earn less than 75 cents for each dollar earned by men, and the gap is even greater for women of color. In the year 2000, African American women earned just 64 percent of the earnings of white men, and Hispanic women earned only 52 percent. Women with college and professional degrees have achieved advances in a number of professional and managerial occupations in recent years—yet more than 60 percent of working women are still clustered in a narrow range of traditionally female, traditionally low-paying occupations, and female-headed households continue to dominate the bottom rungs of the economic ladder.

The routine discrimination that so many women so often face proves that there is still a need for the ERA today. A bolder effort is clearly needed to enable Congress and the States to live up to our commitment of full equality. The ERA alone cannot remedy all discrimination, but it will clearly strengthen the ongoing efforts of women across the country to obtain equal treatment.

We know from the failed ratification experiences of the past that achieving the ERA's adoption will not be easy. But its extraordinary significance requires us to continue the battle. I urge my colleagues to approve the ERA in this Congress, and join the battle for ratification in the States. Women have waited long enough for full recognition of their equal rights by the Constitution.

I ask unanimous consent that the text of our joint resolution be printed in the RECORD.

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

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE—

''SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

''SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.

''SECTION 3. This article shall take effect two years after the date of ratification.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 92—DESIGNATING SEPTEMBER 17, 2003 AS ''CONSTITUTION DAY''

Mr. DEWINE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 92

Whereas the Constitution of the United States of America was signed on September 17, 1787, by 39 delegates from 12 States;

Whereas the Constitution was subsequently ratified by each of the original 13 States;

Whereas the Constitution was drafted in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for the citizens of the United States;

Whereas the Constitution has provided the means and structure for this Nation and its citizens to achieve a level of prosperity, liberty, security, and justice that is unparalleled among nations;

Whereas the Constitution's contributions to the welfare of the human race reach far beyond the borders of the United States;

Whereas the Senate continues to strive to preserve and strengthen the values and rights bestowed by the Constitution upon the United States of America and its citizens;

Whereas the preservation of such values and rights in the hearts and minds of American citizens would be advanced by official recognition of the signing of the Constitution: Now, therefore, be it

Resolved, That the Senate:

(1) designates September 17, 2003, as ''Constitution Day''; and

(2) calls upon the people of the United States to observe the day with appropriate ceremonies and respect.

SENATE RESOLUTION 93—COMMENDING JERI THOMSON FOR HER SERVICE TO THE UNITED STATES SENATE

Mr. DASCHLE (for himself and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 93

Whereas Jeri Thomson was elected the thirtieth Secretary of the Senate on July 12, 2001;

Whereas Jeri Thomson served the Senate during a truly historic time and ensured that the Senate continued its work for the country despite experiencing the longest dislocation in the history of the Senate due to the largest bioterrorism attack in our Nation's history;

Whereas Jeri Thomson's dedicated service enabled the Senate to break ground for a new Capitol Visitor Center, ensuring future generations will continue to have safe access to ''The People's House''; and

Whereas, as an elected officer, Jeri Thomson has continuously upheld the highest standards of professionalism and, in the tradition of the Senate, has extended her exemplary service to all Members of the Senate and their families: Now, therefore, be it

Resolved, That the Senate—

(1) commends Jeri Thomson for her extraordinary contributions to the Senate and her country; and

(2) expresses its deep appreciation for her continuing service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Jeri Thomson.

SENATE RESOLUTION 94—COMMENDING ALFONSO C. LENHARDT FOR HIS SERVICE TO THE UNITED STATES SENATE

Mr. DASCHLE (for himself and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 94

Whereas Alfonso C. Lenhardt (''Al'') was elected the thirty-sixth Sergeant at Arms and Doorkeeper for the United States Senate and began his service on September 4, 2001;

Whereas Al served in the Senate during exceptional circumstances, keeping the Senate community safe during the most devastating terrorist attack on American soil and during the largest bioterrorism attack in our Nation's history, and enabling the business of democracy to continue;

Whereas Al demonstrably improved the Senate's security and ensured that the Senate will continue its operations in the event of an emergency; and

Whereas the Senate has been privileged to have the benefit of Al's 32 years of service to the United States Army and his quiet, steady professionalism during the historic 18 months he has served this institution: Now, therefore, be it

Resolved, That the Senate—

(1) commends the extraordinary contributions of Alfonso C. Lenhardt to the Senate and to his country;

(2) expresses to him its deep appreciation for his faithful and outstanding service; and

(3) extends its very best wishes for his future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Alfonso C. Lenhardt.

AMENDMENTS SUBMITTED & PROPOSED

SA 264. Mr. CONRAD (for himself, Mr. KENNEDY, and Mr. CORZINE) proposed an amendment to the concurrent resolution S .Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

SA 265. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 266. Mr. CONRAD (for himself, Mr. DASCHLE, Mr. FEINGOLD, Mr. KENNEDY, and Mr. CORZINE) proposed an amendment to the concurrent resolution S. Con. Res. 23, supra.

SA 267. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 268. Mr. GRAHAM, of South Carolina submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 269. Mr. FEINGOLD (for himself, Mr. CHAFEE, and Mr. CARPER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 270. Mr. FEINGOLD (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 271. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 272. Mrs. BOXER (for herself, Mr. CHAFEE, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, Mr. FEINGOLD, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. DURBIN, Mr. WYDEN, Ms. STABENOW , Mr. HARKIN, Mr. KENNEDY, Mr. EDWARDS, Mr. BINGAMAN, Mr. LEAHY, Mr. DAYTON, and Mr. REID) proposed an amendment to the concurrent resolution S. Con .Res. 23, supra.

SA 273. Mr. BIDEN (for himself, Mr. SCHUMER, Mrs. CLINTON, Mr. KERRY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. JOHNSON, Mr. LAUTENBERG, Mr. DAYTON, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. BAYH, Mr. CORZINE, Mr. BINGAMAN , Mr. PRYOR, Ms. CANTWELL, and Mr. KOHL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

SA 274. Mr. GRAHAM, of South Carolina submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 264. Mr. CONRAD (for himself, Mr. KENNEDY, and Mr. CORZINE) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

At the end of subtitle A of title II, insert the following:

"SEC.—. PROTECTING RESOURCES REQUIRED FOR NATIONAL SECURITY AND ECONOMIC RECOVERY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the deficit in any fiscal year, other than one economic growth and jobs creation measure providing significant economic stimulus in 2003 and 2004 which does not increase the deficit over the time period of fiscal years 2005 through 2013 and spending measures related to national or homeland security, until the President submits to the Congress a detailed report on:

(1) the costs of the initial phase of the conflict, maintaining troops in the region, and reconstruction and rebuilding of Iraq; and

(2) how all of these costs fit within the budget plan as a whole.

(b) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.''

SA 265. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $36,559,000,000.

On page 3, line 10, increase the amount by $115,685,000,000.

On page 3, line 11, increase the amount by $97,978,000,000.

On page 3, line 12, increase the amount by $77,675,000,000.

On page 3, line 13, increase the amount by $59,192,000,000.

On page 3, line 14, increase the amount by $56,706,000,000.

On page 3, line 15, increase the amount by $55,640,000,000.

On page 3, line 16, increase the amount by $56,036,000,000.

On page 3, line 17, increase the amount by $185,271,000,000.

On page 3, line 18, increase the amount by $278,611,000,000.

On page 3, line 19, increase the amount by $294,654,000,000.

On page 3, line 23, increase the amount by $36,559,000,000.

On page 4, line 1, increase the amount by $115,685,000,000.

On page 4, line 2, increase the amount by $97,978,000,000.

On page 4, line 3, increase the amount by $77,675,000,000.

On page 4, line 4, increase the amount by $59,192,000,000.

On page 4, line 5, increase the amount by $56,706,000,000.

On page 4, line 6, increase the amount by $55,640,000,000.

On page 4, line 7, increase the amount by $56,036,000,000.

On page 4, line 8, increase the amount by $185,271,000,000.

On page 4, line 9, increase the amount by $278,611,000,000.

On page 4, line 10, increase the amount by $294,654,000,000.

On page 4, line 14, decrease the amount by $4,683,000,000.

On page 4, line 15, decrease the amount by $4,408,000,000.

On page 4, line 16, decrease the amount by $14,365,000,000.

On page 4, line 17, decrease the amount by $20,104,000,000.

On page 4, line 18, decrease the amount by $24,928,000,000.

On page 4, line 19, decrease the amount by $29,406,000,000.

On page 4, line 20, decrease the amount by $34,010,000,000.

On page 4, line 21, decrease the amount by $37,638,000,000.

On page 4, line 22, decrease the amount by $43,991,000,000.

On page 4, line 23, decrease the amount by $58,948,000,000.

On page 4, line 24, decrease the amount by $77,733,000,000.

On page 5, line 4, decrease the amount by $4,683,000,000.

On page 5, line 5, decrease the amount by $4,408,000,000.

On page 5, line 6, decrease the amount by $14,365,000,000.

On page 5, line 7, decrease the amount by $20,104,000,000.

On page 5, line 8, decrease the amount by $24,928,000,000.

On page 5, line 9, decrease the amount by $29,406,000,000.

On page 5, line 10, decrease the amount by $34,010,000,000.

On page 5, line 11, decrease the amount by $37,638,000,000.

On page 5, line 12, decrease the amount by $43,991,000,000.

On page 5, line 13, decrease the amount by $58,948,000,000.

On page 5, line 14, decrease the amount by $77,733,000,000.

On page 5, line 17, increase the amount by $41,242,000,000.

On page 5, line 18, increase the amount by $120,093,000,000.

On page 5, line 19, increase the amount by $112,343,000,000.

On page 5, line 20, increase the amount by $97,779,000,000.

On page 5, line 21, increase the amount by $84,120,000,000.

On page 5, line 22, increase the amount by $86,112,000,000.

On page 5, line 23, increase the amount by $89,650,000,000.

On page 5, line 24, increase the amount by $93,674,000,000.

On page 5, line 25, increase the amount by $229,262,000,000.

On page 6, line 1, increase the amount by $337,559,000,000.

On page 6, line 2, increase the amount by $372,387,000,000.
On page 6, line 5, decrease the amount by $41,242,000,000.
On page 6, line 6, decrease the amount by $161,335,000,000.
On page 6, line 7, decrease the amount by $273,678,000,000.
On page 6, line 8, decrease the amount by $371,458,000,000.
On page 6, line 9, decrease the amount by $455,577,000,000.
On page 6, line 10, decrease the amount by $541,689,000,000.
On page 6, line 11, decrease the amount by $631,339,000,000.
On page 6, line 12, decrease the amount by $725,013,000,000.
On page 6, line 13, decrease the amount by $954,275,000,000.
On page 6, line 14, decrease the amount by $1,291,835,000,000.
On page 6, line 15, decrease the amount by $1,664,222,000,000.
On page 6, line 18, decrease the amount by $41,242,000,000.
On page 6, line 19, decrease the amount by $161,335,000,000.
On page 6, line 20, decrease the amount by $273,678,000,000.
On page 6, line 21, decrease the amount by $371,458,000,000.
On page 6, line 22, decrease the amount by $455,577,000,000.
On page 6, line 23, decrease the amount by $541,689,000,000.
On page 6, line 24, decrease the amount by $631,339,000,000.
On page 6, line 25, decrease the amount by $725,013,000,000.
On page 7, line 1, decrease the amount by $954,275,000,000.
On page 7, line 2, decrease the amount by $1,291,835,000,000.
On page 7, line 3, decrease the amount by $1,664,222,000,000.
On page 30, line 23, decrease the amount by $4,380,000,000.
On page 30, line 24, decrease the amount by $4,380,000,000.
On page 31, line 2, decrease the amount by $1,111,000,000.
On page 31, line 3, decrease the amount by $1,111,000,000.
On page 31, line 6, decrease the amount by $4,586,000,000.
On page 31, line 7, decrease the amount by $4,586,000.
On page 31, line 10, decrease the amount by $4,165,000,000.
On page 31, line 11, decrease the amount by $4,165,000,000.
On page 31, line 14, decrease the amount by $3,833,000,000.
On page 31, line 15, decrease the amount by $3,833,000,000.
On page 31, line 18, decrease the amount by $3,698,000,000.
On page 31, line 19, decrease the amount by $3,698,000,000.
On page 31, line 22, decrease the amount by $3,511,000,000.
On page 31, line 23, decrease the amount by $3,511,000,000.
On page 32, line 2, decrease the amount by $2,192,000,000.
On page 32, line 3, decrease the amount by $2,192,000,000.
On page 40, line 2, decrease the amount by $303,000,000.
On page 40, line 3, decrease the amount by $303,000,000.
On page 40, line 6, decrease the amount by $3,297,000,000.
On page 40, line 7, decrease the amount by $3,297,000,000.
On page 40, line 10, decrease the amount by $9,779,000,000.
On page 40, line 11, decrease the amount by $9,779,000,000.
On page 40, line 14, decrease the amount by $15,939,000,000.
On page 40, line 15, decrease the amount by $15,939,000,000.
On page 40, line 18, decrease the amount by $21,095,000,000.
On page 40, line 19, decrease the amount by $21,095,000,000.
On page 40, line 22, decrease the amount by $25,708,000,000.
On page 40, line 23, decrease the amount by $25,708,000,000.
On page 41, line 2, decrease the amount by $30,499,000,000.
On page 41, line 3, decrease the amount by $30,499,000,000.
On page 41, line 6, decrease the amount by $35,446,000,000.
On page 41, line 7, decrease the amount by $35,446,000,000.
On page 41, line 10, decrease the amount by $43,991,000,000.
On page 41, line 11, decrease the amount by $43,991,000,000.
On page 41, line 14, decrease the amount by $58,948,000,000.
On page 41, line 15, decrease the amount by $58,948,000,000.
On page 41, line 18, decrease the amount by $77,733,000,000.
On page 41, line 19, decrease the amount by $77,733,000,000.
On page 45, line 24, decrease the amount by $698,294,000,000.
On page 46, line 1, decrease the amount by $27,476,000,000.

SA. 266. Mr. CONRAD (for himself, Mr. DASCHLE, Mr. FEINGOLD, Mr. KENNEDY, and Mr. CORZINE) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal year's 2005 through 2013; as follows:

On page 3 line 9, decrease the amount by $50,472,000,000.
On page 3 line 10, increase the amount by $118,203,000,000.
On page 3 line 11, increase the amount by $103,103,000,000.
On page 3 line 12, increase the amount by $67,667,000,000.
On page 3 line 13, increase the amount by $48,733,000,000.
On page 3 line 14, increase the amount by $45,877,000,000.
On page 3 line 15, increase the amount by $46,217,000,000.
On page 3 line 16, increase the amount by $51,107,000,000.
On page 3 line 17, increase the amount by $185,171,000,000.
On page 3 line 18, increase the amount by $279,411,000,000.
On page 3 line 19, increase the amount by $296,254,000,000.
On page 3 line 23, decrease the amount by $50,472,000,000.
On page 4 line 1, increase the amount by $118,203,000,000.
On page 4 line 2, increase the amount by $103,103,000,000.
On page 4 line 3, increase the amount by $67,667,000,000.
On page 4 line 4, increase the amount by $48,733,000,000.
On page 4 line 5, increase the amount by $45,877,000,000.
On page 4 line 6, increase the amount by $46,217,000,000.
On page 4 line 7, increase the amount by $51,107,000,000.
On page 4 line 8, increase the amount by $185,171,000,000.
On page 4 line 9, increase the amount by $279,411,000,000.
On page 4 line 10, increase the amount by $296,254,000,000.
On page 4 line 14, increase the amount by $373,000,000.
On page 4 line 15, decrease the amount by $681,000,000.
On page 4 line 16, decrease the amount by $5,789,000,000.
On page 4 line 17, decrease the amount by $10,895,000,000.
On page 4 line 18, decrease the amount by $14,956,000,000.
On page 4 line 19, decrease the amount by $18,291,000,000.
On page 4 line 20, decrease the amount by $21,806,000,000.
On page 4 line 21, decrease the amount by $25,743,000,000.
On page 4 line 22, decrease the amount by $33,540,000,000.
On page 4 line 23, decrease the amount by $59,747,000,000.
On page 4 line 24, decrease the amount by $77,943,000,000.
On page 5 line 4, increase the amount by $373,000,000.
On page 5 line 5, decrease the amount by $681,000,000.
On page 5 line 6, decrease the amount by $5,789,000,000.
On page 5 line 7, decrease the amount by $10,895,000,000.
On page 5 line 8, decrease the amount by $14,956,000,000.
On page 5 line 9, decrease the amount by $18,291,000,000.
On page 5 line 10, decrease the amount by $21,806,000,000.
On page 5 line 11, decrease the amount by $25,743,000,000.
On page 5 line 12, decrease the amount by $33,540,000,000.
On page 5 line 13, decrease the amount by $59,747,000,000.
On page 5 line 14, decrease the amount by $77,943,000,000.
On page 5 line 17, decrease the amount by $50,845,000,000.
On page 5 line 18, increase the amount by $118,884,000,000.
On page 5 line 19, increase the amount by $108,892,000,000.
On page 5 line 20, increase the amount by $78,562,000,000.
On page 5 line 21, increase the amount by $63,689,000,000.
On page 5 line 22, increase the amount by $64,168,000,000.
On page 5 line 23, increase the amount by $68,023,000,000.
On page 5 line 24, increase the amount by $76,850,000,000.
On page 5 line 25, increase the amount by $218,711,000,000.
On page 6 line 1, increase the amount by $339,158,000,000.
On page 6 line 2, increase the amount by $374,197,000,000.
On page 6 line 5, increase the amount by $50,845,000,000.
On page 6 line 6, decrease the amount by $68,038,000,000.
On page 6 line 7, decrease the amount by $176,931,000,000.
On page 6 line 8, decrease the amount by $255,492,000,000.
On page 6 line 9, decrease the amount by $319,181,000,000.
On page 6 line 10, decrease the amount by $383,350,000,000.
On page 6 line 11, decrease the amount by $451,373,000,000.

On page 6 line 12, decrease the amount by $528,223,000,000.
On page 6 line 13, decrease the amount by $746,934,000,000.
On page 6 line 14, decrease the amount by $1,086,092,000,000.
On page 6 line 15, decrease the amount by $1,460,289,000,000.
On page 6 line 18, increase the amount by $50,845,000,000.
On page 6 line 19, decrease the amount by $68,038,000,000.
On page 6 line 20, decrease the amount by $176,931,000,000.
On page 6 line 21, decrease the amount by $255,492,000,000.
On page 6 line 22, decrease the amount by $319,181,000,000.
On page 6 line 23, decrease the amount by $383,350,000,000.
On page 6 line 24, decrease the amount by $451,373,000,000.
On page 6 line 25, decrease the amount by $528,223,000,000.
On page 7 line 1, decrease the amount by $746,934,000,000.
On page 7 line 2, decrease the amount by $1,086,092,000,000.
On page 7 line 3, decrease the amount by $1,460,289,000,000.
On page 32 line 6, increase the amount by $26,000,000.
On page 32 line 7, increase the amount by $26,000,000.
On page 32 line 10, decrease the amount by $11,458,000,000.
On page 32 line 11, decrease the amount by $11,458,000,000.
On page 32 line 14, decrease the amount by $10,901,000,000.
On page 32 line 15, decrease the amount by $10,901,000,000.
On page 40 line 2, increase the amount by $373,000,000.
On page 40 line 3, increase the amount by $373,000,000.
On page 40 line 6, decrease the amount by $681,000,000.
On page 40 line 7, decrease the amount by $681,000,000.
On page 40 line 10, decrease the amount by $5,789,000,000.
On page 40 line 11, decrease the amount by $5,789,000,000.
On page 40 line 14, decrease the amount by $10,895,000,000.
On page 40 line 15, decrease the amount by $10,895,000,000.
On page 40 line 18, decrease the amount by $14,956,000,000.
On page 40 line 19, decrease the amount by $14,956,000,000.
On page 40 line 22, decrease the amount by $18,291,000,000.
On page 40 line 23, decrease the amount by $18,291,000,000.
On page 41 line 2, decrease the amount by $21,806,000,000.
On page 41 line 3, decrease the amount by $21,806,000,000.
On page 41 line 6, decrease the amount by $25,743,000,000.
On page 41 line 7, decrease the amount by $25,743,000,000.
On page 41 line 10, decrease the amount by $33,566,000,000.
On page 41 line 11, decrease the amount by $33,566,000,000.
On page 41 line 4, decrease the amount by $48,289,000,000.
On page 41 line 15, decrease the amount by $48,289,000,000.
On page 41 line 18, decrease the amount by $67,042,000,000.
On page 41 line 19, decrease the amount by $67,042,000,000.
Strike all from line 20 on page 45 through line 2 on page 46.

At the appropriate place, insert the following:

''SEC. XXX. RESERVE FUND TO STRENGTHEN SOCIAL SECURITY.—If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted that would strengthen Social Security and extend the solvency of the Social Security Trust Funds, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $1,214,000,000,000 in budget authority and outlays for the total of fiscal years 2003 through 2013.

SA 267. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 79, after line 22, add the following:

SEC. 308. FUSION ENERGY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) fusion energy is capable of producing clean, safe, and inexpensive energy;

(2) in January 2003, the President announced an International Thermonuclear Experimental Reactor Initiative to promote the advancement of fusion science;

(3) the contributions of American universities and laboratories to the Department of Energy's Fusion Energy Sciences Program are crucial to the success of the Nation's role in that initiative; and

(4) a letter from the Fusion Energy Sciences Advisory Committee to the Department of Energy referred to the Administration's 2004 budget cuts as ''alarming'' and ''devastating'' to the success of that program at Princeton University.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funding levels in this resolution assume that funding for the Fusion Energy Sciences Program will be increased by $78,000,000, to the authorized level of $335,000,000.

SA 268. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 79, after line 22, add the following:

SEC. 308. SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) the implementation of a Social Security ''lockbox'' would have no direct effect on the future solvency of Social Security;

(D) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(E) without structural reform, the Social Security system, by 2042, will be insolvent and unable to pay full benefits on time;

(F) without structural reform, Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 65 percent by 2077;

(G) without structural reform, payroll taxes will have to be raised 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of 16.9 percent by 2042 and 18.9 percent by 2077;

(H) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2003 dollars;

(I) without structural reform, real rates of return on Social Security contributions will continue to decline dramatically for all workers; and

(J) absent structural reforms, spending on Social Security will increase from 4.4 percent of gross domestic product in 2003 to 7.0 percent in 2077; and

(5) the Congressional Budget Office, the General Accounting Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President and Congress should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system.

SA 269. Mr. FEINGOLD (for himself, Mr. CHAFEE, and Mr. CARPER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 57, lines 3 through 5, strike ''as adjusted for any changes in revenues or direct spending assumed by such resolution'' and insert ''based on laws enacted on the date of adoption of that resolution''.

SA 270. Mr. FEINGOLD (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place:

(a) FEDERAL REVENUES.—

(1) On page 3, line 10, increase the amount by $10 billion;

(2) On page 3, line 11, increase the amount by $10 billion;
(3) On page 3, line 12, increase the amount by $10 billion;
(4) On page 3, line 13, increase the amount by $10 billion;
(5) On page 3, line 14, increase the amount by $10 billion;
(6) On page 3, line 15, increase the amount by $10 billion;
(7) On page 3, line 16, increase the amount by $10 billion;
(8) On page 3, line 17, increase the amount by $10 billion;
(9) On page 3, line 18, increase the amount by $10 billion; and
(10) On page 3, line 19, increase the amount by $10 billion.
(b) AMOUNTS BY WHICH REVENUES SHOULD BE CHANGED.—
(1) On page 4, line 1, increase the amount by $10 billion;
(2) On page 4, line 2, line 2, increase the amount by $10 billion;
(3) On page 4, line 3, increase the amount by $10 billion;
(4) On page 4, line 4, increase the amount by $10 billion;
(5) On page 4, line 5, increase the amount by $10 billion;
(6) On page 4, line 6, increase the amount by $10 billion;
(7) On page 4, line 7, increase the amount by $10 billion;
(8) On page 4, line 8, increase the amount by $10 billion;
(9) On page 4, line 9, increase the amount by $10 billion; and
(10) On page 4, line 10, increase the amount by $10 billion.
(c) NEW BUDGET AUTHORITY.—
(1) On page 4, line 15, decrease the amount by $181,000,000;
(2) On page 4, line 16, decrease the amount by $713,000,000;
(3) On page 4, line 17, decrease the amount by $1,329,000,000;
(4) On page 4, line 18, decrease the amount by $1,973,000,000;
(5) On page 4, line 19, decrease the amount by $2,627,000,000;
(6) On page 4, line 20, decrease the amount by $3,320,000,000;
(7) On page 4, line 21, decrease the amount by $4,052,000,000;
(8) On page 4, line 22, decrease the amount by $4,816,000,000;
(9) On page 4, line 23, decrease the amount by $5,619,000,000; and
(10) On page 4, line 24, decrease the amount by $6,465,000,000.
(d) BUDGET OUTLAYS.—
(1) On page 5, line 5, decrease the amount by $181,000,000;
(2) On page 5, line 6, decrease the amount by $713,000,000;
(3) On page 5, line 7, decrease the amount by $1,329,000,000;
(4) On page 5, line 8, decrease the amount by $1,973,000,000;
(5) On page 5, line 9, decrease the amount by $2,627,000,000;
(6) On page 5, line 10, decrease the amount by $3,320,000,000;
(7) On page 5, line 11, decrease the amount by $4,052,000,000;
(8) On page 5, line 12, decrease the amount by $4,816,000,000;
(9) On page 5, line 13, decrease the amount by $5,619,000,000; and
(10) On page 5, line 14, decrease the amount by $6,465,000,000;
(e) DEFICITS.—
(1) On page 5, line 18, increase the amount by $10,181,000,000;
(2) On page 5, line 19, increase the amount by $10,713,000,000;
(3) On page 5, line 20, increase the amount by $11,329,000,000;
(4) On page 5, line 21, increase the amount by $11,973,000,000;
(5) On page 5, line 22, increase the amount by $12,627,000,000;
(6) On page 5, line 23, increase the amount by $13,320,000,000;
(7) On page 5, line 24, increase the amount by $14,052,000,000;
(8) On page 5, line 25, increase the amount by $14,816,000,000;
(9) On page 6, line 1, increase the amount by $15,619,000,000;
(10) On page 6, line 2, increase the amount by $16,465,000,000;
(f) PUBLIC DEBT.—
(1) On page 6, line 6, decrease the amount by $10,181,000,000;
(2) On page 6, line 7, decrease the amount by $20,894,000,000;
(3) On page 6, line 8, decrease the amount by $32,223,000,000;
(4) On page 6, line 9, decrease the amount by $44,196,000,000;
(5) On page 6, line 10, decrease the amount by $56,823,000,000;
(6) On page 6, line 11, decrease the amount by $70,143,000,000;
(7) On page 6, line 12, decrease the amount by $84,195,000,000;
(8) On page 6, line 13, decrease the amount by $99,011,000,000;
(9) On page 6, line 14, decrease the amount by $114,630,000,000; and
(10) On page 6, line 15, decrease the amount by $131,095,000,000.
(g) DEBT HELD BY THE PUBLIC.—
(1) On page 6, line 19, decrease the amount by $10,181,000,000;
(2) On page 6, line 20, decrease the amount by $20,894,000,000;
(3) On page 6, line 21, decrease the amount by $32,223,000,000;
(4) On page 6, line 22, decrease the amount by $44,196,000,000;
(5) On page 6, line 23, decrease the amount by $56,823,000,000;
(6) On page 6, line 24, decrease the amount by $70,143,000,000;
(7) On page 7, line 25, decrease the amount by $84,195,000,000;
(8) On page 7, line 1, decrease the amount by $99,011,000,000;
(9) On page 7, line 2, decrease the amount by $114,630,000,000; and
(10) On page 7, line 3, decrease the amount by $131,095,000,000;
(h) NET INTEREST.—
(1) On page 40, line 6, decrease the amount by $181,000,000;
(2) On page 40, line 7, decrease the amount by $181,000,000;
(3) On page 40, line 10, decrease the amount by $713,000,000;
(4) On page 40, line 11, decrease the amount by $713,000,000;
(5) On page 40, line 14, decrease the amount by $1,329,000,000
(6) On page 40, line 15, decrease the amount by $1,329,000,000;
(7) On page 40, line 18, decrease the amount by $1,973,000,000;
(8) On page 40, line 19, decrease the amount by $1,973,000,000;
(9) On page 40, line 22, decrease the amount by $2,627,000,000;
(10) On page 40, line 23, decrease the amount by $2,627,000,000;
(11) On page 41, line 2, decrease the amount by $3,320,000,000;
(12) On page 41, line 3, decrease the amount by $3,320,000,000;
(13) On page 41, line 6, decrease the amount by $4,052,000,000;
(14) On page 41, line 7, decrease the amount by $4,052,000,000;
(15) On page 41, line 10, decrease the amount by $4,816,000,000;
(16) On page 41, line 11, decrease the amount by $4,816,000,000;
(17) On page 41, line 14, decrease the amount by $5,619,000,000;
(18) On page 41, line 15, decrease the amount by $5,619,000,000;
(19) On page 41, line 18, decrease the amount by $6,465,000,000; and
(20) On page 41, line 19, decrease the amount by $6,465,000,000.
(i) RECONSILIATION IN THE SENATE.—On page 45, line 24, decrease the amount by $100 billion.
(j) RESERVE FUND.—At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR POSSIBLE MILITARY ACTION AND RECONSTRUCTION IN IRAQ.

(a) IN GENERAL.—Upon the favorable reporting of legislation by the Committee on Appropriations of the Senate making discretionary appropriations in excess of the levels assumed in this resolution for expenses for possible military action and reconstruction in Iraq in fiscal years 2003 through 2013, the Committee on the Budget of the Senate may, in consultation with the Chairman and Ranking Member of the appropriate committee, revise the level of total new budget authority and outlays, the functional totals, allocations, discretionary spending limits, and levels of deficits and debt in this resolution by up to $100 billion in budget authority and outlays.
(b) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—
(1) apply while that measure is under consideration;
(2) take effect upon the enactment of that measure; and
(3) be published in the Congressional Record as soon as practicable.
(c) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.
(d) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—
(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate; and
(2) the Chairman of that Committee may make any other necessary adjustments to such levels to carry out this resolution.

SA 271. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 79, after line 22, add the following:

SEC. 308. FIREARMS AND TERRORISM.

(a) FINDING.—On January 17, 2003, at his confirmation hearing to be Secretary of Homeland Security, Tom Ridge stated, ''[W]hen anyone uses a firearm, whether it's the kind of terrorism that we are trying to combat with Al Qaeda and these non-state terrorists, or as a former district attorney involved in the conviction of an individual who used firearms against innocent citizens, regardless of how we define terrorism, that individual and that family felt that they were victims of a terrorist act. Brandishing a firearm in front of anybody under any set

of circumstances is a terrorist act and needs to be dealt with.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the statement of Tom Ridge under subsection (a) accurately describes the link between the use of firearms and acts of terrorism.

SA 272. Mrs. BOXER (for herself, Mr. CHAFEE, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, Mr. FEINGOLD, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. DURBIN, Mr. WYDEN, Ms. STABENOW, Mr. HARKIN, Mr. KENNEDY, Mr. EDWARDS, Mr. BINGAMAN, Mr. LEAHY, Mr. DAYTON, and Mr. REID) proposed an amendment to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; as follows:

On page 45, beginning on line 13, strike subsection (a) (the reconciliation instruction to the Committee on Energy and Natural Resources).

SA 273. Mr. BIDEN (for himself, Mr. SCHUMER, Mrs. CLINTON, Mr. KERRY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. JOHNSON, Mr. LAUTENBERG, Mr. DAYTON, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. BAYH, Mr. CORZINE, Mr. BINGAMAN, Mr. PRYOR, Ms. CANTWELL, and Mr. KOHL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table as follows:

Viz:

On page 3, line 10, increase the amount by $240,000,000.

On page 3, line 11, increase the amount by $500,000,000.

On page 3, line 12, increase the amount by $500,000,000.

On page 3, line 13, increase the amount by $700,000,000.

On page 4, line 1, increase the amount by $240,000,000.

On page 4, line 2, increase the amount by $560,000,000.

On page 4, line 3, increase the amount by $500,000,000.

On page 4, line 4, increase the amount by $700,000,000.

On page 4, line 15, increase the amount by $988,000,000.

On page 4, line 16, decrease the amount by $13,000,000.

On page 4, line 17, decrease the amount by $28,000,000.

On page 4, line 18, decrease the amount by $46,000,000.

On page 4, line 19, decrease the amount by $46,000,000.

On page 4, line 20, decrease the amount by $36,000,000.

On page 4, line 21, decrease the amount by $38,000,000.

On page 4, line 22, decrease the amount by $41,000,000.

On page 4, line 23, decrease the amount by $43,000,000.

On page 4, line 24, decrease the amount by $45,000,000.

On page 5, line 5, increase the amount by $118,000,000.

On page 5, line 6, increase the amount by $267,000,000.

On page 5, line 7, increase the amount by $222,000,000.

On page 5, line 8, increase the amount by $304,000,000.

On page 5, line 9, increase the amount by $410,000,000.

On page 5, line 10, decrease the amount by $36,000,000.

On page 5, line 11, decrease the amount by $38,000,000.

On page 5, line 12, decrease the amount by $41,000,000.

On page 5, line 13, decrease the amount by $43,000,000.

On page 5, line 14, decrease the amount by $45,000,000.

On page 5, line 18, decrease the amount by $122,000,000.

On page 5, line 19, decrease the amount by $293,000,000.

On page 5, line 20, decrease the amount by $278,000,000.

On page 5, line 21, decrease the amount by $396,000,000.

On page 5, line 22, increase the amount by $410,000,000.

On page 5, line 23, decrease the amount by $36,000,000.

On page 5, line 24, decrease the amount by $38,000,000.

On page 5, line 25, decrease the amount by $41,000,000.

On page 6, line 1, decrease the amount by $43,000,000.

On page 6, line 2, decrease the amount by $45,000,000.

On page 6, line 6, decrease the amount by $122,000,000.

On page 6, line 7, decrease the amount by $415,000,000.

On page 6, line 8, decrease the amount by $693,000,000.

On page 6, line 8, decrease the amount by $1,089,000,000.

On page 6, line 10, decrease the amount by $679,000,000.

On page 6, line 11, decrease the amount by $716,000,000.

On page 6, line 12, decrease the amount by $754,000,000.

On page 6, line 13, decrease the amount by $795,000,000.

On page 6, line 14, decrease the amount by $838,000,000.

On page 6, line 15, decrease the amount by $883,000,000.

On page 6, line 19, decrease the amount by $122,000,000.

On page 6, line 20, decrease the amount by $415,000,000.

On page 6, line 21, decrease the amount by $693,000,000.

On page 6, line 22, decrease the amount by $1,089,000,000.

On page 6, line 23, decrease the amount by $679,000,000.

On page 6, line 24, decrease the amount by $716,000,000.

On page 6, line 25, decrease the amount by $754,000,000.

On page 7, line 1, decrease the amount by $795,000,000.

On page 7, line 2, decrease the amount by $838,000,000.

On page 7, line 3, decrease the amount by $883,000,000.

On page 36, line 15, increase the amount by $1,000,000,000.

On page 36, line 16, increase the amount by $120,000,000.

On page 36, line 20, increase the amount by $280,000,000.

On page 36, line 24, increase the amount by $250,000,000.

On page 37, line 3, increase the amount by $350,000,000.

On page 40, line 6, decrease the amount by $2,000,000.

On page 40, line 7, decrease the amount by $2,000,000.

On page 40, line 10, decrease the amount by $13,000,000.

On page 40, line 11, decrease the amount by $13,000,000.

On page 40, line 14, decrease the amount by $28,000,000.

On page 40, line 15, decrease the amount by $28,000,000.

On page 40, line 18, decrease the amount by $46,000,000.

On page 40, line 19, decrease the amount by $46,000,000.

On page 40, line 22, decrease the amount by $46,000,000.

On page 40, line 23, decrease the amount by $46,000,000.

On page 41, line 2, decrease the amount by $36,000,000.

On page 41, line 3, decrease the amount by $36,000,000.

On page 41, line 6, decrease the amount by $38,000,000.

On page 41, line 7, decrease the amount by $38,000,000.

On page 41, line 10, decrease the amount by $41,000,000.

On page 41, line 11, decrease the amount by $41,000,000.

On page 41, line 14, decrease the amount by $43,000,000.

On page 41, line 15, decrease the amount by $43,000,000.

On page 41, line 18, decrease the amount by $45,000,000.

On page 41, line 19, decrease the amount by $45,000,000.

On page 45, line 24, decrease the amount by $2,000,000,000.

On page 47, line 5, increase the amount by $1,000,000,000.

On page 47, line 6, increase the amount by $120,000,000.

On page 47, line 15, increase the amount by $280,000,000.

On page 79, after line 22, add the following:

SEC. 308. FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to in this section as the ''COPS program''), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) the COPS program is the only program in the Federal government that provides homeland security resources directly to law enforcement first responders;

(4) on July 15, 2002, the Attorney General stated, ''Since law enforcement agencies began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.'';

(5) On February 26, 2002, the Attorney General stated, ''The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.'';

(6) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, ''The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.'';

(7) as a result of the COPS program, State and local law enforcement agencies have received funds for more than 117,000 officers,

87,300 of whom are on the beat, fighting crime, and improving the quality of life in our neighborhoods and schools;

(8) the COPS program has assisted in advancing community policing nationwide;

(9) 86 percent of the Nation is served by a law enforcement agency that has full-time officers engaged in community policing activities;

(10) the continuation and full funding of the COPS program through fiscal year 2009 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(12) Congress appropriated $1,050,000,000 for the COPS program for fiscal year 2002 and $928,900,000 for fiscal 2003; and

(13) the President requested $164,000,000 for the COPS program for fiscal year 2004, $886,000,000 less than the amount appropriated for fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2004 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

SA. 274. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, setting forth the congressional budget for the United States Governments for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013; which was ordered to lie on the table; as follows:

On page 79, after line 22, add the following:

SEC. 308. SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) the implementation of a Social Security ''lockbox'' would have no direct effect on the future solvency of Social Security;

(D) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(E) without structural reform, the Social Security system, by 2042, will be insolvent and unable to pay full benefits on time;

(F) without structural reform, Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 65 percent by 2077;

(G) without structural reform, payroll taxes will have to be raised 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of 16.9 percent by 2042 and 18.9 percent by 2077;

(H) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2003 dollars;

(I) without structural reform, real rates of return on Social Security contributions will continue to decline dramatically for all workers; and

(J) absent structural reforms, spending on Social Security will increase from 4.4 percent of gross domestic product in 2003 to 7.0 percent in 2077; and

(5) the Congressional Budget Office, the General Accounting Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President and Congress should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system; and

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must preserve Social Security's disability and survivors insurance programs;

(C) must not allow the government to invest directly the Social Security trust funds in the stock market;

(D) must not raise Social Security payroll tax rates;

(E) must reduce the pressure on future taxpayers and on other budgetary priorities;

(F) must provide competitive rates of return on Social Security contributions; and

(G) must preserve and strengthen the safety net for vulnerable populations.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on March 20, 2003, in SR–328A at 10:30 a.m. The purpose of this hearing will be to consider the nomination of Vernon Bernard Parker to be Assistant Secretary of Agriculture.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Subcommittee on National Parks of the Committee on Energy and Natural Resources scheduled for March 25 has been modified to include additional agenda items. In addition to the original intent of the hearing, the Subcommittee will receive testimony on S. 634, a bill to amend the National Trails System Act to direct the Secretary of the Interior (Secretary) to study the feasibility of designating the Trail of the Ancients as a national historic trail, and S. 635, a bill to amend the National Trails System Act to direct the Secretary to update the feasibility and suitability studies of four national historic trails, and for other purposes.

The hearing will take place on March 25, 2003, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact: Tom Lillie at (202) 224–5161 or Pete Lucero at (202) 224–6293.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 25, at 10:00 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 520, a bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; and S. 625 a bill to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes. (Contact: Shelly Randel 202–224–7933 or Jared Stubbs at 202–224–7556).

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 27, at 9:30 a.m. in Room SD–106 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on various electricity

proposals including, but not limited to, S. 475, the Electric Transmission and Reliability Enhancement Act of 2003.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on March 26, 2003, in SR–328A at 10 a.m. The purpose of this hearing will be to review the reauthorization of child nutrition programs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 18, 2003, at 9:30 a.m., in open session to receive testimony on ballistic missile defense in review of the Defense Authorization Request for Fiscal Year 2004.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 18, 2003, at 10 a.m., to conduct a hearing on ''Proposals To Regulate Illegal Internet Gambling.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 18, 2003, at 9:30 a.m., to hold a hearing on ''Diplomacy and the War on Terrorism.''

Agenda

Witnesses

Panel 1: The Honorable Marc Grossman, Undersecretary for Political Affairs, Department of State, Washington, DC, and The Honorable Grant Green, Undersecretary for Management, Department of State, Washington, DC.

Panel 2: The Honorable J. Cofer Black, Coordinator for Counterterrorism, Department of State, Washington, DC; Mr. Jon Pistole, Deputy Assistance Director of the Counter Intelligence Unit, Federal Bureau of Investigation, Washington, DC; and Juan C. Zarate, Esq., Deputy Assistant Secretary, Executive Office for Terrorist Financing and Financial Crimes, Department of the Treasury, Washington, DC.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 18, 2003, at 4 p.m., to hold a hearing on the current hostage situation in Colombia.

Briefer: The Honorable Marc Grossman, Undersecretary for Political Affairs, Department of State, Washington, DC.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled ''Small Business Continue to Lose Federal Jobs by the Bundle'' and other matters on Tuesday, March 18, 2003, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Tuesday, March 18, at 11 a.m. to conduct a hearing on the proposed 2004 Fish and Wildlife Service budget. The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it so ordered.

PRIVILEGE OF THE FLOOR

Mr. CONRAD. Mr. President, I ask unanimous consent that Alisa Blum, Renee Johnson, Mark Kirbabas, Rhonda Sinkfield, Tyler Garrett, Marques Matthews, and Shawn White, all individuals from the Finance Committee staff, be granted the privilege of the floor during the duration of the debate on the budget resolution.

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

COLUMBIA ORBITER MEMORIAL ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 628 which was introduced by Senator STEVENS and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 628) to require construction at Arlington National Cemetery of a memorial to the crew of the Columbia Orbiter.

There being no objection, the Senate proceeded to consider the bill.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (S. 628) was read the third time and passed, as follows:

S. 628

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Columbia Orbiter Memorial Act''.

SEC. 2. CONSTRUCTION OF MEMORIAL TO CREW OF COLUMBIA ORBITER AT ARLINGTON NATIONAL CEMETERY.

(a) CONSTRUCTION REQUIRED.—The Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, construct at an appropriate place in Arlington National Cemetery, Virginia, a memorial marker honoring the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248) under the heading ''OPERATION AND MAINTENANCE, ARMY'', $500,000 shall be available for the construction of the memorial marker required by subsection (a).

SEC. 3. DONATIONS FOR MEMORIAL FOR CREW OF COLUMBIA ORBITER.

(a) AUTHORITY TO ACCEPT DONATIONS.—The Administrator of the National Aeronautics and Space Administration may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the purpose of an appropriate memorial or monument to the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107, whether such memorial or monument is constructed by the Administrator or is the memorial marker required by section 2.

(b) TRANSFER.—(1) The Administrator may transfer to the Secretary of the Army any services, money, or property accepted by the Administrator under subsection (a) for the purpose of the construction of the memorial marker required by section 2.

(2) Any moneys transferred to the Secretary under paragraph (1) shall be merged with amounts in the account referred to in subsection (b) of section 2, and shall be available for the purpose referred to in that subsection.

(c) EXPIRATION OF AUTHORITY.—The authority of the Administrator to accept gifts and donations under subsection (a) shall expire five years after the date of the enactment of this Act.

COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of House Concurrent Resolution 40 and that the Senate proceed to its immediate consideration.

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

will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 40) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, without any intervening action or debate.

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

The concurrent resolution (H. Con. Res. 40) was agreed to.

COMMENDING JERI THOMSON

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 93 submitted earlier today by Senators DASCHLE and FRIST.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 93) commending Jeri Thomson for her service to the U.S. Senate.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 93

Whereas Jeri Thomson was elected the thirtieth Secretary of the Senate on July 12, 2001;

Whereas Jeri Thomson served the Senate during a truly historic time and ensured that the Senate continued its work for the country despite experiencing the longest dislocation in the history of the Senate due to the largest bioterrorism attack in our Nation's history;

Whereas Jeri Thomson's dedicated service enabled the Senate to break ground for a new Capitol Visitor Center, ensuring future generations will continue to have safe access to ''The People's House''; and

Whereas, as an elected officer, Jeri Thomson has continuously upheld the highest standards of professionalism and, in the tradition of the Senate, has extended her exemplary service to all Members of the Senate and their families: Now, therefore, be it

Resolved, That the Senate—

(1) commends Jeri Thomson for her extraordinary contributions to the Senate and her country; and

(2) expresses its deep appreciation for her continuing service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Jeri Thomson.

COMMENDING ALFONSO C. LENHARDT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 94, submitted earlier today by Senators DASCHLE and FRIST.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 94) commending Alfonso C. Lenhardt for his service to the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

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

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 94

Whereas Alfonso C. Lenhardt (''Al'') was elected the thirty-sixth Sergeant at Arms and Doorkeeper for the United States Senate and began his service on September 4, 2001;

Whereas Al served in the Senate during exceptional circumstances, keeping the Senate community safe during the most devastating terrorist attack on American soil and during the largest bioterrorism attack in our Nation's history, and enabling the business of democracy to continue;

Whereas Al demonstrably improved the Senate's security and ensured that the Senate will continue its operations in the event of an emergency; and

Whereas the Senate has been privileged to have the benefit of Al's 32 years of service to the United States Army and his quiet, steady professionalism during the historic 18 months he has served this institution: Now, therefore, be it

Resolved, That the Senate—

(1) commends the extraordinary contributions of Alfonso C. Lenhardt to the Senate and to his country;

(2) expresses to him its deep appreciation for his faithful and outstanding service; and

(3) extends its very best wishes for his future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Alfonso C. Lenhardt.

STAR PRINT—S. 596

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that S. 596 be star printed with the changes that are at the desk.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. MURKOWSKI. Mr. President, in executive session, I ask unanimous consent that the Rules Committee be discharged from further consideration of the following nominations: Michael Toner and Ellen Weintraub.

I further ask consent that the Senate proceed to their consideration, the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations were considered and confirmed en bloc, as follows:

FEDERAL ELECTION COMMISSION

Michael E. Toner, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2007.

Ellen L. Weintraub, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Connecticut (Mr. DODD) as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 108th Congress.

ORDERS FOR WEDNESDAY, MARCH 19, 2003

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, March 19. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. Con. Res. 23, the concurrent budget resolution; provided further, that there be 30 hours remaining for debate on the resolution, with 15 hours remaining under the control of the chairman of the Budget Committee and 15 hours remaining under the control of the ranking member.

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

PROGRAM

Ms. MURKOWSKI. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of the Boxer amendment No. 272

relating to ANWR. Other amendments are anticipated during tomorrow's session. Therefore, rollcall votes will occur throughout tomorrow's session. The majority leader has stated the Senate will finish the budget resolution this week. Therefore, Members should expect late nights and rollcall votes throughout the week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:51 p.m., adjourned until Wednesday, March 19, 2003, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 2003:

FEDERAL ELECTION COMMISSION

ELLEN L. WEINTRAUB, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2007.

MICHAEL E. TONER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2007.

EXTENSIONS OF REMARKS

A TRIBUTE TO CHRISTINE RENEE RANDALL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Christine Renee Randall in recognition of her commitment to helping community members gain new workplace opportunities.

Christine was born and raised in Brooklyn, New York. She is the daughter of two educators, the late Julius T. Randall, Jr., formerly a Director of Cooperative Education, and Ann Knight Randall, an Associate Professor of Library and Information Sciences at Pratt Institute.

She holds a Bachelor of Arts from Howard University, with a major in French and a minor in Public Relations, and received a Master of Business Administration from Hofstra University.

In 2002, Christine joined the Bedford Stuyvesant Restoration Corporation as the Director of the RITE Center, a community technology center in Brooklyn. The Center provides free and low cost technology training for a broad range of community residents, including adolescents, entrepreneurs, and senior citizens. Its goal is to help clients utilize computer technology for job preparation, entrepreneurship training, research, and communications.

Christine believes that 21st Century technology offers incredible workplace opportunities for community residents. She firmly holds that everyone has the potential to learn these new skills. Christine's expertise in marketing and public relations has already yielded fantastic results for the Center. Through new partnerships and outreach activities, she has helped the Center double its attendance in the past year. This accomplishment has already earned recognition and additional support for the RITE Center and the Greater Harlem Real Estate Board Development Fund.

Previously, Christine worked for the Draft Worldwide Advertising Agency and Madison Square Garden. Additionally, she founded Constant Interaction, a marketing consulting firm. She is a member of the Direct Marketing Association, African Americans in Advertising, and the Howard University Alumni Association.

Christine worships at St. Paul's Community Baptist Church and Concord Baptist Church where her family has long established ties.

Mr. Speaker, Christine Renee Randall is dedicated to her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

HONORING MARY CAMERON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Mary Cameron on the occasion of her being selected as a recipient for the 2002 Common Threads Award. Common Threads is a joint venture of the Agricultural Education Foundation, California State University, Fresno's College of Agricultural Sciences and Technology, and AG ONE Foundation. The award is given to women who have made a remarkable and visible contribution to the enhancement of their communities with their time and/or contributions. Honorees must live in Fresno, Kings, Madera, Merced, or Tulare County. They should have past or present roots in agriculture while showing outstanding involvement in a variety of community activities in addition to agriculture. The honorees make a difference with their philanthropic giving while serving as visible and credible role models for other women.

Since 1965, Mary has been involved in hands-on management of the family's Atsma Cameron Dairy. Ms. Cameron was the first woman to serve on the boards of directors for Danish Creamery and Western United Dairymen. Mary's involvement in the community and her fascination in the field of agriculture have sparked the interest of many school children of Kings County during their visits to her dairy. She remains active in dairy and milk promotion and as an advocate for children's nutrition and agriculture awareness.

Mary is active in children's activities, agriculture education, and industry organizations. She has served as a President of the Elliott Elementary P.T.A. and the Kings County Dairywomen, as well as Director for the Danish Creamery, National Dairy Board, and Dairy Management, Inc. Ms. Cameron was also the 4–H Dairy Leader from 1970–1973. She was named Kings County Dairywoman of the Year in 2000 and Agriculturist of the Year in 2001. Mary Cameron is truly an inspiration and role model for many people in agriculture today.

Mr. Speaker, I am pleased to honor Mary Cameron for her exceptional service to the public and her dedication to the California dairy industry. I urge my colleagues to join me in wishing Mary many years of continued success.

A PROCLAMATION HONORING THOMAS E. LOUIS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. NEY. Mr. Speaker, Whereas, Thomas E. Louis has exemplified leadership for the International Union of Operating Engineers, Local Union 18; and

Whereas, Thomas E. Louis has demonstrated a steadfast commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Thomas E. Louis has been a dedicated and loyal spokesman for the International Union of Operating Engineers, as a legislative Representative and as appointed by the Governor of Ohio to the State Construction Compliance Council; and

Whereas, Thomas E. Louis is to be commended for his hard work and dedication to the International Union of Operating Engineers, Local 18, serving in many capacities including on the Advisory Board, on the Executive Board, and serving as President; and

Whereas, Thomas E. Louis has long been a dedicated family man. His personal sacrifices of time and energy to family, friends and community are characteristic of a fine gentleman;

Therefore, I join with the many friends and relatives, as well as all the residents of the entire 18th Congressional District, in honoring Thomas E. Louis as he retires after 39 years of service to the people of the International Union of Operating Engineers, Local Union 18.

INTRODUCTION OF THE COLLEGE AFFORDABILITY AND LIFETIME SAVINGS ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit, with sixty-three of my colleagues in the House, the College Affordability and Lifetime Savings Act.

According to the Department of Education, more than 7 million students will take out a Federal student loan this year to help finance their college education. As tuition costs swell and grant-aid fails to keep pace, students and their families are increasingly turning to loans as the primary mechanism to finance a higher education. While student loans make the college dream a reality for millions, they all too often turn into a nightmare of debt.

Over the past eight years the typical student loan debt has almost doubled to $16,928. In addition, 39 percent of all student borrowers now graduate with unmanageable debt levels. Too many student borrowers struggle to make their monthly loan payments, and many must forgo savings, public service careers, and major purchases.

Borrowing for higher education should be a sound investment for the future, both for the student, and society. Yet, today we are asking far too many students to mortgage their future at too high a cost.

Unfortunately, President Bush and the Republican leadership in Congress have ignored the pleas from millions of Americans to make student aid funding a priority. Instead, just at the time when students and their families need help the most to make ends meet, President

Bush and the Republican leadership have responded by cutting key student aid programs. Just last week, House Republicans demanded that we finance President Bush's tax cut on the backs of students by cutting $4.7 billion in aid to student borrowers. This could force the typical borrower to pay an additional $170 in student loan taxes over the life of their loans.

This is unacceptable, and we must do better by delivering sound legislation that helps Americans to make the college dream a viable reality.

The College Affordability and Lifetime Savings Act will help ease the burden of student loan debt for millions of Americans. The Act will change the current student loan tax deduction benefit to a tax credit—which will deliver a larger rebate on the interest paid on student loans to borrowers, particularly those who are struggling the most to make ends meet. The savings for the typical borrower who is earning $20,000 a year will more than triple, to $347, in their first year of repayment. The Act will also help expand this benefit to more middle class families, allowing them to claim rebates, too.

I urge you to support the College Affordability and Lifetime Savings Act as a means to ensure that a college investment remains the investment of a lifetime for all Americans.

RELATIONSHIPS BETWEEN THE UNITED STATES AND TAIWAN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. STEARNS. Mr. Speaker, my Colleagues and Friends of Taiwan, I want to take a moment to place into the RECORD a traditional oral expression or toast to the long-standing relationship between the United States and Taiwan. The republic of China's Twin Oaks Estate here in Washington, D.C., has been home to nine Ambassadors, as well as a venue for receiving guests of the Republic of China's Representative in the United States. It is a symbol of the abiding friendship between our two nations. Over the last six decades, countless Americans and Chinese friends and Ambassadors have met with members of Congress at Twin Oaks.

On the south side of this wonderful mansion stand one hundred plum trees. The plum blossom, the national flower of The Republic of China, can withstand below freezing temperatures. After enduring this type of physical duress during the winter, in early spring the dark pink plum blossom emerges and blooms, demonstrating a glorious vitality. And so it is with the relationship between Taiwan and the United States of America. No matter how challenging the problems are now or will be; our time-honored relationship will continue to blossom and display this type of resilience. In a larger sense, it will spring eternally regardless of geopolitical pressures.

So Mr. Speaker, the enduring strength of the plum blossom at the Twin Oaks Estate symbolizes our lasting friendship, which has benefited both of our nations for six decades.

IN MEMORY OF AHMAD R. OLOMI

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to his country and community was extraordinary. Orange County, California, was indeed fortunate to have such a dynamic and dedicated community leader who willingly and unselfishly gave his time and talents to make his community a better place in which to live and work. The individual of whom I speaking is Ahmad Rateb Olomi. He was unexpectedly and tragically taken in an airplane accident over the Arabian Sea on Monday, February 24, 2003, at the age of 45.

Mr. Olomi was born in Afghanistan, and earned his bachelor's degree in Civil Engineering from the University of Engineering and Technology in Lahore, Pakistan. He moved to the United States in 1980. He was hired by Orange County in 1984 and shortly thereafter became a naturalized United States citizen. He worked his way up from Engineering Technician to the position of Senior Civil Engineer. Some of the more notable projects he worked on were Seven Oaks Dam, the Santa Ana River Mainstream Project, and the Laguna Canyon Road State Route 133 realignment. Over his 19 years of service to Orange County, Mr. Olomi developed himself into one of the County's most talented and valued professionals.

In addition to his love for the United States and his community, he never forgot his original homeland. On the day of the tragedy, Mr. Olomi was on a six-month leave of absence from the County of Orange traveling with the Afghan Minister of Mines and Industries to help with the rebuilding of Afghanistan, and the construction of a transnational pipeline project that would pump natural gas and oil from Turkmenistan across Afghanistan and into Pakistan.

Mr. Olomi was also a dedicated family man. He is survived by his wife Roya and children, Yusef and Sahar. He is remembered by his family and friends as a man admired for his integrity, honesty, intelligence and selfless commitment to others. My thoughts and prayers go out to them for their loss.

Mr. Speaker, looking back at Mr. Olomi's life, we see a man dedicated to his family, community, adopted country and original homeland—an American and Afghani whose service led to the betterment of those who had the privilege to come in contact or work with him. Honoring Mr. Olomi's memory is the least we can do today for all that he gave over his lifetime.

A TRIBUTE TO CAROL YING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Carol Ying in recognition of her dedication to improving the educational opportunities for the students in her community and enlightening them with her teachings.

Born in Jamaica, West Indies, Carol immigrated to the United States in January 1985. She enrolled in the fifth grade at a private catholic school called St. Augustine-St. Francis Xavier where she won an award for the fifth grader of the year. After three years at the school, she wanted to explore a public school and enrolled in Samuel J. Tilden High School. Again, she excelled in her academics and received a PTA award given to the most outstanding high school freshmen. Her achievements at the High School allowed her to graduate within three years and attend Long Island University. She was a Higher Education Opportunity Program (HEOP) student at the institution.

Carol was always fascinated with mathematics and showed exceptional ability in the subject. Although she started out as a Computer Science major, she would eventually change her major to Mathematics Education. During the summer of freshman year, she discovered that she had a passion for teaching mathematics after teaching a class of high school students. Carol was inspired by the many great math teachers she has encountered in her academic career. After graduating from Long Island University, Carol returned home to teach mathematics at Samuel J. Tilden High School. During her seven years at Tilden High School, she served as a dean for a year as well.

She continued to challenge herself by enrolling in a Master's program at CUNY Brooklyn College, receiving a degree in Mathematics Education. Later, she furthered her academic credentials when she earned a Certificate in Administration and Supervision. In the process, her supervisors and colleagues, who saw her capacity as a leader, encouraged her to do more than teach. This inspired her to pursue a position as an administrator.

Carol is currently working in the New York City public school system as an Assistant Principal at South Shore High School. She is also in charge of supervising the Mathematics Department. Carol is very passionate about her job and enjoys working with students and faculty to advance students' achievements in Mathematics.

Mr. Speaker, Carol Ying is committed to increasing the educational opportunities of members of her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

HONORING MAXINE MACHADO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Maxine Machado on the occasion of her being selected as a recipient for the 2002 Common Threads Awards. Common Threads is a joint venture of the Agricultural Education Foundation, California State University, Fresno's College of Agricultural Sciences and Technology, and AG ONE Foundation. The award is given to women who have made a remarkable and visible contribution to the enhancement of their communities with their time and/or contributions. Honorees must live in Fresno, Kings, Madera,

Merced, or Tulare County. They should have past or present roots in agriculture while showing outstanding involvement in a variety of community activities in addition to agriculture. The honorees make a difference with their philanthropic giving while serving as visible and credible role models for other women.

Maxine, a native of Los Angeles, California, has always been considered a lifelong ''country girl.'' Farming has played a major role in Maxine's life through good and bad, and she finds her satisfaction in knowing that she helps to feed and clothe our nation and a great part of the world through it. She and her husband, Fred, farm diverse crops and manage a dairy along with their grown children in the Easton area of Fresno County.

Mrs. Machado is an active volunteer in church, political, school, and agricultural activities. Some of Maxine's philanthropic and community involvement includes being the President for the Fresno County Cabrillo Civic Club #10 and the American Union School Parent's Club. She was involved in the St. Jude Catholic Church's Alter Guild and Church Building Fund and C.P.D.E.S. Hall and Holy Ghost Celebration Committees. Mrs. Machado has also been a member of the Fresno County Farm Bureau Women, the Fresno County Republican Women, the American Legion Auxiliary, and the Fresno County Right to Life.

Mr. Speaker, I rise today to recognize Maxine Machado for receiving the 2002 Common Threads Awards. I invite my colleagues to join me in commending Maxine for her commitment to community service and agriculture and in wishing her many years of continued success.

A PROCLAMATION RECOGNIZING HEATH EMERSON GROGRO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. NEY. Mr. Speaker, Whereas, Heath Emerson Grogro has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Heath Emerson Grogro has shared his time and talent with the community in which he resides; and

Whereas, Heath Emerson Grogro has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Heath Emerson Grogro must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 403, the residents of Coshocton, and the entire 18th Congressional District in congratulating Heath Emerson Grogro as he receives the Eagle Scout Award.

INTRODUCTION OF THE COLLEGE OPPORTUNITY FOR A BETTER AMERICA ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit, with sixty-three of my colleagues in the House, the College Opportunity for a Better America Act.

Higher education has become more important than ever to ensure America's economic prosperity, national security, and health. Yet, swelling enrollments among low-income and working class families, massive state budget cuts, and rising tuition continue to strain our ability to ensure access to a college education for all Americans.

As a result, increasing numbers of students and their families are relying on debt to finance their college dreams. Over the past eight years the typical student loan debt has nearly doubled to $16,928, with 64 percent of students borrowing to finance their college costs. In addition, nearly two-fifths of all student borrowers graduate with unmanageable debt levels, and as a result, many may seek higher-salaried positions rather than public service careers.

At the same time, severe shortages of highly qualified personnel in many public service sectors, such as teaching, nursing, childcare, and child welfare, threaten the health and well being of our nation.

According to the National Center for Education Statistics, the United States will need more than 2 million new teachers over the next 10 years. In a recent report, the American Hospital Association found that there is a national shortage of 126,000 nurses; just as the number of nursing school graduates decreased by 29 percent between 1995 and 2001. In addition, the number of unfilled child welfare specialists is growing rapidly; while the nation's childcare programs are plagued by high staff turnover, fueled by poor compensation.

We can no longer afford to ignore the growing shortage of a skilled public service workforce. We must invest in our recent graduates to enable more of them to pursue public service careers. The College Opportunity for a Better America Act would take an important step to filling shortages of highly skilled workers in the public service sector by providing up to $17,500 in loan forgiveness for graduates who enter teaching, child care, nursing, child welfare, and other high priority public service careers.

In short, the Act would provide the financial means necessary to attract and retain a highly skilled public service workforce.

America's higher education system has long served as a vehicle to achieve economic prosperity, national security, and an educated citizenry. From our nascent beginnings, when public education served as the means to equalize our society, to the National Defense Act of 1958—which launched many of our federal student aid programs—we have used higher education as a tool to move this country forward.

I strongly urge my colleagues to join me in honoring this tradition by supporting the College Opportunity for a Better America Act. It is an important step to help fill America's critical public service work gap.

MEDIA ACCOUNTABILITY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. STEARNS. Mr. Speaker, as we all heard from the President's speech last night, we are regrettably closer to engaging in military action to oust a murderous dictator, Saddam Hussein. At this time, we should focus our thoughts and prayers on the men and women standing in harm's way to liberate a country that has so often in history been a center of culture, innovation, and education.

Our troops are young volunteers serving a country they love, and a foundation of freedom in which they deeply believe. They have many worries, as would any human being in this situation, but they know their jobs and the risks that accompany military service. As an American and a veteran, I have strong, heart-felt feelings and a sense of pride for these young soldiers and airmen willing to fight for a people they do not know and a cause that requires constant vigilance.

It is these feelings I have for troops that led me and a number of my colleagues to openly question recent media interviews that subject these young troops to questions, which in my mind, have no business being posed days before possible military action.

The initial coverage that brought me to the floor today aired on Peter Jennings ''World News Tonight,'' on Monday, March 10. The segment contained interviews with American troops on the Kuwaiti/Iraq border. Specifically, some of the questions focused on hypothetical situations regarding combat, enemy responses, and casualties.

This morning, a USA Today article ran with the headline ''As War Looms, Young Soldiers Confront Fear . . . 'Black Hawk Down' scenario among worries'' (Many of us remember ''Black Hawk Down'' was based on the operation to capture Somali warlord Adid.

These interviews are asking questions regarding fratricide, combat deaths, chemical or biological weapons, ''personal demons,'' and ''bloody urban fighting.'' As many of us in the House are veterans, we know the sacrifices that come with service, including the loss of life. We have heard countless times, as have our troops, what threats may be encountered if we engage Iraq, and, what the risks entail. As such, our young troops do not need to be reminded of those possibilities by individuals who only seek to generate a story. Nor should the family and friends of loved ones serving in the Middle East be subjected to these stories that further exacerbate worries they may already have.

Our men and women serving in these areas are professionals and they know the job they have to do, though it is obviously a job they would prefer to accomplish by other means than force (I would like to add that we in Congress and the President share that desire). Nonetheless, our troops and their commanders know they must focus on the tasks assigned and the mission objectives that must be completed. I believe that focus can be hindered when certain media personalities, who have no comprehensible idea of what it is like to be in the very situation our troops are facing, continue to dredge up these feelings purely for national coverage.

Such coverage does not serve the home front well either. In Florida, we have activated more Guard and Reserve forces than any other state in the union. In my district, I have watched unit after unit depart for destinations unknown in support of Enduring Freedom. These are incredible individuals—as are their families. My thoughts and prayers go to them as well, for they too are sacrificing.

Let me emphatically state for those that may disagree with my remarks that I do not advocate censorship. I do advocate common sense. I believe the media lacks a solid understanding of our military and its mission. Providing media access to our troops is necessary to assist in providing accurate information for the American public and to counter false propaganda from other resources seeking to undermine our objectives. Such access can provide a better understanding and appreciation for what our young people do every single day in service to our country.

However, we must be mindful that reporting facts is quite different from generating an emotional story for ratings purposes. Today's media has a tremendous amount of access—much more so than during Desert Storm in 1991. With that access comes responsibility . . . responsibility to the troops, their families and the public. I ask that the media let our troops focus on the mission at hand, let them do their job and return safely home. Refrain from undermining that focus and the necessary morale . . . just because it might make a good story.

Mr. Speaker, we face challenging times ahead. Our troops need our support, our thoughts, and our prayers. May God bless them and their families and return them home safe.

TRIBUTE TO JAMIL DADA, 2003 DISTINGUISHED CITIZEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the Inland Empire are exceptional. The Inland Empire has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Jamil Dada is one of these individuals. On March 21, 2003, Jamil will be honored by the Boy Scouts of American and will receive the 2003 Distinguished Citizen Good Scout of the Year Award.

Jamil is the Senior Financial Manager for Provident Bank's eleven branches and serves as the manager of Investment Services. In addition to his outstanding professional career, Jamil finds time for numerous community organizations. He serves as Chairman of the Riverside County Workforce Development board which oversees approximately $18 million of federal funding that Riverside County receives for workforce development and job training. His financial experience and integrity led to his appointment to the board by the Riverside County Board of Supervisors.

In addition, Jamil serves as a board member of the Riverside Community College Foundation, the United Way of the Inland Valleys, the Boy Scouts of America Inland Empire Council, the Family Service Association of Western Riverside County and the Magnolia Center Division of the Greater Riverside Chamber of Commerce. He is also a member of the Planned Giving Advisory Board at the University of California, Riverside.

Jamil is a long time member of the Moreno Valley Rotary Club and currently is Vice-Chairman of the Moreno Valley Chamber of Commerce. He is a board member of the Police Activities League and treasurer of the Moreno Valley Substance Abuse Task Force. He is also actively involved as the Vice President of Moreno Valley's largest food pantry, the Community Assistance Program. Jamil has also been instrumental at March Air Reserve Base as an Honorary Commander. He is also the Vice President of the March Air Field Air Museum, Chairman of the Friends of March Field and treasurer of the MARB Forum.

In 1993 the Moreno Valley Hispanic Chamber honored him as their Man of the Year and in 1994 he was Rotarian of the Year for Rotary District 5330 and Moreno Valley's Citizen of the Year in 1997. In 2002 he was the finalist in the Inland Empire Leaders of Distinction.

Jamil has set a standard of excellence and commitment in his work in the community that would be hard to match. His tireless passion for community service has contributed immensely to the betterment of the Inland Empire. His involvement in the community makes me proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives the 2003 Distinguished Citizen Good Scout of the Year Award.

A TRIBUTE TO LUCY SCHWARTZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Lucy Schwartz in recognition of her passionate dedication to improving her community through civic participation.

Born in the East New York section of Brooklyn, Lucy was the fourth of five children. A first generation American, both of Lucy's parents were born in Russia.

She began her political activities at the tender age of 15, stuffing envelopes for the American Labor Party (ALP). Later, when her family left the ALP to become Democrats, Lucy began volunteering for the Democratic Party.

Lucy attended Thomas Jefferson High School where she met her husband Murray who she married at age 21. Their first son Stephen was born in 1942 and their second son was born five years later.

Concerned about her children's education, in 1952, Lucy started and became the first president of the parent's association for a brand new elementary school PS 273. Before meeting with the school's principal to discuss a possible parent's association, Lucy purchased a Roberts rules and Order book and received a book from the United Parent's Association on how to start an association. These two books became her bibles.

From 1953 to 1956, Lucy was president of the Boulevard Community Center. During her term, she helped form a nursery school. With the help of Meade Esposito, she also started a youth program in the community center. She would become President of this program as well as the Teenage Day camp at Tilden High School. Lucy, with Meade's assistance, was also a major fundraiser for the United Leukemia Society.

Motivated by the lack of street lightening on Linden Boulevard in Brooklyn and after being ignored by the local district leader, Lucy and her friends in the parent's and tenants' association decided to become more politically active. The group decided to form their own Democratic club, called the Thomas Jefferson Democratic Club. In 1960, the group had their first political victory when Lenny Yoswein was elected to the New York State Assembly. Lucy became the ''Mother Hen'' of the newly formed Democratic club, mentoring and providing guidance to countless young Democrats, including myself.

The Thomas Jefferson Club has been Lucy's love. She has held several volunteer positions such as the supervisor of the placement of inspectors on polling day, financial secretary, journal chairperson, and chairperson of the annual dinner/dance. In addition to the Club, Lucy also keeps her fellow co-operative owners up to date on current government programs that affect their lives.

When she is not volunteering, Lucy enjoys gardening. She has read extensively on this topic and has developed a green thumb. Wherever Lucy is, you can be sure that there is a green garden growing as well.

Mr. Speaker, Lucy Schwartz has been tireless in her devotion to civic participation and her community. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

HONORING SAYRE McFARLANE MILLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Sayre McFarlane Miller on the occasion of her being selected as a recipient for the 2003 Common Threads Award. Common Threads is a joint venture of the Agricultural Education Foundation, California State University, Fresno's College of Agricultural Sciences and Technology, and AG ONE Foundation. The award is given to women who have made a remarkable and visible contribution to the enhancement of their communities with their time and/or contributions. Honorees must live in Fresno, Kings, Madera, Merced, or Tulare County. They should have past or present roots in agriculture while showing outstanding involvement in a variety of community activities in addition to agriculture. The honorees make a difference with their philanthropic giving while serving as visible and credible role models for other women.

Sayre, a partner in the family farm, McFarlane and McFarlane of Clovis, has always believed that ''the way to get things done is to put one foot in front of the other every day.'' from water policy to land use policy, she has held leadership roles in several agricultural, natural resource, and communities activities. She values her involvement as an agricultural representative in the Growth Alternatives Alliance, a land use policy group that developed the Landscape of Choice: Strategies for Improving Patterns of Community Growth.

Mrs. Miller has enjoyed a wide range of community involvement. Some of Sayre's philanthropic and community involvement include

sitting on the Fresno Irrigation District and the Kings River Water PAC's Boards of Directors. She has participated in the Association of California Water Agencies, the Fresno Art Museum, the Agricultural Council of California, the San Joaquin River Parkway and Conservation Trust, and St. James Episcopal Cathedral. Sayre cannot say for certain that the discourse of the boardroom surpasses the joy of receiving a Sunday school kindergardner's hug around the knees, but she has loved it all.

Mr. Speaker, I rise today to recognize Sayre McFarlane Miller for receiving the 2002 Common Threads Award. I invite my colleagues to join me in commending Sayre for her commitment to community service and agriculture and in wishing her many years of continued success.

A PROCLAMATION IN MEMORY OF SANDRA ''SANDY'' BLESSLEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. NEY. Mr. Speaker, Whereas, I hereby offer my heartfelt condolences to the family and friends of Sandra ''Sandy'' Blessley; and

Whereas, Sandra Blessley was a gifted speaker and a Capital Guide for 29 years. Her dedication and love for her work was truly exemplary; after her first stroke she recovered by reciting her tour speech, so that she could return to work; and

Whereas, Mrs. Blessley will certainly be remembered by all those who knew her because of her personal sacrifices of time and energy to family, friends and community; and

Whereas, the understanding and caring to which she gave to others will stand as a monument to a truly fine person. Her life and love gave joy to all who knew her;

Therefore, while I understand how words can't express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Sandra ''Sandy'' Blessley.

HONORING JEFF FAUX

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to honor Jeff Faux, who is the founder of the nationally respected Economic Policy Institute. During his long career, he as been a merchant mariner, railroad worker, blueberry farmer, antipoverty official, Labor Department statistician, and instructor at Harvard University.

Jeff Faux used these work experiences to his advantage when undertaking the great task of founding and building the Economic Policy Institute, the nation's only think tank expressly dedicated to examining economic issues from the vantage point of how they affect working families.

Named after the poet Geoffrey Chaucer, Faux grew up in Queens, New York, as an avid reader but an apathetic student. Dropping out of high school, he joined the merchant marine and shipped out to the Caribbean, before realizing that he didn't want to spend the rest of his life that way.

Completing high school years before open enrollment at New York's City University, his wide-ranging reading stood him in good stead when he aced an examination that qualified him for Queens College, in spite of his uneven record in high school. On evenings, weekends, and summers while in college, he worked as a bartender (following his father who had been a charter member of Bartenders Local 164), on a railroad, and in an American Can Factory in Brooklyn.

After he severely injured his back, Faux was treated in Queens General Hospital, sparing him from what might have been a lifetime disability. While hospitalized, he mused that he was, in a sense, the product of public programs—born in a public hospital, educated in public schools, and put back together again in another public hospital. Faux traces lifelong commitment to progressive politics to this period of recuperation and reflection.

Inspired by President John F. Kennedy's New Frontier, Faux moved to Washington, D.C., where he worked, first, for the Bureau of Labor Statistics and, then, for the Arms Control and Disarmament Agency. Meanwhile, he enrolled as a graduate student at George Washington University, doing graduate work in economics.

Moving to the Office of Economic Opportunity (OEO), Faux became one of the originators of a new kind of anti-poverty program: the Community Development Corporation. Modeled after a project initiated by Senator Robert F. Kennedy in the Bedford-Stuyvesant section of Brooklyn, community development corporations promote economic development in low-income areas, from the inner cities to rural America.

Traveling throughout the country, and briefly living with migrant farm workers in Colorado and New Mexico, Faux helped to turn the concept of community development corporations into a national program. He also found the time to participate in the historic Selma-to-Montgomery march for voting rights and to register black voters in Virginia.

In the 1980's, Jeff returned to Washington, D.C. and set about a new mission: founding a progressive think tank that would focus on economic issues. Others involved in the project included Barry Bluestone, Robert Kuttner, Ray Marshall, Robert Reich, and Lester Thurow.

In 1986, the Economic Policy Institute opened its doors, with a staff of Faux, communications director Roger Hickey, an administrative assistant and a graduate research assistant. Originally commissioning papers by academics, EPI build its own capacity with the hiring in 1987 of Larry Mishel as research director. A year later, EPI published the first biennial edition of its signature publication, The State of Working America, which would be researched and written by Mishel and many of the economists who later joined the staff of EPI.

In the later eighties, as a wave of deindustrialization swept over the U.S., EPI helped build the case for plant closing legislation, work that bore fruit in the WARN Act of 1988. A few years later, EPI shaped the debate on the minimum wage, showing that the benefits of raising wages for the poorest workers far outweighed the potential cost in terms of inflation or job loss.

Joining the debate about the North American Free Trade Agreement, EPI explored international issues as well, pioneering the proposal that labor standards be included in trade agreements. On domestic issues, EPI developed a trademark tactic, releasing statements signed by prominent economists supporting increased public investment, opposing the balanced budget amendment, endorsing President Bill Clinton's first budget plan, and opposing President George W. Bush's tax cuts for the very wealthy. Surveys continuously find that EPI is the most widely quoted progressive think tank in the nation's news media.

In 2002, Faux stepped down as president of EPI and assumed a new role as EPI's first Distinguished Fellow. He has begun work on a book about the North American economy.

Today, we thank Jeff for his enormous contribution in improving the well being of working families all across the world.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTH CARE (HEALTH) ACT OF 2003

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2003

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this legislation. This bill would provide legal protections to HMOs and override all of our efforts to hold them accountable through the Patients' Bill of Rights. Worse, it would restrict patients' rights without actually solving the problems associated with high insurance costs.

The Democratic substitute, which we were prevented from offering, would have taken a comprehensive approach to the malpractice insurance crisis, recognizing the need for both tort reform and insurance reform. Not only would it have prevented frivolous lawsuits, but it would have also required insurance companies to pass their savings on to health care providers, in addition to providing assistance to the physicians and communities who need it the most. Even the CEOs of 4 insurance companies say this bill does not guarantee reduced insurance premiums for doctors.

Capping non-economic damages at $250,000, as this bill does, will disproportionately hurt stay-at-home mothers, children, the elderly and the disabled—people who do not earn enough to show a substantial economic loss. They suffer just as much as a high-paid CEO, yet under this bill, they would receive virtually nothing for their pain and suffering.

I urge my colleagues to do right by these families and oppose this bill. Let's come back and pass a bill that will actually do something to address the malpractice crisis.

A TRIBUTE TO PHYLLIS TALIAFERRO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Phyllis Taliaferro in recognition of her commitment to providing mental health treatment in the community.

Phyllis is a member of a proud African American family of Taliaferros. The most notable of whom is Booker Taliaferro Washington. Since 1898 Phyllis's family has maintained the Lucy Taliaferro Estate in Colonial Beach, Virginia. Phyllis's great-grandmother purchased the property. Prior to World War II, Phyllis's family moved to Baltimore where she was born. Following the war, Phyllis along with her parents and sister moved to New York.

Phyllis is a graduate of Amityville Memorial High School on Long Island. She earned her bachelor's degree at Morgan State University and received her master's degree in Social Welfare at the State University of New York at Stony Brook. She has also studied at the University of Ghana at Legon and at St. Ann's Psychiatric Hospital in Rosekilde, Sweden. In the United States, she took post-graduate courses at the Lenox Hill Hospital Psychoanalytic Psychotherapy program and at Beth Israel Hospital. She has held faculty positions in the State University of New York Agricultural and Technical College and at Old Westbury and Euro College.

In her professional life, she is focused on improving mental health treatment for women and children. She runs a group for women called ''He Ain't All That.'' She has been honored by the Visiting Nurse Service, the Society for Psychoanalytic Psychotherapy, and the New York Black Psychologists. She is a Past President of the New York Association of Black Psychologists.

Phyllis is also the executive producer of the ''The Phyllis Taliaferro Show—The Psychology of Everyday Life'' on Brooklyn Community Access Television. Previously, on Starrett City Television, she was a producer and host of ''Perceptions and Insights.'' Additionally, she made frequent appearances on Dr. Jeff's early television show,'' ''A Hipper Shrink'' and Dr. Brown's show, ''Psych on Call.'' Phyllis has had guest spots on several radio shows as well as including ''The Dr. Watkins Show,'' ''The Gary Byrd Show;'' and ''Hit It.''

In addition to her work in the mental health field, she is actively involved in several local civic organizations. She is a member of the National Women's Political Caucus, the Brooklyn Women's Caucus, the National Political Caucus of Black Women in Politics, and the Central Committee for Al Sharpton. She is also a member of Church Women United and the auxiliary at Kings County Hospital.

Mr. Speaker, Phyllis Taliaferro is dedicated to her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

HONORING ANNE HESTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Anne Hester on the occasion of her being selected as a recipient for the 2002 Common Threads Award. Common Threads is a joint venture of the Agricultural Education Foundation, California State University, Fresno's College of Agricultural Sciences and Technology, and AG ONE Foundation. The award is given to women who have made a remarkable and visible contribution to the enhancement of their communities with their time and/or contributions. Honorees must live in Fresno, Kings, Madera, Merced, or Tulare County. They should have past or present roots in agriculture while showing outstanding involvement in a variety of community activities in addition to agriculture. The honorees make a difference with their philanthropic giving while serving as visible and credible role models for other women.

Anne married into a 3rd generation farming family, and she and her husband, Gary, are principles in Hester Orchards. Anne has played a major role in her and her husband's diversified orchard crops, nut processing, and farm management companies. She is actively involved in the operation and manages the administrative office.

Anne has been active in many agriculture and education organizations. Mrs. Hester served as chairperson for the Tulare County Farm Bureau and acted as the driving force for its Ag Education, Youth Leadership, Fundraising, and Scholarship committees. She recognized that Ag needed to reach out to student leaders and educate them about agriculture and its importance before they went on in their education. Because of her commitment to youth, Anne was also involved in a program at Farmersville High School where she helped at-risk kids get jobs in an effort to redirect their lives. Mrs. Hester's philanthropic devotion to helping the education of youth and her active involvement in the farming industry make her a significant part of the community.

Mr. Speaker, I am pleased to honor Anne Hester for her superior service to the public and her leadership in the agriculture community. I urge my colleagues to join me in wishing Anne many years of continued success.

A PROCLAMATION IN MEMORY OF MARVIN L. LAWVER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. NEY. Mr. Speaker, whereas, I hereby offer my heartfelt condolences to the family and friends of Marvin L. Lawver upon the death of this outstanding person; and

Whereas, Marvin L. Lawver was born November 6, 1925 and in 1943, at the age of 17, Marvin L. Lawver answered his country's call to duty and enlisted in the United States Navy; and

Whereas, during his overseas service, including Pearl Harbor, he became highly decorated earning the American Campaign Medal, Victory Medal, and Asiatic Pacific Area Campaign Medal; and

Whereas, for his service to our country we owe him a debt of gratitude that can never be repaid; and

Whereas, Marvin L. Lawver will certainly be remembered by all those who knew him because of his personal sacrifices of time and energy to family, friends, and community; and

Whereas, the understanding and kindness to which he gave to others will stand as a monument to a truly fine person. His life and love gave joy to all who knew him;

Therefore, I offer this token of profound sympathy to the family and friends of Marvin L. Lawver.

HONORING ANGEL GONZALEZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. FARR. Mr. Speaker, I rise today to honor one of my youngest and bravest constituents, Angel Gonzalez. Angel is California's Ambassador to Foresters Champions Across America and the Children's Miracle Network program that honors remarkable children who have triumphed despite severe medical challenges. Today, Angel enjoys the fun and games of most five-year olds, but it wasn't long ago that would have seemed impossible.

Angel was standing with his Grandmother outside the oil change shop where his Mom works in Salinas, California, when a car in one of the service bays suddenly accelerated and crashed through the closed door of the shop. Angel was hit by the car and suffered severe head trauma and internal injuries. After emergency surgery and 10 days in a coma, there were no doubts that Angel was truly a fighter. He pulled through not only because of the good work of his surgeons and nurses, but because of determination and will power. His courage and determination has been crucial in his progress on the long and difficult road of rehabilitation. Over the months, Angel has made remarkable progress, gradually regaining his speech and motor skills. Through the continuing and laborious physical therapy, Angel has maintained his positive attitude and brought a playful approach to the challenges of his continuing recovery.

Angel's recovery is a remarkable testament to his strength and perseverance and the wonderful treatment he received at Salinas Valley Memorial Hospital. As California's Ambassador, Angel has traveled to Washington, DC to bring hope to other children who are fighting for their health, and to recognize the important role that children's hospitals play in providing specialized care for kids. I would like to congratulate Angel on his amazing recovery and his position as an inspiring role model to all people who face adversity. I am honored to be able to recognize the resolve and support of Angel, his family, and their community.

A TRIBUTE TO LYSTRA MOORE-BESSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I rise to honor of Lystra Moore-Besson in recognition of her contribution to her family and her community.

Lystra was born to Henry and Alice Moore in Trinidad & Tobago. She immigrated to the United States in 1975 to further her education. In 1980 she graduated from Brooklyn College with a Bachelor of Science Degree in Accounting. After graduation, she pursued a career in banking. She is presently Vice-President and Branch Manager of HSBC Bank USA and holds her securities licenses from NASD.

During her twenty-years in banking, she has received several awards including the ''Chairman's Award for Sales Excellence'' at HSBC Bank USA. She also sits on the African American Diversity Sub-Committee for Mentoring

and Career Development. Throughout her banking career, she has mentored employees and neighborhood youth, both personally and professionally.

Lystra is deeply involved in her community. She has been a member of the Brooklyn Canarsie Lions Club since 1995. She was elected Treasurer in her first year, a position she still holds. She also serves on the Board of Directors and is the funding co-advisor of the Brooklyn Canarsie Leos Club, which lends its support to the Guide Dog Foundation and the Vacation Camp for the Blind. She is on the Board of Directors of Canarsie By Choice and has supported the Juvenile Diabetes Foundation, National Conference for Community Justice, and National Association for Breast Cancer.

Lystra has also lent her banking expertise to the community through various financial seminars in credit, insurance, investment, and homeowners' information. Small businesses have also benefited from her personal counseling and expertise. Lystra has also participated in several civic causes, working with the Office of Senator John Sampson and helping to elect HILLARY RODHAM CLINTON to the Senate.

Lystra is married to Ian Besson. They have three daughters Habika Zwena, Zakiya, and Tabia, and a grandaughter Lystra Daniella.

Mr. Speaker, Lystra Moore-Besson is devoted to serving her community. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

HONORING ELIZABETH MCCABE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Elizabeth McCabe on the occasion of her being selected as a recipient for the 2002 Common Threads Award. Common Threads is a joint venture of the Agricultural Education Foundation, California State University, Fresno's College of Agricultural Sciences and Technology, and AG ONE Foundation. The award is given to women who have made a remarkable and visible contribution to the enhancement of their communities with their time and/or contributions. Honorees must live in Fresno, Kings, Madera, Merced, or Tulare County. They should have past or present roots in agriculture while showing outstanding involvement in a variety of community activities in addition to agriculture. The honorees make a difference with their philanthropic giving which serving as visible and credible role models for other women.

Mrs. McCabe's life has been dedicated to the growth of agriculture and education. Elizabeth has spent countless hours involved in 4–H Club and Future Farmers of America (FFA) activities. In 1972 she and a friend began the Mission 4–H Club. A leaders for 15 years, Elizabeth assumed the responsibility of making sure the kids traveled to five fairs a year. She is a 20 year member of the Merced Chapter, California Women for Agriculture and served as their President. She remains very active in 4–H, FAA, and California Women for Agriculture activities.

Elizabeth has a great respect for education which is why she works diligently for the Friends of the Library and is a strong supporter of organizations which fund scholarships. She has served as President for the Merced County School Board Association, the United Methodist Women, and as Treasurer for the Merced Senior, Inc. Elizabeth is a leader of philanthropy in her community and a guiding light to all.

Mr. Speaker, I am pleased to honor Elizabeth McCabe for her outstanding service and commitment to education and agriculture. I urge my colleagues to join me in wishing Elizabeth many years of continued success.

A TRIBUTE TO DOROTHY SWEARENGEN STRONG

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Dorothy Swearengen Strong, a dynamic woman who had committed 45 years to advocating for the educational and developmental needs of African American children, especially in relation to mathematics. Making it a priority to equip at-risk youth with essential mathematics skills, she has worked tirelessly to ensure that all children are prepared to master standards-based mathematics and traditional basic skills simultaneously.

She began teaching in 1958 and has remained true to her philosophy that all children can and must complete Algebra by the end of eighth grade, in addition to attaining four years of college preparatory math by the end of high school. Strong has diligently worked from her vision of high expectations, full access, quality instruction and high achievement for all students. Always innovatively finding new ways to educate. Strong is currently directing and piloting the BiMathematics Project. This program will connect multiple definitions of curriculum faced by school districts, high stakes assessment and key mathematics principles to restructure and consolidate the mathematics curriculum for grades K–12. The project includes extended professional development, parental and community involvement components.

Impressively, Strong had developed and implemented several initiatives aimed at making math both exciting and educational for students. She has coordinated three major Mathematics and Science Motivational Projects with NASA that highlighted the achievements of African American astronauts. In an effort to increase academic achievement for inner-city students, she pioneered the MathCounts Competition, which celebrates their participation in statewide mathematics competitions.

She strives to empower students to always be prepared, be active participants in today's society and become lifelong learners. Leading by example, Strong has devoted many hours as founder and past president to the Benjamin Banneker Association. This Association provides a forum for mathematics educators and mathematicians to discuss learning and teaching math with respect to African American children. She has also developed a series of Bible Mathematics books and a Mathematics Tutor Training Manual to help Black South African students prepare for their University Examination.

Mr. Speaker. It is with great honor that I recognize Dr. Dorothy Swearengen Strong today before Congress. She has been referred to as the Mother of Modern Day Mathematics. Her outstanding leadership and commitment to efficiently educating students makes her more than worthy of receiving our recognition today. I urge that my colleagues join me in honoring this truly remarkable woman.

HONORING SEAMAN 1ST CLASS JOSEPH MCKENNA

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. ISRAEL. Mr. Speaker, our veterans have made America the strongest nation on earth. Their stories serve as a reminder of the costs that our nation has endured to ensure peace and freedom. I believe that it is vitally important to acknowledge the commitment and achievement of every veteran who put his or her life on the line to protect this nation.

I want to take this opportunity to share the story and bravery of Seaman 1st Class, Joseph McKenna Jr., of Melville, New York, a veteran of World War II.

In the spring of 1943, Joseph McKenna was serving as a United States Navy armed guard on the tanker, *MS Panam.* The *Panam* was making a trip from Norfolk to Lake Charles, Louisiana when it developed engine trouble. After becoming separated from the rest of the convoy, a German U-Boat attacked. The first torpedo ripped through the engine room, killing two crew members. The engines were destroyed and water started to rush in.

At the time of the attack Joseph McKenna was on the bridge. His commander, Arley Zinn, met him there and told him to return to the gun deck. At this point, McKenna realized that his buddy, Seaman 1st Class Earl Mayle, was missing and he went to find him. The door to their quarters was shut; it wouldn't budge. McKenna kicked in the bottom panel of the door and, on his hands and knees, made his way through the opening to Mayle, who was wedged under a bunk. Amazingly, McKenna, a man of only one hundred and thirty two pounds, was able to drag Mayle to what he thought was the safety of the gun deck.

Upon reaching the deck, McKenna was injured when another torpedo stuck the *Panam*. Thankfully, McKenna made it to a lifeboat with Mayle. After floating in the open ocean for six hours, the Coast Guard cutter *USS SC664* finally picked them up.

McKenna lost touch with Mayle for fifty-six years. In 1999, he tracked down Mayle's wife Shirley. She told him that Mayle passed away in 1993. She said that all Earl would speak about was McKenna saving his life. ''Thank God for Joe McKenna,'' Earl would say. ''If it wasn't for him I wouldn't be here.''

Mr. Speaker, I stand before you to recognize Seaman 1st Class, Joseph McKenna Jr. In honor of him and his act of bravery, I have flown a flag over the United States Capitol.

A TRIBUTE TO JEANETTE TURNER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I rise in support of Jeanette Turner in recognition of her passionate commitment to her community.

Jeanette was born and raised in Brooklyn New York. Educated in the New York City Public School System, she was able to attend college and pursue a career in nursing through the Higher Education Extension Program. She earned an Associate in Applied Science from the Bellevue School of Nursing of New York City Community College and a Bachelor of Science from Hunter College. She also received a Master of Arts in Nursing from New York University. Additionally, Jeanatte has a certificate from the Alcohol Council of New York Education and Training for Historical Approaches and Current Trends to Substance Abuse.

For more than 20 years, she dedicated herself to providing quality health care for veterans while working in patient services at the New York Harbor Health System of the Department of Veterans Affairs Medical Center. She worked at the Health System from 1977 to 1998. Always recognizing that veterans are individuals with their own unique needs, she emphasized a holistic approach to client care.

Under the leadership of Dr. Thomas B. Horvath, Chief of Staff of the Special Unit, she helped and supervised the implementation of the Mentally Impaired Chemical Abuse (MICA) program. Jeanette was involved in creating all aspects of the program from counseling to job placement. Additionally, she assisted physicians in providing annual physical and psychiatric examinations. Working with the community, Jeanette helped veterans obtain food, clothing, shelter, and financial assistance. Her work with the Veterans Outreach Center made sure that 250 veterans received referrals for veteran's benefits. She also developed a special patient education program and coordinated with the recreational services office to bring live entertainment for veterans, their families, and staff.

Jeanette has been committed to improving the health care of her community in her other professional experiences as well. She served as the Director of Service and Rehabilitation in the Brooklyn office of the American Cancer Society, providing rehabilitation services for families with oncology problems in the tri-state area. At Kings County Hospital, she worked with children in the outpatient pediatric unit, emergency room and on the medical and surgical units.

For her hard work and dedication, Jeanette was awarded the ''We Care'' Award from Kings County Hospital, a Special Commendation Award from the Acting Director of Kingsboro Psychiatric Center, and a Certification of Excellence from Department of Veterans Affairs. Her chief of staff also nominated her for the ''Hands and Heart'' Award. In 1996, She was the guest speaker during African American heritage month at the Department of Veterans Affairs, Ryerson Street Outpatient Clinic.

Additionally, she is a member of several community and civil organizations including the Brooklyn Canarsie Lions Club Foundation, Joseph Riley-Blacks in Government Chapter, St. Paul Community Baptist Church, Thomas Jefferson Democratic Club, and Order of Eastern Star Chapter 719—Deborah Grand Chapter.

Mr. Speaker, Jeanette Turner has dedicated her life to improving the health care for children, families and veterans in her community. As such, she is more the worthy of receiving our recognition today and I urge my colleague to join me in honoring this truly remarkable woman.

HONORING THE 50TH ANNIVERSARY CELEBRATION OF ST. PAUL'S LUTHERAN CHURCH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 50th anniversary of St. Paul's Lutheran Church in Falls Church, Virginia.

Located in the heart of Virginia's 11th Congressional District, St. Paul's goal of centering their faith in Christ was established at the time of their founding. Assembling at George Mason High School in 1953, a small group of men and women gathered together to formally give up their status as a mission of Arlington's Our Savior Lutheran Church and organized their own self-supporting congregation.

Today, St. Paul's has grown from a suburban congregation on the outskirts of Washington, DC, to a large urban congregation. Reflective of the diverse ethnic and cultural backgrounds of the Falls Church community, the congregation stresses warmth and acceptance for all people. Through their numerous Sunday school and adult classes, St. Paul's emphasizes the strengthening of their faith through education, prayer, and service. From its humble beginnings, the church has been successful in serving the community and strengthening their faith through God.

As well as offering education on their faith, St. Paul's also sponsors many fellowship groups and social events. By offering opportunities for members of the church to come together through potluck dinners, Bible study groups, and special holiday events, St. Paul's furthers its dedication to faith in God.

Mr. Speaker, in closing, I extend my warmest congratulations to St. Paul's Lutheran Church on this special occasion. With their commitment to faith and service to their community, the staff and members of St. Paul's are truly role models for us all. I call upon my colleagues to join me in applauding the church's 50 years of excellence.

200TH ANNIVERSARY OF THE TOWN OF CHAMBERSBURG INTO A BOROUGH

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the 200th Anniversary of the incorporation of the Town of Chambersburg into a Borough. Chambersburg, Pennsylvania, the county seat of Franklin County, is a town rich in history. Chambersburg was settled by Benjamin Chambers in 1730. He chose the area because of the promising demographic features of the land, where the Conocoheaque Creek and the Falling Spring merged to provide him with the necessary water power to operate a gristmill and a sawmill.

The community of Chambersburg was formally spread out in 1764, extending the land south and east of a fort that was built to provide protection against Indian raids. The epicenter of the town, which served as the crossroads for many travelers, began to grow in size and importance. Due to the number of people that traversed through the area, many businesses began to settle and expand in the valley. These businesses were the start of the promising entrepreneurial, agricultural, and residential area that Chambersburg is today.

In March 1803, the municipal government was established through a state granted charter as a borough. In May of the same year, the town elected the first mayor, the Town Council, a High Constable, and a flour and wood inspector were appointed. A tax duplicate of $550.97 was issued in order to begin providing government services, which at that time were mainly limited to those provided by the courts.

The Borough of Chambersburg is now home to over 17,000 people, many small and medium industrial enterprises, and continues to have strong ties to agricultural endeavors. I am very proud to represent the individuals that make up this vibrant community and would like to again commend the Borough of Chambersburg for its 200th Anniversary.

A TRIBUTE TO EVELYN M. DIXSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of the Honorable Evelyn M. Dixson in recognition of her dedication to her community and her enormous contribution to her church.

Evelyn is a member of the Cornerstone Baptist Church, President of the Cornerstone Baptist Church Federal Credit Union, and Chairperson of the Board of Directors of Cornerstone's Sandy F. Ray Senior Housing. Always involved in efforts to improve her community, Mrs. Dixson is a past president of the Brooklyn Club of the National Association of the Negro Business and Professional Women's Clubs, Inc. She also served two four-year terms as the organization's president, which had never been done in the history of the organization. Presently, she is an advisor to the Club.

Evelyn is a former member of the Board of Directors of Elected Officials of New York State and a charter member of the Stuyvesant Heights Lions Clubs International. The club made her a Melvin Jones Fellow, the highest honor one can achieve as a member of the Foundation.

Evelyn was one of the founding members of the Committee for Medgar Evers College and is a member of the Bridge Street A.W.M.E. Community Advisory Board. The Pratt Area Community Council honored Mrs. Dixson by

naming one of its affordable housing projects in 1994, ''The Evelyn Dixson Houses,'' which are seven newly rehabilitated buildings in Brooklyn.

In recognition of her many contributions and her participation in the improvement of the Bedford Stuyvesant community, she has received numerous awards, including the Thomas S. Boyland Award for leadership and commitment to the cause of Black Americans from the New York State Association of Black and Puerto Rican Legislators, Inc. She was also honored by Brooklyn Borough President Howard Golden with a Certificate of Achievement for outstanding leadership and service. Other awards include the National Association of Negro Business and Professional Women's Clubs' Sojourner Truth Award, the Salvation Army's Humanitarian and Service Award, and the Key Women of America's Church Woman of the Year award.

Evelyn has also been honored by the Medgar Evers College Women's Center, Lions and Lioness Clubs, Friends of Shaw University, the National Council of Christians and Jews, and the Council of Churches of the City of New York.

A former teacher, she also studied at Bank Street College in New York City and at the New School for Social Research in New York City, specializing in Early Childhood Education. Evelyn was also an executive administrative assistant for the Taxi and Limousine Commission of New York City. One of her most outstanding accomplishments of her professional career was being elected to eight consecutive two-year terms as State Committeewoman (District Leader) of the 56th Assembly District. She was also a delegate to the 1980 National Democratic Convention.

Mr. Speaker, with her numerous awards and professional memberships, Evelyn M. Dixson has shown that she is clearly dedicated to her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

HONORING CABRILLO POWER, LLC OF CARLSBAD, CA, FOR EARNING THE WALTER JONES/NOAA EXCELLENCE AWARD FOR EXCELLENCE IN BUSINESS LEADERSHIP

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise today to recognize one of the outstanding businesses in my district, Cabrillo Power, LLC of Carlsbad, CA, for recently earning the Walter Jones/NOAA Excellence award for Excellence in Business Leadership.

The Walter Jones/NOAA Excellence in Business Leadership Award recognizes a business organization that has made significant contributions, ''above and beyond the call of duty,'' to improve or protect the coastal or ocean environment and that demonstrate the ability to balance business interests with environmental needs.

Cabrillo Power owns and operates the Encina Generating Station located along the coast in Carlsbad, California. The Encina Generating Station has been in operation since 1952 and produces nearly 25 percent of San Diego County's electricity supply. Cabrillo Power is also an active partner in the development of a sea water desalination facility which, when built, will be the largest sea water desalination facility in the Western Hemisphere. Cabrillo Power has helped federal, state and local resource managers develop a successful and effective approach to eradicating the highly invasive marine algae from Agua Hedionda Lagoon. Cabrillo Power has a clear impact on the lives of many Californians and seeks to conduct business in a responsible manner. It serves as a steller model for advancing the goals of the Coastal Zone Management Act.

As a resident of one of San Diego County's coastal communities, I understand the importance of preserving our coastal resources and promoting energy efficiency. Cabrillo Power's proven creative ability to harness technology in their business practices that tempers business and environmental interests led to their selection for this prestigious honor. I applaud Cabrillo Power for its dedication to improving and serving San Diego's coastal community.

IN HONOR OF THE TVB BENEFIT VARIETY SHOW 2003

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. NADLER. Mr. Speaker, I rise today to praise the extraordinary efforts of NYU Downtown Hospital and its Chinese Community Partnership for Health program, for all of their work in health education, outreach and case management throughout lower Manhattan. I salute them on the occasion of the fourth annual Hong Kong Television Broadcast Limited Benefit Variety Show, which raises funds for this worthy cause.

Lower Manhattan is a diverse community that welcomes thousands of new immigrants every year, especially to the dynamic neighborhood of Chinatown. NYU Downtown Hospital is the only health care facility in the area and works to guarantee that these immigrants have access to quality health care.

The hospital has numerous successful outreach programs including the Chinese Community Partnership for Health (CCPH) program. The CCPH works to promote health care to all the residents of New York's Chinese community, including the tens of thousands of new residents each year. For ten years, the CCPH has served more than 80,000 garment and restaurant workers, elderly Chinese residents and school children in the Hospital's service area.

The centerpiece of the Partnership program is its health screening activities conducted by specially trained outreach teams that include bilingual nurses with both Eastern and Western healthcare concepts and practices. CCPH helps these immigrants overcome language and cultural barriers which prevent them for receiving the medical assistance they need and deserve.

To help raise funds for this worthy cause, CCPH and NYU Downtown Hospital will host a three-day extravaganza featuring a celebrity gala dinner and culminating in the Benefit Variety Show. Produced by the Hong Kong Television Broadcasts Limited (TVB), the Benefit Variety Show is an annual event in its fourth year that will be held in New York on March 22nd. The festivities are broadcast worldwide, which helps to display New York's tremendous diversity.

Mr. Speaker, in closing, I ask my colleagues to join me in recognizing the many individuals who work tirelessly to make this event an annual success, including Sir Run Run Shaw, Executive Chairman of TVB, George C.K. Liu, Chairman of the Physician Committee, and Hong Kong Superstars Jerry Lamb, Sonija Kwok, Edwin Siu, Joey Yung, Steven Ma, Moses Chan, Ming-Fai Koi, and Christopher Wong. I would also like to recognize the Chinese Consolidated Benevolent Association, who are the grand benefactors of this event and do so much throughout Chinatown to serve and protect the interests of the Chinese community in New York City.

I appreciate all the good work that CCPH does to promote quality health care and I wish them great success with this year's variety show.

OPPOSING THE FCC DECISION ON DEREGULATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, in the final analysis, America's national security depends heavily on America's economic security—and, especially critical to our economic growth and prosperity in the future is our telecommunications industry.

Telecommunications is very important to my own state of Florida. More than 80,000 Floridians work in telecommunications. Thousands more depend on the industry to maintain their pensions, their retirement savings—to generate the additional income they need to continue as active, contributing members of society.

What hurts the American telecommunications sector, in other words, often generates problems which can only ripple throughout our economy, affecting our national goals and values.

And, that's why I was so disappointed by the decision announced by Federal Communications Commission (FCC) members on February 20—that they had no intention to remove existing restrictions placed on local phone companies nearly seven years ago, restrictions which the chairman of the Energy & Commerce Committee, Mr. TAUZIN, and the Ranking Democrat, Mr. DINGELL, both agree are discouraging new communications investment and new jobs creation.

The best prescription for economic growth and for producing good jobs with a future—for every American who wants to work—is a strong and growing economy. One does not foster investment and jobs creating by perpetuating unneeded regulations and deliberately discouraging new investment, especially new investment.

Congress needs to send the FCC majority a message that when it comes to jobs creation, when it comes to spurring new investment, when it comes to stimulating the broader availability of advanced communications, Congress expects the FCC to vote ''yes.''

This country can't afford—and, the American people don't deserve—the kind of anti-investment, anti-jobs policies that the FCC has displayed through their ruling against local phone company deregulation.

HONORING KALMAN AND DEVORAH STROBEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I rise today to congratulate Kalman and Devorah Strobel upon their selection to be the honorees at the 24th Annual Dinner of the Young Israel of Avenue J, in Brooklyn, New York.

Mr. and Mrs. Strobel have truly defined community service. Having given generously of their time, finances, and business acumen, our local Brooklyn neighborhoods have truly been blessed to be the beneficiaries of such selflessness.

Mr. and Mrs. Strobel have played an integral role in the success of the Young Israel for over twenty years as well as many other crucial local Jewish institutions. The Strobel's dedication to Tifereth High School for Special Children is only one example of the breadth and depth of their efforts to better our neighborhoods. Their efforts have provided a guiding light into the true meaning of the Hebrew word ''chesed'' translated into English as kindness.

Being of a soft spoken nature, Mr. & Mrs. Strobel have proven that actions speak louder than words. Although never ones to seek accolades for their work, the community and the Young Israel will forever be indebted to them.

Addionally, I wish to congratulate the Strobel's children, Suri, Miraty, Rivky, and Meir Eli, and granddaughter Chaya Leah so fortunate to have Kalman and Devorah as their role models.

May you continue to grace our community with your inspiring presence for many years to come.

HONORING THE SOUTH LAKE MEMORIAL AMERICAN LEGION AUX NO. 55

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Ms. GINNY BROWN-WAITE of Florida. Ms. Speaker, I rise today to recognize the South Lake Memorial American Auxiliary #55 on their Anniversary. Sixty-six years ago this Auxiliary was founded by the brave veterans of World War I and has been serving their community ever since.

Most recently, they were recognized as one of the strongest promoters of the ''Spinoza Bear Program''. This is a compassionate crusade that brings a smile to thousands of grieving children.

Their commitment to public service is renewed every year as they sponsor two young women to attend Girl's State, a wonderful program that has been developed to foster political activism in our nation's youth. They are involved in countless other activities that promote community involvement by their members.

Mr. Speaker, I am proud to call the men and women of the South Lake Memorial American Legion constituents, and I ask that you join with me today to congratulate them on their service to our nation.

IN REGONITION OF VERONICA NIGH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Veronica Nigh, a very special young woman who has exemplified the finest qualities of citizenship and leadership. She has been honored with the Award of Distinction as winner of the Cotillion for Achievement Scholarship Program.

The Cotillion for Achievement Award was established in 1986 and is presented annually. Two winners, one male, one female are selected from public and private school seniors attending school in Andrew and Buchanan County, Missouri. Students are evaluated on four criteria, scholastic achievement, extracurricular activities, community involvement and an essay written by the student. This prestigious award has been extended to Veronica.

Veronica has established herself as a well-rounded student. She is involved in numerous activities, including Student Council, FFA, FCCLA, Social Studies Club, National Honors Society, class officer, volleyball, county fair play, the county museum, the County Fair Board, Student Tutors and the District Health Board as a student ambassador. Additionally, she has been honored for her achievements with such awards and distinctions as The National Honor Society Award, Missouri Girls State Minority House Leader, who's who among American high school students, student of the quarter, 1st place on the State Agriculture Literacy Team, 3rd place on the state FFA Agriculture Sales Team, the Washington Leadership Conference, FFA Chapter Star Greenhand, State FFA Creed Speaker, High Honor Roll, Honor Letter and The Missouri FFA Public Speaking Academy First Place Novice Division.

Mr. Speaker, I proudly ask you to join me in commending Veronica Nigh for her many achievements and in wishing her the best of luck in her future.

TRIBUTE TO SOMERSET, KENTUCKY SOCIAL SECURITY OFFICE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. ROGERS of Kentucky. Mr. Speaker I rise today to commend the staff of the Somerset Social Security Office for their strong, effective, and compassionate service to the people of Kentucky.

Social Security plays an important role in the lives of more Americans than any other federal program. Whether providing a Social Security number for a newborn baby, mailing a check to a retired worker, or helping a disabled individual receive benefits, the Social Security Administration touches the lives of just about everyone.

The field office in my hometown of Somerset, Kentucky, is a shining example for this massive agency. Under the leadership of W.D. Dalton, the staff in Somerset consistently goes beyond the call of duty to provide valuable benefits to the people of Kentucky. Because of their unwavering commitment to helping others, the Social Security Administration recognized the Somerset Office as the Best Level II Field Office in the Atlanta Region for fiscal year 2002.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank the staff at the Somerset Social Security Office for their hard work and dedication to serving the people of Kentucky. These fine Americans are an inspiration to us all, and I salute them for their commitment to helping others.

IN MEMORY OF THOSE KILLED AND INJURED AT FORT DRUM BLACK HAWK CRASH

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. McHUGH. Mr. Speaker, I rise today, as I have countless times before on the floor of this House, to talk about something very near and dear to my heart—Fort Drum and the brave men and women of the Army's 10th Mountain Division (Light Infantry), the most frequently deployed division in the U.S. Army today.

When I raise this topic, I take a particular amount of pride in reminding my colleagues that Fort Drum, which is the most modern military facility anywhere in the world, is situated within my upstate New York Congressional District. Since the early 1990s, soldiers from the 10th Mountain Division (LI) have participated in significant operations both at home and abroad, including Hurricane Andrew, the Northeast's Ice Storm of 1998, Somalia, Haiti, Bosnia, Kosovo, Afghanistan and beyond.

I have seen the men and women of the 10th Mountain Division (LI) in action. I have met many of the soldiers one-on-one and have been fortunate to speak with them during visits here at home and while the Division has been deployed around the globe. I am always impressed by their professionalism and the way they do their job without hesitation. The dedication, commitment, and heroism these men and women have is, perhaps, what is most remarkable about Fort Drum.

Last week, people from across the country became familiar with Fort Drum as well. But sadly, our nation learned the importance of this Army post through news reports of a tragic helicopter crash that occurred during a training mission. We were all devastated on last Tuesday afternoon when we learned that a Black Hawk went down killing 11 soldiers and injuring two.

Mr. Speaker, the soldiers who lost their lives on March 11, 2003 in the service of our nation are:

Cpt. Christopher E. Britton, 27, from Ohio, assigned to Headquarters and Headquarters

Company, 1st Battalion, 10th Aviation Regiment.

Chief Warrant Officer 3 Kenneth L. Miller, 35, from California assigned to Bravo Company, 2nd Battalion, 10th Aviation Regiment.

Staff Sgt. Brian Pavlich, 25, from Port Jervis, NY assigned to Charlie Company, 4th Battalion, 31st Infantry Regiment.

Sgt. John L. Eichenlaub, Jr., 24, from South Williamsport, PA assigned to Charlie Company, 4th Battalion, 31st Infantry Regiment.

Sgt. Joshua M. Harapko, 23, from Peoria, Axiz., assigned to Charlie Company, 4th Battalion, 31th Infantry Regiment.

Spc. Lucas V. Tripp, 23, from Aurora, Colo., assigned to Bravo Company, 2nd Battalion, 10th Aviation Regiment.

Spc. Barry M. Stephens, 20, from Pinson, Alabama, assigned to Bravo Company, 2nd Battalion, 10th Aviation Regiment.

Pfc. Shawn A. Mayerscik, 22, from Oil City, PA, assigned to Charlie Company, 4th Battalion, 31st Infantry Regiment.

Pfc. Tommy C. Young, 20, from Knoxville, Tenn. assigned to Charlie Company, 4th Battalion, 31st Infantry Regiment.

Pfc. Stryder O. Stoutenburg, 18, from Missoula, Mont. assigned to Charlie Company, 4th Battalion, 31th Infantry Regiment.

Pfc. Andrew D. Stevens, 20, from Rockingham, NH. assigned to Charlie Company, 4th Battalion, 31st Infantry Regiment.

Mr. Speaker, those injured in the crash were:

Spc. Dmitri Petrov and Spc. Edwin A. Mejia, both from Charlie Company, 4th Battalion, 31st Infantry Regiment.

Mr. Speaker, we will continue to pray for these soldiers and their families during this difficult time.

Our nation, the United States Army, and the people of Northern New York stand united with the families of the fallen and injured soldiers. While I know there are no words or deeds that can ever ease the pain and heavy burden the loved ones of these soldiers are experiencing, I want to pay tribute to those who have given their lives to the fullest measure as well as those soldiers injured in the line of duty.

The North Country community has long viewed the soldiers stationed at Fort Drum as much more than just the defenders of our nation. They are our friends and neighbors. The outpouring of care and concern from area residents has been truly extraordinary. It is because we feel this loss, too. I want the injured soldiers and surviving families to know we share their grief and sorrow.

The crash at Fort Drum was not the first introduction Americans have had with the Black Hawk helicopter. Mark Bowden's best-selling book and movie titled ''Black Hawk Down: A Story of Modern War'' was an account of the American military campaign on the streets of Mogadishu, Somalia when warlords there were wreaking havoc on their own people in 1993. As I have mentioned before, the 10th Mountain Division is the Army's most frequently deployed force, so it's not surprising that elements of the 10th played a significant role in that mission and were featured in the book's after-action report of the difficulties they faced. The title, ''Black Hawk Down'' comes from the ominous words that echoed from the radio transmissions almost as soon as the operation began.

Whether we are talking about the Black Hawk that went down in Somalia nearly a decade ago, or the crash near Wheeler-Sack Airfield at Fort Drum, we know that things do not always go as planned in war or in warfighting training exercises. And now, as our Armed Forces face another military offensive overseas, the tragic accident at Fort Drum serves as a solemn reminder of the sacrifices our service men and women make on a daily basis. Whether it be in training or in battle, we do not always have the privilege of seeing their acts of heroism carried on CNN or in a motion picture.

Mr. Speaker, I ask my colleagues and all Americans to join me in paying tribute to these men. Let us also acknowledge the rest of the men and women in uniform and express our gratitude for their service to our nation. As they go forward with their assignments, both at home and abroad, they need our support and our prayers.

HONORING WIDER HORIZON SCHOOL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to congratulate an outstanding school in the 5th Congressional District of Florida. Educating our Youth is one of the most important challenges that we as a nation face. The founders of Wider Horizons School have embraced this challenge with a vigor and dedication that has left a strong impression on the community which they serve.

On Friday, March 14th, Wider Horizons School will celebrate its 20th Anniversary. Founded in 1983, Wider Horizons was the brain child of two individuals who cut their teeth in the Peace Corps opening schools in the jungles of Peru. Their formula for success includes a focus on independent learning, international field trips, and instruction in Spanish beginning in preschool.

I am proud to call Mr. and Mrs. Domenick constituents. They and their staff serve as examples to us all of what it means to truly be public servants.

IN RECOGNITION OF DEVIN GOODLET

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Devin Goodlet, a very special young man who has exemplified the finest qualities of citizenship and leadership. He has been honored with the award of distinction as winner of the Cotillion for Achievement Scholarship Program.

The Cotillion for Achievement Award was established in 1986 and is presented annually. Two winners, one male, one female, are selected from public and private school seniors attending school in Andrew and Buchanan County, Missouri. Students are evaluated on four criteria: scholastic achievement, extracurricular activities, community involvement and an essay written by the student. This prestigious award has been extended to Devin.

Devin has established himself as a well-rounded student. He is involved in numerous activities, including varsity tennis, student government, UMKC leadership seminar, Forum Club, Spanish Club, JCCC Mathcount, Math Olympiad, National Forensics League, Heartland Health Systems, Food Can Drive, Habitat for Humanity, Harvest Food Bank, Multiple Sclerosis Walk for the Cure, United Way penny drive, Missouri State Senate youth forum, 2000 election campaign, doctors day, royal family kids camp, and the Diwali Celebration. Additionally, he has been honored for his achievements with such awards and distinctions as the National Honor Society Award, the National Merit Commendation Award, the Academic Excellence Award, Bright Flight Scholar, the Missouri Math League Award, the ASME Math Competition Award, Duke University Tip Scholar while qualifying for the State tennis competition.

Mr. Speaker, I proudly ask you to join me in commending Devin Goodlet for his many achievements and in wishing him the best of luck in his future.

TRIBUTE TO MIDDLESBORO, KENTUCKY SOCIAL SECURITY OFFICE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. ROGERS of Kentucky. Mr Speaker, I rise today to commend the staff of the Middlesboro Social Security Office for their strong, effective, and compassionate service to the people of Kentucky.

Social Security plays an important role in the lives of more Americans than any other federal program. Whether providing a Social Security number for a newborn baby, mailing a check to a retired worker, or helping a disabled individual receive benefits, the Social Security Administration touches the lives of just about everyone.

The field office in Middlesboro, Kentucky, is a shining example for this massive agency. Under the leadership of Steve Schneider, the staff in Middlesboro consistently goes beyond

the call of duty to provide valuable benefits to the people of Kentucky. Because of their unwavering commitment to helping others, the Social Security Administration recognized the Middlesboro Office as the Best Level II Field Office in the Atlanta Region for fiscal year 2002.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank the staff at the Middlesboro Social Security Office for their hard work and dedication to serving the people of Kentucky. These fine Americans are an inspiration to us all, and I salute them for their commitment to helping others.

UNIVERSITY OF WISCONSIN-MILWAUKEE QUALIFIES FOR THE SCHOOL'S FIRST NCAA TOURNAMENT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. KLECZKA. MR. Speaker, On Tuesday, March 11, 2003, the University of Wisconsin-Milwaukee Men's Basketball team qualified for the NCAA tournament by defeating the Butler University Bulldogs. The Panthers (24–7) are making their first-ever appearance in the NCAA Tournament, and gained an automatic berth into the field with a 69–52 win over Butler in the championship game of the Horizon League Tournament. UWM will be seeded number 12 in the West Region of the NCAA Tournament.

This outstanding achievement is a proud moment for the university, alumni, students, and the community. I would like to join with the UWM family in recognizing this enormous accomplishment, and it's with great pride that I offer my congratulations and applaud their efforts.

Tournament MVP Clay Tucker scored a game-high 23 points in leading the No. 2 seed University of Wisconsin-Milwaukee over No. 1 seed Butler University in the championship game. He also had team-high eight rebounds to go with game-bests in assists (4), steals (4), and blocks (2).

UWM's Head Basketball Coach Bruce Pearl coaching talents have been recognized nationally. In the May 1999 issue of Sport Magazine, Coach Pearl was listed as one of the ''Five Head Coaches on the Rise,'' placing him in a group with Paul Hewitt (Georgia Tech), Mike Brey (Notre Dame), and Buzz Peterson (Tennessee).

Before coming to coach the UWM Panthers, Coach Pearl ended 14 years as an assistant at the University of Iowa. Prior to coaching at Iowa, he was an assistant coach at Stanford, and, at the age of 23, was promoted to Associate Head Coach at Stanford. Bruce Pearl helped lay the groundwork for the resurgence in men's basketball at Stanford.

So, I am pleased to join with the University of Wisconsin-Milwaukee to recognize the Men's Basketball Team for their notable play and excitement for the community at large and the State of Wisconsin.

TRIBUTE TO COLONEL GARY D. JERAULD

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. CRAMER. Mr. Speaker, I rise today to recognize Colonel Gary D. Jerauld upon his retirement after more than 26 years of outstanding service to our country in the United States Army. After his effective retirement date of June 30, 2003, Col. Jerauld will reside in my Congressional district.

Colonel Gary D. Jerauld has distinguished himself throughout his military service in challenging and diverse assignments. Throughout his remarkable career, he has received many medals and awards for his ability to lead by example, encourage excellence from his peers and subordinates, effectively manage the Army's resources, and consistently produce outstanding results. I commend Col. Jerauld for his ability to energize a diverse staff toward a common purpose, setting high standards and inspiring his staff to achieve them.

Colonel Jerauld has been assigned to several key military positions throughout his career, which culminated as the Project Manager for the Tactical Operations Centers (TOCs) and Air and Missile Defense Command and Control Systems (AMDCCS), a position he has held since 1999. It is in this role that Col. Jerauld will leave an enduring mark on the future of our Army.

One example of his unique leadership abilities occurred in March 2000, when he was given the mission: ''Restructure A2C2S into an executable program, place the system in the hands of the user now, and field to the First Digitized Division in Fiscal Year 2003.'' In just over one year, Colonel Jerauld and his team stood up the A2C2S Product Manager position and office, restructured the program, deployed an A2C2S demonstrator system to the 4th Infantry Division, and awarded a competitive contract for system integration. Colonel Jerauld has built a reputation as a Project Manager for delivering quality products to the field in much less time normally required for design, fabrication, and delivery.

Mr. Speaker, on behalf of the people of North Alabama, I congratulate Colonel Jerauld for his 26 years of service to our country and I welcome him to our North Alabama community.

INTRODUCTION OF H.R. 1309, ''VETERANS PRESCRIPTION DRUG BENEFITS ACT OF 2003''

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. EVANS. Mr. Speaker, today I am introducing H.R. 1309, ''The Veterans Prescription Drug Benefits Act of 2003'', legislation which will provide a revolutionary change in veterans' medical care.

''The Veterans Prescription Drug Benefits Act of 2003'' would allow veterans to be the first among America's seniors and disabled people to have a real, meaningful Medicare outpatient drug benefit. If our nation is serious about implementing a drug benefit for seniors, the legislation I am introducing today would speed the availability of a prescription drug benefit and could even result in savings for the Medicare trust fund by allowing VA to employ its considerable prescription drug purchasing and benefit management skills in administering the benefit for veterans who are Medicare eligible. Additionally, this legislation would realign VA health care, allowing VA to concentrate its health care assets on the many veterans who rely upon it for the majority of their care needs.

''The Veterans Prescription Drug Benefits Act of 2003'' would, for the first time, allow veterans to bring prescriptions ordered by physicians who are not affiliated with the Department of Veterans Affairs to the VA to be filled. It would also require the Medicare trust fund to pay the cost of this new benefit for veterans who choose it and who are also eligible for Medicare Part A and enrolled in Medicare Part B.

Recently the Secretary of Veterans Affairs has decided to restrict enrollment of higher income veterans to those who were enrolled prior to January 17, 2002. Consequently, this legislation would allow veterans who no longer have the option of receiving a full continuum of health care services to receive subsidized prescription drug coverage from VA.

Providing, this new drug benefit to Medicare eligible veterans could also have the effect of eliminating the enormous queues that have developed as higher income veterans have flooded the system to seek inexpensive prescription drugs. As of the end of January, about 202,000 veterans had waited longer than six months for a first primary care visit or for necessary follow up care. Many of these veterans are likely to be Priority 7 or 8 veterans who constituted more than 75 percent of VA's new users in 2002. Offering these veterans an opportunity for new drug coverage without first obtaining an appointment with a VA provider could have the effect of significantly reducing or entirely eliminating these waiting times. In fiscal year 2002, VA estimates almost 900,000 veterans used the VA health care primarily or exclusively to fill drug prescriptions who would also be likely to take advantage of a new prescription drug benefit.

At the end of 2000, VA's Office of Inspector General (IG) advised ''VHA can reduce the cost impact of providing prescriptions to priority group 7 veterans, make additional resources available for veterans healthcare, and enhance the delivery of prescription services to veterans.'' (Audit of Veterans Health Administration (VHA) Pharmacy Co-Payment Levels and Restrictions on Filling Privately Written Prescriptions for Priority Group 7 Veterans, Report No. 99–00057–4, December 20, 2000) This report suggested that VA could have saved more than $1.3 billion in fiscal year 2001 by eliminating the need for VA to re-examine veterans who have already received examinations and tests to receive prescriptions from private physicians. These savings were projected only for Priority 7 veterans, who were, at that time the group with the lowest priority for care. For all veterans, the IG might project even higher savings.

While cognizant of his IG's finding, Secretary Anthony J. Principi testified before the Committee on Veterans Affairs that he believed that the IG did not factor in the additional costs of new demand for the prescription drug benefit. His response when asked

about a prescription drug bill introduced in the 107th Congress by Mr. Wicker was:

I would like nothing, better than to be able to provide prescriptions for all of our veterans. And I very, very seldom disagree with my IG about cost.

There is no question that the IG is right that we would save money if we did not have to do the medical evaluation, like Mr. Simmons said earlier. . . . I think the doors would come tumbling down by 25 million veterans or whatever percentage are on prescriptions, seeking to get their prescriptions filled at the VA. So I think yes, on the one hand we would save money. But how do you control the workload increase?

If you just increase by 25 percent the number of veterans who are coming to us for prescriptions—and that is not a large number—the bill would be $9.2 billion. Fifty percent, it would be $15.9 billion. Again, where do we get the money?

Offering veterans an opportunity to receive subsidized drug coverage from VA through Medicare and receive the rest of their care from their choice of private providers is one possible solution to the Secretary's dilemma. My bill requires a veteran to choose between a VA benefit and a Medicare benefit. I do not believe it is likely that thousands of satisfied veterans would disenroll from VA to receive this new benefit—those with satisfactory access can receive even cheaper drugs as VA beneficiaries. However, particularly since Priority 8 veterans are being told they can no longer enroll for all health care services and waiting times make access to VA services difficult for some veterans, I believe some lower priority veterans might opt to receive the new Medicare benefit administered by VA. In addition, it would present a new option for subsidized drug coverage to Medicare—eligible veterans that might interest veterans who have never attempted to access the VA system.

My bill also provides an option for veterans who have highly rated service-connected disabilities to have this coverage at VA expense to fill private sector physician written prescriptions. I believe this option might only be attractive to veterans that have serious access problems due to their distance from VA medical centers or other factors that make even the rare visits to physicians necessary for pharmacy refills extremely difficult.

The yearly option to choose one system or the other—Medicare or VA—for health care benefits offers the federal government an opportunity to assess the effect of coordinating multiple eligibilities without compelling veterans to choose between services to which they currently have open access. Because this is a new benefit, veterans' choice to enroll for that benefit would not be easily characterized as a dimunition—but rather would be an enhancement—to existing choices.

Mr. Chairman, I believe the ''Veterans Prescription Drug Benefits Act of 2003'' offers a solution to many of the problems confronting VA today. It will allow VA to offer some benefit to veterans who have been ''locked out'' of VA for the indefinite future and a more convenient choice for the many veterans currently in long queues for their first appointment for VA provided health care.

I have letters of support from several of our major service organizations that I would like to insert into the CONGRESSIONAL RECORD.

AMERICAN VETERANS,
Lanham, MD, March 17, 2003.

Hon. LANE EVANS,
Ranking Member, House Veterans' Affairs Committee, Washington, DC.

DEAR REPRESENTATIVE EVANS: On behalf of the members of AMVETS, I write to express our gratitude and support for your leadership in proposing legislation to permit veterans to obtain prescriptions from veterans' hospitals using prescriptions written by hometown doctors.

Currently, veterans are eligible to receive prescription medications from the VA only if a VA physician prescribes the medication. While insisting that a VA doctor see the patient may not seem like too great an imposition, many of the more than 200,000 veterans waiting over six months for a doctor's appointment are waiting to have a prescription written and filled.

Your legislation would allow VA to fill veterans' prescriptions written by hometown doctors under special circumstances. First, the veteran would accept VA solely for the purpose of filling prescriptions. Second, the veteran would be required to make a copay based on the type of drug treatment requested. And, third, the cost of the prescription would be partially offset through Medicare reimbursement.

This change would provide an avenue for many veterans to receive timely access to prescription drugs and reduce the number of veterans waiting to see a VA physician as well.

Again, we appreciate your creative approach to solving an issue facing many veterans and thank you for taking a very big step toward helping veterans receive access to prescription medications.

Sincerely,

RICHARD A. JONES,
National Legislative Director.

THE AMERICAN LEGION,
Washington, DC, March 17, 2003.

Hon. LANE EVANS,
Ranking Democratic Member, Committee on Veterans Affairs, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE EVANS: The American Legion looks forward to working with you and your staff on the draft legislation, Veterans Prescription Drug Benefits Act of 2003. This is a proposed new benefit program for Medicare-eligible veterans that choose only to use the Department of Veterans Affairs' (VA's) pharmaceutical services. The legislative intent is to provide a new option for certain Medicare-eligible veterans; however, there are concerns:

The American Legion does not agree with Priority Group 1 veterans paying any enrollment or co-payments for this service.

What is the impact on Medicare-eligible veterans in Priority Groups 2–8 with service-connected medical conditions? Would they have to disenroll to participate in this program? If the Centers for Medicare and Medicaid Services (CMS) funding fails to cover the actual cost of the program, how will VA be reimbursed? Is CMS willing to adopt this as a new Medicare program? Will this be scored as third-party reimbursements, an offset against annual discretionary appropriations? Why must VA collect the enrollment fees and co-payments, transfer these collections to CMS, then CMS transfer funds back to VA?

Will VA be staffed with qualified pharmaceutical personnel to meet increased pharmaceutical demands?

The American Legion applauds your efforts to solve one of many challenges facing the VA health care system. The VA health care system is a comprehensive program that addresses the total range of veterans' health needs. Likewise, Congress must address the overall problem of delivery and demand for services from a growing patient population.

Thank you for your continued leadership on behalf of America's veterans.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

BLINDED VETERANS ASSOCIATION,
Washington DC, March 14, 2003.

Hon. LANE EVANS,
Ranking Democratic Member, House Veterans Affair Committee, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN EVANS: On behalf of the Blinded Veterans Association (BVA), the only Congressionally chartered veterans service organization exclusively dedicated to serving the needs of our Nation's blinded veterans, thank you for your initiative to create a prescription drug benefit for veterans. BVA supports your proposed legislation Offering Medicare-eligible veterans an opportunity to fill their non-VA prescriptions at a VA facility in lieu of enrollment into the VA health care system is the right approach to take. Over 900,000 veterans indicate they use the VA system primarily for prescription drugs. BVA believes this bill as written, will alleviate some of the unnecessary waiting time backlog created by veterans scheduling appointments exclusively to receive a prescription from a VA doctor. In many cases, a non-VA physician has previously prescribed the prescription they are seeking. Provision of a funding mechanism that will not further erode the already insufficient funding levels for VA Health Care is the most attractive aspect to this proposal.

BVA supports inclusion of Priority 1 veterans in this benefit. Offering a prescription drug benefit to veterans who choose not to fully use the VA health care system because of distance or personal preference, is the right action to take. We caution you to be very clear in your explanation of prescription coverage as an ADDITIONAL benefit that does not take away a Priority 1 veterans access to any other VA service.

Sincerely,

THOMAS H. MILLER,
Executive Director.

MILITARY ORDER
OF THE PURPLE HEART,
Springfield, VA, March 14, 2003.

Hon. LANE EVANS,
Ranking Minority Member, House Committee on Veterans Affairs, Cannon Building, Washington, DC.

DEAR CONGRESSMAN EVANS: First, on behalf of the members of the Military Order of the Purple Heart (MOPH) I want to thank you for your unwavering support for combat wounded veterans, indeed your support for all veterans.

Second, we are aware that you are going to introduce legislation that would create a prescription drug benefit for veterans. MOPH supports your efforts in this endeavor and looks forward to passage of the legislation.

Respectfully,

WILLIAM A. WROOLIE,
National Commander.

PARALYZED VETERANS OF AMERICA,
Washington, DC, March 18, 2003.

Hon. LANE EVANS,
Ranking Democratic Member, Committee on Veterans' Affairs, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE EVANS: On behalf of the Paralyzed Veterans of America (PVA), I am writing to offer our support for the ''Veterans Prescription Drug Benefits Act of

2003,'' By providing a new Medicare drug benefit to veterans, your measure would begin to address a vital need and concern of our elderly citizens—the need for affordable pharmaceuticals.

The increasing use of prescription drugs for medical treatment options has revolutionized the provision of medical care. Every year pharmaceuticals represent an ever-growing percentage of health-care expenditures. Medicare has not kept up with this revolution. By providing veterans with this benefit, facilitated through the Department of Veterans Affairs (VA) and ensuring that VA does not spend scarce and inadequate resources, we can begin the process of reflecting the manner in which health care is delivered in this Nation.

This measure, unlike others, would not force the VA alone to bear the burden of addressing this national policy failure. The VA would merely be acting to facilitate a benefit offered to veterans, a benefit that would provide substantial pharmaceutical savings to the federal government because of VA's statutorily mandated discounts. In addition, this measure would reimburse the VA for expenses relating to the implementation of this benefit as well as costs incurred in administering it.

Although veterans seeking treatment for a service-connected condition, and veterans with service-connected disabilities rated at 50 percent or more are expressly exempted from the requirement of enrolling in order to receive care by Medicare benefit, and foregoing their VA health care options are always able to seek treatment for service-connected conditions at VA facilities. Additionally we request that other veterans needing specialized services be afforded access to care.

Again, thank you for introducing the ''Veterans Prescription Drug Benefits Act of 2003.'' We look forward to working with you closely in order to pass, and ultimately enact, this important measure.

Sincerely,

DELATORRO L. MCNEAL
Executive Director.

VIETNAM VETERANS OF AMERICA,
Silver Spring, MD, March 18, 2003.

Hon. LANE EVANS,
Ranking Democrat, Committee on Veterans Affairs, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN EVANS: Vietnam Veterans of America (VVA) strongly supports the ''Veterans Prescription Drug Benefit Act of 2003'' that you plan to soon introduce to the House of Representatives.

As you know, VVA reluctantly supported Secretary Principi's decision to temporarily suspend new enrollments of Category 8 veterans only because the Veterans Health Administration (VHA) medical facilities were in such a dire under-funded state. While the approach that you have taken in moving to relieve this pressure might not be what VVA would choose in a perfect world, in the real world of a veterans health care system that is so grossly under funded this is a similarly sensible, responsible, and effective approach to provide relief to the system.

While VVA has not favored such plans to allow VA to so provide pharmaceuticals in the past because they included no way to fully fund VA honoring prescriptions written by non-VA physicians, your proposal does allow for payment of such from both Part A and Part B of Medicare in addition as well as and annual enrollment fee and co-payments that are reasonable. As long as such prescriptions are provided at a net negligible additional cost to the system, VVA does favor this proposal for Medicare eligible veterans who are not service connected disabled.

In regard to the provision that would accord priority group 1 (70 percent or greater service connected disabled) veterans the opportunity to have non-VA prescription drug orders filled by VA via mail fulfillment, VVA favors such mail fulfillment as a convenience for veterans who sometimes have to travel great distances to reach a VHA each time they renew their prescription, imposing a hardship.

As the primary purpose of the Veterans Health Administration is to be a ''veterans health care system'' and not just a general health care system that happens to be for veterans, VVA urges that you amend this bill at mark up to require that there is a complete physical, including blood draw tests annually performed on at least the Priority 1 veterans covered under this proposal. While VHA continues (inexplicably to VVA) to fail to ensure that a complete military history be taken on every single veteran seeking health care services from VHA, and that VHA clinicians use this key data to do a proper assessment of overall health of the veteran, including conditions or illnesses that may be due to exposures or other factors during his/her military service, there is still a need for VHA to fulfill their responsibilities for medical oversight of significantly and or profoundly disabled veterans.

If this proposed legislation reduces the utilization of VHA services primarily or only to secure pharmaceuticals by only a proportion of the 900,000 veterans reported seeking services for this reason, then it will help relieve the pressure that is crushing the VHA system without leaving any veteran without alternative services.

Again, VVA thanks you for your strong leadership on behalf of America's veterans.

Sincerely,

RICHARD F. WEIDMAN,
Director of Government Relations.

IN RECOGNITION OF CLARK MERSHON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Clark Mershon, a very special educator who has exemplified the finest qualities of citizenship and leadership. He has been honored as the Missouri Association of Secondary School Principals 2003 Middle School Principal of the Year.

Clark began his teaching career in 1982 at Lebanon Junior High School, as both a teacher and coach and advanced to Principal in 1992. He currently serves as Principal of New Mark Middle School in North Kansas City, Missouri, where he has been since 1997. Clark was given this distinction because of the impact he makes on both staff and students.

The staff of New Mark Middle School commend Clark for his strong leadership shown to teachers, students and community members. His humanity, humility, and sound instructional and organizational skills illustrate the importance of his impact on his school and community.

The student body acknowledges Mr. Clark for his welcoming personality that instills pride, honor and school spirit at New Mark.

Mr. Speaker, I proudly ask you to join me in commending Clark Mershon as the MASSP's Middle School Principal of the Year. Clark exemplifies the qualities of exceptional leader and Principal and we are proud to have him as an educator in the 6th District of Missouri.

TRUTH SEEKERS SUBSTANCE OUTREACH MINISTRY, INC.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I recognize Truth Seekers Substance Outreach Ministry, Inc. on their 10th anniversary celebration in Newark, New Jersey.

Under the direction of Reverend Lance Abercrombie, Truth Seekers Outreach Ministry began its journey in 1993. Traveling throughout the tri-state area, Reverend Abercrombie and his cousin, Wayne Reynolds, worked to spread the word of how their faith saved them from a life of substance abuse. Becoming incorporated in May of 2000, they have worked hard to refer individuals to detoxification and rehabilitation centers, shelters, as well as other organizations to help assist individuals on their road to a life free of substance abuse.

The Truth Seekers Outreach Ministry, Inc. has reached out to our community to see that those in need are not left behind. They are providing a wonderful service to the many men and women in this country who suffer from substance abuse, by showing them that there is hope and that they can conquer their illness.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me in congratulating Truth Seekers Outreach Ministry, Inc. on their 10th anniversary, and wishing them the best for the future.

TRIBUTE TO SOUTHERN OREGON RADIO PERSONALITY DICK BAILEY ON HIS RETIREMENT FROM THE AIRWAVES

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to my good friend Dick Bailey and congratulate him on his retirement from the airwaves of southern Oregon. Dick's commanding, gravelly voice has been a fixture of KCMX radio in Medford for five years and he will surely be difficult to replace.

Dick Bailey was born on February 4th, 1941, in Winchester, Massachusetts, a sin for which the people of Oregon long ago forgave him when they welcomed him into their warm Western embrace. Dick graduated from Gorham High School in Gorham, Maine, and afterward enlisted in the United States Marine Corps, where he served from 1958 to 1962. He went on to receive a degree from the College of the Sequoias in Visalia, California and also attended the College of the Desert in Palm Desert, California, where he edited the college's first newspaper.

Dick's professional career has been a long and varied one that has taken him to radio and television stations in California, Washington, Alaska, Vermont and of course Oregon

over the past 41 years. While in Alaska, he taught broadcasting classes at the University of Alaska. Dick spent several years announcing at the Redwood Acres Speedway and Eureka Speedway in California, as well as the Southern Oregon Speedway. He also announced the Hanford 150 in Hanford, California, and a Canadian-American Race in Vermont. Dick's wandering came to an end when he settled in Shady Cove in Oregon's Jackson Valley, and it is there that he will retire.

During his career, Dick has covered Presidents Ronald Reagan, George Bush the Elder, Bill Clinton and our current President Bush. During President Bush's trip to southern Oregon last year, he provided steady and reliable coverage of the President's visit, which his listeners have come to expect from Dick. For years he has communicated the latest news and happenings around the greater Medford area with clarity and precision. Dick has both a voice made for radio, and no one who has heard him on the airwaves doubts that he found his true calling. Fortunately, he also has a tremendous sense of humor.

Mr. Speaker, Dick Bailey's service to his community did not just come in the form of his news broadcasts. He has also lent his voice to the Jacksonville Christmas Parade and other local activities. Anyone who knows Dick knows of his love of the outdoors, and his service as a member of the Jackson County Parks Commission reflects his desire to preserve the natural beauty of his adopted home. He is an active outdoorsman and has made clear how much he looks forward to the extra time he will have for fishing following his retirement. In the years ahead, the local fish population will have much to fear from Dick as he spends his days casting his line and enjoying the beauty of southern Oregon's waterways.

Mr. Speaker, Dick Bailey will be fondly remembered by his listeners in southern Oregon, just as he'll be missed by his colleagues. Like everyone who has dealt with Dick in a professional capacity, I'm sorry to see him retire, but happy to see him begin the relaxing years of his retirement. Thank you for everything you've given to us, Dick, and best wishes in the years ahead.

THE EAST KERN AIRPORT DISTRICT IN MOJAVE, CALIFORNIA

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. THOMAS. Mr. Speaker, I rise today to introduce legislation that is necessary to enhance our national security. The East Kern Airport District in Mojave, California, faces unique security threats.

Although it is a General Aviation airport and does not have commercial passengers, the East Kern Airport District is home to high-tech aerospace firms and provides storage to over 300 commercial transport aircraft. These aircraft, which are stored with fifty percent of their fuel tanks full, rest just minutes through the air from several major military installations and downtown Los Angeles.

Since September 11, 2001, the Airport has been seeking funding to address these threats, as it fears a serious act of terrorism. However, the Airport has been repeatedly informed that no security funds are available for its needs because it is classified as a General Aviation airport.

To correct this situation, I am introducing legislation today to ensure that the Undersecretary of Transportation has the authority needed to enhance security at the East Kern Airport District. Very simply, this legislation will allow the Undersecretary to provide up to $300,000 annually to meet the Airport's security costs and up to $1.25 million to reimburse the East Kern Airport District for security costs incurred since September 11, 2001.

I trust that my colleagues and the appropriate Department of Homeland Security officials will recognize the East Kern Airport District's unique situation and work with me to ensure that the Airport is adequately protected.

RICHARD K. ARMEY ROOM

HON. F. JAMES SENSENBRENNER JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. SENSENBRENNER. Madam Speaker, I rise today to pay tribute to my good friend and former colleague, Former Majority Leader Richard K. Armey. Representative Armey recently retired following 18 years of distinguished service in the House of Representatives, including eight years as the Majority Leader.

From his humble roots in Cando, North Dakota, to his rise in Washington, Dick Armey never drifted from his principles of honesty and integrity. He made life better not only for his constituents in Texas, but for Americans all across this great land. His work in Congress saved taxpayers millions of dollars annually. His sound conservative values renewed America's commitment to the principles of personal freedom and limited government.

As a loyal and dedicated conservative, Dick Armey advocated welfare reform, personal retirement accounts for Social Security, and fundamental reform of the tax code. He specifically supported implementing a flat tax. His persistence to this cause gave it a national platform. This cause continues in his new career at Citizens for a Sound Economy as its Co-Chairman.

It has been a great honor to spend most of my tenure in Congress working with Representative Armey, a fine Southern gentleman and true fiscal conservative. The naming of Room 236 in the U.S. Capitol as the Richard K. Armey room is a deserving tribute for a committed public servant. I will miss my good friend Grumpy, and I wish him and his wife Susan all the best in the future.

PAYING TRIBUTE TO CONNIE BUCHNER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I stand before you today to recognize Connie Buchner of Rocky Ford, Colorado for her decades of service to the United States Postal Service. Connie retired in January after a a thirty-four year career and, as she enjoys her retirement, I would like to highlight her accomplishments before this body of Congress and this nation.

In her thirty-four years with the postal service, Connie has overseen remarkable changes in technology, moving from labor-intensive mail processing to a largely automated workload. Connie also supervised increased security demands following the September 11, 2002 terrorist attacks.

Connie began working for the postal service in 1970 as a letter carrier. She rose through the ranks to become Rocky Ford's postmaster, and also served as the Fowler postmaster for sixteen years. Connie has touched many lives in her long career, and the Rocky Ford community insisted on holding an open house reception to officially send her off into retirement.

Mr. Speaker, it is a great privilege to recognize Connie Buchner for her thirty-four years of outstanding service to her community. Post Offices are often the lynchpin of small communities, and Connie filled her position with the Postal Service with compassion and efficiency. I am thankful for her service.

HONORING THOMPSON ENGINEERING

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. BONNER. Mr. Speaker, I rise today to recognize Thompson Engineering, an extraordinary engineering design, environmental, construction inspection and materials testing firm located in Mobile, Alabama. Each year, the Alabama Chapter of the American Council of Engineering Companies honors outstanding engineering achievements with its Engineering Excellence Awards. This year, Thompson Engineering was recognized with the 2003 Engineering Excellence Honor Award by the Alabama Chapter and received national recognition by the American Council of Engineering Companies for its outstanding work as prime design consultant for the Mobile Landing project.

Mobile Landing is a twelve-acre municipal wharf complex on the Mobile River adjacent to the waterfront business and entertainment districts in downtown Mobile, Alabama. The landing provides the citizens of Mobile with a publicly accessible waterfront development including a new ceremonial docking space for large oceangoing vessels; a riverfront pedestrian promenade; an outdoor plaza with amphitheater, bandstand and fountain; parking for vehicles; utilities; security and lighting and landscaped open space.

Thompson Engineering, as the lead design firm, developed the master plan for the project site and provided architectural and engineering design and construction management services for the project. Thompson also provided grant budgeting and management, regulatory permitting and environmental assessment, subsurface exploration, land and hydrographic surveying, and a cultural resources reconnaissance report for the project.

Mr. Speaker, I proudly ask you and my colleagues to join me and the American Council

of Engineering Companies in honoring Thompson Engineering for its outstanding work with the Mobile Landing project. The landing and its facilities will prove to be another valuable asset to the City of Mobile, its citizens and visitors provided by Thompson and its talented and distinguished team of designers and contractors. I personally thank and recognize Thompson for its continued dedication to the City of Mobile and the State of Alabama.

INDIAN POLICE COLLECTING DATA ON CHRISTIANS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, I was disturbed to read an article in the Hindustan Times saying that Indian police are collecting data on Christians in Gujarat. Gujarat is the site of the massacres of Muslims last March in which 2,000 to 5,000 Muslims were killed. Hasn't Gujarat seen enough trouble?

According to the report, the All-India Christian Council submitted a memorandum to the state police chief detailing the survey. The police are seeking information on family sizes, job profiles, sources of funds, and even whether the person is a first-generation Christian and/or has converted. At least 25 Christian institutions have been questioned in just a few days. The article quotes Bishop Gregory of Rajkot as saying that he was asked ''about the number of Christians and institutions here.'' Father Cedric Prakash of the United Christian Forum for Human Rights predicts that ''this survey may be a buildup to the anticonversion bill.''

India has already outlawed conversions to any religion but Hinduism in two states. Recently the ruling BJP has begun an effort to make that national.

This is outrageous, Mr. Speaker. It is a major violation of religious freedom, which is one of the main pillars of a democracy. Instead, India is again acting like a Hindu fundamentalist theocracy.

In 1997, a Christian festival on the theme ''Jesus is the answer'' ended when the police fired their guns at it to close it down after they received complaints that the festival was converting people. Missionary Graham Staines and his two sons, ages 8 and 10, were murdered while they slept in their jeep. The murderers surrounded the jeep and chanted ''Victory to Hannuman, '' according to contemporaneous news reports. None of these people has been held accountable. Now an American missionary, Joseph Cooper, has been expelled from India after being severely beaten by Hindu nationalists.

Since 1998, Christian priests have been murdered, nuns have been raped, churches have been burned as they were in the Old South during segregation, Christian schools and prayer halls have been violently attacked. Since India's independence in 1947, its forces have murdered over 200,000 Christians. They have also murdered over 250,000 Sikhs since 1984, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of Dalits, Bodos, Assainese, Manipuris, Tamils, and other minorities. Many lowercaste Hindus are converting to Christianity and other religions and now the BJP is passing laws to prohibit this.

Mr. Speaker, these are the acts of a theocratic tyranny, not a real democracy. We must impose the sanctions appropriate for a violator of religious freedom. We must also stop our aid and trade with India until it begins to allow the exercise of basic human and religious rights. And we must support selfdetermination for all the people of South Asia as the best way to bring real freedom, peace, stability, and prosperity to that troubled region.

Mr. Speaker, I would like to place the Hindustan Times article into the RECORD at this time.

[From the Hindustan Times, Mar. 9, 2003]

GUJARAT CHRISTIANS ALLEGE SURVEY OF FAMILIES

(By Rathin Das)

AHMEDABAD, March 8.—The Gujarat Police have reportedly started a discreet survey of Christians in some parts of the state, seeking information on family sizes, job profiles and sources of foreign funds. The All-India Christian Council, which submitted a memorandum to the state police chief on Friday, is planning to move the High Court over the issue next week.

State Director General of Police K. Chakravarthy told the Hindustan Times that no statewide survey had been ordered. He added, however, that some information might have been sought from some people on the orders of district police chiefs.

A senior home department official echoed the state police chief. He told the Hindustan Times that no survey of Christians had been ordered. ''It may be a survey about foreign funds and its use, but that is applicable for institutions of all communities,'' he said.

But despite official denials, community leaders alleged that policemen came calling at some houses in Ahmedabad, Sabarkantha, Banaskantha and Kutch districts over the past few days and asked about the antecedents and assets of Christian families.

Community leaders also said at least 25 Christian institutions and families had been questioned over the past few days. Police personnel who visited Christian institutions, they said, wanted information on the number of Christians in the area and other details, like the sources of their funds. Bishop Gregory of Rajkot, who was questioned by the police on Friday, said: ''I was asked about the number of Christians and institutions here.'' The police also asked him to contact the nearest police station if he needed help, Bishop Gregory told this correspondent.

The police have also asked some Christians whether they converted voluntarily or under pressure, and whether they were first-generation Christians.

''This survey may be a build-up to the anti-conversion bill the government wants to introduce in the state assembly during this session,'' said Father Cedric Prakash of the United Christian Forum for Human Rights.

One church leader in Saurashtra was asked whether Christians would hold demonstrations if the anti-conversion bill is introduced in the assembly, sources said.

Individual Christians are scared to speak to the press as many of them are in government employment. In the wake of the attack on Christians and the burning of churches in the Dangs district around Christmas 1998, the state intelligence department had ordered a similar survey, but abandoned it after a petition was filed in the Gujarat High Court.

Minority report:

July 1998—Copies of the New Testament burnt in a Rajkot school;

Oct 1998—Christian congregation attacked in Vadodara;

Dec 1998—Government threatens to stop grants to Christian schools;

Dec 1998—Churches razed in Dangs district;

Jan 1999—PM visits Dangs, calls for national debate on conversions;

Feb 1999—Secret survey ordered, first of Christians, later of Muslims;

Jan 2000—Government lifts ban on employees joining RSS.

PAYING TRIBUTE TO SUE JONES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize Sue Jones of Pagosa Springs, Colorado for her outstanding service to the citizens of Pagosa Springs and the many student athletes of the Archuleta School District. For the last nineteen years, Sue has helped organize Pagosa Springs' Annual Blow-out charity softball tournament, and I would like to acknowledge her efforts before this body of Congress and this nation.

For eleven years, Sue has been the tournament's director. Each year over thirty teams come from all over the four-corners region to participate in the tournament, generating thousands of dollars for the local economy, in addition to charity contributions. For the first ten years of the tournament, proceeds went to support the Spanish Fiesta Scholarship Fund, then for two years to St. Jude's Children's Hospital. For the last seven years proceeds have gone to local school athletic programs.

Just over the past three years, Sue has raised enough money to allow the Pagosa Springs school athletic department to purchase baseballs, a radar gun, volleyballs, score clocks, weight room equipment, and wrestling shoes. She also contributed to a band competition trip to the Air Force Academy. During the school year, Sue donates countless hours to school athletic programs as a scorekeeper.

Mr. Speaker, it is a great privilege to recognize Sue Jones for her enduring commitment to the boys and girls of Pagosa Springs before this body of Congress and this nation. Sue recognizes the importance of athletic programs and competition in the development of well-rounded and conscientious young citizens. Her energy and service have provided students of the Archuleta School District invaluable support for their athletic dreams.

THE ASSASSINATION OF SERBIAN PRIME MINISTER ZORAN DJINDJIC ON MARCH 12, 2003

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to express outrage at the assassination of the Serbian Prime Minister Zoran Djindjic. This assassination represents a hideous and appalling crime that was intended to block reform and democratization endeavors. The United States has strongly endorsed Djindjic's reform-minded approach, his advocacy of democratic values and his struggle to propel Serbia into

modern Europe and the Western world of democratic nations.

As a student in Belgrade he was jailed after joining a non-communist student organization protesting against Marshal Tito's communist rule. In the late 1990s, Djindjic emerged as the leading figure in the opposition movement against Yugoslav President Slobodan Milosevic.

Congress had a vital interest in ending Milosevic's dictatorship in Serbia, and Djindjic was instrumental in helping engineer the demise of this evil ruler. Djindjic played a crucial role in the arrest of Milosevic, and he later courageously sent the dictator to the United Nations war crimes tribunal in The Hague. When Milosevic was handed over to the tribunal in 2001, the Prime Minister pushed aside the objections of other senior Serbian politicians, and he was prepared to confront the harsh criticism by Serbian nationalists.

The prosecutors at the United Nations tribunal regarded him as their best hope to deliver fugitive Serbian war criminals indicted by the court. At the time of his tragic death, Djindjic had been preparing to arrest Milorad Lukovic and his associates, some of whom are suspected of committing war crimes and belonging to an underworld group accused of dozens of murders and kidnappings.

By promoting economic and democratic reforms, Djindjic was further instrumental in realizing the U.S. goal of bringing and maintaining stability on the Balkans. Djindjic saw the need for reform and taught his people to understand the demands and rewards of integrating Serbia into the world of peaceloving democracies. He urged the Serbian people to confront and work up its own past in order to manage the difficult task of democracy building. Djindjic understood the challenge to tackle these difficulties instead of denying them even if they are unpleasant. His death represents a major setback to the fight for democratic stability in this important transitional phase.

I express my condolence to the people of Serbia and to Serbian-Americans on the sad and tragic death of Zoran Djindjic, whose courageous endeavors to bring democracy to Serbia must not be forgotten.

TRIBUTE TO ARTHUR VALENTINE YAROCH

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to the life of Arthur Valentine Yaroch, who passed away March 5, 2003, at the age of 73. Mr. Yaroch, who served with distinction as the director of finance for the City of Mobile under former Mayor Arthur Outlaw, was a pillar of the Mobile community and will be deeply missed.

Art Yaroch, a native of Detroit, was a longtime resident of Mobile and Ono Island. After earning a bachelor's degree in business administration, he worked as a member of the controller's staff at Uniroyal Tire Co. and then as a comptroller with Borden, Inc. Art then moved to Mobile and became the executive vice president of Colonial Sugars.

In March 1989, Art was appointed as the City of Mobile's finance director and resigned at the end of that year. He also served on the board of directors of The Lighthouse, as membership chairman of the Baldwin County Republican Party and as treasurer of the Pleasure Island Republican club. Art Yaroch was a devoted parishioner of St. Thomas by the Sea Catholic Church in Orange Beach where he was an usher and past member of the parish council.

Mr. Speaker, it is my great honor to pay tribute to the life of Art Yaroch. He was my friend and he will be sorely missed by all who knew him. Art is survived by his lovely wife, Isabel; two sons, Arthur and Steven; two daughters, Lauri Ann Grove and Susan Courtney; two brothers; two sisters and eight grandchildren. I would like to extend my prayers and deepest sympathies to his entire family and many friends.

SAVE THE LIFE OF DEVINDER PAL SINGH BHULLAR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. TOWNS. Mr. Speaker, Devinder Pal Singh Bhullar is about to be put to death in India for a crime even India admitted he didn't commit.

I thank my friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing this shameful case to my attention. The Council of Khalistan put out a very informative press release on the case.

The chief judge of a three-judge panel from India's Supreme Court found Mr. Bhullar not guilty of the crime of which he was accused, involvement in a bombing. The judge ordered Mr. Bhullar's release. Instead, the Indian government tortured Mr. Bhullar until he signed a fake confession. Now they are trying to put him to death.

Unfortunately, this is just the latest episode in India's abuse of minorities, which has been well documented in Congress by many of my colleagues and me. This brutal atrocity against justice must be stopped.

The Bush Administration should demand Mr. Bhullar's release, or at least a new trial. In addition, they should impose sanctions on India, cut off its aid and trade, and put this Congress on record in support of self-determination for the Sikh Nation of Khalistan and the other 16 minority nations seeking their freedom from India. This should be done in the democratic way, through a free and fair plebiscite. It is time for India to start acting like a democracy, and it can start by sparing the life of Devinder Pal Singh Bhullar.

Mr. Speaker, I would like to enter the Council of Khalistan's press release on Bhullar into the RECORD at this time for the information of my colleagues and the public.

[Council of Khalistan—Press Release, Feb. 25, 2003]

DEVINDER PAL SINGH BHULLAR'S LIFE MUST BE SPARED

INDIAN CONSTITUTION ONLY PROTECTS MAJORITY HINDUS MINORITIES ELIMINATED, DIRECTLY OR BY COURTS

WASHINGTON, D.C.—The impending execution of Devinder Pal Singh Bhullar shows that the Constitution of India only protects the majority Hindu population, according to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh struggle for independence from India. Dr. Aulakh called on the President of India to stop the execution. Bhullar was accused of a 1993 bomb blast near the Youth Congress office in Delhi in which 20 people were killed. Congress leader M.S. Bitta lost a leg in that attack.

The presiding Judge of a three-Judge bench in the Supreme Court of India found Professor Bhullar, a political activist, 'Not Guilty' and directed that he be released. However, Professor Bhullar was convicted based on a forced confession obtained through torture, which was retracted. On that basis India wants to impose capital punishment on Professor Bhullar. Sajjan Kumar and H.K.L. Bhagat, who personally incited the murder of thousands of Sikhs in Delhi, got off scot-free without any punishment. Even by Indian standards, this is an outrageous miscarriage of justice.

''The Bhullar case is merely the latest example of how India eliminates minorities,'' said Dr. Aulakh. Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been picked up, tortured, and killed, then their bodies are declared unidentified and secretly cremated. Then Mr. Khalra was murdered in police custody. His body was not given to his family. Similarly, the police murdered former Jathedar of the Akal Takht Gurdev Singh Kaunke. His body was not handed over to his family.

Last spring the Indian police stood aside under orders while militant Hindus murdered 2,000 to 5,000 Muslims in Gujarat. Australian missionary Graham Staines was murdered a few years ago by VHP activists. Staines and his two young sons were burned to death while they slept in their jeep. Their killers surrounded the jeep and chanted ''Victory to Hannuman,'' a Hindu god. After the murder, Staines's widow, who was working with lepers, was expelled from India. No one is ever punished for these atrocities. Nuns have been raped, priests have been murdered, and Christian churches have been burned by the fanatic, fundamentalist Hindu nationalist militants.

''It is clear from these actions that India is not the democracy it claims to be,'' said Dr. Aulakh. ''Instead it is a tyrannical Hindu theocracy where minorities die or disappear,'' he said. ''There is a consistent pattern of Indian government efforts to protect its tyrannical rule over the minorities of South Asia.''

The Indian government has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits (the aboriginal people of the subcontinent), and others. More than 52,000 Sikhs are being held as political prisoners. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.'' On October 7, 1987, the Sikh Nation declared the independence of its homeland, Punjab, Khalistan. No Sikh representative has ever signed the Indian constitution. The Council of Khalistan is the government pro tempore of Khalistan, the Sikh homeland. The Sikh Nation demands freedom for its homeland, Khalistan.

''Only in a free and sovereign Khalistan will the Sikh Nation prosper. In a democracy, the right to self-determination is the sinc qua non and India should allow a plebiscite for the freedom of the Sikh Nation and all the nations of South Asia,'' Dr. Aulakh said.

PAYING TRIBUTE TO CHRISTY WHITNEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I stand before you today to recognize the leadership of Christy Whitney of Grand Junction, Colorado. For the last ten years, Christy has served as the president and CEO of Hospice and Palliative Care of Western Colorado, an institution dedicated to enhancing quality of life for the seriously ill in Mesa, Delta, Montrose and Ouray counties.

A registered nurse, Christy has recently been elected to serve as a director of the National Hospice and Palliative Care Organization. In her new post, Christy will represent hospice programs nation-wide by working with other organizations that share an interest in end-of-life care. Christy also chairs the National Hospice Work Group, a professional coalition of executives from some of the nation's most innovative hospices. Christy's involvement in national hospice organizations ensures that she is at the cutting edge of education, research and advocacy for the best ideas and models for end-of-life care. Her national leadership is an invaluable asset to her patients in Western Colorado.

Mr. Speaker, it is a great privilege to recognize Christy Whitney for her outstanding commitment to the seriously ill. Her organization serves a vital purpose to the citizens of Western Colorado, and her leadership is a credit to the community she serves. I am honored to recognize her accomplishments before this body of Congress and this nation.

THE FAILURE OF THE CYPRUS PEACE TALKS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to express my disappointment about the failure of the latest Cyprus peace talks. United Nations Secretary General Kofi Annan carefully worked out an acceptable peace plan which represented a compromise approach. The UN peace plan to reunite Cyprus as a single bicommunal federation enjoyed strong support by the United States, the EU, and the wider international community. This plan would have satisfied the interests of both the Greek Cypriots and the Turkish Cypriots.

I thus applaud Cypriot President Tapas Papadopolous who accepted the UN proposal and was prepared to submit the plan to a separate referendum on March 30. Moreover, immediately after the failure of the negotiations, Papadopolous announced that the Greek Cypriot side will continue its efforts for reaching a solution to the Cypriot issue within the UN framework.

Likewise, I must express my disappointment to the Turkish Cypriot leader Rauf Denktash who was unwilling to settle for a compromise and rejected the plan. I join the international outcry at the Turkish side's obstructive attitude and urge Denktash to reconsider his approach. Indeed, the Turkish intransigence hurts first and foremost Turkey and the Turkish Cypriots themselves. The failure of the unification endeavors complicates Ankara's own efforts to join the European Union as the European Commission warned Turkey on March, 11. The Greek Cypriot part of the island is going to join the EU in May 2004 with or without the Turkish Cypriots. Yet without a deal on the Cyprus issue, Turkey will find itself in a position of not recognizing a member of the European Union.

Public demonstrations by the Turkish-Cypriot opposition in favor of the proposal further express clearly who will be the major victims of the failed talks: the Turkish Cypriots who will be excluded from the benefits of EU membership that the Greek Cypriot side will enjoy.

I conclude in expressing my desire that the United States must remain involved in seeking a just and permanent solution to the Cyprus issue. The Bush administration must therefore put more pressure not only on the Turkish Cypriot leader but also on Turkey to cooperate constructively within the UN framework to realize a negotiated settlement on Cyprus.

HONORING A DEDICATED PUBLIC SERVANT, MR. JOHN WIGGINS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. BONNER. Mr. Speaker, there are many heroes who work night and day, week after week, month after month to keep our neighborhoods, cities, states and this great nation safe and secure. Mr. John Wiggins is one of those heroes. John, at the very young age of 53, is retiring in April after almost 33 years of dedicated service with the Mobile Fire and Rescue Department.

John is the oldest firefighter in the department who actually still fights fires. For more than three decades, he has been able to live out his childhood dream of serving his community as a firefighter. He has seen many changes in firefighting, paramedics and in the department and has raised, and trained, many new recruits and most of the current fire chiefs. John laughs that every time he gets in Ladder Truck 10, which operates out of Gus Rehm Fire Station on Moffett Road in Mobile, ''and those lights and siren come on, it's like I'm 20 years old again.''

John has also assumed leadership roles with his fellow firefighters. He has been a member of the Mobile Fire Fighters Association Local 1349 since he first joined the fire department and has served as its president for the last four years. He has not only worked for his fellow firefighters but has also worked as president of the City Workers' Coalition to approach City Hall with city workers' work-related concerns.

Mr. Speaker, I proudly ask you and my colleagues to join me in honoring John Wiggins for his many years of commitment to bring safety and security to his community and to his nation through his continued service with the Mobile Fire and Rescue Department. The Department and the City of Mobile are losing a valuable and dedicated servant and leader. However, I am sure that John's wife, Joy, and his children, stepchildren and grandchildren will enjoy spending more time with this hometown hero. I wish John all the best in his retirement years and always.

RECOGNIZING THE MATIGNON HIGH SCHOOL BOYS' BASKETBALL TEAM

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize the Matignon Warriors boys' basketball team. On Monday, March 10, 2003, the Warriors defeated the Southeastern Regional Hawks to win the MIAA Division 4 state championship by a score of 78–55. Matignon High School, which is located in North Cambridge, is a cornerstone of the community, and I am proud to honor the members and coaches of the boys' championship basketball team.

I want to take the time to recognize the individuals who make up the state champs, and extend my congratulations on an incredible season: Alex Aiello, Shelby Berleus, Greg Case, Ralph Fevrier, Jimmy Guerrier, Jeff Lerebour, John McMahon, Chris Neil, John Nicoloro, Chris O'Callaghan, Ricky Prosper, AJ Urquhart, Justin Veri, Frank Whitney, Head Coach Joel Burke, Assistant Coaches Ed O'Callaghan, Sean O'Callaghan, Terry Mathews and Mel Story.

I am also including a copy of an article which appeared in the Cambridge Chronicle on March 12, 2003.

WARRIORS WIN DIV. 4 STATE CHAMPIONSHIP

(By Jamie Pote)

The last time the Matignon boys basketball team played at the FleetCenter, coach Joel Burke said the excitement of taking the fabled parquet floor caused his team to lose focus.

Monday afternoon, the Warriors' focus was impeccable. Matignon stormed out to a 27-point halftime lead and coasted to a 78–55 victory over Southeastern Regional to capture the Division 4 state title (there are no Div. 4 teams outside Eastern Mass.).

''In 1997 we were just happy to be here,'' said Burke, whose team lost to Avon that year. ''We were too busy taking pictures and we seemed to have lost our focus. That was my big concern heading into this game—we had to be ready.

''And for sure, we were ready for this game.''

Led by seniors John McMahon (29 points) and Chris Neil (19 points), Matignon (21–4) outplayed the Hawks in nearly every facet of the game, including a 20–9 edge in rebounds in the first half.

''We thought if we held them to just one shot that we would be able to keep the game close,'' Burke said. ''We had no idea that this would happen. The court is so big and we just moved the ball all over to the open spots and hit a lot of easy baskets.''

In Friday's sectional final, Matignon picked apart Minuteman Tech's 2–2–1 zone defense and led by 39 points at halftime. Southeastern played much of the same defense yesterday and Matignon again picked it apart with baskets in transition. The Warriors also relied on their outside shooting by hitting eight 3-pointers in the game, with seven of those treys coming before halftime.

''When we play on the bigger courts, it's just easier for us to score on transition,'' Neil said. ''It means that we're the team

that's most in shape. We're a running team and no one can catch us when they try those gimmick zone defenses, the 2–2–1 or the 1–2–2. We just skip right over that and score so many easy baskets.''

Neil set the tone right away for Matignon when he buried a 3–pointer from the right elbow just 30 seconds into the game. Southeastern stayed close over the next few minutes, trailing 10–9, and that's when Matignon blew the game wide open. The Warriors went on a 16–0 run, including three baskets by junior Jimmy Guerrier (12 points).

''We were just getting a lot of great looks,'' said Burke, whose team led 47–20 at the half. ''And the ball was falling in the basket. That's a good team over there and I think some of their early shots that didn't go in just took them out of their game.''

Matignon opened the second half with an 11–4 run, sparked by a 3-pointer and layup by Neil and a pair of baskets from McMahon.

TRIBUTE TO SONJA HOROSHKO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. MCINNIS. Mr. Speaker, it is with much pleasure that I rise today to commend a distinguished artist, Sonja Horoshko of Cortez, Colorado, for expanding the reach of artistic endeavor in Montezuma County and the four-corners region. Sonja is a nationally recognized artist who brings an appreciation for art to diverse communities through her ''Drawing Together'' workshops. Today, I am honored to pay tribute to her accomplishments before this body of Congress and this nation.

''Drawing Together'' encourages individuals, families and communities to create art collectively and with a wide variety of media. In 2001, the National Endowment for the Arts awarded Sonja a Challenge America Grant to present her workshops to four locations in Montezuma County. Eighty-one students, ages eight to sixty-two, participated. This summer a film drawn from one of her pioneering workshops with third grade Butterfly Dancers will be released at Aztec Ruins National Monument in New Mexico.

Since relocating to Montezuma County in 1993, Sonja has become a fixture of the Southwestern Colorado Art Community. She has been an artist in residence at Hovenweep National Monument and has received grants from Colorado Council of the Arts, the Utah Art Council, and the Mesa Verde Museum Association, among others. Internationally, she was invited to participate in the 53rd Conference on World Affairs in 2001, where she participated in panels connecting art to journalism, science, and politics. Sonja's art has also been a platform for activism in Colorado, as she represented the rural voice of Montezuma County at a conference in Denver focusing on critical statewide issues including economic development, tourism, and public health.

Mr. Speaker, I am honored to rise today and recognize Sonja Horoshko before this body of Congress and this nation. Sonja's career models the wide scope and influence of art in all its forms. Her workshops teach artistic expression to communities and individuals, both young and old, encouraging them to tell their own story in their own voice. It is my distinct honor to represent such a fine and creative American in this Congress and to know that there are individuals, like Sonja Horoshko, who constantly strive to create and appreciate beauty in our world.

IRAQ

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, my hopes for peace have given way to the reality of war. Although I agree with President Bush that Saddam Hussein is a dangerous man, I am not convinced that a military attack against Iraq is in the best interest of our nation. For this reason, I voted against a resolution last year that was the equivalent of a declaration of war which authorized the President to launch a military strike to disarm and possibly overthrow Saddam Hussein.

The issue is not whether or not Saddam Hussein is a dangerous dictator who should be disarmed. Just this past Sunday, we marked the fifteenth anniversary of Saddam Hussein's chemical weapons attack on a predominantly Kurdish village in northeastern Iraq where 5,000 civilians died. The international community has an important obligation to ensure that Saddam Hussein cannot repeat his aggression of the past, and as the world's most powerful country, we must be committed to lead. Through U.N. inspections, continued monitoring and increased scrutiny of Baghdad, I think we can meet that responsibility.

Mr. Speaker, we must realize that a possible military attack against Iraq would represent a major shift in American diplomatic and strategic thinking. For nearly fifty years, we relied upon deterrence to check Soviet expansionism. Deterrence brought us victory in the Cold War without having to fight a hot, shooting war under the shadow of nuclear annihilation. That same strategy has kept Iraq at bay for more than a decade. Now that doctrine is on the verge of being discarded.

There are several other critical questions to which we've heard very few answers. We must have a clear plan on how an attack on Iraq would transpire, including identifying our military options, determining our strategy to change the regime, calculating the potential casualties, and estimating how much an operation would cost and how it will be funded.

We must also see a plan to build democratic and free-market institutions in a post-Saddam Iraq. History teaches us that how we win the peace is just as critical as how we win the war. Thus far, these crucial issues have received little attention.

For those of us who counseled a peaceful strategy to disarm Iraq in the months before this point, it is now time to unite in our support for the 300,000 brave men and women in the region. I fervently and completely join the President in the hope and prayer for the safe and quick return of our soldiers to their homes and families.

I know that members of our military serve this nation's ideals and they demonstrate those ideals in their code and in their character. I have seen their love of this country and devotion to the cause of peace and freedom. I know that their mission is dangerous, and I personally thank them for their service. May God bless our troops and their families, and may God bless America.

INTRODUCTION OF THE MEDICAID SAFETY NET IMPROVEMENT ACT OF 2003

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. KLECZKA. Mr. Speaker, today Congresswoman WILSON and I are introducing the Medicaid Safety Net Improvement Act of 2003. This important legislation would increase the allowed federal Medicaid disproportionate share hospital (DSH) allotment in ''extremely low-DSH'' states from one percent to three percent of Medicaid program costs.

In the mid-1980s, Congress established the Medicaid DSH program to provide additional funds to certain hospitals that deliver a disproportionate share of health care services to low-income patients, including Medicaid recipients and the uninsured. By providing financial relief to these facilities, this program ensures that all Americans—regardless of ability to pay—have access to critical hospital care.

Unfortunately, due to limitations imposed by the Balanced Budget Act of 1997 (BBA) and the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), there are significant inequities in how these funds are distributed among states. For 18 states, including the State of Wisconsin, the federal DSH allotments are not allowed to exceed one percent of the state's Medicaid program costs. The average state spends about eight percent of its Medicaid funding on DSH.

This bipartisan legislation would address this inequity by raising the share of federal funds to extremely low-DSH states. The 18 states that would benefit from this proposal include: Alaska, Arkansas, Delaware, Idaho, Iowa, Kansas, Maryland, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, and Wyoming. It is important to note that this bill would not redistribute or reduce the federal DSH allotments in other states.

The Medicaid DSH program plays a tremendous role in the survival of the safety net that serves our most vulnerable populations, particularly the rising number of uninsured Americans, which at last count stands at nearly 42 million. For many hospital facilities, Medicaid DSH is the main reason they are able to keep their doors open. Providing an increase to three percent of Medicaid spending in the allowable DSH allotment would do a great deal to help these low-DSH states support low-income medical care.

I urge my colleagues to cosponsor and support this important legislation.

SECOND OPINION COVERAGE ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mrs. DAVIS of California. Mr. Speaker, today, I am introducing the Second Opinion Coverage Act of 2003—legislation that will ensure the accessibility and coverage of medical second opinions.

Imagine that your doctor tells you that you must undergo radical surgery that may threaten the use of a limb or leave you with a serious chronic condition. Understandably, you would request a second opinion from another physician. Most health care groups see the value in such requests and provide patients with a second opinion. Besides giving patients much needed peace of mind, second opinions can benefit health plans by reducing the number of invasive procedures and result in better patient care through increased dialogue about treatment options.

However, when I was a member of the California State Assembly, I heard from a number of patients who experienced a glitch in their health care coverage. They noticed the absence of a clear process for obtaining medical second opinions. These patients, many struggling with challenging health conditions, had difficulties obtaining second opinions through their health plans.

After meeting with patients, physicians and health groups, I authored a law in California that guarantees coverage of second opinions. Patients, meeting any one of several qualifying conditions, are entitled to a timely second opinion by a ''qualified health care professional,'' within 72 hours in cases of serious or imminent health threat. When another expert is not available within the provider group or network, the organization will pay for an appropriately qualified doctor outside of the plan. Patients are responsible for the costs of applicable co-payments.

The law in California was a good first step. Unfortunately, this legislation does not cover the almost 5 million Californians enrolled in self-insured, federally regulated health plans. Nationwide, this translates into 67 million persons without guaranteed access to second opinions. This means that one in four insured families are not protected by California's own second opinion law! I believe the time has come to make access to second opinions a national standard.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation quickly into law.

TRIBUTE TO RUTH STEELE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize Ruth Steele of Pueblo, Colorado for her determination and commitment to her community. Ruth is the director of the Dr. Martin Luther King Jr. Holiday Commission and Cultural Center, and has been a tireless activist for African-American interests in Pueblo and throughout Colorado. I am honored to recognize her accomplishments before this body of Congress and this nation.

Ruth graduated from Centennial High School in Pueblo and attended the University of Colorado at Boulder. In the 1950s and 60s she was active in the civil rights movement, registering African-Americans to vote. Since then, she has been a leader for Pueblo's African-American community. She was a legislative aide to state Representatives Wilma Webb and Arie Taylor, and worked to establish a Martin Luther King holiday in Colorado.

Ruth helped found Pueblo's orphanage for African-American children, the renovated Lincoln Home, and the Martin Luther King Cultural Center which she now directs. In the future, Ruth hopes to build a multicultural center next to the Lincoln Home and expand African-American leadership in Pueblo. She has been a strong advocate of quality education for African-American youth and was recently named the Greater Pueblo Chamber of Commerce Citizen of the Year for her service.

Mr. Speaker, it is a great privilege to recognize Ruth Steele before this body of Congress and this nation for her outstanding commitment to the community she calls home. Ruth has worked tirelessly to build bridges between Pueblo's disparate communities. Her leadership is an invaluable asset to her neighbors and fellow citizens.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT TO PROTECT THE PLEDGE OF ALLEGIANCE AND THE NATIONAL MOTTO

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. PICKERING. Mr. Speaker, I come before the House today to introduce legislation creating a Constitutional Amendment to protect the Pledge of Allegiance and the National Motto.

Last month, the Ninth Circuit Court of Appeals let stand the ruling of a San Francisco Federal Court which proclaimed the Pledge of Allegiance unconstitutional. There have been reports that the next victim of the left's crusade against the historic heritage of our nation could be to challenge the use of our National Motto, ''In God We Trust,'' on our currency.

These are unfortunate assaults on America's tradition of recognizing the role of God in our country's life, and as the foundation of our liberties. Unfortunately, there has been a trend in our courts that has sought to remove every vestige of God from our country, while child pornography is protected.

When our Founding Fathers sought the monumental break between the American people and the British King, they wrote in the Declaration of Independence that they appealed ''to the Supreme Judge of the world for the rectitude of our intentions.'' They appealed to God to judge their moral condition, their uprightness and righteousness in forming our nation. Today, we can forget making any such appeal, for our judges have declared that the mere acknowledgement of God violates our highest national law. My colleagues, those who led our country in years past would be outraged. Those who gave their lives for our independence would be outraged. Those who gave their lives that we might realize the most American dream, that ''ail men are created equal, that they are endowed by their Creator with certain unalienable Rights,'' those leaders too would be outraged. Americans who gave their lives to secure our freedoms would be outraged. Americans, who this very day face a war to secure our freedoms and liberate Iraq, are outraged. And friends, I am outraged, too.

The time for action has come. Today, I am introducing legislation that would provide for a Constitutional Amendment to protect the Pledge of Allegiance and the National Motto, ''In God We Trust.''

Amending the Constitution is never taken lightly, nor should it be. Yet Congress can no longer sit idly while the courts rewrite our nation's history and traditions. This amendment is very clean, clear, concise, and unobtrusive as possible. However, it is very effective and the only way to ensure that the Pledge of Allegiance and the National Motto are protected and preserved.

I urge my colleagues to cosponsor this bill and hope that we can begin the process to move it forward.

WE THE PEOPLE PROGRAM

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. BOSWELL. Mr. Speaker, on April 26, 2003, more than 1200 students from across the United States will visit Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution program, an educational program developed specifically to educate young people about the Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the class from Central Academy from Des Moines will represent the State of Iowa in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of

Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for the students to become active, responsible citizens.

The class from Central Academy is currently preparing for their participation in the national competition in Washington, D.C. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young ''constitutional experts'' the best of luck at the We the People national finals.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Ms. SCHAKOWSKY. Mr. Speaker, on Wednesday, March 12, 2003, during rollcall vote No. 56 on H.R. 659 I was unavoidably detained. Had I been present, I would have voted ''aye.''

TRIBUTE TO REVEREND DR. THOMAS J. RITTER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to acknowledge Reverend Dr. Thomas J. Ritter, whose contributions to Philadelphia have been multi-faceted and unparalleled.

Beyond being a community activist, builder, and leader, Reverend Ritter has served his congregation with the commitment of a dedicated and loving father for 45 years. Reverend Ritter built the Second Macedonia Baptist Church from a small house with six members to a large worship center with over a thousand members with 27 ministries.

Reverend Ritter's wide scope of dedication to Philadelphia spans more than the religious spectrum. He has been very instrumental in the development of many of Philadelphia's new major business centers. Reverend Ritter served as the first executive director of the Opportunities Industrialization Center, an organization which has assisted over 75 urban communities throughout the United States and the world. Additionally, he sits on the board of directors of the Philadelphia Martin Luther King Association for Nonviolence, chairs Philadelphia's Human Relations Commission, and has established a community-based volunteer self-help organization called ''Giving of Self Partnership.'' The list of charitable endeavors that Reverend Ritter is involved in are innumerable.

It is a privilege to recognize a person whose dedicated leadership has enriched the lives of countless individuals in both my district and the nation. I hope that all of my distinguished colleagues will join me in honoring Reverend Dr. Thomas J. Ritter.

HONORING REVEREND THOMAS BOND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize the Reverend Thomas Bond for exemplary service to his community. Eighteen years ago, Reverend Bond founded the Wayside Cross Gospel-Rescue Mission in Pueblo, Colorado to serve the area's homeless population. Today, I stand before this body of Congress and this nation to recognize his accomplishments.

With its food, housing, and educational programs, the mission provides a hand up, not a hand-out, for Pueblo's homeless community. In many cases, the mission has helped rebuild lives and reconnect people with families. Reverend Bond provides invaluable assistance to all people, enabling them to overcome the challenges of poverty and lead meaningful lives. He saw a community need and selflessly filled it, donating his time, talent, and energy.

Mr. Speaker, it is a great privilege to recognize Reverend Thomas Bond for his dedication to improving the lives of his fellow citizens. The people of Pueblo are immeasurably enriched by his years of selfless service, and his retirement from work at the mission is a tremendous loss to the southern Colorado community. I wish Reverend Bond well in his retirement.

MAKING MORTGAGE INSURANCE PREMIUMS TAX-DEDUCTIBLE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, today, together with my colleagues on the Ways and Means Committee, Mr JEFFERSON of Louisiana, Mr. SHAW of Florida, Mr. LEWIS of Georgia, Mr. ENGLISH of Pennsylvania, Mr. TANNER of Tennessee, Mr. FOLEY of Florida, Mr. CANTOR of Virginia, as well as Mr. NEY of Ohio, Mr. GREEN of Wisconsin and Mr. HAYES of North Carolina, Mr. RADANOVICH of California I am introducing legislation that will extend the mortgage interest tax deduction to include mortgage insurance premiums, government and private. This is an important piece of legislation because making mortgage insurance payments tax-deductible will boost homeownership for lower-income, minority and veteran borrowers that typically need mortgage insurance to purchase a home.

It is widely recognized that homeownership helps create stable and safe communities. Thus, the expansion of homeownership has been a longstanding goal of the Federal Government. The Bush Administration announced a goal of 5.5 million new homeowners by the year 2010. To achieve that goal, groups that have typically been unable to purchase homes—young people, low-income, members of minority groups—must be able to participate in the housing market.

Government and private mortgage insurance programs help first-time, low-income and veteran borrowers afford to purchase a home. The VA, FHA, RHA and PMI programs allow buyers to make a down payment of 3 percent or less of the appraised value. Mortgage insurance is a critical factor in allowing middle-income families and minorities to become homeowners. In Wisconsin, approximately 149,000 families held mortgages with either FHA or private mortgage insurance at the end of 2002. Insured mortgages covered nearly 18 percent of home loans originated in Wisconsin in 2001. Insurance, however, covered about 30 percent of the mortgage loans made to Hispanic borrowers in Wisconsin and 28 percent of the loans made to African American borrowers.

In 2001, nationwide, mortgage insurance covered 57 percent of mortgage purchase loans made to African American and Hispanic borrowers and 54 percent of the loans to borrowers with incomes below the median income. The people who use mortgage insurance are policemen, firemen, teachers, and veterans who live in every community throughout the country. Twelve million American families presently use mortgage insurance.

Presently these borrowers cannot deduct the cost of their mortgage insurance payments for Federal tax purposes. If mortgage insurance payments were made deductible, the cost of homeownership would be further reduced for these borrowers, enabling new buyers to get into a home that they might not have been able to afford or to purchase a more valuable home. It is estimated that 300,000 more homeowners per year would result from making these payments tax-deductible.

Extending the tax deduction for home mortgage interest payments to mortgage insurance payments will significantly contribute to making the American dream of owning a home come true for many more of our citizens. Mr. Speaker, I urge my colleagues to support this important legislation and join me in working towards its enactment this year.

CYPRUS TALKS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Ms. BERKLEY. Mr. Speaker, last week the world witnessed a tragic setback in the search for a peaceful settlement on the Island of Cyprus. Nearly 30 years after Turkish troops invaded and occupied approximately one-third of the territory of Cyprus, the United Nations' efforts to achieve a negotiated solution appeared to have a real chance for success. U.N. Secretary-General Kofi Annan convened the leaders of the Greek Cypriot and Turkish Cypriot communities to a meeting at the Hague last week, and asked them to agree to hold a democratic vote on the U.N.'s plan to establish a bi-communal federation. The President of the Republic of Cyprus, Tassos Papadopoulos, speaking for the Greek Cypriot community, agreed to the referendum, despite reservations with the details of the plan. Unfortunately, Mr. Rauf Denktash, the Turkish Cypriot leader, rejected it, out-of-hand.

Mr. Denktash's veto of the U.N. peace plan was not only a rejection of the efforts of the world organization, and the interests of its member states, but most importantly, in direct

contradiction with the interests of the Turkish Cypriots themselves. This community has recognized that they have the most to gain from reunification, and have strongly supported the U.N. plan, as demonstrated by unprecedented popular expressions of support from within the community. Mr. Denktash has thwarted the will of the people he purports to represent.

The reunification of Cyprus would help to enhance the local and regional stability of this island nation located a little more than a 100 miles from Israel, Lebanon and Syria, to the benefit of all of Cyprus, Turkey, Greece, the U.S., E.U. and the whole world body. Reunification would be a great boon economically to the Turkish Cypriots, as the Greek Cypriot community is about to join the E.U. and command the many political and economic advantages of membership in that cgmmunity. A settlement would have allowed the Turkish Cypriots to join in those benefits. Failure has condemned them to suffer without.

If the civilian and military leaders in Ankara were serious about achieving a negotiated settlement on Cyprus, they could clearly prevail upon Mr. Denktash to deal in good faith. By doing so, Turkey would not only be helping the Turkish Cypriots, but would be acting in its own self-interest, as Turkey's own bid for E.U. membership hinges to a significant degree on its playing a constructive role in ending the division of Cyprus. On March 4th of this year, the E.U. warned Turkey that ''if Cyprus settlement efforts failed, the E.U. would find it very difficult to start accession talks with Turkey'' since Turkey would find itself in the untenable position of not only failing to recognize a member of the E.U.—Turkey still does not recognize the Republic of Cyprus—but also occupying militarily part of E.U. territory.

As in any process of negotiations, both sides have to give up something. The Greek Cypriot side has, over the years, made one concession after another in the search for peace. The most recent plan put forward by Secretary General Annan forced the Government of the Republic of Cyprus to make many difficult decisions. Still, at the end of the day, President Papadopoulos—who was just recently elected in free and fair elections—was willing to put the Plan before the people in a democratic manner.

On the other hand, Mr. Denktash, who has been in power for three decades, was unwilling to concede on his demand for two separate states—a goal completely contrary to the reunification favored by the people of Cyprus and the entire world community. Mr. Denktash is apparently afraid of what his own people would say when given a chance to express their views at the ballot box.

This latest setback need not be a fatal one for the peace process of Cyprus. President Papadopoulos has left the door wide open to resuming the process of negotiations. After the Hague meeting, President Papadopoulos said that the Greek Cypriot side will ''continue the efforts for reaching a solution to the Cyprus question both before and after Cyprus joins the E.U.'' Furthermore, on his return from the Hague to Cyprus, Mr. Papadopoulos pledged one more time to ''continue the efforts for a Cyprus settlement that would properly serve the interests of both Cyprus communities, Greek Cypriots and Turkish Cypriots,'' adding that there ''are no last chances'' for a Cyprus solution.

Our State Department has been clear in expressing its disappointment over Mr. Denktash's rejection of the U.N. referendum proposal, and in voicing hope that the process can resume. But now it's time for our government to put the necessary pressure on Mr. Denktash and the government of Turkey to negotiate in good faith and agree to a referendum. Continued obstructionism by Mr. Denktash should trigger coordinated U.N. sanctions against the Turkish Cypriot leader. The new government of Turkey must recognize its share of responsibility in the current stalemate, and show leadership in guiding Mr. Denktash back to the path of peace . If Turkey refuses to accept that responsibility, and Mr. Denktash continues his intransigence, the government of the U.S. must consider those policy prescriptions, of the highest orders, to bring the parties back to the table. The peace of the region, and the well-being of the Cypriot people, are too important to allow Mr. Denktash to destroy all our hopes for peace.

INTRODUCTION OF THE MEDICARE MENTAL HEALTH MODERNIZATION ACT OF 2003

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. STARK. Mr. Speaker, I rise with a group of colleagues to introduce the Medicare Mental Health Modernization Act of 2003. Medicare's mental health coverage is woefully inadequate. Instead of the standard 20 percent coinsurance payment required by beneficiaries, mental health services require a 50 percent co-payment, limited community-based treatments are covered, and there is a cap on mental health hospitalization days. The bill we are introducing today eliminates this blatant mental health discrimination from Medicare and modernizes the Medicare mental health benefit to meet today's standards of care.

In the past, the late Senator Paul Wellstone championed this effort in the U.S. Senate. This year, Senator JON CORZINE has stepped forward to introduce the companion legislation in the Senate. I want to thank Senator CORZINE for his commendable efforts on behalf of this important legislation.

One in five members of our senior population display mental difficulties that are not part of the normal aging process. In primary care settings, over a third of senior citizens demonstrate symptoms of depression and impaired social functioning. Older adults also have the highest rate of suicide of any segment of our population. Furthermore, mental illness is the single largest diagnostic category for Medicare beneficiaries on disability. There is a critical need for effective and accessible mental health care for the Medicare population. Unfortunately, the current structure of Medicare mental health benefits is inadequate and presents multiple barriers to treatment access. This bill addresses these problems.

The Medicare Mental Health Modernization Act is a straightforward bill that improves Medicare's mental health benefits as follows:

It reduces the discriminatory co-payment for outpatient mental health services from 50 to the 20 percent level charged for most other Part B medical services.

It eliminates the arbitrary 190-day lifetime cap on inpatient services in psychiatric hospitals.

It improves beneficiary access to mental health services by including within Medicare a number of community-based residential and intensive outpatient mental health services that characterize today's state-of-the-art clinical practices. The mental health field has undergone many advances over the past several decades. Effective, research-validated interventions have been developed for many of these mental conditions that affect stricken beneficiaries. Most mental conditions no longer require long-term hospitalizations, and can be effectively treated in less restrictive community settings. This bill recognizes these advances in clinical treatment practices and adjusts Medicare's mental health coverage to account for them.

It further improves access to needed mental health services by addressing the shortage of qualified mental health professionals serving older and disabled Americans in rural and other medically underserved areas by allowing state licensed marriage and family therapists and mental health counselors to provide Medicare-covered services. Similarly, it corrects a legislative oversight that will facilitate the provision of mental health services by clinical social workers within skilled nursing facilities.

It requires the Secretary of Health and Human Services to conduct a study to examine whether the Medicare criteria to cover therapeutic services to beneficiaries with Alzheimer's and related cognitive disorders discriminates by being too restrictive.

The push for mental health parity is ongoing. We've made important strides forward for the under–65 population. Twenty-three states have already enacted full mental health parity and the Federal Employees Health Benefits Plan was improved in 2001 to assure that all federal employees are provided mental health parity. Last April, President Bush called for Congress to enact legislation to provide equivalence for private sector health insurance coverage of mental and physical conditions (though he has yet to endorse any legislation to achieve that goal). This year, legislation to enact real mental health parity for those with private health insurance already has the bipartisan support of 180 members in the House and 43 U.S. Senators. I fully support these efforts as well.

What has been too-often missing from this overall mental health parity debate is the fact that the Medicare program continues to fail to meet the mental health needs of America's seniors and those with disabilities. That's why we've introduced the Medicare Mental Health Modernization Act. That's also why this bill has received support from numerous mental health advocacy and provider organizations including: the National Mental Health Association, the American Association of Geriatric Psychiatry, the American Association of Marriage and Family Therapists, the American Counseling Association, the American Mental Health Counselors Association, the American Psychological Association, the National Association of County Mental Health Directors and the National Association of Social Workers.

When Medicare was created in 1965, mental health treatment was very different than it is today. Over the years, Congress has updated Medicare's benefits as the practice of medicine has changed. It is past time for us to take this action with regard to Medicare's currently inadequate mental health benefits. The Medicare Mental Health Modernization Act of

2003 removes discriminatory features from the Medicare mental health benefits and helps facilitate access to up-to-date and affordable mental health services for our elderly and disabled. I encourage my colleagues to support its passage into law.

TRIBUTE TO MR. JIM DICK AND WIVK

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to Jim Dick and WIVK, the radio station he created in Knoxville, Tennessee. On Wednesday, March 19, WIVK celebrates its 50th anniversary.

Five decades ago, Jim Dick applied for and received a license from the Federal Communications Commission to build and operate a 1,000–watt AM radio station. At that moment, Dick Broadcasting Company was created.

Jim Dick is certainly a visionary. He was one of the first people in the radio business to understand the importance of broadcasting on the FM dial. He is also one of the most admired and respected businessmen in East Tennessee.

WIVK-AM debuted playing a wide range of music including gospel, country, jazz and others. The station only operated during the daytime hours in the early years. WIVK has grown immensely since then and is now a part of the Las Vegas based Citadel Communications Corporation.

Jim Dick and everyone at WIVK have always supported the community and have given so much to the citizens of their listening area. Almost everyone in East Tennessee relies on WIVK for great country music, timely news and information, as well as radio broadcasts of University of Tennessee football games.

Mr. Speaker, I would like to again congratulate Jim Dick, all of the staff at WIVK, Citadel Communications Corporation and all of those people who have given so much of themselves to make this great radio station the best in the Country. I have also included an article from the Knoxville News-Sentinel that celebrates the 50-year anniversary of WIVK that I would like to call to the attention of my fellow Members and other readers of the RECORD.

[From the Knoxville News-Sentinel, Mar. 16, 2003]

THE FROG HITS 50: WIVK CELEBRATES HALF A CENTURY OF BROADCASTING

(By Wayne Bledsoe)

Radio station WIVK is as much a part of East Tennessee as UT football and the rush for bread and milk at the first hint of snow.

Through five decades of changing musical tastes, the station has unapologetically played country music and retained an unprecedented share of the listening audience. The station has helped launch the careers of country stars and even influenced the general direction of country music.

''It's hard to come up with another station to compare them to because WIVK is such a standout in the radio community,'' said Angela King, associate country editor of Radio & Records. ''People in the industry say, 'This is a model of how a radio station should be.'''

On Wednesday, March 19, WIVK will celebrate its 50th anniversary with a gala that will include testimonials from stars like Dolly Parton, Kenny Chesney, Kenny Rogers, Travis Tritt, Charlie Daniels and Ray Price. There'll also be stories and reminisces from the station's longtime personalities.

Few would've given the station much hope in 1953 when young radioman Jim Dick put WIVK-AM on the air with $3,000 of his savings. At the time WIVK was just a 1,000-watt station that operated from sunrise to sunset only.

Dick initially rented space on the second floor of Greene's Hardware on North Gay Street and broadcast at 850 on the AM dial. Dick didn't think the location of the station mattered much.

''Absolutely the most important thing I did was to determine who were good people and hired them,'' said Dick, who is now 84.

Dick's ''good people'' became regional icons: ''Big Jim'' Hess, Claude ''The Cat'' Tomlinson, and later, Bobby Denton, Ed Brantley, Mike Hammond, Mickey Dearstone, Dave Young and other personalities became part of Knoxville's cultural landscape.

In its infancy the station aired programs hosted by gospel music impresario the Rev. J. Bazzel Mull and millionaire grocer Cas Walker, who began broadcasting musical shows in 1929 to promote his grocery stores.

The station also hired A. C. Wilson, one of the city's first black disc jockeys in 1954. Wilson hosted ''The Acey Boy Show,'' which featured jazz and hot rhythm and blues.

''He was a super guy,'' recalled Dick. ''If he hadn't have died, he could've really gone places.''

Hess and Tomlinson were the first two disc jockeys to establish themselves at the station with the team ''Big Jim'' and ''Little Alf.'' The duo's mischief on the air was but a pale shadow of the trickery they pulled off it.

They particularly delighted in playing jokes on Rev. Mull, whose eyesight was so poor he was classed as legally blind. Once Hess and Tomlinson put Mull's car up on blocks just barely off the ground while the preacher and his wife were on the air. When the Mulls attempted to leave the station with Mrs. Mull at the wheel, the car's tires simply spun in the air. Thinking the vehicle was somehow stuck, Mull got out and pushed it, knocking it off the blocks and sending it and Mrs. Mull sailing.

On another occasion the pranksters rigged the studio so that when Mull's program went on the air, what the preacher heard in the studio was Elvis Presley singing ''All Shook Up,'' while the radio audience listened to the gospel number that was actually on the turntable.

One of the pair's jokes riled Mull so badly that he promised to go to Dick and get them fired. But Tomlinson, who was a master mimic and could imitate Dick perfectly, slipped into the boss' office before Mull got there. The preacher's eyesight was so poor, he didn't detect the impersonation, and Tomlinson promised Mull that severe punishment would be dealt to Hess and himself.

''The Rev. J. Bazzel Mull was very important to WIVK's early success,'' said Dick, who could be both amused and frustrated by his employees' antics.

It wasn't the jokes, though, that finally drove Mull from WIVK; it was a referendum to legalize liquor in Knoxville in the early 1960s.

Both Mull and Cas Walker were vehemently against the measure and campaigned vigorously against it on shows. But Dick read an editorial on the air supporting legal liquor, and his comments were reprinted in the News Sentinel.

The measure passed, and ''the next morning Mull was packing up his records and he left the station,'' Dick remembered.

Rock 'n' roll did serious damage to country music's popularity in the late 1950s and early 1960s. Stations across the country abandoned the format for Top 40. Local country favorite WNOX had already abandoned country music when WIVK followed suit in 1961.

That was about the time a young announcer named Bobby Denton was trying to break into radio.

''I started in radio by announcing drag races from Maryville Drag Strip after school on WSKT,'' said Denton, who is now officially retired but still serves as a consultant to current WIVK owner Citadel Communications.

Denton became acquainted with Tomlinson, who then persuaded Dick to give Denton a job at WIVK. But Dick was not impressed with his new hire's broadcasting skills.

''He said, 'This guy is so bad we have to get him off the air!' '' Denton recalled.

During the station's three years of playing Top 40, they found the field crowded. WNOX and WKGN dominated the Top 40 format, and in 1964, WIVK moved to all-country programming.

In 1965 two pivotal events took place. WIVK was granted permission to increase its AM signal from 1,000 to 50,000 watts and an FM sister station was established. FM's replacement, because of its clearer signal, of the AM radio format was still years away, but Dick had the foresight to promote FM heavily from the outset.

''We would sign off at sunset and say, 'If you just have half a radio, we'll have to say goodnight until tomorrow morning. But if you have a whole radio, you can tune us in at 107.7 FM.' '' Dick recalled. ''Car dealerships would tell us that people came in wanting to buy a car with a 'whole radio.' '' By the mid-1970s, however, FM was the dominant frequency.

With its new, more powerful signal, WIVK-AM shifted into high gear. Longtime morning disc jockey Tomlinson created the characters ''Ol' Man Schultz'' and simple soul ''Lester Longmire.'' The characters would remain regional favorites for the next 25 years.

The station also began hosting a series of country concerts and championing country performers. In its early days the station had had young singer Dolly Parton performing in its small downstairs auditorium on Cas Walker's program. She had also recorded early demos after hours in the station's studios.

By the mid–1960s the station was beginning to wield enough influence to have a big impact in the country music field. For example, Denton has long been credited with persuading Jerry Lee Lewis to give country music a shot when his rock 'n' roll career was at an ebb.

''We became good friends, and he would come to my house,'' Denton recalled. ''I think I just said 'Jerry Lee, I think if you would record country, people would buy it.' ''

Lewis replied that he was country and was a far sight better country singer than some of the current country stars. Shortly thereafter, in 1968, Lewis began a string of country Top 10 hits.

Other stars have credited the station with helping establish their careers. Alabama's Randy Owen has long recounted how he and his wife stopped at the station with the first single recorded by the group, which was then calling itself Wild Country. Owen went inside and asked then-program director Denton if he would take time to listen to the record.

''We listened to it,'' Denton recalled, ''and I said 'That's pretty good!' ''

Owen and his wife then drove down Kingston Pike and were on their way to the

band's Myrtle Beach base when Denton put the single on the air.

''Randy said he just pulled the car over and started hugging his wife and crying because that was the first time he had ever heard his song on the radio,'' Denton recalled.

Kenny Rogers' first appearance as a country performer was at one of the station's concerts in 1975.

''He was scared to death,'' remembered Denton. ''He didn't know how the crowd would respond to him.''

East Tennessee natives Con Hunley and current superstar Kenny Chesney were also championed early on the station.

Ed Brantley, now WIVK's vice-president and general manager, started at the station in 1973 as a part-time announcer and hosted the station's first call-in talk show, ''Sound Off.''

''That was when country definitely wasn't the cool format,'' said Brantley, ''but the people who did like it were a solid base.''

The ''solid base'' became even more solid as the decade went on with the station drawing an almost unheard of 20-plus market share. Much of that had to do with the station establishing a solid news department and broadcasting regular weather reports and school closings. In 1978 the station began broadcasting UT football games, which further solidified its audience base.

Some of the WIVK's success was due to its programmers knowing the tastes of the audience. Brantley said the station took chances with several artists who dipped their toes into country. When the Pointer Sisters released the song ''Fairytale,'' WIVK was one of the first to add it to the regular rotation. The station was also an early supporter of Olivia Newton-John's music.

''We played a lot of crossover,'' said Brantley, ''and then with 'Urban Cowboy' it just broke loose.''

At that time the station was receiving ratings for its AM and FM stations as one number, sometimes giving it better than a 30–point market share. Typical successful stations in other similar-sized markets were happy when they hit a 10 share.

Through the years a few local stations have challenged WIVK by going with a country format, but none have succeeded.

''Our research showed that it would take a direct competitor five years and $5 million dollars in advertising and promotions to even compete with us,'' Denton said.

The only time that WIVK–FM seemed vulnerable was when Claude Tomlinson became ill in 1990. During his illness, the station would let Tomlinson broadcast from his home and sometimes his hospital bed.

Tomlinson died in 1991 and was replaced by the team Darren Wilhite and Tim Wall. The duo remained with the station for six years until they were replaced by Andy (Jerry Chistopher Ritchie) and Alison (West) in 1997.

Ritchie said that his and West's goal in coming to such a hugely successful station was to ''just not screw it up.'' They were surprised by the career longevity they encountered.

''It's pleasantly unusual to find anybody who's been at the same station for five years, much less 35,'' said Ritchie. ''It's exciting to find some stability.''

In fact, the station's personalities have nearly all been with WIVK for more than five years and have become part of the culture as their predecessors did. Andy and Alison, Gunner, Colleen Addair, Hoss and Jack Ryan are all part of the fabric of East Tennessee.

After the FM station became the dominant vehicle for WIVK, the AM station in 1987 moved to 990–AM, the former frequency of WNOX. In 1992 it shifted to all-talk and news format and became the region's most popular station in that format.

Jim Dick is no longer involved with either station. Dick Broadcasting sold WIVK and 11 other stations to Las Vegas-based Citadel Communications for $300 million in 2000. However, Dick does visit the station and has warm feelings for the people still involved with the project he began 50 years ago.

''I'm very proud of them,'' says Dick. ''Very proud.''

PAYING TRIBUTE TO U.S. ARMY SPECIALIST LUCAS V. TRIPP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I stand before you today to honor a young man tragically taken from this earth while in the service of his country. U.S. Army Specialist Lucas V. Tripp of Aurora, Colorado was one of ten soldiers killed in the unfortunate Black Hawk helicopter accident near Fort Drum, New York last Tuesday. Those who seek the true meaning of duty, honor, and sacrifice will find it in dedicated servants like Luke Tripp and his fellow soldiers. I am truly humbled to honor them before this body of Congress and this nation.

Luke joined the Army four years ago and, like so many young men and women before him, he saw it as an opportunity to serve our great nation. After enlisting, Luke graduated from boot camp at the top of his class and quickly rose through the ranks, eventually becoming a Black Hawk crew chief and certified flight instructor. Luke could rappel out of a hovering helicopter into a hostile area and repair damaged aircraft, an action that requires stunning bravery. The accident last week occurred as the 13 crew members returned from a training exercise in upstate New York, where they had been preparing for a possible deployment in the case of war. Luke's best friend was the first to reach the crash site and reported that he found Luke heroically shielding one of the two survivors.

Mr. Speaker, I cannot fully express my deep sense of gratitude for the sacrifice of these young soldiers and their families. Throughout our history, men and women in uniform have fought our battles with distinction and courage. At the dawn of this new century, the United States military has once again been called to defend our freedom and ideals against a new and emerging threat. Soldiers like Luke and his crew embody America's determination to lead the world in confronting that threat and I know that their awesome sacrifice will not be in vain. They have done all Americans proud and I know they have the respect and admiration of all of my colleagues here today.

IRAQ

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 2003

Mr. HOLT. Mr. Speaker, I rise before the House today to question the merits of the mission this Administration will soon ask the brave men and women of our armed forces to undertake. I am sure that our servicemen and women will perform admirably and we all hope they will achieve their objectives quickly and with minimal loss of life, but my reservations about this approaching war remain as strong today as they have ever been.

Although I agree with the President that we must eliminate the threat posed by Saddam Hussein and his weapons of mass destruction, I still believe it is at the least premature, and more likely contrary to our national interest, to launch a military attack against Iraq now. I firmly believe that we could better achieve our objectives in Iraq by building a strong international coalition capable of not only winning the war, but also capable of winning the peace.

When thinking about whether or not we should go to war against Iraq, I find myself returning repeatedly to one basic question. Will American-led military action against Iraq improve the security of the American people against the threat of terrorism and weapons of mass destruction? I believe the answer is no.

I remain concerned that an immediate attack on Iraq would significantly rise the chance of terrorism here at home, while overseas I fear that a cornered Saddam Hussein would release his arsenal of chemical, biological, and possible nuclear weapons on American soldiers or on his neighbors in the region, including Israel. He could also pass them on to terrorists and speed their arrival to American shores. But it is not fear of danger to America that gives us pause. Americans are brave enough to face danger if necessary. However, there is no evidence I have seen either in classified or public briefings that convinces me that this war is necessary now.

Furthermore, even if we prosecute a successful war, which I have no doubt our brave men and women in uniform would, I have questions about our ability to win the post-war peace. A war and subsequent American occupation of Iraq would likely send a destabilizing shockwave throughout the Middle East and ignite violent anti-Americansim, giving rise to future threats to our national security. While I have no doubt that we would successfully depose Saddam Hussein, I am concerned that the act of extinguishing Saddam would inflame, rather than diminish, the terrorist threat to the United States. The ensuring anti-American sentiment could reinvigorate the terrorists' pursuit of the loose nuclear weapons in the former Soviet Union—a greater threat than Iraq, I might add, one that America has largely neglected.

We can and should take the lead in eliminating the threat posed by Saddam Hussein, but this Administration has not made a convincing case to the world that war is necessary. Instead, it has used aggressive rhetoric to wage a diplomatic war on our allies that is straining our international relationships and alienating America from the world. While I do not believe that we need the permission of our allies to take action, I do believe that we need their partnership to be successful in the long run.

In order to be successful, we must lead the world community. But leadership is not simply about acting boldly—it means bringing along others to act boldly with you. We need to disarm and dismantle Saddam's arsenal, but we should do so with the support of the world. This Administration, however, has failed to earn the support of our allies. And so, in place of leadership, we have questions and ultimately instability.

This Administration has yet to explain how military action make Americans more safe, not less. It has also failed to explain to the American public what our responsibilities would be in a post-Saddam Iraq. How will we guarantee the security of our soldiers and the Iraqi people? How will we guarantee the success of a democratic transition? How many hundreds of billions of dollars would it cost to rebuild Iraq?

If the President has determined that military action against Iraq is necessary, I request that he explain first to a joint session of Congress exactly how a war could affect our other international interests, what our plan is for achieving a long-term stabilization of post-conflict Iraq, and approximately how much military action and post-war reconstruction would likely cost. The American people deserve to know the answers to these questions.

Americans are willing to pay any price and bear any burden to advance the American ideals of liberty, equality and peace. However, if a war is not deemed necessary, if it is not indeed a last resort, then the price in dollars and blood is too great.

Since it now appears that arguments against the war are too late, we must turn our attention to working with other countries diplomatically and to prosecuting the war as humanely as possible so that we will be able to pick up the pieces when the fighting is over.

Daily Digest

HIGHLIGHTS

Senate agreed to S. Res. 93, Commending Jeri Thomson.

Senate agreed to S. Res. 94, Commending Alfonso C. Lenhardt.

Senate

Chamber Action

Routine Proceedings, pages S3815–S3911

Measures Introduced: Nineteen bills and five resolutions were introduced, as follows: S. 637–655, S.J. Res. 10–11, and S. Res. 92–94. **Pages S3881–82**

Measures Reported:

Reported on Friday, March 14, during the adjournment of the Senate:

S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013. **Page S3881**

Measures Passed:

Columbia Orbiter Memorial Act: Senate passed S. 628, to require the construction at Arlington National Cemetery of a memorial to the crew of the *Columbia* Orbiter. **Page S3909**

Holocaust Remembrance Ceremony: Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 40, permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust, and the resolution was then agreed to. **Pages S3909–10**

Commending Jeri Thomson: Senate agreed to S. Res. 93, commending Jeri Thomson for her service to the United States Senate. **Page S3910**

Commending Alfonso C. Lenhardt: Senate agreed to S. Res. 94, commending Alfonso C. Lenhardt for his service to the United States Senate. **Page S3910**

Congressional Budget Resolution: Senate continued consideration of S. Con. Res. 23, setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013, taking action on the following amendments proposed thereto:

Pages S3815–26, S3834–74

Rejected:

Conrad Amendment No. 266, to redirect $1.214 trillion in revenues that would have been lost by implementing the President's entire tax cut agenda into a reserve fund to strengthen the Social Security trust funds over the long-term. (By 57 yeas to 42 nays (Vote No. 58), Senate tabled the amendment.)

Pages S3841–54, S3854–55

Pending:

Boxer Amendment No. 272, to prevent consideration of drilling in the Arctic National Wildlife Refuge in a fast-track budget reconciliation bill.

Pages S3855–74

During consideration of this measure today, Senate also took the following action:

By 43 yeas to 56 nays (Vote No. 57), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 (b)(2) of the Congressional Budget Act of 1974 with respect to Conrad Amendment No. 264, to prevent further deficit increases, except for national and homeland security and short-term effects of measures providing for economic recovery, until the President submits to Congress a detailed estimate of the full cost of the conflict with Iraq. Subsequently, a point of order that the amendment was not germane to the Budget Resolution was sustained, and the amendment thus fell.

Pages S3815–26, S3834–41, S3854

A unanimous-consent agreement was reached providing for further consideration of the resolution at 9:30 a.m., on Wednesday, March 19, 2003; provided further that there be 30 hours left for debate on the resolution with 15 hours remaining under the control of the Chairman of the Committee on the Budget and 15 hours remaining under the control of the Ranking Member. **Page S3910**

Nomination: Senate resumed consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S3826–34**

During consideration of this measure today, Senate also took the following action:

By 55 yeas to 45 nays (Vote No. 56), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination. **Page S3834**

Appointment:

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed Senator Dodd as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 108th Congress. **Page S3910**

Nominations Confirmed: Senate confirmed the following nominations:

Ellen L. Weintraub, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2007. (Prior to this action, Committee on Rules and Administration was discharged from further consideration of the nomination.)

Michael E. Toner, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2007. (Prior to this action, Committee on Rules and Administration was discharged from further consideration of the nomination.) **Pages S3910, S3911**

Messages From the House: **Pages S3879–80**

Executive Communications: **Pages S3880–81**

Petitions and Memorials: **Page S3881**

Additional Cosponsors: **Pages S3882–83**

Statements on Introduced Bills/Resolutions: **Pages S3883–S3903**

Additional Statements: **Pages S3877–79**

Amendments Submitted: **Pages S3903–08**

Notices of Hearings/Meetings: **Pages S3908–09**

Authority for Committees to Meet: **Page S3909**

Privilege of the Floor: **Page S3909**

Record Vote: Three record votes were taken today. (Total—58) **Pages S3834, S3854, S3855**

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:51 p.m., until 9:30 a.m., on Wednesday, March 19, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S3910–11.)

Committee Meetings

(Committees not listed did not meet)

BASE REALIGNMENT AND CLOSURE

Committee on Appropriations: Subcommittee on Military Construction concluded hearings to examine the base realignment and closure process and the critical importance of the rationalization of military infrastructure to the Department of Defense, focusing on base reuse and community profile, environmental cleanup and property disposal, after receiving testimony from Raymond F. Dubois, Deputy Under Secretary for Installations and Environment, Mario Fiori, Assistant Secretary of the Army for Installations and Environment, Nelson Gibbs, Assistant Secretary of the Air Force for Installations, Environment, and Logistics, and Wayne Arny, Deputy Assistant Secretary of the Navy for Installations and Facilities, all of the Department of Defense; Robert B. Leonard, Sacramento County Airport System, Sacramento, California; James C. Bryan, Charleston Naval Complex Redevelopment Authority, Charleston, South Carolina; and Brigadier General Paul Roberson, USAF (Ret.), San Antonio, Texas.

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded hearings to examine proposed legislation authorizing funds for fiscal years 2004 for the Department of Defense, focusing on ballistic missile defense, after receiving testimony from Edward C. Aldridge, Jr., Under Secretary for Acquisition, Technology, and Logistics, Thomas P. Christie, Director of Operational Test and Evaluation, J.D. Crouch II, Assistant Secretary for International Security Policy, and Lieutenant General Ronald T. Kadish, USAF, Director, Missile Defense Agency, all of the Department of Defense.

INTERNET GAMBLING

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine proposals to regulate illegal Internet gambling, including S. 627, to prevent the use of certain payments instruments, credit cards, and fund transfers for unlawful Internet gambling, after receiving testimony from Senator Kyl; John G. Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Connecticut Attorney General Richard Blumenthal, Hartford; William S. Saum, National Collegiate Athletic Association, Fort Lauderdale, Florida; Frank J. Fahrenkopf, Jr., American Gaming Association, Stewart A. Baker, U.S. Internet Service Provider Association, and L. Richard Fischer, Morrison and Foerster, all of Washington, D.C.; and Frank

Catania, Catania Consulting, North Haledon, New Jersey, on behalf of the Interactive Gaming Council.

2004 BUDGET: FISH AND WILDLIFE SERVICE

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water concluded hearings to examine the President's proposed budget request for fiscal year 2004 for the U.S. Fish and Wildlife Service, after receiving testimony from Steven A. Williams, Director, U.S. Fish and Wildlife Service, Department of the Interior.

NOMINATION

Committee on Finance: Committee concluded hearings on the nomination of Mark W. Everson, of Texas, to be Commissioner of Internal Revenue, Department of the Treasury, after the nominee testified and answered questions in his own behalf.

WAR ON TERRORISM

Committee on Foreign Relations: Committee concluded hearings to examine the war on terrorism, focusing on diplomacy issues, the President's proposed budget request for fiscal year 2004 for the Department of State, and the Millennium Challenge Account which are funds initiatives to improve the economies and standards of living in qualified developing countries, after receiving testimony from Marc Grossman, Under Secretary for Political Affairs, Grant S. Green, Jr., Under Secretary for Management, J. Cofer Black, Coordinator for Counterterrorism, all of the Department of State; John S. Pistole, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, Department of Justice; and Juan C. Zarate, Deputy Assistant Secretary of the Treasury, Executive Office for Terrorist Financing and Financial Crimes.

COLOMBIAN HOSTAGES

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the current hostage situation in Colombia from Marc Grossman, Under Secretary of State for Political Affairs.

CONTRACT BUNDLING

Committee on Small Business and Entrepreneurship: Committee concluded hearings to examine the practice of contract bundling in federal agency procurement, focusing on the loss of federal jobs in small business, after receiving testimony from Hector V. Barreto, Administrator, U.S. Small Business Administration; Angela B. Styles, Administrator, Office of Federal Procurement Policy, Office of Management and Budget; Deidre Lee, Director, Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; David E. Cooper, Director, Acquisition and Sourcing Management, General Accounting Office; Carol Kuc, Complete Conference Coordinators, Inc., Naperville, Illinois, on behalf of Women Impacting Public Policy; Eric A. Adolphe, OPTIMUS Corporation, Silver Spring, Maryland; Paul Murphy, Eagle Eye Publishers, Inc., Fairfax, Virginia; and Michael E. Robinson, Massachusetts Manufacturing Extension Partnership, Worcester.

House of Representatives

Chamber Action

Measures Introduced: 42 public bills, H.R. 1302–1343; 1 private bill, H.R. 1344; and 8 resolutions, H.J. Res. 40; H. Con. Res. 96–100, and H. Res. 147–148, were introduced. **Pages H1952–54**

Additional Cosponsors: **Pages H1954–56**

Reports Filed: Reports were filed today as follows:

Filed on March 17, H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 (H. Rept. 108–37);

H. Res. 68, requesting the President to transmit to the House of Representatives not later 14 days after the date of the adoption of this resolution documents in the President's possession relating to Iraq's declaration on its weapons of mass destruction that was provided to the United Nations on December 7, 2002, amended (Adverse, H. Rept. 108–38);

H.R. 874, to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents (H. Rept. 108–39);

H.R. 975, to amend title 11 of the United States Code, amended (H. Rept. 108–40, Pt. 1);

H. Res. 132, expressing the sense of the House of Representatives that the Ninth Circuit Court of Appeals ruling in Newdow v. United States Congress is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned (H. Rept. 108–41);

H. Res. 147 providing for consideration of H.R. 975, to amend title 11 of the United States Code (H. Rept. 108–42); and

H.R. 1000, to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, amended (H. Rept. 108–43, Part I). **Pages H1951–52**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Aderholt to act as Speaker pro tempore for today. **Page H1909**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Condemning Executions by Stoning: H. Con. Res. 26, condemning the punishment of execution by stoning as a gross violation of human rights (agreed to by yea-and-nay vote of 417 yeas with none voting ''nay'', Roll No. 65); **Pages H1913–15, H1923**

Nicaragua Property Dispute Settlement Act: H.R. 868, to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to require that certain claims for expropriation by the Government of Nicaragua meet certain requirements for purposes of the prohibition on foreign assistance to that government (agreed to by yea-and-nay vote of 414 yeas to 7 nays, Roll No. 66); **Pages H1915–17, H1924**

Commission on Human Rights Resolution Addressing Human Rights in North Korea: H. Res. 109, amended, urging passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights, and calling on the Government of North Korea to respect and protect the human rights of its citizens (agreed to by yea-and-nay vote of 419 yeas to 1 nay, Roll No. 67); and **Pages H1917–19, H1924–25**

Ted Weiss Federal Building, New York, New York: H.R. 145, to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building.'' **Pages H1919–20**

Suspension—Proceedings Postponed: The House postponed further proceedings until tomorrow, March 19, on the following motion to suspend the rules that was debated today:

Mortgage Servicing Clarification Act: H.R. 314, to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien. **Pages H1921–23**

Recess: The House recessed at 12:51 p.m. and reconvened at 2 p.m. **Page H1911**

Recess: The House recessed at 3:31 p.m. and reconvened at 6 p.m. **Page H1923**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H1923, H1924, and H1924–25. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:36 p.m.

Committee Meetings

MILITARY READINESS AND REVIEW—DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Readiness held a hearing on the state of military readiness and review of the fiscal year 2004 fiscal year defense authorization budget request. Testimony was heard from the following officials of the Department of Defense: Gen. John M. Keane, USA, Vice Chief of Staff, Department of the Army; Adm. William J. Fallon, USN, Vice Chief, Naval Operations, and Gen. William L. Nyland, USMC, Assistant Commandant, Marine Corps; both with the Department of the Navy; and Gen. Robert H. Foglesong, USAF, Vice Chief of Staff, Department of the Air Force.

DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Readiness held a hearing on the fiscal year 2004 Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: Raymond F. DuBois, Jr., Deputy Under Secretary, Installations and Environment; Mario P. Fiori, Assistant Secretary, Army, Installations and Environment; Maj. Gen. Larry Lust, USA, Assistant Chief of Staff, Installations Management; and Brig. Gen. Clyde A. Vaughn, USA, Deputy Director, Army National Guard.

Hearings continue March 20.

NUCLEAR POWER PLANTS—NRC'S PROPOSED SECURITY REQUIREMENTS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''A Review of NRC's Proposed Security Requirements for Nuclear Power Plants.'' Testimony was heard from the following officials of the NRC: Richard A. Meserve, Chairman, Edward McGaffigan, Jr.,

and Jeffrey S. Merrifield, both Commissioners; and public witnesses.

ADMINISTRATION'S TAX PLAN—PROPOSED BENEFITS

Committee on Financial Services: Subcommittee on Oversight and Investigation held a hearing entitled ''Paying Dividends: How the President's Tax Plan Will Benefit Individual Investors and Strengthen the Capital Markets.'' Testimony was heard from Peter R. Fisher, Under Secretary, Domestic Finance, Department of the Treasury; and public witnesses.

CHILD ABDUCTION PREVENTION ACT

Committee on the Judiciary: Ordered reported, as amended, H.R. 1104, Child Abduction Prevention Act.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of debate in the House on H.R. 975, Bankruptcy Abuse Prevention and Consumer Protection Act of 2003. The rule waives all points of order against consideration of the bill. The rule makes in order the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment, which shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Cannon, Watt, Jackson-Lee of Texas and Schakowsky.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 19, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the fiscal year 2004 proposed budget estimates for the Department of Health and Human Services, 9 a.m., SD–124.

Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of the Army, 10 a.m., SD–192.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on acquisition policy and outsourcing issues, 9:30 a.m., SR–222.

Subcommittee on Personnel, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on the National Guard and Reserve military and civilian personnel programs, 3 p.m., SH–216.

Committee on Foreign Relations: to hold hearings to examine nonproliferation programs of the Department of State, 9:30 a.m., SD–419.

Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the effects and consequences of an emerging China, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 15, to amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures, to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States, and to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, proposed legislation entitled ''Lifespan Respite Care Act'', proposed legislation entitled ''Pediatric Drugs Research Authority'', and pending nominations, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine S. 424, to establish, reauthorize, and improve energy programs relating to Indian tribes, and S. 522, to amend the Energy Policy Act of 1992 to assist Indian tribes in developing energy resources, 2:30 p.m., SR–485.

Committee on the Judiciary: to hold hearings to examine ethical regenerative medicine research and human reproductive cloning, 10:30 a.m. and 1:30 p.m., SD–226.

Committee on Rules and Administration: to hold oversight hearings to examine the operations of the Secretary of the Senate and the Architect of the Capitol, 9:30 a.m., SR–301.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related Agencies, on Rural Development, 9:30 a.m., 2362A Rayburn.

Subcommittee on Defense, executive, on Fiscal Year 2004 National Foreign Intelligence Program, 10 a.m., H–405 Capitol, and on Fiscal Year 2004 Air Force Budget Overview, 1:30 p.m., 2362A Rayburn.

Subcommittee on Energy and Water Development, executive, on Department of Energy: National Nuclear Security Administration, 10 a.m., 2362B Rayburn.

Subcommittee on Interior, on National Park Service, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Department of Education Panel: ''Vocational, Adult and Postsecondary Education'' programs, 10:15 a.m., 2358 Rayburn.

Subcommittee on Transportation and Treasury, and Independent Agencies, on Director, Office of Management and Budget, 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on Department of Housing and Urban Development, 10 a.m., and 1:30 p.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Strategic Forces, hearing on space programs in the fiscal year 2004 national defense authorization budget request, 5 p.m., 2216 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Department of Defense efforts to address the chemical and biological threat, 2 p.m., 2118 Rayburn.

Subcommittee on Total Force, hearing on hearing on domestic violence, Joint Officer Management and education reform, employer support of the Guard and Reserve, Reserve pay and benefits, and Department of Defense Active and Reserve Components Force Mix Study, 2 p.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Does the U.S. Olympic Committee's Organizational Structure Impede its Mission?'' 10 a.m., 2322 Rayburn.

Subcommittee on Energy and Air Quality, to mark up the Energy Policy Act of 2003, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing and markup of H.R. 1280, Defense Production Act Reauthorization of 2003, 2 p.m., 2128 Rayburn.

Committee on International Relations, Subcommittee on Middle East and Central Asia, hearing on the Middle East Partnership Initiative: Promoting Democratization in a Troubled Region, 10 a.m., 2172 Rayburn.

Committee on Resources, oversight hearing on Enhancing America's Energy Security, 10 a.m., 1324 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the Administration's Fiscal Year budget requests for NOAA and the U.S. Fish and Wildlife Service, 2 p.m., 1334 Longworth.

Committee on Rules, to consider H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, 11 a.m., H313 Capitol.

Committee on Science, hearing on federal nanotechnology research and development activities, with emphasis on H.R. 766, Nanotechnology Research and Development Act of 2003, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following: Fiscal Year GSA lease resolutions; two GSA amending resolutions; H.R. 281, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse;'' H. Con. Res. 53, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; a resolution regarding the 22nd National Peace Officers Memorial Service; and other pending business, 10 a.m., 2253 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Meeting the Nation's Wastewater Infrastructure Needs, 1 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the availability and eligibility for pharmaceutical services provided by the Department of Veterans Affairs, 2 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on CIA Program, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, March 19

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. Con. Res. 23, Congressional Budget Resolution for Fiscal Year 2004.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m. Wednesday, March 19

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H.R. 417, Cibola Wildlife Refuge Boundary Correction;

(2) H.R. 699, Rathdrum Prairie/Spokane Valley Aquifer Study;

(3) H.R. 519, San Gabriel River Watershed Study;

(4) H.R. 878, Armed Forces Tax Fairness Act;

(5) H.R. 1308, Tax Relief, Simplification, and Equity Act;

(6) H. Res. 132, Urging that the Ninth Circuit Court of Appeals ruling in Newdow v. United States Congress relating to the Pledge of Allegiance be Overturned; and

Consideration of H.R. 975, Bankruptcy Abuse Prevention and Consumer Protection Act (structured rule, one hour of debate).

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