

is provided for our armed forces to confront these challenges swiftly and effectively. I am pleased that this legislation provides not only the material resources to continue our vigilant efforts in the war on terrorism, but also provides the necessary funding towards an improved quality of life for our men and women in uniform.

Mr. Speaker, I do continue to have concerns about the implications of passing this legislation ahead of other appropriations bills, and the possibility that funding for other necessary appropriations bills may be marginalized. At a time when our Nation's economy is weak and our citizens have paid the price, Congress must refrain from politics in the appropriations of the government's limited funds. I am pleased that this Conference Report reflects that which our Nation's security demands: a large increase in foreign intelligence spending, increased funding for the strategic mobility or armed forces need to deploy swiftly in forward engagements, and increased funding to confront the threat of unconventional nuclear, biological, and chemical threats. I believe this legislation provides the appropriate and responsible increases in Department of Defense funding that will assist our armed forces in confronting the unanticipated demands in the global fight against terror.

I am pleased that this conference report includes funding for three initiatives which I have long supported to protect the lives of the people of this Nation. Of particular interest is the funding of \$11 million for the Texas Training and Technology for Trauma and Terrorism (T5) program at the University of Texas Health Science Center at Houston (UTHSC). The T5 program is a continuation of the successful Disaster Relief and Emergency Medical Services (DREAMS) program at UTHSC. The goal of the T5 project is to identify the best ways of protecting Houston, or any other city, from the morbidity, mortality and cost of terrorism and other disasters. The project will consist of several components including creating digital emergency medical services to patients who are linked by mobile wireless video, establishing a Center for Disaster Preparedness at the University of Texas School of Public Health, developing hand-held software called Responder to enable first responders to have at their fingertips critical information including the local fire department, State, local, and Federal authorities, and establishing a high-security building at the University of Texas Research Park for isolation, decontamination, and triage center for public health and bioterrorism threats.

The second project will provide \$9 million for the Biology, Education, Screening, Chemoprevention and Treatment (BESCT) lung cancer research program at the University of Texas M.D. Anderson Cancer Center at the Texas Medical Center in Houston, Texas. This is the fourth installment in my five-year effort to expand medical research on lung cancer. Lung cancer claims the lives of more than 160,000 each year and is devastating to the families who are affected by this disease. For many lung cancer patients, there are not adequate treatments to cure the disease. The five-year survival rate for lung cancer is less than 15 percent. This \$9 million in research will build upon the \$15 million that Congress

has already provided to the UT M.D. Anderson Cancer Center will have the funds necessary to help save lives and reduce health care costs.

The third project will provide \$750,000 for a joint chiropractic health initiative between the 147th Fighter Squadron at Ellington Field and Texas Chiropractic College in Pasadena, Texas. This funding will allow Moody Clinic at Texas Chiropractic College to provide the men and women of the 147th Fighter Squadron with new diagnostic imaging assets and other tools that will enhance the chiropractic, pain management, and related health services available to them. This funding will be matched by private sector donations and will help active duty personnel to obtain chiropractic care in accordance with current law. Many active duty personnel will for the first time have access to chiropractic services which have been shown to be cost effective and helpful to improve productivity of personnel.

I urge my colleagues to support this conference report to ensure that we provide adequate Federal funding to defend our Nation and to ensure that our Nation's armed forces received the necessary benefits which they deserve.

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

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

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 14, not voting 8, as follows:

[Roll No. 457]

YEAS—409

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

|             |             |            |
|-------------|-------------|------------|
| Waxman      | Wexler      | Wolf       |
| Weiner      | Whitfield   | Wu         |
| Weldon (FL) | Wicker      | Wynn       |
| Weldon (PA) | Wilson (NM) | Young (AK) |
| Weller      | Wilson (SC) | Young (FL) |

## NAYS—14

|              |            |           |
|--------------|------------|-----------|
| Blumenauer   | Lee        | Payne     |
| Filner       | Lewis (GA) | Waters    |
| Frank        | McDermott  | Watt (NC) |
| Jackson (IL) | Oberstar   | Woolsey   |
| Kucinich     | Paul       |           |

## NOT VOTING—8

|          |          |         |
|----------|----------|---------|
| Baldacci | Coyne    | Roukema |
| Bonior   | McKinney | Stump   |
| Cooksey  | Ortiz    |         |

□ 1625

Mr. KUCINICH changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 122, FURTHER CONTINUING APPROPRIATIONS, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-739) on the resolution (H. Res. 580) providing for consideration of the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 578

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consider-

ation of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the rule waives all points of order against the conference report to accompany H.R. 5011, Military Construction Appropriations Act of Fiscal Year 2003, and against its consideration. The rule provides that the conference report shall be considered as read.

Mr. Speaker, I find this bill very timely and of the utmost importance since this morning the House voted to authorize the use of the United States Armed Forces against Iraq. We are asking a lot of our military today. Our military personnel on active duty know that they may very well be deployed overseas and perhaps on dangerous missions. So we want to provide them a quality of life for themselves and for their families that will allow them to serve, knowing that their families will be taken care of in good housing and with good health care.

□ 1630

H.R. 5011 recognizes the dedication and commitment of our troops by providing for their most basic needs, improved military facilities, including housing and medical facilities.

Mr. Speaker, we must honor the most basic commitments we have made to the men and women of our Armed Forces. We must ensure reasonable quality of life to recruit and retain the best and the brightest to America's fighting forces. Most importantly, we must do all in our power to ensure a strong, able, dedicated American military so that this Nation may stay ever vigilant, ever prepared.

H.R. 5011 provides nearly \$1.2 billion for barracks and \$151 million for hospital and medical facilities for troops and their families. It also provides \$2.87 billion to operate and maintain existing housing units and \$1.34 billion for new housing units.

Military families also have a tremendous need for quality child care, as do other people in the country, especially single parents and families in which one or both parents may face lengthy deployments. To help meet this need, the bill provides \$18 million for child development centers.

Mr. Speaker, earlier today we passed the resolution to authorize the President to use military force against Iraq, if necessary, so now it is time for Congress to keep its promise to our Armed Forces. To that end, I urge my colleagues to support this rule and to support the conference report.

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

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

I want to thank my friend for yielding me the customary 30 minutes.

Mr. Speaker, we have before us a fair rule for the consideration of the Military Construction Appropriations Con-

ference Report for Fiscal Year 2003. The rule provides for one hour of general debate, and waives all points of order against consideration of the bill. I urge my colleagues to vote for the rule.

I would like to express my appreciation for the work of the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Massachusetts (Mr. OLVER) of the Subcommittee on Military Construction, along with Committee on Appropriations chairman, the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for continuing the tradition of strong bipartisan support in the drafting of the military construction appropriations bill.

While there were some difficulties in negotiating this usually noncontroversial bill, both Chambers were able to resolve the differences and we now have a compromise conference report.

This is a very difficult year for the Committee on Appropriations; and I commend the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for bringing to this House a very fine bill, given the limited amount of funds allocated for military construction needs.

This conference report provides \$400 million more than the bill this body approved on June 27; and, although this funding level is better than the original bill, the total funding for these important military construction programs is still less than fiscal year 2002 levels. Frankly, Mr. Speaker, this bill is woefully inadequate; and the men and women who serve in our Armed Forces deserve much better.

However, this final product is an improvement over the original House bill; and I urge the adoption of this rule and the conference report.

Mr. Speaker, I wish I could stand here and say that with the adoption of this bill our appropriation work is done. Far from it. The simple fact of the matter is that the leadership of this House has failed to do its job. Out of 13 appropriations bills, this House is going to skip town having completed work on exactly two, two for 13. That is a batting average of .154, which does not even cut it in Little League. It is terrible, it is outrageous, and the American people should know that this Congress did not meet its responsibilities.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, let me say I rise to support this rule and previously rose by way of my vote to support the defense appropriations and the rule. I

thank the Chair Mr. HOBSON and ranking member Mr. OLVER for their good work.

However, it is interesting that we would discuss this particular rule in the shadow of our recent vote dealing with the question of the decision of whether or not this Nation should go to war. I do believe that it is important for those of us who support our United States military to ensure better housing conditions and better pay and improve their quality of life issues, should make it very clear—we are concerned about a strong military.

Just recently, I was able to travel to Guantanamo Bay. I have seen the work that we do to enhance the living conditions of our troops, and I do want to thank the committee whose responsibility it is to do that.

Likewise, having recently returned from Afghanistan, I saw the frontline troops doing their job. That is why I think it is very important that, as we leave this body, that we realize that those of us who had a differing opinion on the question of going to war realize the sacred responsibility that we had and realize that, as the President is the Commander-in-Chief, that we who might have opposition stand with the people of the United States to ensure our security, but, at the same time, reflect upon the importance of the Constitution that says only Congress can declare war.

We stand ready to fight terrorism, but I think it is very important for the American people to be wise and aware that we can find a way to resolve these matters with our frontline troops being strong and ready by continuing diplomacy first and working with the United Nations Security Council and not giving the authority of first strike to the Commander-in-Chief without the authorization under the Constitution that we have to declare war.

This is an important admonition. It is not stepping away from our responsibilities. It is not fear, for I look fear in the eye, and I will stand against it. It is not a fear of fighting terrorism, for I look terrorism in the eye and will fight against it. But it is a recognition of my sacred duty and responsibility to declare my standing with saving the lives of young men and women who offer themselves to fight for our freedom and justice in the United States military.

We will go off to our respective districts and each of us will have cast a vote of conscience. I believe that each of us should be respected as patriots and Americans, realizing that we have made a decision on the facts at hand. But it cannot be denied that the Constitution was written by our Founding Fathers for us not to be silent. It was written to be the underpinnings of de-

mocracy. So that as we look to give guidance to this Nation, we can be thankful for those who serve us in the United States military, but, as well, Mr. Speaker, as I close, we can say thank you, but, as well, we can stand for saving the lives of the young men and women in the military because it is a question of life and death—that's why it is our duty as Members of Congress to make decisions of war on fact and constitutional grounds.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to its gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of this legislation. Thanks to my colleague, the gentleman from Ohio (Mr. HOBSON), I have had an opportunity in the time that I have been in the U.S. Congress to visit a number of military bases; and I have been totally impressed with the people that I have had an opportunity to meet. It is so very, very important, having met them, that they have sufficient housing to live at least the kind of life that many of us are able to have in our own homes across this country.

I was surprised when I went to a couple of bases when I saw the schools. I saw schools that looked like many other schools that existed in the 1960s when I was in school. The kids were still going to school in the trailer houses that, unfortunately, have become permanent schoolhouses for many of these young people. I think it is important that, as we move forward, we assure the young people across this country that we are going to be supportive of them in all that they do.

I have a number of friends who have children who are now of age and are serving in military operations across this world, and I want to be able to assure my friends and their grandparents, who are the friends of my mother and father, that the young people we send out on our behalf are well taken care of. So I rise in support of this legislation, having seen some of the things we have been able to do.

If I get too far along, I may be talking out of school, but we are moving from one-plus-one or two-plus-two or whatever the living arrangements for the military are right now.

I want to congratulate the gentleman from Massachusetts (Mr. OLVER), who I also had a chance to visit some of these facilities with, and my good friend the gentleman from Ohio (Mr. HOBSON), on the great work they have done.

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

Mr. Speaker, I would just close by again congratulating the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from

Massachusetts (Mr. OLVER), for their great work on this bill.

I would again urge the leadership of this House to move out of the way and let the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), do what so many of us want them to do and what the people of this country want them to do, and that is finish the appropriations bills.

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

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 5011, and that I may include tabular and extraneous material.

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

There was no objection.

#### CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATION ACT, 2003

Mr. HOBSON. Pursuant to the rule just adopted, I call up the conference reported to accompany the bill, (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 578, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 9, 2002, at page H7345.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HOBSON) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

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

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

Mr. Speaker, this is a good bill. I urge its adoption.

Mr. Speaker, I include the following for the RECORD:

MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)  
(Amounts in thousands)

|   | FY 2002<br>Enacted | FY 2003<br>Request | House     | Senate    | Conference | Conference<br>vs. Enacted |
|---|--------------------|--------------------|-----------|-----------|------------|---------------------------|
| Military construction, Army.....                | 1,778,256          | 1,450,438          | 1,414,557 | 1,456,747 | 1,472,022  | -306,234                  |
| Defense emergency response fund (DERF).....     | ---                | 222,465            | 100,000   | 222,465   | 211,688    | +211,688                  |
| Subtotal.....                                   | 1,778,256          | 1,672,903          | 1,514,557 | 1,679,212 | 1,683,710  | -94,546                   |
| Rescission.....                                 | -36,400            | ---                | -18,676   | -13,676   | -49,376    | -12,976                   |
| Emergency appropriations (P.L. 107-117).....    | 20,700             | ---                | ---       | ---       | ---        | -20,700                   |
| Total.....                                      | 1,762,556          | 1,672,903          | 1,495,881 | 1,665,536 | 1,634,334  | -128,222                  |
| Military construction, Navy.....                | 1,144,221          | 884,661            | 1,036,335 | 995,913   | 1,095,698  | -48,523                   |
| Defense emergency response fund (DERF).....     | ---                | 220,730            | 209,430   | 220,730   | 209,430    | +209,430                  |
| Subtotal.....                                   | 1,144,221          | 1,105,391          | 1,245,765 | 1,216,643 | 1,305,128  | +160,907                  |
| Rescission.....                                 | -19,588            | ---                | -1,340    | -1,340    | -1,340     | +18,248                   |
| Emergency appropriations (P.L. 107-117).....    | 2,000              | ---                | ---       | ---       | ---        | -2,000                    |
| Total.....                                      | 1,126,633          | 1,105,391          | 1,244,425 | 1,215,303 | 1,303,788  | +177,155                  |
| Military construction, Air Force.....           | 1,194,880          | 644,090            | 783,705   | 987,320   | 891,650    | -303,230                  |
| Defense emergency response fund (DERF).....     | ---                | 190,597            | 180,597   | 188,297   | 188,597    | +188,597                  |
| Subtotal.....                                   | 1,194,880          | 834,687            | 964,302   | 1,175,617 | 1,080,247  | -114,633                  |
| Rescission.....                                 | -4,000             | ---                | -10,281   | -10,281   | -13,281    | -9,281                    |
| Emergency appropriations (P.L. 107-117).....    | 46,700             | ---                | ---       | ---       | ---        | -46,700                   |
| Total.....                                      | 1,237,580          | 834,687            | 954,021   | 1,165,336 | 1,066,966  | -170,614                  |
| Military construction, Defense-wide.....        | 840,558            | 740,535            | 876,366   | 895,942   | 841,345    | +787                      |
| Defense emergency response fund (DERF).....     | ---                | 31,300             | 24,700    | 31,300    | 33,300     | +33,300                   |
| Subtotal.....                                   | 840,558            | 771,835            | 901,066   | 927,242   | 874,645    | +34,087                   |
| Rescissions.....                                | -69,280            | ---                | -2,976    | -2,976    | -2,976     | +66,304                   |
| Emergency appropriations (P.L. 107-117).....    | 35,000             | ---                | ---       | ---       | ---        | -35,000                   |
| Total.....                                      | 806,278            | 771,835            | 898,090   | 924,266   | 871,669    | +65,391                   |
| Total, Active components.....                   | 4,933,047          | 4,384,816          | 4,592,417 | 4,970,441 | 4,876,757  | -56,290                   |
| Military construction, Army National Guard..... | 405,565            | 101,595            | 159,672   | 208,482   | 241,377    | -164,188                  |
| Military construction, Air National Guard.....  | 253,386            | 53,473             | 110,680   | 209,055   | 194,880    | -58,506                   |
| Defense emergency response fund (DERF).....     | ---                | 8,933              | 8,933     | 8,933     | 8,933      | +8,933                    |
| Total.....                                      | 253,386            | 62,406             | 119,613   | 217,988   | 203,813    | -49,573                   |
| Military construction, Army Reserve.....        | 167,019            | 58,779             | 99,059    | 66,487    | 100,554    | -66,465                   |



MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)  
(Amounts in thousands)

|  | FY 2002<br>Enacted | FY 2003<br>Request | House       | Senate      | Conference  | Conference<br>vs. Enacted |
|--|--------------------|--------------------|-------------|-------------|-------------|---------------------------|
| Military construction, Naval Reserve.....                              | 53,201             | 51,554             | 68,704      | 51,554      | 67,804      | +14,603                   |
| Defense emergency response fund (DERF).....                            | ---                | 7,117              | 7,117       | 7,117       | 7,117       | +7,117                    |
| Rescission.....  | -925               | ---                | ---         | ---         | ---         | +925                      |
| Total.....   | 52,276             | 58,671             | 75,821      | 58,671      | 74,921      | +22,645                   |
| Military construction, Air Force Reserve.....                          | 74,857             | 31,900             | 69,200      | 54,633      | 63,650      | -11,207                   |
| Defense emergency response fund (DERF).....                            | ---                | 6,076              | 6,076       | 3,576       | 3,576       | +3,576                    |
| Total.....   | 74,857             | 37,976             | 75,276      | 58,209      | 67,226      | -7,631                    |
| Total, Reserve components.....   | 953,103            | 319,427            | 529,441     | 609,837     | 687,891     | -265,212                  |
| Total, Military construction.....                                      | 5,886,150          | 4,704,243          | 5,121,858   | 5,580,278   | 5,564,648   | -321,502                  |
| Appropriations.....  | (5,911,943)        | (4,017,025)        | (4,618,278) | (4,926,133) | (4,968,980) | (-942,963)                |
| Defense emergency response fund.....                                   | ---                | (687,218)          | (536,853)   | (682,418)   | (662,641)   | (+662,641)                |
| Emergency appropriations.....  | (104,400)          | ---                | ---         | ---         | ---         | (-104,400)                |
| Rescissions.....   | (-130,193)         | ---                | (-33,273)   | (-28,273)   | (-66,973)   | (+63,220)                 |
| North Atlantic Treaty Organization Security Investment<br>Program..... | 162,600            | 168,200            | 168,200     | 168,200     | 167,200     | +4,600                    |
| Family housing, Army:  |                    |                    |             |             |             |                           |
| Construction.....  | 312,742            | 283,346            | 283,346     | 282,856     | 280,356     | -32,386                   |
| Rescission.....  | ---                | ---                | -4,920      | -4,920      | -4,920      | -4,920                    |
| Operation and maintenance.....   | 1,089,573          | 1,119,007          | 1,119,007   | 1,119,007   | 1,106,007   | +16,434                   |
| Total, Family housing, Army.....                                       | 1,402,315          | 1,402,353          | 1,397,433   | 1,396,943   | 1,381,443   | -20,872                   |
| Family housing, Navy and Marine Corps:                                 |                    |                    |             |             |             |                           |
| Construction.....  | 331,780            | 375,700            | 380,268     | 374,468     | 376,468     | +44,688                   |
| Rescission.....  | ---                | ---                | -2,652      | -2,652      | -2,652      | -2,652                    |
| Operation and maintenance.....   | 910,095            | 867,788            | 867,788     | 867,788     | 861,788     | -48,307                   |
| Total, Family housing, Navy and Marine Corps....                       | 1,241,875          | 1,243,488          | 1,245,404   | 1,239,604   | 1,235,604   | -6,271                    |
| Family housing, Air Force:   |                    |                    |             |             |             |                           |
| Construction.....  | 550,703            | 676,694            | 689,824     | 676,694     | 684,824     | +134,121                  |
| Rescission.....  | ---                | ---                | -8,782      | -8,782      | -8,782      | -8,782                    |
| Operation and maintenance.....   | 844,715            | 844,419            | 844,419     | 844,419     | 833,419     | -11,296                   |
| Defense emergency response fund (DERF).....                            | ---                | 29,631             | 29,631      | 29,631      | 29,631      | +29,631                   |
| Total, Family housing, Air Force.....                                  | 1,395,418          | 1,550,744          | 1,555,092   | 1,541,962   | 1,539,092   | +143,674                  |

MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)  
(Amounts in thousands)

|   | FY 2002<br>Enacted | FY 2003<br>Request | House       | Senate      | Conference  | Conference<br>vs. Enacted |
|---|--------------------|--------------------|-------------|-------------|-------------|---------------------------|
| Family housing, Defense-wide:                                 |                    |                    |             |             |             |                           |
| Construction.....   | 250                | 5,480              | 5,480       | 5,480       | 5,480       | +5,230                    |
| Operation and maintenance.....                                | 43,762             | 42,395             | 42,395      | 42,395      | 42,395      | -1,367                    |
| Total, Family housing, Defense-wide.....                      | 44,012             | 47,875             | 47,875      | 47,875      | 47,875      | +3,863                    |
| Department of Defense Family Housing Improvement<br>Fund..... | 2,000              | 2,000              | 2,000       | 2,000       | 2,000       | ---                       |
| Homeowners assistance fund, Defense.....                      | 10,119             | ---                | ---         | ---         | ---         | -10,119                   |
| (By transfer).....  | (7,730)            | ---                | ---         | ---         | ---         | (-7,730)                  |
| Total, Family housing.....                                    | 4,095,739          | 4,246,460          | 4,247,804   | 4,228,384   | 4,206,014   | +110,275                  |
| Base realignment and closure account.....                     | 632,713            | 545,138            | 545,138     | 645,138     | 561,138     | -71,575                   |
| (Transfer out).....   | (-7,730)           | ---                | ---         | ---         | ---         | (+7,730)                  |
| Total.....  | 632,713            | 545,138            | 545,138     | 645,138     | 561,138     | -71,575                   |
| GENERAL PROVISIONS  |                    |                    |             |             |             |                           |
| General provision (sec. 130).....                             | -60,000            | ---                | ---         | ---         | ---         | +60,000                   |
| General provision (sec. 132).....                             | -112,802           | ---                | ---         | ---         | ---         | +112,802                  |
| Total, General provisions.....                                | -172,802           | ---                | ---         | ---         | ---         | +172,802                  |
| Grand total:  |                    |                    |             |             |             |                           |
| New budget (obligational) authority.....                      | 10,604,400         | 9,664,041          | 10,083,000  | 10,622,000  | 10,499,000  | -105,400                  |
| Appropriations.....   | (10,630,193)       | (8,947,192)        | (9,566,143) | (9,954,578) | (9,890,055) | (-740,138)                |
| Defense emergency response fund.....                          | ---                | (716,849)          | (566,484)   | (712,049)   | (692,272)   | (+692,272)                |
| Emergency appropriations.....                                 | (104,400)          | ---                | ---         | ---         | ---         | (-104,400)                |
| Rescissions.....  | (-130,193)         | ---                | (-49,627)   | (-44,627)   | (-83,327)   | (+46,866)                 |
| (Transfer out).....   | (-7,730)           | ---                | ---         | ---         | ---         | (+7,730)                  |
| (By transfer).....  | (7,730)            | ---                | ---         | ---         | ---         | (-7,730)                  |

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

Mr. Speaker, before yielding back my time, I want to thank all the conferees for their efforts in reaching this agreement, but especially our chairman, the gentleman from Ohio (Mr. HOBSON). The two bills had very significant differences, and he has led us to a fair resolution that I think all of us can support.

Mr. Speaker, I want also to thank the committee staff from both sides of the aisle who have worked so hard to put this bill together: Valerie Baldwin, Brian Potts, Mary Arnold, Luis James, and, of course, Tom Forhan, on our side. Working together, they crafted an agreement that we can all support.

I urge Members to vote "yes" on this conference report.

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

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

Mr. Speaker, I also would like to thank, in addition to the other people, Luis James, our detailee.

Mr. BLUMENAUER. Mr. Speaker, today I vote in support of the Military Construction Conference Report, H.R. 5011. I am encouraged that the conference report provides \$835 million more than the Administration requested for barracks construction, family housing, medical facilities, and environmental clean up.

I am especially pleased that this conference report includes \$561 million for the Defense Department's Base Realignment and Closure program, which is \$16 million more than what we passed in the House earlier this summer. I am disappointed that the Conference Committee could not support the Senate's request for \$645 million, but what we have is a good step. This increase will help the Department meet its environmental restoration and reuse commitments.

I would also like to express my appreciation to Chairman HOBSON, Ranking Member OLVER and Mr. FARR on the House Committee for focusing on one aspect of the military construction budget that deals with the problem of unexploded ordnance, the bombs and shells and military toxins, that have been left over and littered across the landscape of this country. I thank them for their foresight and leadership in bringing this issue front and center.

Mr. HAYES. Mr. Speaker, today, I rise in support of the rule that will allow for consideration of H.R. 5011, the Military Construction Appropriations Bill for fiscal year 2003. This bill provides \$10.08 billion for military construction projects. Providing adequate housing and facilities for our men and women in uniform enables them to do their job. This bill provides \$5.41 billion for safe and secure housing, allowing servicemen and women to know that their families are out of harm's way while they are deployed or serving our country overseas. This assurance is a key component of our nation's military readiness and today we take steps to further improve and make adequate the housing and facilities of our military families.

Mr. Speaker, I would like to highlight a significant component of the Milcon Appropria-

tions Bill that will help all soldiers at Ft. Bragg, in my district in NC. Since I came to Congress, I have been working to secure funds for the Soldier Support Center at Ft. Bragg. This center, to be named in honor of General Hugh Shelton, currently recovering from a spinal cord injury, will provide a one-stop in and out-processing facility for soldiers at Ft. Bragg. Today we take the first step in providing the first half of the funding for this important resource for the epicenter of the universe, Ft. Bragg, North Carolina.

The tragic events of September 11, 2001 have thrust our nation's military into the spotlight, and called to duty the brave men and women of the U.S. Armed Forces. Once again U.S. citizens are rallying behind them, in strong support of the harrowing mission they have been called upon to do, and today the U.S. Congress has the duty to pass the Military Construction Appropriations Bill for fiscal year 2003, and the Rule that provides for its consideration, that will help provide the necessary resources and security for these brave men and women to do their job.

I urge my colleagues to vote in favor of the rule and in favor of H.R. 5011, the Military Construction Appropriations Bill for fiscal year 2003.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 12, as follows:

[Roll No. 458]

YEAS—419

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

|             |             |            |
|-------------|-------------|------------|
| Watson (CA) | Weller      | Woolsey    |
| Watt (NC)   | Wexler      | Wu         |
| Watts (OK)  | Whitfield   | Wynn       |
| Waxman      | Wicker      | Young (AK) |
| Weiner      | Wilson (NM) | Young (FL) |
| Weldon (FL) | Wilson (SC) |            |
| Weldon (PA) | Wolf        |            |

## NOT VOTING—12

|         |             |           |
|---------|-------------|-----------|
| Berman  | Diaz-Balart | Roukema   |
| Bonior  | Ortiz       | Slaughter |
| Cooksey | Paul        | Stump     |
| Coyne   | Reyes       | Towns     |

□ 1710

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.J. RES. 122, FURTHER CONTINUING APPROPRIATIONS, 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 580

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to reconsider.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is, Will the House now consider House Resolution 580.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 580.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 580 is a closed rule providing for the consideration of House Joint Resolution 122, making further continuing appropriations for the fiscal year 2003, and for other purposes.

The rule provides 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on

Appropriations. The rule waives all points of order against consideration of the joint resolution, and provides one motion to recommit.

Mr. Speaker, House Joint Resolution 122 makes further continuing appropriations for the fiscal year 2003 and provides for funding at current levels. We had agreed in the Committee on Rules that this would be through November 22.

At the conclusion of the debate on this, by consent on both sides there will be an amendment offered to change that date of November 22 to October 18, 2000, a week from tomorrow. This measure is necessary in order that all necessary and vital functions of government may continue uninterrupted until Congress completes the work on the spending measures for the next fiscal year.

Mr. Speaker, I urge my colleagues to pass the rule, as we will amend it, and of course the underlying resolution.

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

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

Mr. Speaker, if the Members here in the Chamber and Members watching this on television in their offices are a little confused, there is very good reason that they should be confused. Let me kind of review the bidding here, what has gone on today.

Mr. Speaker, the Republican leadership is in a total and utter state of disarray and denial.

□ 1715

First today we were told, well, there would be a continuing resolution until next week, until October 18. And then, no, they changed their minds; and it was going to be a continuing resolution until November 22. Now, apparently they have changed their minds again and now the resolution is going to be until October 18, which is next week.

The question really is, Why are they doing this? Why can they not decide to let the House work its will on the appropriations bills? Why do they say one thing to Members at one moment, another thing 5 minutes later, another thing another 10 minutes later?

This is a disgrace, a disgrace, Mr. Speaker.

Mr. Speaker, on September 30 the fiscal year ended, and the deadline passed for House Republicans to do their most basic job, passing the appropriations bills to fund priorities like education and health care. In the 10 days since then, the stock market has dropped to a 5-year low, and we have learned that another 417,000 Americans filed unemployment claims at the end of last month.

By stubbornly refusing to do their jobs they are getting paid to do, the Republican leaders are hurting the millions of Americans who are busy looking for work. This House has failed to

fund important initiatives in education, health care, and other key priorities.

Well, here we go again, Mr. Speaker. Republicans are still fiddling while America's economy burns. So in a few minutes we will vote on a continuing resolution that was November 22. Now it is October 18. Who knows what it will be an hour from now.

Republican leaders want this CR so they can hide evidence of their fiscal mismanagement. It is the same cynical strategy they are using to hide their secret plan to privatize Social Security.

Mr. Speaker, why will Republicans not be honest with the American people? Not too long ago they insisted that Congress had to vote on an Iraq resolution before the election. As the President himself said, and I quote, "I cannot imagine an elected United States, elected Members of the United States Senate or House of Representatives saying, 'I think I am going to wait for the United Nations to make a decision.'"

To paraphrase the President, I cannot imagine being a House Republican who has presiding over this failed economy and saying, I am not going to do anything about it. Because that is exactly what House Republicans are going to do, postpone action on important domestic and economic issues. They are desperate to hide their failed economic policies and dangerous Social Security plan from the voters. But they cannot hide the truth.

The Republicans' refusal to govern is hurting American priorities from the economy to education. In a recent memo to the Speaker, the chairman of the Committee on Appropriations outlined just how harmful this refusal to govern is. According to the gentleman from Florida (Chairman YOUNG), "A long-term continuing resolution would have disastrous impacts on the war on terror, homeland security and other important government responsibilities."

The gentleman's memo pointed out that a long-term CR, and we do not know how they define long term, is it a week, is it a month, that a long-term CR would undermine the war on terror by denying nearly \$40 billion in additional homeland security funds requested by the President. It would short change our veterans by funding VA medical care at 2.5 billion less than what is needed to meet their needs, and would hurt our children's education by underfunding Pell grants by nearly \$1 billion.

Mr. Speaker, Republicans' failed economic policies have driven America into a huge deficit ditch that poses a grave threat to Social Security and other priorities like education, prescription drugs, and homeland security. So Republican leaders hope that by refusing to fund the government no

one will notice the fiscal straitjacket they have put the country in.

The shell game is most obvious on education. Many Republican Members want to go home to tout their bipartisan No Child Left Behind Act we passed with so much fanfare last year; but they refuse to actually provide schools with the resources they need to carry out the reforms Congress mandated. Indeed, the bill funding the Departments of Labor, Education and Health and Human Services backed by most Republican Members would gut education and other priorities, and that is why they do not want to bring it to the floor.

Mr. Speaker, it is time to be straight with the American people and start digging out of this fiscal ditch. That will require Republicans owning up to the disaster they have made of the Federal budget. For that reason, Members are going to be called on in just a moment. We will have very serious questions about this particular continuing resolution.

Mr. Speaker, the American people deserve honesty from the Republicans on critical domestic issues. There is no excuse for this House putting off its most basic work. The economy is weak, prescription drugs are still sky high, the budget is back in deficit, and many Republicans want to privatize Social Security.

It is time to quit playing politics. It is time to get back to doing the American people's business and to actually pass appropriations bills rather than this shell game of "Maybe we have a one week CR, maybe we have a one month CR. Gee, we do not know. We just want to leave so we can go home and campaign."

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, what now? We have since Labor Day focused almost exclusively on Iraq, Iraq, and then Iraq. And then Iraq. We have now finally finished that business.

And the average American family is sitting home and they are saying, "You know, I wonder when those guys and gals are going to get around to doing the stuff that deals with our family security. I wonder when they are going to get around to dealing with unemployment. I wonder when they are going to get around to dealing with the fact that people are losing their shirts in their 401(k)'s, their now 101(k)'s." And they are asking, "I wonder when they are going to get around to protecting the integrity of our pension plans from corporate marauders. And I wonder when they are going to get around to dealing with the fact that a lot of Americans have lost their health insurance in the last year."

I do not understand this institution's reaction. I know virtually every Mem-

ber of this House, some a lot more than others. And I know that when I talk to each and every one of you that you are, individually, people of good will who want to solve the country's problems. But when you get together, the collective result of that individual talent and concern is disastrous. Because instead of producing a determination to attack problems, what apparently is produced is a determination to avoid them.

Now, the gentleman from Texas (Mr. FROST) has described the confusion on the Republican side of the aisle today. Here is what I think is at the root of that confusion. You have passed a budget resolution at the beginning of the year that told fibs. It pretended that you could hold education spending to a level that would stop and grind to a halt the progress we have made in expanding investments in education over the past 5 years.

You pretended you could afford a health care budget which cuts a billion and a half dollars out of health care services to the American people. And you have pretended a lot of other things, and now those pretensions are coming home to roost. And so the leadership is trying to figure out how they can get out of town without having to face up to those irreconcilable contradictions. And so their original game plan today was to have a continuing resolution that puts us over until November 22, after the election, conveniently putting aside until after the election all issues.

The administration, which has made so much of its desire to see accountability in our schools, is doing as much as it can possibly do to avoid accountability for each and every one of us in our stewardship. And so what happened in the Republican Caucus is that some of the Members got a little ditsy, and they said, "Gee whiz," some Members said for instance, "You mean we are going to go home without dealing with the drought? Gee, we want more time to deal with the drought."

So all of the sudden the November 22 date is changed to next week because the leadership still has not figured out how to resolve that because they have a problem. Because while some of their Members want to attack the drought problem, their President, our President, has already said that he is going to veto a bill which pays for those drought expenses. So they have that problem.

Then they have the huge problem of wanting to hide from their constituents the fact that they were bringing progress in education investments to a screeching halt. They have their votes from the No Child Left Behind Act which promised all kinds of progress on teacher training, on handicapped education, on education for kids who need help with language skills. They have that vote, but the problem is that bill does not deliver the money. The appro-

priation bill that delivers the money is being bottled up because they do not want to have to admit that they are not going to provide the money to fund the promises they made just a few months ago. So as a result this place looks silly.

We have done our dead-level best as an institution to try to deal with the challenges facing us in Iraq. We ought to turn to those same challenges at home. This continuing resolution does not allow us to do that. I will, therefore, vote against it. I am against any continuing resolutions that are more than one or two days at a time. When I see that the majority has scheduled action on education and on health care, I will vote for them and not until.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, less than 40 minutes ago we were in the Committee on Rules, the gentleman from Washington (Mr. HASTINGS), myself, all of us were there to pass a rule. We passed a rule. The gentleman from Florida (Mr. YOUNG) was there. The ranking member, the gentleman from Wisconsin (Mr. OBEY) was there. We passed a rule that allowed that we would have a continuing resolution until the 22nd of November.

I came down here to the floor of the House and began talking with Members indicating that we would have the CR until the 22nd, and lo and behold, telling them that it is distinctly possible that we may be back next week or at some other point in time; but then I hear the Clerk read and the gentleman from Washington (Mr. HASTINGS) stand up and say that it has changed.

What has happened in this institution? Do we have a phantom Committee on Rules somewhere? Why is it that I continue to go upstairs thinking that I am participating in a process of importance?

Somewhere along the lines we are losing our rudder; and we have things that need to be done, and Republicans need to do it and Democrats need to do it. Liberals need to do it, and conservatives need to do it on behalf of this country. We cannot continue down this path.

Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), my very good friend.

□ 1730

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida for yielding me the time. I want to speak on the substance, but I want to spend 30 seconds on the process.

I want to tell those of my colleagues who were not here prior to 1994 that their side of the aisle was regularly outraged at procedures that were pursued, none of which were as egregious as some of the process that we are confronted with. I do not believe this is a

process that anybody on the Committee on Appropriations would sanction, on either side of the aisle. The gentleman from Florida (Mr. HASTINGS) is absolutely correct, and I join him in those comments.

Mr. Speaker, I will be the first to admit this House can point to real legislative accomplishments this week. We considered our most solemn duty, a resolution authorizing our Commander-in-Chief to use our Armed Forces. We finally passed two appropriations conference reports; two down, 11 to go. We will soon take up landmark election reform legislation, the Help America Vote Act of 2002.

But, Mr. Speaker, one week does not a session make.

There is little doubt that the preceding 5 weeks were anything but an evasion of leadership and responsibility. While we bobbed and weaved, the American people took it on the chin again and again and again.

The unemployment rate showed a tiny reduction from 5.7 to 5.6 percent from August to September, but it still was far above the rate of 3.9 percent in October, 2000.

There are 8.1 million unemployed Americans today, according to the Bureau of Labor Statistics, an increase of 2½ million Americans from just 2 years ago.

The year before President Bush took office, the economy created 1.7 million new jobs. Since January of 2001, we have lost 1.5 million jobs.

The poverty rate increased for the first time in 8 years in 2001. In the first year of the Bush administration, 1.3 million Americans slipped back into poverty, with 32.9 million now living in poverty and this the richest nation on the face of the earth.

The median household income fell 2.2 percent in 2001, after increasing every year since 1992. More than 400,000 bankruptcies were filed in the second quarter of this year, an all-time high. In the same quarter, 1.23 percent of home loans were in foreclosure, a record high, but that is not all.

The number of Americans without health insurance increased by 1.4 million people from the end of 2000 to the end of 2001. Health insurance costs increased 12.7 percent in 2002, the largest annual increase since 1990. Prescription drug prices increased by nearly twice the rate of inflation in 2001. And then, of course, as all of us know, the stock market has lost \$4.5 trillion in value between January, 2001, and September, 2002.

But the topper, the most egregious statistic for which we have a large share of the responsibility, has been the historic reversal of the Federal budget.

The \$86.6 billion surplus inherited by this administration, excluding Social Security, that President Bush inherited has turned into a \$314 billion def-

icit, almost half a trillion dollars; and the only medicine the Republican party's economic gurus can prescribe is this—cut taxes.

As we consider this continuing resolution, I urge the American people to ask themselves Ronald Reagan's famous question: Are we better off today than we were 2 years ago? The answer tragically and unfortunately is we are not.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, last week we went through a very similar debate when we passed the CR last week to get us to this point. There was some heated discussion on the floor, and there was a bit of finger pointing. I do not think it does this institution all that good to point fingers, but I suppose that is just the nature of a political body that that has to happen.

I think in that light it may be instructive just to review where we started in the 107th Congress and the start of this year and where we are right now. That perhaps has added to some of the sounds of confusion that we are going through this time.

We are required by law, as we all know, to pass a budget and agree on some numbers between the House and the Senate. We have talked about that at length on the floor of this House, and we all know that the House responded to that in a way and passed a budget according to the rules and laws that we abide by. We also know that the Senate did not do that.

It presents a problem, obviously, simply because we do not have an agreement on both sides by which to argue about our differences. It causes some dissension, certainly does not make the appropriators' job very easy, but that is the framework by which we have to work with this appropriation process.

So we have tried then to get bills out at least and have broad consensus. Five of them, if my number is correct, have passed the House, now await action in the Senate, and we have some contentious appropriations bills that need to be acted on later.

Every year, as a matter of fact, the same bills tend to pop up that are contentious, and the appropriators are working very hard to try to work out the differences so we can narrow that gap, but unfortunately, this year happens to be an election year. Everybody, or at least one-third of the other body and everybody in this body, desires to go home to campaign and hopefully come back and start the 108th Congress anew, but before we do that, of course, we have to finish this process.

It is true when we were up in the Committee on Rules meeting earlier this afternoon, the CR was to take us until November 22. The reason for that time between then and now was to give the appropriators a little bit more time

to work out the differences that they may or may not have and try to take a deep breath, come back after the election and get it resolved.

Of course, in this body there are a lot of discussions that go on under the radar, and it was felt, probably through a signal of Members perhaps on both sides of the aisle, that a resolution carrying the CR to November 22 may not have passed. We do not know that, we did not put it to a vote, but sometimes we take a gauge and we learn where the levels are.

The determination was made, because there had been talk not only last week but the week before, that probably the last CR would be on the 18th of this month, a determination was made then that we would have the CR until the next week to allow the appropriators to go back to work, and that is what this rule is all about, is to allow us to have a CR to take us into next week. We will come back next week.

I suppose that we will hear the same sort of rhetoric next week as we try to get all of our business done, but I think this is a responsible way to do it.

There are some major issues, I might add, that are overhanging the whole Capitol, not just this body. Today, we passed a very historic piece of legislation that, as my colleagues know, we debated for 2½ days regarding the Iraqi situation. But in line with the Iraqi situation and the potential that we may have to go to war is the issue of homeland security, and we have acted on that.

When the President came to the Congress with his proposal for homeland security, there were Members, probably on both sides of the aisle, that said would it not be great if we could create an Office of Homeland Security and have that done by September 11. We did not get it done by September 11, but the House did act on that bill, and that is waiting in the other body, again, for that bill to pass so we can work out whatever differences we may have.

I think it would be unconscionable for us as a Congress, in view of what we did today and the action on Iraq, to leave here, to leave here and not pass the homeland security bill. I hope that the other body will work on that. I hope they work extremely hard on that in the next week so that when we come back, we will have to come back next week to at least, if nothing else, respond to the CR.

I believe that for us as a Congress one of the things that we need to do is to put the final exclamation point on what I think all Americans want us to do, in lieu of the threat that we have coming from the Middle East and particularly Iraq, is to make sure that our homeland security is as strong as it can be. It can only be stronger, in my view, if the Senate acts on that bill, we can go to conference and work out the differences and pass it.

Mr. Speaker, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, would the Speaker be so kind as to inform us as to the amount of time remaining on both sides?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Florida (Mr. HASTINGS) has 12 minutes remaining, and the gentleman from Washington (Mr. HASTINGS) has 22½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I was going to ask my good friend and namesake, the gentleman from Washington (Mr. HASTINGS), whether or not we needed a budget resolution to pass the Defense bill today.

We did not need one.

And are we going to take up appropriations measures next week when we return?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, in the best of all worlds, of course, it would be nice if we could do that. Anything is possible. It is likely probably not, in all honesty.

Mr. HASTINGS of Florida. Mr. Speaker, did my colleague not just say, though, that that was the purpose of the CR?

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will continue to yield, I am sorry if the gentleman misinterpreted what I said on that. The purpose of the CR is to fund the government for one more week, if, in fact, under that period of time these things can come together.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, my colleague is not going to answer my question. They did not need a budget resolution, as argued that we needed, in order for us to go forward with the Defense bill today. The answer to that is, no, we did not. The answer to are we going to take up appropriations measures next week, absolutely not. We are going to come back here and do another CR, and we need to get on with it.

Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me the time, and I am wondering if my friend from Wisconsin would answer a question.

I am very curious about this explanation that we cannot act on appropriations bills because there is no conference agreement on a budget resolution. As our friend the gentleman from Florida (Mr. HASTINGS) indicated, we passed two final bills today. Is that not right? How could we do that?

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

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

Mr. OBEY. Mr. Speaker, the answer is very simple. When they had the will to pass a bill, they passed it. When they do not want to pass the bills, they do not pass them. They were not trying to hide what they were doing on Defense, but they are trying to hide what they are doing on Education and Agriculture and Transportation.

Mr. SABO. Mr. Speaker, do we have a number of bills that have been passed out of committee available for floor action?

Mr. OBEY. Mr. Speaker, if the gentleman will continue to yield, you bet. We have the Agriculture bill. We have the Labor H, could be ready very quickly if they would let us bring it to a vote. We have the HUD independent offices bill. We have a number of others as well.

Mr. SABO. Mr. Speaker, I will have another question for the gentleman.

I read this continuing resolution, and there is something that bewilders me. As we all know, our economy is fragile and there is always a dispute about what we can or should do at the Federal level to help speed up the economy.

Clearly, one of the areas in this country where we have major problems is our transportation and infrastructure.

□ 1745

Am I right that this year we are having highway obligation limit of about \$31.8 billion?

Mr. OBEY. Mr. Speaker, if the gentleman will continue to yield, the language in this CR—

Mr. SABO. No, this year.

Mr. OBEY. Right now we are operating under the level the gentleman described, yes.

Mr. SABO. In our previous continuing resolutions we were told we had an obligation limit of \$31.8 billion.

Mr. OBEY. Right.

Mr. SABO. What is this language in the bill today? I read it, and it seems to me we are writing into law something about 31.8, that appears to be a smoke screen to make people feel good, then there is an exception for it which indicates and takes us back to a highway obligation limit to 21.7.

Mr. OBEY. That is correct. This resolution cuts the amount that would be available to the States to \$27.7 billion. So the gentleman's State is going to lose \$54 million, my State will lose \$69 million, if it is carried to term, and so on.

Mr. SABO. This is confusing. I know that there is disagreement between House and Senate bills, but from all the interpretations of what we have been doing, I think it is clear that no one can dispute that if we want to spend money that has impact on jobs, maintaining or creating jobs, the best money spent is on existing programs, where plans are made, where States are ready to spend it. Am I wrong?

Mr. OBEY. If the gentleman will continue to yield, the gentleman is right, and what is at stake here is 200,000 jobs.

Mr. SABO. And so this bill goes contrary to what we have done in our first couple of CRs and actually writes into the CR that we are reducing funding for highways next year.

Mr. OBEY. That is right. Instead of having a disagreement between the House and the Senate, we have a disagreement between the House and the House.

Mr. SABO. I thank the gentleman.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I feel a sense of frustration similar to some who have expressed it on the floor today, because I joined some of my colleagues in the Committee on Rules in seeking support for a rule to allow the CR to be brought up to do one primary thing, to keep the government running beyond tomorrow night at midnight.

Now, there may be some who would like to see the government close down and play the blame game: "it is your fault, or it is your fault, or it is our fault, or it is their fault." The problem is, the blame game does not get us anywhere.

Now, we are here today with a CR because the appropriations bills have not become law. Today we passed the conference reports on the defense bill with a very healthy bipartisan vote and on the military construction bill with a very bipartisan vote. Those are two good bills, and we had promised the President we would get them to his desk before any others. But if anybody listening to this debate believes that we have not passed the appropriations bills because the Committee on Appropriations has not done its job, they are mistaken. If anyone believes that the appropriations process has broken down, they are mistaken.

There was a breakdown. The breakdown was in the budget process. It totally collapsed. And it collapsed because the law was not followed. The Budget Act was not obeyed. The Budget Act provides that the House pass a budget resolution; send it to the other body, the way we do other legislation; the other body passed a budget resolution; the two Houses come together in a conference committee and work out the differences; and then report back to the House and report back to the Senate the ideal budget resolution with the same numbers and the same words. As all my colleagues know, a conference report has to be identical.

Here is where the breakdown occurred. The House passed a budget resolution. Whether you voted for it or did



not vote for it, whether you liked it or did not like it, the House passed a budget resolution. The other body did not. So during the appropriations process we have been dealing with a broken budget process because the top number, the 302(a) number which is the overall budget number for discretionary spending, is one number in the other body and a different number in the House.

Now, I have been seeking a mathematician ever since that happened to tell me how we can reconcile these appropriations bills when one top number is \$9 billion higher than the other one. Either the high one has to come down or the low one has to come up or they have to meet in the middle somewhere. This has not happened so the budget process totally collapsed.

Nevertheless, the Committee on Appropriations has continued to do its work. We have already passed and sent to the other body a number of appropriations bills, including the two we passed today, the Defense and Military Construction bills. We have also sent the Interior bill to the other body and, we have sent the Treasury, Postal bill the legislative branch bill to the other body. And I would report to you, Mr. Speaker, that we are prepared to send all the other bills to the other body after they are considered here. The committee has marked up those appropriation bills and they are ready for consideration.

Someone asked about an omnibus bill, and I would have to suggest that at this late period in this process that may be the way out, that is, to do an omnibus bill. As a matter of fact, seeing this day coming, I could prepare an omnibus bill, and I could add it to a CR. We are going to be back here next week. By the time we get back here next week, I could have another CR ready that would have an omnibus appropriation bill on it that would finalize our business as far as the House is concerned.

So that is sort of the history of where we are and why we are here. The appropriations process did not break down; the budget process did. And most of the bills that we reported from committee had general support from both parties; and all of those bills were reported out of the committee with good solid votes. But now the bill we are considering today, Mr. Speaker, has to do with a continuing resolution to keep the government functioning beyond midnight tomorrow night.

After writing and rewriting several different continuing resolutions, we introduced the first one last night. Since then, we have introduced three additional ones. We went to the Committee on Rules, they gave us a rule that would allow us to take up the CR that would take us to the 22nd of November. That does not mean we will quit and run and go home tomorrow or tonight. That means we have that much more

time available to work on trying to conclude our business.

But along the way we ran into another obstacle, and that obstacle was that there are some people who did not think there was enough in this CR for an interest that they had. And I think their interest is legitimate, but there are legitimate interests all over this Congress that are not included in this CR because a CR is a temporary funding measure.

So we were hoping to bring this rule to the floor, get a bipartisan vote for it, take up the CR, and keep the government functioning so that the Congress could continue to do its work. Now we have found out that we may not have all the votes we need on our side to pass it and we may not get any votes on the minority side. That doesn't make it very bipartisan, to say the least. I have asked a number of my friends on the other side if we could have some votes to help us pass this rule, to make up for the votes we may lose on our side; and the answer was no, we are not going to vote for it.

If we could have had a little bit of cooperation, this rule could be out of here, the CR could be out of here, and all my colleagues could be on airplanes headed for home; and I would go back to the office and put the finishing touches on that omnibus appropriation bill and have it ready by next week. But instead, we are here.

We could use a little cooperation. Some of my friends on this side would not like it if we passed the rule the way it is currently written because they want their interests in this resolution, and I do not blame them. But sometimes we have to settle down, cut, and go to the finish line. And that is where we thought we were today, but evidently we are not.

Other than that, Mr. Speaker, I hope everybody has a nice day, nice weekend; and we will see everyone next week.

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

Mr. YOUNG of Florida. I yield to the gentleman from Maryland if I have any time left, Mr. Speaker.

Mr. HOYER. I believe there is time, as I understand it, Mr. Speaker.

We have heard much about the budget and the fact we have not passed the budget in the same form through two Houses. But as I recall, we passed a deeming resolution budget, which means the House numbers are the numbers we are supposed to adhere to. Am I not correct that we used that deeming resolution to pass the five bills to which the gentleman previously referred that have passed the House? Is that correct?

Mr. YOUNG of Florida. Reclaiming my time, Mr. Speaker, the gentleman is correct. We are functioning under the deeming resolution.

Mr. HOYER. If the gentleman will continue to yield, could we not, there-

fore, have passed the other eight bills in the same manner?

Mr. YOUNG of Florida. I would like to think that we could. The problem would be that conferencing those bills would be impossible, at least if we did all of them.

Mr. HOYER. I agree with the gentleman, because there are very substantial differences. The gentleman mentioned a number of differences in our priorities. But what that would have done, Mr. Speaker, is to make it clear what those differences are for the American people in terms of education, in terms of health care, in terms of biomedical research.

So we could have done that and set before the American people the differences that exist between our body and the other body, could we not?

Mr. YOUNG of Florida. Well, Mr. Speaker, I am only going to respond to the gentleman in this way: that we deemed a budget number because we could not get a real budget, and we had to have a top line that the House had previously agreed to. As I pointed out in my remarks, I know a lot of Members did not vote for it. Nevertheless, the House worked its will, and that is the budget number we are now working with.

It would have been much easier for me and for the gentleman from Maryland, as the ranking member on a very important subcommittee, and for the gentleman from Wisconsin (Mr. OBEY), as the ranking member on the full committee, and for all of us, if we had a common top number so that we could have then created common 302(b) numbers and we could have been well on our way to conferencing these bills.

Mr. HOYER. Again, Mr. Speaker, if the gentleman will continue to yield, I agree that would have been easier; and, furthermore, I believe, had there been agreement and a majority for the House-passed budget numbers, we could have passed our bills.

It seems to me, Mr. Speaker, the problem is that the votes are not there to sustain the budget the House passed and put forward, and that really is the nub of the problem, that we passed a budget that was not realistic and that, therefore, we and the Committee on Appropriations are unable to pass bills which can garner the requisite votes to pass. And I sympathize with the gentleman's challenge.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, my friend, the gentleman from Maryland, is very smooth in the way that he makes his points, but his comment would be speculation because there are those of us who believe that we could pass those bills at the number that we deemed. And if the other body would have had the same number, whether it was \$768 billion, \$759 billion, or \$749 billion, we could have made this work.

Mr. HOYER. Mr. Speaker, we did not have the same numbers on the five bills we did pass.

Mr. YOUNG of Florida. The gentleman is correct, but he understands that we did not get to conference on those bills.

Mr. Speaker, reclaiming my time, I wish we could conclude this business today and let the Members have a weekend at home, because for those who have strong election campaigns, they need a little bit of time at home to reconnect with their constituents. But I am not sure that is going to happen today. We will do the best we can, and I thank the gentleman for yielding me all of his time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I have listened to this discussion and wonder what the American people might be asking themselves about this inside-the-beltway discussion of budget resolutions, continuing resolutions, and deeming resolutions.

Let me bring it back home to Americans in real terms. Because we have not done the one thing Congress has the responsibility to do each year, pass appropriation bills, the children of military families who might be put at risk in a war against Iraq, and I voted for that military authorization today, the children of military families, their schools, will not be getting the Impact Aid funding as they should be this November.

□ 1800

The Fort Hood school district in my congressional district will be losing millions of dollars that they otherwise would have gotten in November.

I am told Fort Leavenworth in Kansas might have a serious financial crisis in the next month or two because of Impact Aid funding not having been passed in the appropriation bill.

What all this esoteric discussion means, the children of the military families, those families which we might be sending into combat in Iraq, are not going to get the education funding they deeply deserve; which is somewhat ironic on the same day that we just voted to authorize the use of military force in Iraq.

Secondly, this means a lot in regard to highway spending and American jobs. A vote for this rule is a vote to cut highway spending by \$4.1 billion. What does that mean? It means the loss of over 190,000 jobs in an economy which has already lost 2 million jobs. It means the loss of good-paying jobs from New York to California to Texas. It means we cannot repair the aging highway infrastructure in America at the rate that we were even doing last year, considering the fact that 21 percent of the bridges in the Federal highway system are substandard and many of those are unsafe.

It means that the 4 days a year that Americans already spend in congestion away from their work, it means more pollution, more time away from their families and less efficient businesses. According to the Texas Transportation Institute, a loss of \$75 billion a year because of congestion, extra fuel and lost time because of inadequate highways and inadequate transportation systems.

So this is not an esoteric, inside-the-beltway debate, it is a debate about jobs and cleaner air and more efficient businesses.

Mr. Speaker, we have not met our responsibility. Because of the leadership in this House, we have not been allowed to do our one responsibility that we must do: pass appropriations bills. What I think has happened is a combination of a slow economy, the war against terrorism, and an irresponsibly large tax cut which has cut the budget so drastically that we cannot afford to fund the Leave No Child Behind education bill, and many Members want us to not vote on these until after the election. That is irresponsible. We should do our work. It is our responsibility.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I was in my office watching this debate. If I could do one thing in this Congress, being one of the longest-serving congressmen, it would be to shut off the television. The nonsense I heard from that side of the aisle that affects my committee is pure, pure BS. That is exactly what it is. And they are playing the political game on television so the people at home can watch this dishonesty as they present it.

I worked very hard on this and I must tell the gentleman from Minnesota (Mr. SABO), the gentleman from Wisconsin (Mr. OBEY), I worked very hard, including the gentleman from Minnesota (Mr. OBERSTAR), who is the ranking member, to make sure as it came down that we reinstated, and \$31,799,104,000 is going to be spent. Yes, that is what it is. Just read it. Has the gentleman read it?

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

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. SABO. Yes.

Mr. YOUNG of Alaska. Mr. Speaker, I reclaim my time. I reclaim my time.

This was an agreement we reached, the gentleman from Minnesota (Mr. OBERSTAR) and myself, to in fact have the money spent as a continuing resolution to the level of \$31,799,104,000, and it reverts back to \$27.7 billion. That is what this House agreed to.

It also says that none of the obligated funds will be affected. That is in there, too.

It also says, by the way, it can be changed at a later date; and that will probably be true, too.

But to allude to those people that depend upon our highways, and no one defends those highways better than I do, no one works harder to make sure that the transportation system is improved. It is so much better than what was proposed.

Mr. Speaker, to stand up on television and play the political game on this floor of the House is wrong. The Committee on Appropriations chairman is trying to do his job. I have 64 bills over in the other body that have not been acted on. How many bills in the other body belong to the gentleman that the majority leader in the Senate has not acted on?

Do not ask us to play the political game against my leaders in this House and say it is all their fault. Look at the Senate side. Look at the Senate side. What have they done? Have they passed a budget? Have they looked at the appropriating bills? No, they have not.

In addition, when we get done, I will probably insist on the Senate side to bring us more money. But, in reality, they worked in good faith. Our leaders worked in good faith. I worked in good faith. My ranking member worked in good faith. And to stand up on this floor and play the political card is absolutely wrong for this House.

If the gentleman wants to have power that bad, go at it. But I am thinking of the people of the United States right now. I am thinking about the people who depend on transportation and on the bridges the gentleman talked about. There is more money in this. We have \$4.4 billion put back into it when we passed the budget. And the gentleman voted for it.

I am a little excited right now because my back hurts, but the fact of the matter is I have watched this 30 years. I have watched this body for 30 years, and ever since we put the television cameras in, debate on this floor has deteriorated and is for political purposes instead of solving problems.

Our job is to solve the problems and represent the people of this Nation for the best of this Nation, not for political purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair reminds Members not to characterize Senate action or inaction.

The Chair would also ask the courtesy of all Members to engage in debate only when yielded time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I know the gentleman from Alaska (Mr. YOUNG) is suffering some back pain today; and, unfortunately, it is affecting his ability to read. If he would read the language, it says, "Notwithstanding any other provision of this joint resolution, the annual rate of operations for Federal aid highway programs for fiscal

year 2003 shall be \$31,799,104,000, provided that total obligations to this program while operating under joint resolution making continuing appropriations for fiscal year 2003 shall not exceed \$27.7 billion unless otherwise specified a subsequent appropriation act."

That means, baby, all you get to spend as far as the States are concerned is 27.7 billion bucks, unless you pass different language than the language that is in this resolution.

I do not know if the gentleman is reading in Turkish, Russian, or Egyptian, but if you read it in English, that is what it says. If you vote for this rule, you are voting to cut highway funding by \$4 billion.

And as Lily Tomlin used to say, "That's the truth!"

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, until just a few minutes ago, I was up in the Speaker's rostrum and I was listening to all of this debate. I will try to not get too emotional about this, but the gentleman is probably correct. That is what it says, but this resolution is only for one week.

And as the gentleman from Alaska (Mr. YOUNG) just said, what that means is for the period of one week, yes, it may be reduced; but they also have language and an agreement it will not be reduced. So we are straining out the gnat and gulping down the camel.

The issue is, will the House agree with a resolution that will keep the Federal Government open for one week? That is a pretty simple question, and I think the answer is, or should be, yes.

Mr. Speaker, I want to congratulate the chairman of the Committee on Appropriations. I think he said it correctly. The House from the very beginning has been prepared and willing and has done its work. The problem is the House is only one part of Congress, and we have had problems from the very beginning because we have a budget resolution which we have deemed and which we will abide by, and the other side has not. Now, that makes it impossible to come to an agreement.

Somebody said earlier, Well, does the House have the will to pass appropriation bills? I think the answer to that question is, yes. But we do not have an agreement. If there is no agreement, what is the point?

I think the gentleman from Maryland said, what are our priorities? Let me ask a question. What are the priorities of the other side of the aisle? Not only for the first time in 26 years did one branch of the Federal Government not pass a budget, in violation of Federal law, but our friends on the left never offered a budget resolution. They ask what our priorities are, what our blueprint is. We have a budget. We can tell

the American people, this is what the Republican blueprint was.

Now, how do we compare that to the plan on the other side of the aisle? The other side of the aisle never offered a budget plan.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, the gentleman from Minnesota (Mr. GUTKNECHT) just asked what are our priorities. Here is what they are.

Our priority is not to run the government by spending Social Security money the way theirs apparently are.

Our priorities are to increase funding for special education, a prescription drug benefit for senior citizens, superfund cleanup and other things the American people support, and many things the majority side of the aisle would like to support.

The reason we are going through this exercise is the majority does not wish to be held accountable before the election for the choices that it has presented to itself. When the majority enacted its tax cut in 2001 and the recession was prolonged and the unforeseen events of September 11 occurred, the majority put itself into a box. Because it refuses to reconsider the speed and scope of the tax cut, the majority has only two choices to fund the government.

The first choice is to dramatically reduce what we spend on schools, on the environment, on health care, on veterans' benefits and other desirable programs; and they do not want to cast those votes before the election.

The other choice is to fund those problems at a higher level but dip into the Social Security surplus and spend Social Security money to run the government, and they do not want to do that before the election either.

So their strategy is to play rope-a-dope, is to come back week after week, continuing resolution after continuing resolution, and not own up to the consequences of what they have done. What they are doing is wrong.

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

Mr. Speaker, this has been somewhat of a peculiar situation that we find ourselves in. The other side, after being all over the ballpark all day, has now decided on a one-week CR. That is fine. That is their prerogative. They are in the majority. It would have been nice if they decided this 12 hours ago. Presumably, we will be back on Tuesday, maybe Wednesday or maybe Thursday.

The only regret I think any of us have is, while the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, is an honorable man, and certainly his committee has completed a lot of its work, he has been prevented by his own leadership from bringing his work product to the floor. He has only been

permitted to bring five appropriation bills to the floor. Eight have not been brought to the floor. They should have been. Most of them have been completed by the gentleman's committee. It would be nice if they were brought to the floor so they could be voted on one at a time and resolve the problems that face this country.

Mr. Speaker, I will be calling for a rollcall vote on this rule. A number of our Members will be voting "no" to express their displeasure in the way that the majority has been handling this matter.

□ 1815

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I am very proud of what we have been able to accomplish here. Some of us were just going through the litany of items which the 107th Congress, specifically the House of Representatives with this very narrow 5-to-6-vote margin that we have been able to do. And it is true, one of the first things we did, as the gentleman from Alaska (Mr. YOUNG) has pointed out so well, we were able to pass a budget, and no budget has passed in the Senate; but we have been able to pass a budget here, and we have gone through a rigorous debate on that. But let us look at some of the other things that we have been able to accomplish to help the American people, and I think it is very important to note that one of the greatest successes we had back in 1996 has proved to be passage of welfare reform. We have been able to pass a very meaningful, positive welfare reform measure from this House of Representatives.

One of the other items obviously, as we have looked at now bipartisan support for President Bush's initiative to potentially use force in dealing with the horror of Saddam Hussein and Iraq and, along with that, the potential for some kind of response to that from Iraq, we have passed out of this House a measure that was called on by the gentleman from Missouri (Mr. GEPHARDT), the minority leader, to do it by September 11; and we have passed a bill establishing a Department of Homeland Security. That is something we are very proud of as we deal with the war on terrorism.

We also are very proud of the fact that in a bipartisan way, both Houses of Congress and with the President's signature ultimately, we passed the No Child Left Behind Act, dealing with education, what before September 11 of last year was our number one priority.

Prescription drugs, a very important issue which was talked about in the Presidential campaign, we are proud of the fact that we have been able to pass out, within the guidelines of our budget, a \$350 billion prescription drug program so that seniors can have access to

affordable prescription drugs. The other body has not taken action on that.

We have been able to pass out of this body a very, very meaningful reform of the pension structure; and we all know with the economic challenges that we are facing, our retirees, those who are looking towards retirement in the future, the challenges they are facing, we have been able to bring about meaningful reform on that issue.

I am very proud about something that we worked to try to give President Clinton beginning back in 1994 when it expired, we have been able to pass Trade Promotion Authority. Both Houses of Congress have done that. The President signed it. Our ambassador, the U.S. Trade Representative, Mr. ZOELLICK, is in the process of trying to work out new market-opening opportunities for us. That is going to provide an economic boost for the United States of America; and we have been able to pass that out of this House, again something we have not been able to do in 8 years.

We also were able to bring about meaningful middle-income taxpayer tax relief. We have heard this criticism of the tax package, but it was focused towards middle-income wage earners, with the provisions that we have had in there on the marriage penalty, the death tax, the child tax credit. These are things that have been designed to help working Americans.

We also have been able to deal with the challenge of corporate fraud, and we all have been horrified by the actions of some top executives in this country. We have been able to pass out of this House and the other body meaningful reform when it comes to corporate fraud.

We hope very much that we will be able to get election reform passed. We have had what I believe to be a very good conference package. Again, it started right here in this House of Representatives. We did it in a bipartisan way. I am very, very proud of that. We have been able to increase veterans benefits. We have much to be very proud of, much of it done in a bipartisan way.

So let us not criticize what we have got. We have got a 1-week continuing resolution; let us pass it and continue with our work.

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HASTINGS of Washington.

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for the fis-

cal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The amendment specified in section 2 shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, to final passage without intervening motion except: (1) one hour of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

Page 1, line 4, strike "inserting 'November 22, 2002.'" and insert "inserting 'October 18, 2002.'"

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. HASTINGS).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 193, not voting 13, as follows:

[Roll No. 459]

YEAS—225

|            |               |               |
|------------|---------------|---------------|
| Aderholt   | Chabot        | Frelinghuysen |
| Akin       | Chambliss     | Galleghy      |
| Armey      | Coble         | Gekas         |
| Bachus     | Collins       | Gibbons       |
| Baldacci   | Combest       | Gilchrest     |
| Ballenger  | Cox           | Gillmor       |
| Barr       | Crane         | Gilman        |
| Bartlett   | Crenshaw      | Goode         |
| Barton     | Cubin         | Goodlatte     |
| Bass       | Culberson     | Goss          |
| Bereuter   | Cunningham    | Graham        |
| Biggert    | Davis, Jo Ann | Granger       |
| Billirakis | Davis, Tom    | Graves        |
| Blunt      | Deal          | Green (WI)    |
| Boehlt     | DeLay         | Greenwood     |
| Boehner    | DeMint        | Grucci        |
| Bonilla    | Diaz-Balart   | Gutknecht     |
| Bono       | Dicks         | Hansen        |
| Boozman    | Doolittle     | Hart          |
| Brady (PA) | Dreier        | Hastings (WA) |
| Brady (TX) | Duncan        | Hayes         |
| Brown (SC) | Dunn          | Hayworth      |
| Bryant     | Ehlers        | Hefley        |
| Burr       | Ehrlich       | Herger        |
| Burton     | Emerson       | Hilleary      |
| Buyer      | English       | Hobson        |
| Callahan   | Everett       | Hoeffel       |
| Calvert    | Ferguson      | Hoekstra      |
| Camp       | Flake         | Horn          |
| Cannon     | Fletcher      | Hostettler    |
| Cantor     | Foley         | Houghton      |
| Capito     | Forbes        | Hulshof       |
| Castle     | Fossella      | Hunter        |

|              |               |              |
|--------------|---------------|--------------|
| Hyde         | Nethercutt    | Shays        |
| Isakson      | Ney           | Sherwood     |
| Issa         | Northup       | Shimkus      |
| Istook       | Norwood       | Shuster      |
| Jenkins      | Nussle        | Simmons      |
| Johnson (CT) | Osborne       | Simpson      |
| Johnson (IL) | Ose           | Skeen        |
| Johnson, Sam | Otter         | Smith (MI)   |
| Jones (NC)   | Oxley         | Smith (NJ)   |
| Kanjorski    | Paul          | Smith (TX)   |
| Keller       | Pence         | Souder       |
| Kelly        | Peterson (PA) | Stearns      |
| Kennedy (MN) | Petri         | Sullivan     |
| Kerns        | Pickering     | Sununu       |
| King (NY)    | Pitts         | Sweeney      |
| Kingston     | Platts        | Tancredo     |
| Kirk         | Pombo         | Tauzin       |
| Knollenberg  | Portman       | Taylor (NC)  |
| Kolbe        | Pryce (OH)    | Terry        |
| LaHood       | Pulnam        | Thomas       |
| Latham       | Quinn         | Thornberry   |
| LaTourette   | Radanovich    | Thune        |
| Leach        | Ramstad       | Tiahrt       |
| Lewis (KY)   | Regula        | Tiberti      |
| Linder       | Rehberg       | Toomey       |
| LoBlundo     | Reynolds      | Upton        |
| Lucas (OK)   | Riley         | Vitter       |
| Manzullo     | Rogers (KY)   | Walden       |
| McCrery      | Rogers (MI)   | Walsh        |
| McHugh       | Rohrabacher   | Wamp         |
| McInnis      | Ros-Lehtinen  | Watkins (OK) |
| McKeon       | Ross          | Watts (OK)   |
| McKinney     | Royce         | Weldon (FL)  |
| Mica         | Ryan (WI)     | Weldon (PA)  |
| Miller, Dan  | Ryun (KS)     | Weller       |
| Miller, Gary | Saxton        | Whitfield    |
| Miller, Jeff | Schaffer      | Wicker       |
| Mollohan     | Schrock       | Wilson (NM)  |
| Moran (KS)   | Sensenbrenner | Wilson (SC)  |
| Morella      | Sessions      | Wolf         |
| Murtha       | Shadegg       | Young (AK)   |
| Myrick       | Shaw          | Young (FL)   |

NAYS—193

|             |               |                |
|-------------|---------------|----------------|
| Abercrombie | Eshoo         | Lofgren        |
| Ackerman    | Etheridge     | Lowey          |
| Allen       | Evans         | Lucas (KY)     |
| Andrews     | Farr          | Luther         |
| Baca        | Fattah        | Lynch          |
| Baldr       | Filner        | Maloney (CT)   |
| Baldwin     | Ford          | Maloney (NY)   |
| Barcia      | Frank         | Markey         |
| Barrett     | Frost         | Mascara        |
| Becerra     | Gephardt      | Matheson       |
| Bentsen     | Gonzalez      | Matsui         |
| Berkley     | Gordon        | McCarthy (MO)  |
| Berry       | Green (TX)    | McCarthy (NY)  |
| Bishop      | Hall (TX)     | McCollum       |
| Blagojevich | Harman        | McDermott      |
| Blumenauer  | Hastings (FL) | McGovern       |
| Borski      | Hill          | McIntyre       |
| Boswell     | Hilliard      | McNulty        |
| Boucher     | Hinche        | Meehan         |
| Boyd        | Hinojosa      | Meeks (NY)     |
| Brown (FL)  | Holden        | Menendez       |
| Brown (OH)  | Holt          | Millender-     |
| Capps       | Honda         | McDonald       |
| Capuano     | Hooley        | Miller, George |
| Carlin      | Hoyer         | Moore          |
| Carson (IN) | Inslie        | Moran (VA)     |
| Carson (OK) | Israel        | Nadler         |
| Clay        | Jackson (IL)  | Napolitano     |
| Clayton     | Jackson-Lee   | Neal           |
| Clement     | (TX)          | Oberstar       |
| Clyburn     | Jefferson     | Obe            |
| Condit      | John          | Olver          |
| Conyers     | Johnson, E B  | Owens          |
| Costello    | Jones (OH)    | Pallone        |
| Cramer      | Kaptur        | Pascarell      |
| Crowley     | Kennedy (RI)  | Pastor         |
| Cummings    | Kildee        | Payne          |
| Davis (CA)  | Kilpatrick    | Pelosi         |
| Davis (FL)  | Kind (WI)     | Peterson (MN)  |
| Davis (IL)  | Klecza        | Phelps         |
| DeFazio     | Kucinich      | Pomeroy        |
| DeGette     | LaFalce       | Price (NC)     |
| Delahunt    | Lampson       | Rahall         |
| DeLauro     | Langevin      | Rangel         |
| Deutsch     | Lantos        | Rivers         |
| Dingell     | Larsen (WA)   | Rodriguez      |
| Dooley      | Larson (CT)   | Roemer         |
| Doyle       | Lee           | Rothman        |
| Edwards     | Levin         | Roybal-Allard  |
| Engel       | Lewis (GA)    | Rush           |
|             | Lipinski      | Sabo           |

|            |               |             |
|------------|---------------|-------------|
| Sánchez    | Solis         | Turner      |
| Sanders    | Spratt        | Udall (CO)  |
| Sandlin    | Stark         | Udall (NM)  |
| Sawyer     | Stenholm      | Velázquez   |
| Schakowsky | Strickland    | Visclosky   |
| Schiff     | Stupak        | Waters      |
| Scott      | Tanner        | Watson (CA) |
| Serrano    | Tauscher      | Watt (NC)   |
| Sherman    | Taylor (MS)   | Waxman      |
| Shows      | Thompson (CA) | Weiner      |
| Skelton    | Thompson (MS) | Wexler      |
| Slaughter  | Thurman       | Woolsey     |
| Smith (WA) | Tierney       | Wu          |
| Snyder     | Towns         | Wynn        |

## NOT VOTING—13

|         |            |         |
|---------|------------|---------|
| Baker   | Ganske     | Reyes   |
| Berman  | Gutierrez  | Roukema |
| Bonior  | Lewis (CA) | Stump   |
| Cooksey | Meek (FL)  |         |
| Coyne   | Ortiz      |         |

□ 1842

Mrs. THURMAN, Mr. BOUCHER and Mr. RANGEL changed their vote from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on table.

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 122, and that I may include tabular and extraneous material.

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

There was no objection.

□ 1845

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 580, the rule just adopted, I call up the joint resolution (H.J. Res. 122) making further continuing appropriations for fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 122, as amended pursuant to H. Res. 580 is as follows:

## H.J. RES. 122

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107-229 is further amended by striking the date specified in section 107(c) and inserting "October 18, 2002".*

SEC. 2. Section 101(2) of Public Law 107-229 is amended by striking "section 15" and all that follows through "(Public Law 103-236), and".

SEC. 3. Section 114 of Public Law 107-229 is amended by inserting before the colon at the end of the first proviso the following: "Provided further, That section 3001 of the 21st Century Department of Justice Appropria-

tions Authorization Act (H.R. 2215) is amended by striking subsection (d), and such amendment shall take effect as if included in such Act on the date of its enactment".

SEC. 4. Section 117 of Public Law 107-229 is amended to read as follows:

"SEC. 117. (a) The Congress finds that section 501 of title 44, United States Code, and section 207(a) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) require that (except as otherwise provided in such sections) all printing, binding, and blankbook work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office.

"(b) No funds appropriated under this joint resolution or any other Act may be used—

"(1) to implement or comply with the Office of Management and Budget Memorandum M-02-07, 'Procurement of Printing and Duplicating through the Government Printing Office', issued May 3, 2002, or any other memorandum or similar opinion reaching the same, or substantially the same, result as such memorandum; or

"(2) to pay for the printing (other than by the Government Printing Office) of the budget of the United States Government submitted by the President of the United States under section 1105 of title 31, United States Code."

SEC. 5. Public Law 107-229 is amended by adding at the end the following new sections:

"SEC. 120. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2002, and for activities under the Food Stamp Act of 1977, activities shall be continued at a rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2002, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1, and December 1, 2002, may continue to be made.

"SEC. 121. Notwithstanding any other provision of this joint resolution, the annual rate of operations for the Commodity Futures Trading Commission (CFTC) Salaries and Expenses Account shall not exceed \$71,960,000 and shall include the cost of lease of office space for the CFTC's New York regional office at an annual rate not to exceed \$1,949,000.

"SEC. 122. In addition to funds made available in section 101, the Department of Justice may transfer to the Immigration User Fee Account established by section 286(h) of the Immigration and Nationality Act (8 U.S.C. 1356(h)) such sums as may be necessary from unobligated balances from funds appropriated to the Immigration and Naturalization Service by Public Law 107-77 and division B of Public Law 107-117, at a rate not to exceed \$90,000,000 for the first quarter, through the date specified in section 107(c): *Provided*, That the sums transferred under this section shall be reimbursed from the Immigration User Fee Account by not later than April 1, 2003.

"SEC. 123. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations of General Legal Activities (GLA) in the Department of Justice, \$7,300,000 available during fiscal year 2002 from the Executive Office of the President

shall be credited to GLA for purposes of administering the Victims Compensation Program.

"SEC. 124. Activities authorized by the Parole Commission and Reorganization Act, P.L. 94-233, as amended, may continue through the date specified in section 107(c).

"SEC. 125. Notwithstanding any other provision of this joint resolution, in addition to amounts made available in section 101, and subject to sections 107(c) and 108, such funds, from fee collections in fiscal year 2003, shall be available for the Securities and Exchange Commission to continue implementation of section 8 of Public Law 107-123.

"SEC. 126. Notwithstanding any other provision of this joint resolution, except section 107, the District of Columbia may expend local funds at a rate in excess of the rate under authority applicable prior to October 1, 2002 to cover payments that would be funded under the heading 'Repayment of Loans and Interest'.

"SEC. 127. No funds appropriated in this joint resolution or any other Act may be used to implement any restructuring of the Civil Works Program of the US Army Corps of Engineers which would involve the transfer of Civil Works missions, functions, or responsibilities from the US Army Corps of Engineers to any other executive branch agency or department without explicit congressional authorization.

"SEC. 128. Notwithstanding any other provision of this joint resolution, during fiscal year 2003, direct loans under section 23 of the Arms Export Control Act may be made available for Poland, gross obligations for the principal amounts of which shall not exceed \$3,800,000,000: *Provided*, That such loans shall be repaid in not more than 15 years, including a grace period of up to 8 years on repayment of principal: *Provided further*, That no funds are available for the subsidy costs of these loans: *Provided further*, That the Government of Poland shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with the loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of Poland prior to any disbursement of loan proceeds: *Provided further*, That no funds made available to Poland under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

"SEC. 129. Notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect until the date specified in section 107(c).

"SEC. 130. Notwithstanding any other provision of this joint resolution, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment to John F. Mink, widower of Patsy Mink, late a Representative from the State of Hawaii, \$150,000.

"SEC. 131. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations for the Transportation Security Administration (TSA) and the Federal Emergency Management Agency (FEMA), the amount transferred by Public Law 107-206 from TSA to FEMA shall be credited to TSA, and such amount shall be deducted from FEMA.

"SEC. 132. Activities authorized by section 24 of the United States Housing Act of 1937 (24 U.S.C. 1437v) may continue through the date specified in section 107(c) of this joint resolution.



“SEC. 133. (a) Each specified department or agency shall, by December 6, 2002, submit directly to the Committees on Appropriations a report containing an evaluation of the effect on the specified management areas of operating through September 30, 2003, under joint resolutions making continuing appropriations for fiscal year 2003 that fund programs and activities at not exceeding the current rate of operations.

“(b) For purposes of subsection (a):

“(1) The term ‘specified department or agency’ means a department or agency identified on page 49 or 50 of the Budget of the United States Government, Fiscal Year 2003 (H. Doc. 107-159, Vol. I), except for the Department of Defense.

“(2) The term ‘specified management areas’ means the following management priorities described in the President’s Management Agenda (August 2001): strategic management of human capital, competitive sourcing, improved financial performance, expanded electronic government, and budget and performance integration.

“SEC. 134. (a) The Director of the Office of Management and Budget shall submit to the Committees on Appropriations a monthly report on all departmental and agency obligations made since the beginning of fiscal year 2003 while operating under joint resolutions making continuing appropriations for such fiscal year.

“(b) Each report required by subsection (a) shall set forth obligations by account, and shall contain a comparison of such obligations to the obligations incurred during the same period for fiscal year 2002.

“(c) Reports shall be submitted under subsection (a) beginning 1 month after the enactment of this section, and ending 1 month after the expiration of the period covered by the final joint resolution making continuing appropriations for fiscal year 2003.

“(d)(1) Each report required by subsection (a) shall include a list of all executive branch accounts for which departments and agencies are operating under apportionments that provide for a rate of operations that is lower than the current rate, within the meaning of sections 101 and 105. For each such account, the report shall include an estimate of the current rate for the period covered by this joint resolution and the estimate of obligations during such period.

“(2) By December 6, 2002, the Comptroller General shall submit to the Committees on Appropriations a report identifying executive branch accounts for which apportionments made from funds appropriated or authority granted by this joint resolution provide for a rate of operations that differs from the current rate, within the meaning of sections 101 and 105.

“SEC. 135. Appropriations made by this joint resolution are hereby reduced, at an annual rate, by the amounts specified and in the accounts identified for one-time, non-recurring projects and activities in Attachment C of Office of Management and Budget Bulletin No. 02-06, Supplement No. 1, dated October 4, 2002.

“SEC. 136. Activities authorized for 2002 by sections 1902(a)(10)(E)(iv) and 1933 of the Social Security Act, as amended, with respect to individuals described in section 1902(a)(10)(E)(iv)(I) of such Act may continue through 60 days after the date specified in section 107(c) of Public Law 107-229, as amended.

“SEC. 137. Notwithstanding any other provision of this joint resolution, except sections 107(c) and 108, during fiscal year 2003, the annual rate of operations for the Fed-

eral-aid highways program for fiscal year 2003 shall be \$31,799,104,000: *Provided*, That total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003 shall not exceed \$27,700,000,000, unless otherwise specified in a subsequent appropriations Act. This section shall not affect the availability of unobligated balances carried forward into fiscal year 2003 that would otherwise be available for obligation.”

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 580, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would announce to the House that the legislation before us, H.J. Res. 122, is the third continuing resolution for fiscal year 2003. It extends the date of the original CR that took us to midnight tomorrow night until midnight, Friday of next week, October 18th. The terms and conditions of the CR, the original CR remain in effect. We have gone over these terms twice already, so I will not go through them again. However, because the calendar has caught up with us a bit, we did have to add some new anomalies.

First of all, we provided funding to meet the fiscal year 2001 caseload for all appropriated entitlements, including child nutrition programs, food stamp programs, Medicaid grants to States, payments to Medicare trust funds, trade adjustment assistance programs, veterans entitlements, and supplemental security income payments. One of the new anomalies also provides for a 60-day window to process Medicare part B premiums for certain Medicaid-Medicare dual eligibles under a provision that expires on December 31, 2002.

In addition, new anomalies would provide funding adjustments for the following programs to ensure sufficient resources when we calculate the operating rate for the period of the CR, and those include the Commodity Futures Trading Commission, Immigration User Fee Account, Victims Compensation Program, Securities and Exchange Commission, District of Columbia repayment of loans and interest, Transportation Security Administration, and the Federal Aid Highway program.

This particular CR also provides legislative authorization to implement a new, no-subsidy cost to the United States, \$3.8 billion foreign military financing 15-year loan to the Government of Poland so they can purchase 48, F-16 aircraft from the United States. And it is important that we do this in a timely fashion because there is competition; and if, by a certain date in November, this financing arrangement has not been agreed to, the Poles are going to another buyer or provider.

It extends the otherwise expiring authorizations for the U.S. Parole Commission and the HOPE 6 revitalization of severely distressed public housing program through the date of the CR, and prohibits the transfer of civil works missions of the Corps of Engineers to other agencies. It reinstates the dual-use authority, through the date of the CR, to allow the Export Import Bank to make loans that may include military equipment. It includes a correction to the Department of Justice authorization bill as passed by the House in H. Con. Res. 503, and provides a gratuity to the widower of our late friend and colleague, Patsy Mink, the late Representative from the State of Hawaii. It requires reports from agencies of the executive branch on the effects of operating under a full year CR and monthly reports on obligations; and I certainly hope that a full year CR does not happen.

Mr. Speaker, there are some other comments that I could make about what we are doing here, why we are here and why we are not doing something else, but I will reserve for now.

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

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, this House has precious little time left in this session. Today we finished important business on Iraq. We worked across the aisle with Republican colleagues to come up with that resolution. We could use that same type of framework to get more of the Nation’s business done if the Republican leadership would put aside their my-way-or-the-highway attitude and reach across the aisle to work out a bipartisan economic plan for our country.

We should not be passing 7-day CRs when the Republican leadership has no plan to actually complete the Nation’s business when people are looking to us for leadership.

I will vote against this continuing resolution.

Since we returned from our August recess, we have done nothing, practically nothing of substance aside from the Iraq resolution. We have had nothing on the schedule. We have spent all of our time, the people’s time, on meaningless “Non-Sense of the House” resolutions urging the Senate to pass tax cuts for the wealthy beginning in 2011. Their resolutions have no legal force. Their so-called economic program would affect no one until 2011. What are people going to do between now and 2011? People are suffering today. They are receiving their 401(k) statements this week. The stock market is falling like a lead balloon. People are out of work, and they are giving up hope of finding new jobs.

This economy is in the tank and some people have been put out of work

through no fault of their own and many cannot find a new job. The Republican leadership has a failed economic plan that has contributed to the conditions that we are living with today. Republicans cannot even pass a budget to provide for the Nation's critical priorities. A responsible House right now would be addressing the people's serious concerns that they face in their day-to-day lives.

In the few remaining days, this Congress should extend unemployment benefits for people who are still trying to find work in a struggling economy, pass a real pension bill that helps secure people's retirement savings against future Enrons, close the loophole that allows corporations to incorporate overseas to avoid paying taxes. We could pass a good generic drug reform bill that will help lower the cost of prescription medicine now, and we could finish our legislation for education, health care, worker programs so that we can make good on our commitment to actually leave no child behind, and we could provide adequate resources to ensure excellent health care for our Nation's seniors and provide our workers with adequate help to weather these rough times.

If Republicans continue to duck their responsibilities, there will be serious consequences in people's lives. Their inability to act will lead to cuts in education, homeland defense, medical care for veterans, and the National Institutes of Health; and the chairman of the Committee on Appropriations has made this plain.

I think the inaction today is unacceptable.

As we did earlier today, we need to come together on a bipartisan plan of action to solve our serious economic problems and address the most important problems people are facing right now. Let us not leave here before we address that agenda. Let us not have a 7-day continuing resolution. Let us have a 1- or a 2-day continuing resolution. Let us stay here and do the people's work. We will not win the war against terrorism if the economy of this country is imploding around our ears. We will only beat terrorism if we have a strong economy with good jobs and good wages for the American people.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

I have to suggest to the distinguished minority leader, and he is distinguished, and I have a lot of respect for him, and I understand being in the minority. I served in this House for 24 years in the minority, so I know what it means to be in the minority.

But when he says that we did not pass a budget, he is wrong. That is not accurate. We passed a budget. And when we could not get it through the whole process because the other body would not pass one, we deemed our own

budget. So the House did its job. It was not our fault that the other body controlled by the other party refused to even take up a budget. Just like in the House, their party did not offer a substitute for our budget.

So, yes, Mr. Minority Leader, we passed a budget and when we could not get in conference with the other body, we deemed our own budget here in this House. So I just wanted to correct that.

Then I wanted to say to the gentleman about ducking responsibilities, I have avoided getting into the partisanship and the political business here in this House. A lot of it takes place, and that is natural. We are approaching an election. I have done my best to keep the official business of the appropriations process on a non-partisan, on a bipartisan, on a productive basis, what is good for the country. But, Mr. Speaker, my party did not duck its responsibilities. We have had a very productive year in this House of Representatives, only to find our efforts stymied by the other body who refused even to take it up. One of the appropriations bills that we passed early on they worked on for 3 weeks, and could not pass it, so they pulled it off of consideration. Talk about ducking responsibilities. We passed that bill.

Anyway, Mr. Speaker, as the Speaker knows, I seldom get exercised to that extent.

Mr. Speaker, I yield 3 minutes to the very honorable gentleman from Alaska (Mr. YOUNG), my distinguished colleague.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again admonish Members that it is not appropriate to characterize the action or inaction of the Senate.

Mr. YOUNG of Alaska. Mr. Speaker, it is unfortunate we cannot do that.

Mr. Speaker, I rise in support of this joint resolution making further continuing appropriations for fiscal year 2003.

In consultation with my good friend, the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and in consultation with the leadership, I am pleased that this resolution ensures that the Federal highway program will continue at the fiscal year 2002 rate of \$31.8 billion. This reverses the Office of Management and Budget's surprising decision last week to reduce the highway program to a \$27.7 billion rate of operations. This decision was contrary to the Congress's intent that programs be continued at the current rate until final appropriation bills can be agreed to and enacted.

The language in this joint resolution is in no way binding with regard to the final fiscal year 2003 transportation appropriations bill that will eventually be enacted. This year's final highway

funding level will be appropriately determined at a later date in the context of House and Senate negotiations on that bill.

□ 1900

In the meantime, this resolution ensures that funding for the highway program will continue at the fiscal year 2002-enacted rate of \$31.8 billion. This will protect the good-wage jobs and make our infrastructure whole.

Again, I want to stress this has been done with the work of the minority on my committee and myself and the leadership of the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the Speaker of the House.

We will continue what we said we were going to do. When there is a budget, when there is an appropriation bill, when there are negotiations done, that can be a different date and a different amount. Now we are on the right track to make sure that our highways are continuing to be built and rebuilt, and that our bridges are built and repaired, also.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

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

Mr. Speaker, I know the chairman of the committee did not intend to misspeak, because much of what he said I totally agree with. That is, it is not the Committee on Appropriations that has in fact got us to this point of impasse, but it is the leadership of their party that has us here. It is their unwillingness to bring the appropriation bills under the budget that passed the House, that everybody talks about. That is what is keeping us held up.

The misspeaking, Mr. Speaker, was when he said no one on this side of the aisle offered a budget alternative.

I do not know how many times I have to take to the floor to remind everyone, and Members can check this in the RECORD, we brought a substitute amendment, the Blue Dog Democrats, the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Utah (Mr. MATHESON), the gentleman from Tennessee (Mr. TANNER), and the gentleman from Indiana (Mr. HILL), we brought an alternative budget to the floor of the House. We respectfully asked the majority to allow us to debate that on the floor of the House, and we were denied.

So I would appreciate it if no further Members on the other side would say that no one on this side of the aisle offered an alternative, a substitute budget, because some of us did but were prevented by the same leadership that has got us into the impasse tonight; and it is not the Committee on Appropriations.



Mr. Speaker, they would have a much stronger argument if they brought the appropriation bills to the floor under the budget that they passed, and they would have had a much better argument tonight and last week and the week before that and next week if they had passed all 13 appropriation bills, because some of us on this side of the aisle will support them, regarding that budget that everybody talks about.

I have been here 24 years, and I remember all of the years in which appropriators said, when I was on the Committee on the Budget, we really do not need you folks. We honestly do not need the Committee on the Budget, because we can do the job ourselves. It is amazing here now, suddenly listening, week after week after week, they now are suddenly saying that the only reason they cannot do their work is because the Senate did not pass a budget. Now everybody in here knows better than that.

We had a very impassioned speech a moment ago from the gentleman from Alaska (Mr. YOUNG) talking about the transportation bill, et cetera. Well, if we just did our work, then we could point the finger to the other body, and there would be enough blame to go around.

But I will say tonight, Mr. Speaker, the only blame that can honestly be affixed to why we are in this position tonight is on the leadership on the other side of the aisle that have refused to do that which they insist that the Senate do; that is, live by a budget.

We could do it, or at least we could try. Why did they not bring the other eight appropriation bills to the floor of the House and allow them to be discussed and debated? Where are they? If they are going to point the finger of blame, it has to start right here, I believe.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI) of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding time to me.

Mr. Speaker, I am pleased to support this resolution, as it contains a provision clarifying that, under this continuing resolution, the Federal Highway Program will be funded at \$31.8 billion. This continuing resolution is designed to be a temporary measure continuing funding for government programs at current levels until annual appropriation bills for 2003 can be enacted into law.

I know the Committee on Appropriations has approved a bill with a \$27.7 billion obligation limitation for the Federal Highway Program, while the Senate Appropriations Committee has funded the program at \$31.8 billion. A final level of funding will be decided later as the appropriation process con-

tinues. This process in no way ties our hands in determining what the final appropriation level should be.

Again, the purpose of the CR is to continue funding at the current rate; and it should not be used to inhibit Congress's prerogative to set final spending levels for this budget year, which I hope will be at the Senate level.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, despite the comments that have been made about highway funding levels, the language is clear. It indicates that the total obligations will be \$27,700,000,000, instead of the \$31.799 billion that were available in the previous fiscal year. That \$27 billion level cannot be changed unless a subsequent appropriation bill passes to change it.

So the fact is that this bill does single out highways for a reduction below last year, when almost no other program is asked to bear that kind of a reduction. That will result in 200,000 fewer construction jobs.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished chairman for yielding time to me.

Mr. Speaker, I rise because there have been references already made to education. I know in previous CRs there have been comments about education. I want to commend our chairman, and I want to tell the Members why I am supporting this.

I am not at the pay grade to answer some of the questions that have been raised by the gentleman from Texas (Mr. STENHOLM) and others, but I am at the pay grade end of the knowledge to know that this Congress increased education funding in the 2002 budget by 18 percent. Every nickel of that under a CR is being forwarded and appropriated again in this continuing resolution, the largest increase in investment America has made in its poorest and most deserving students in decades.

For 35 years, we spent \$125 billion on Title I, and our lowest-performing students did not move up a percentile in improvement. But in No Child Left Behind, 373 Democrats and Republicans, including great leadership from the gentleman from California (Mr. GEORGE MILLER), forged through No Child Left Behind. This gentleman forged through the largest increase in education spending and funded the President's program.

This continuing resolution brings forward every single improvement that we made, 1 billion new dollars for Reading First, Early Reading First; money for the testing we now require to show that we have accountability for the performance we seek; and the \$1 billion increase we put in the supplemental just last year in Pell grants.

So while there may be arguments over leadership and timing and what we are and are not doing, no one should tell us that we are not making the investment in our children and that this CR somehow cuts that investment. It brings forward the largest single increase in education funding this Congress has made with the accountability the American people sought and desired and wanted.

Today, in the classrooms of America, under a continuing resolution, children are learning to read, schools are being held accountable, performance will begin improving. When we reach a final determination on the next budget, we will continue to do what this Congress has done, Republicans and Democrats alike, and that is improve the lives of our children.

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

Mr. Speaker, that is one of the most selective and interesting rewrites of history I have heard on this House floor in at least an hour. I would like to give a little different interpretation of what has happened to education funding.

It is most certainly true that in each of the last 5 years we have provided substantial increases for education. That was, and the RECORD will show, that was because the Democratic Members of this House had to pull the majority party Members of this House kicking and screaming into supporting higher education levels.

Last year, the gentleman talks about the very large increase in education funding we had. That is correct. That is because the Democrats on the Committee on Appropriations again pounded the White House day after day until we forced them to accept a \$4 billion increase in the President's education budget.

So that means that over the last 5 years, on average, with prodding from the minority party in this House and the then minority party in the Senate, the Democratic minority, we had an average increase per year for education funding of about 13 percent.

The President followed that up with the No Child Left Behind Act, which most of us supported. That promised a continuation of that very steep trajectory for education funding. This is too small a chart to show it, but the chart nonetheless demonstrates what that trajectory was. That No Child Left Behind Act promised that we would provide very substantial increases in funding for the next 5 years to continue the progress that we had made the last 5 years.

Instead, this continuing resolution is freezing the budget funding for education. That means that, on a per child basis, it is cutting education funding for the kids who need it most.

The gentleman is shaking his head no. Check the numbers on per child appropriations for children who need

funding for language programs, children who do not speak English as a first language. They are being cut in the President's budget by 10 percent in real terms on a per child basis.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman makes an important point. If in fact the test is whether or not we are going to go to the President's budget or whether or not we are going to go forward with the appropriations bills, which I think both the chairman and the gentleman from Wisconsin would pass to increase education funding but are being held up, if we go back to the President's budget, we have a real cut of about \$90 million below last year in the No Child Left Behind Act, a real cut of \$90 million. The gentleman makes a very important point.

Mr. OBEY. Mr. Speaker, there is no question that if the majority party on the Committee on Appropriations were left to its own devices that we would have a very respectable and decent education appropriation bill.

The gentleman from Ohio (Mr. REGULA) is a strong champion of education, and so is the gentleman from Florida (Mr. YOUNG). But the fact is when that committee began to move forward to produce such a bill which provided those increases for education, they were cut off at the pass by the most reactionary elements in the majority party caucus. Those elements went to leadership and said, if you appropriate one dime for education above the President's budget, we are going to bring down the labor, health, education bill.

They further said that, until you produce an education funding level freeze at the level of last year for education, that they would not support any other appropriation bills. That is why we are wrapped around the axle. Let me continue with other categories.

Title I, the No Child Left Behind Act promised that we would have an increase in funding of at least \$4 billion this year. Instead, they got a \$1 billion increase financed by other cuts in other education programs aimed at the same children.

Then if we take a look at handicapped education, we increased them annually by over \$1 billion over the last 3 years. We wanted to do so again on a bipartisan basis, both sides of the aisle. Under the President's budget, we cannot do that. The President's budget falls half a billion dollars below where we would be if we kept the trajectory going that we had established the last 3 years for that program.

Mr. Speaker, I would invite the gentleman to review the report which we

just issued called "All Rhetoric, No Resources." It will demonstrate the facts that I have tried to illustrate.

Mr. YOUNG of Florida. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I would say to the distinguished ranking member on the Committee on Appropriations, the chart is small. I cannot see it. In fact, I have my glasses off, and I can hardly see the gentleman right now.

I would ask the gentleman, is it not true that the chart that he showed was the level of authorizations for education over the next 5 years?

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

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

Mr. OBEY. No, it is not.

Mr. ISAKSON. I ask the gentleman, what did he show?

Mr. OBEY. This chart showed the appropriation increases that we had the last 5 years.

Mr. ISAKSON. The last 5 years?

Mr. OBEY. The last 5 years. Then it shows the fact that the President's budget essentially freezes that appropriated number.

Mr. ISAKSON. I do not want to put any words in the distinguished gentleman's mouth, but I kept hearing the word "cut."

Mr. OBEY. No. What I said is that, on a per student basis, if we take English as a second language programs, that those programs were cut on a per child basis in real terms by 10 percent, because we have an increasing population and inflation and the President's freeze does not provide for that.

□ 1915

Mr. ISAKSON. Reclaiming my time, and hoping for a brief response, would the gentleman agree with me that in real dollars between the 2002 budget and the operation of a continuing resolution in 2003, there is not a cut in expenditures this year versus last year?

Mr. OBEY. In real dollars, no, I would not agree with that. There is, as the gentleman from California said, \$80 million cut in real terms.

Mr. ISAKSON. Again, without getting into detail, I am talking about overall, not in a program like bilingual or anything else, but I am talking about overall appropriation, in the aggregate, not by program.

Mr. OBEY. You need \$90 million to keep up with the No Child Left Behind Act, and on a per-student basis, you have to look at this on a per-student basis to see what is happening on a per-child basis.

Mr. ISAKSON. Reclaiming my time, and I am sorry to interrupt, but I do not want to take any more time than I should, this continuing resolution continues to fund education at the level in the aggregate, and I am not going to

yield any more time, you will have plenty more, that we passed in the 2002 budget. The authorization levels, I will admit, are higher. I also know the 5-year plan, and I do not have the quote in hand, the authorization of the President is a substantial increase over that period of time. But that is a time out in the future.

The only point I am trying to make for the benefit of the people in the United States of America that may be listening is that by continuing the appropriations that we made last year this year, until we resolve this budget, we are not reducing the amount of money that we are investing in education.

You were making a point that by doing it and by not funding it at either the authorization level or by taking certain programs in it, we are reducing it. That is the only point I want to make. I appreciate the gentleman's time. I continue to support the resolution because I know the sincere interest this Congress has, Republican and Democrat alike, in seeing to it that America's most disadvantaged children get the very best shake they have ever had. No Child Left Behind did it. And last year we made the most significant increase in education funding, which is being continued through this CR, this Congress has ever made.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the fact is over the last 5 years we had average annual increases for education of almost 13 percent. That progress is being brought to a screeching halt. The dollar amount in aggregate is being frozen at last year's level, which means because there are more students, especially in these needy categories, that on a per-student basis we have a real reduction in education at a time when State governments and local governments are also pulling the plug on education. The result: contrary to No Child Left Behind, there are going to be hundreds of thousands of kids who are left behind and they are going to be the most vulnerable kids in America.

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

Mr. OBEY. I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. I want to agree with about three-fourths of what the gentleman said.

The increase has been 13 percent over the last 5 years. The gentleman is absolutely correct. The continuing resolution continues those increases until we pass a Labor-HHS budget. My point is, it is unfair to say that until we have passed that that anybody has cut anything. And the gentleman actually verifies the point I have been making in terms of the substantial investment this Congress has made in improving education which is being continued.

Mr. OBEY. No, I do not grant that at all and I do not verify that.

The fact is the increases are not being continued by the continuing resolution. The increases are being brought to a screeching halt. You are now freezing the progress we have been making on a bipartisan basis for the last 5 years. That is what you are doing. Your own subcommittee on appropriations, own Republican members know that is not enough. They want to provide more but they are not being allowed to do so by the most right wing elements of your caucus. That has been in the newspapers. You have all told me that. You know what the facts are.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, first I want to say thanks to the chairman of the Committee on Appropriations, who is in the unenviable position of getting battered by everybody all of the time. I appreciate that of the cardinals and our appropriators.

On the one hand, some of us most right wing elements of the Republican Party, as I and others are sometimes called, criticize the Committee on Appropriations for spending too much. Then others say they are not spending enough.

The fact is that every year when we get to the final appropriations bills, I have supported the Committee on Appropriations because they have tried to work within a budget, and we understand that it is a system in which the Senate is probably going to come up with a higher number. We come in. We like to have a budget. We would like to work it out and probably the numbers are going to be higher than our initial numbers and lower than their numbers.

I know it is very frustrating for the appropriators because often inside the majority will of our conference may be different than their particular goals. They see all the requests that all of us put into the Committee on Appropriations, and at the same time try to balance what are the long-term goals. We have had extraordinary increases in the amount in education. We have just heard basically 65 percent over the last 5 years. All of the sudden we are facing a deficit in this country. We do not want interest rates to go up. We do not want inflation to go up. Yes, we do not want to leave any child left behind.

We are trying to work this out. This CR gives us more time to work out a compromise with the Senate where those final numbers can be agreed upon. Labor-HHS appropriations bill is always the toughest. It is always at the end. It certainly will not be resolved, most likely, in the last few weeks before an election. It is easy to be outside of power and to criticize those who are inside power, but I want to thank our appropriators and our leadership for trying to work this through.

Hopefully, we can finally get some of the appropriations bills through. They

are likely to be higher than some of the conservatives would like. And they are likely to be lower than some of the liberals would like. But that is how you get a balanced budget that does not drive up interest rates, that does not kill inflation and also gives children in America the best education possible.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the fact is this continuing resolution is a cut of \$372 million below the President's budget and a 2.4 percent cut in real terms after adjusting for inflation and enrollment growth. That translates on a per-child basis into a cut.

We can pretend it is not in Washington, but at the local level, that is a cut that is felt.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong opposition to this sham of a continuing resolution.

We are back again for a third time because this Congress refuses to do the work it is responsible to do. Tonight it is not only the American taxpayer who is suffering, but specifically it is the thousands of men and women, firefighters, police officers, EMT, volunteers, iron workers, laborers who were the first people to respond to the World Trade Center attack on September 11 of last year. These are the men and women who responded to the attack upon our Nation, who looked for survivors, cleared debris, and began the rebuilding process amidst the most difficult and extreme conditions.

The President and this Congress promised \$90 million for the health care of the workers at Ground Zero. The thousands of workers who again were the first to respond and rushed down to Ground Zero are only now starting to show the signs of exposure to the most heinous of contaminants. Their afflictions include asthma, sinusitis, chemical bronchitis, and psychological distress.

Thirty-five thousand workers were exposed, but only 3,000 have been screened. Fifty percent of those screened have respiratory illness. Fifty percent of those screened need additional psychological assistance. This administration said that \$90 million was too much. This was after President Bush was at Ground Zero promising \$20 million to New York to rebuild.

The most this Congress could do was \$12 million for the health of workers. But tonight in this CR they are saying to the firefighters, police officers, those who worked 18 hours a day-plus at Ground Zero in its darkest days, those who sifted through the debris to find their fallen brethren and sisters, their health does not matter.

The message is loud and clear in this CR. This Congress promised the work-

ers at Ground Zero \$90 million. The word of the Republican congressional leadership to those heroes is worthless. The value of the work done by those workers at Ground Zero is priceless. The behavior of the Republican leadership in this House is simply shameful.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the chairman very much, and if I could ask the attention of the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY) for just a moment if he has a minute.

One of the things I have learned over the last 8 years being here and getting the opportunity to preside from time to time is that there is not a more abler Member of this body than the gentleman from Wisconsin (Mr. OBEY) or the gentleman from Florida (Chairman YOUNG) when it comes to the appropriations process. And I am just a slug transporter who believes in building roads and bridges and dredging harbors and things of that nature.

When this continuing resolution came out the other day, we were very upset on our side of the aisle, as was the gentleman from Minnesota (Mr. OBERSTAR) and the Democrats on the Committee on Transportation and Infrastructure, because we were told that the original language would put us at the \$27 billion mark for the fiscal year, which was in violation of the \$4.4 billion that we thought we restored.

We notified our leadership that we would en masse vote against the rule for this continuing resolution unless the language was changed. The language was in fact changed, and today we were told that this continuing resolution spends out the transportation trust fund at \$31.8 billion until October 18. I guess I am asking the gentleman because he is a lot smarter than I am, were we hoodwinked or do we have to go back to our leadership and say that somehow they have fooled us or is that in fact the case?

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

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

Mr. OBEY. Mr. Speaker, I am not sure I got the full import of the gentleman's question. All I can say is, if we read the language of the provision in the CR before us, it says that "total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003, shall not exceed \$27,700,000,000 unless otherwise specified in a subsequent appropriations act."

Now, there may be a deal in the works to raise that number in the future. But the number we are voting on right now, in fact, contains a \$4 billion

reduction in what can be made available to States in comparison to the CR that we are operating under right now.

Mr. LATOURETTE. Can the gentleman tell me at all what the difference is on the language we are voting on tonight as compared to what was in the CR when it first came out of the committee yesterday? Because, again, we were told that the significant changes, that this spends out at \$31.8 billion until this CR expires next Friday. And if that is not accurate, then we have a bone, I suppose, to pick with the leadership on our side of the aisle.

Mr. OBEY. Frankly, I do not know what the original language was that the gentleman was shown. All I know is the language that we are voting on right now, and it contains a \$4 billion cut from the existing continuing resolution.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman. I thank the chairman for his work and for yielding me time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to congratulate the majority party in this House on the success of the Republican economic plan.

About 22 months ago the Bush administration roared into town and rammed a record more than \$1 trillion tax cut for millionaires through this Congress, when both Houses were controlled by the Republican Party.

What is the record since then? Unemployment is increasing, job creation has reversed. The jobs that were created during the previous decade have now fallen off. Poverty is on the rise. Poverty in America is increasing again. For the previous 9 years, the poverty rate went down in America, year after year after year. Last year, the first year of this administration, as a result of an economic program rammed through this House, the poverty rate is going back up again and this year it is the same thing.

Incomes are falling. The fact of the matter is the rich are getting richer and everybody else is getting poorer as a result of this great economic plan. Hundreds of thousands of Americans are now filing for bankruptcy. Mortgage foreclosures across the country are at record highs.

The Federal budget deficit is increasing. Two years ago we had a budget surplus of almost \$87 billion. This year the on-budget deficit will be \$314 billion. That is a \$400 billion turnaround in less than 2 years. This represents the largest budget decline in U.S. history in that period of time; the third largest on-budget deficit in history, exceeded in size only by the deficits of 1991 and 1992 when the first Bush was the President.

□ 1930

The continuing resolution that we are being asked to pass today has to be

seen in the context of this plan. We are passing this continuing resolution because we have not been able to pass appropriations bills; and we have not been able to pass appropriations bills, not because of the work of the Committee on Appropriations, because the Committee on Appropriations, under the leadership of the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the ranking member, has done its work. We have not been able to pass the appropriations bills because this House passed a budget resolution this year which was unreasonable and impossible to meet because of that tax cut.

We are not able to fund the needs of the American people, and perhaps that is why we have frozen education spending.

That is why the wanted Leave No Child program is essentially not advancing the interests of one single child in America, because we have not put a nickel in the Leave No Child Behind program, and this is probably why we are reducing funding for transportation in this continuing resolution by another \$4 billion, because the budget resolution that we have is unreasonable and unrealistic, and we are unable to get a spending program that meets the needs of the people of this country.

That is the problem we face right now.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Speaker, we are here tonight because the other body has not had a good year. It is a fact that the United States Senate did not pass a budget. It is a fact that the United States Senate has not passed the faith-based initiative. It is a fact that the United States Senate has not passed welfare reform. The Senate has not passed pension reform. They have not passed the energy package. And during a time of war when an unprecedented attack on America has taken place, they have not even been able to pass homeland security.

In fact, it appears to me that the only thing the other body has had time to do is kill presidential appointments and judicial nominees, something they are very proud of.

Yet we in the House, we are ready with our appropriation bills. We are ready with our appropriation process.

As my colleagues know, Mr. Speaker, we cannot sit down with another body when they do not have a budget, when there is no top end to it. If we sit down right now with a group, the House has a budget, the House has a bottom line and a top line. The Senate does not, because they do not have a budget. We cannot go into negotiations with somebody like that. It is like asking our

kids to limit their Christmas list. They are not going to do it. They are just going to keep on wishing and wishing and wishing.

I notice something curious here tonight, Mr. Speaker. So much of the problems seem to come back to the tax reduction for middle class families that the President started and was overwhelmingly supported by the American people. But if I am hearing correctly, the Democrats are suggesting that that is the problem. Therefore, should they win the majority back, I can only assume that their plan is to increase taxes. Because if they do not want to increase taxes, obviously they are going to cut Social Security or defense spending to fund these other programs.

I know they do not want to cut Social Security and they do not want to tax it, because they taxed it in 1993 under President Clinton when the Democrats were in charge of this House. And we Republicans, unlike the Democrats, we have no plans to tax Social Security. We have no plans to cut Social Security. I am concerned that if the Democrats take back over there might be some hidden scheme, but I am hearing over and over again so much of this is because of the tax reduction.

So the only conclusion a logical, objective listener could come to is that the Democrats want to increase taxes as a way to eliminate what they consider a budget shortfall. I do not know that there is a budget shortfall. I still am amazed that in Washington that a cut is considered a reduction in the expected increase, and I still find that mind-boggling in itself.

I want to say this, we are ready to roll in the House. It is just too bad that the other body decided not to pass a budget this year, because we cannot sit down and negotiate with somebody who does not have a bottom line or a top line.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to refrain from characterization of Senate action.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I am going to give the gentleman from Georgia my Alibi Ike of the Cosmos Award tonight for that speech.

Let us put the record straight. The Senate has not passed three appropriation bills which the House has sent to it, the Legislative bill, Interior, Treasury and Post Office. That constitutes about 10 percent of the entire domestic budget. The House has not yet considered 90 percent of the domestic budget, the eight appropriation bills that it is still to deliver.

The gentleman says, "Oh, you cannot sit down and negotiate an appropriations bill with the other body if they have not passed a budget resolution." We just did. We just passed a DOD bill today, and we just passed a Military

Construction bill today, and both of those passed despite the fact that, guess what, the Senate had not passed an irrelevant budget resolution on those either.

All it proves is that when the majority party in this House wants to pass an appropriation bill, they can find a way to do it, and to duck it, when they want to duck it, I tell you they are World Series class in ducking them, and that is what they have done this year.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, we are really living under the budget that passed the majority in the House. We are really living under this budget.

What has it given us? We have borrowed \$400 billion over the last 12 months, enforcing the budget that passed the House, regardless of whether the Senate passes a budget or not because we are living under this one. That is what we are living under.

It is amazing, the gentleman from Georgia who just spoke a moment ago, it was amazing what he said. Basically, we need to pass the appropriation bills. It has nothing to do with a budget. Pass the appropriation bills that my colleagues' budget called for and then send them to the Senate. Then they can have a quarrel with the other body, but yet we keep wanting to blame the other body for us not doing our work.

I do not understand that, and I am on the floor on behalf of the budget. I have no quarrel with the appropriators, but I have a lot of quarrel with the leadership on the other side that has tried the blame game instead of dealing with doing our work.

Just today, the same Blue Dog group asked that we be allowed to have in the continuing resolution the PAYGO and the spending caps.

We want to enforce some level of spending. I am perfectly willing to live with the level in my colleagues' budget. I am perfectly willing to live with that. That is what the Blue Dogs said this year with one exception. We said, when the new estimates came in in August, if we were spending Social Security trust funds, let us sit down and revisit the budget to see whether or not we really want to continue down that road. That is what they refused to let us do.

Next week, I am told we are going to have another tax cut. Where is that tax cut going to come from? Right out of the Social Security trust funds, period. Any additional spending that anybody wants to spend for any purpose is coming right out of the Social Security trust funds or the Medicare trust fund, but yet we will have that because the same leadership believes that is good politics, and, boy, the ads come out at home for the opponent as we talk about this.

Let me repeat, and anyone that wants to challenge me, I would welcome almost a little bit of debate from the leadership on that side, because many times I make these statements and the phone starts ringing, this guy from Texas is just shooting his mouth off about spending and what have you, and nobody comes in and challenges it. Well, if what I am saying is not true, I would welcome and yield to the other side.

We asked to put some restraints on it. The leadership said, no thanks, we do not want PAYGO. We want to pass another tax cut next week so that we can run on that, and we do not want to talk about that is going to come out of the Social Security trust funds, which is where it is going to come.

The Concorde Coalition has warned that, unless we put some budget enforcement, we are going to run into bigger troubles. How much bigger can we get? The deficit has gone up \$400 billion. One would not think so listening to the leadership on this side. One would think the deficit has come down in the brilliant leadership of the last 2 or 3 years. It has gone up in the last 12 months \$400 billion, and it is going to go up another \$300 billion in the next 12 months. That is the fact, and yet here we are trying to do our work, a CR.

The appropriators are trying to do their work. They do not have a chance. They have got an 8,000 pound weight tied around their neck because of the lack of the leadership in this body to do what we should do, is do our work. If we do our work, my colleagues would be surprised at what might happen.

Mr. OBEY. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining and the gentleman from Florida (Mr. YOUNG) has 8½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

It is really incredibly unfortunate, and when we see that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Georgia (Mr. ISAKSON) and myself, we are arguing over education, and given the chance, all four of us would increase this year's education budget as it should properly be increased, as it is called for under Leave No Child Behind, and we would be able to deal with the Senate and get an increase for America's schoolchildren, but we are prevented from doing that because the Republican leadership will not let that bill come to the floor.

The gentleman from Georgia (Mr. KINGSTON) says we cannot do that because we do not have a budget. We just

passed a Military Construction bill without a budget. We just passed a Defense appropriations bill without a budget. We sent the Interior bill to the Senate without a budget. For 200 years we did not have a budget in this country, but this Committee on Appropriations, they fought the Second World War, they fought the Korean War, they fought the Depression, they launched a great society, they created Medicare, they created Social Security, and we did not have a budget, but we built America.

All of a sudden today we feel because we do not have a budget we cannot take care of the needs of America's schoolchildren, of America's teachers, of our school districts, because we do not have a budget.

It is just a phony argument. The fact of the matter is, the Republican leadership does not want to bring to the floor the Education budget as it is being insisted on being brought to the floor by the most right wing element of the Republican Caucus because it is an insufficient number for Education. They do not want to admit it before the election.

The States have cut \$9 billion because of the economy from the Education budget. The least we can do is uphold the Federal role in that effort, but we are told we cannot do it because we do not have a budget, and yet we are going to have a \$50 billion tax cut bill out here next week. We do not need a budget to do that.

The American public ought to be getting terribly tired of this argument. I know the Members of Congress are getting terribly tired of it, because most of us on both sides of the aisle would like to do our work, finish up, go home, see if we can get our option renewed for another 2 years with the public and get on about the public's business, but that is being thwarted here.

The terrible thing is here it is not the punishment of us, it is not the punishment of the President or the Committee on Appropriations or any other committee in this Congress. It is starting to punish the schoolchildren of this country. Because this is not the money that we need to carry out the reforms that we have insisted upon as a Congress on a bipartisan basis to change the educational experience of the poorest children in this country, but that cannot be done without this money.

School districts and States all over this country are engaging in the most dramatic reforms of the education systems at the local level in the last 30 years, and we told them we would give them the money to help them do that, and this budget does not do that. In one year's time we have broken faith. This was a 12-year contract with the school districts of this country, and in the first year, in the first year, the Republican leadership in the House of Representatives and the President's



budget have broken faith with those school districts, with those school board members, with those parents and with those children.

Give us the Health and Education appropriations bill so we can vote on it up or down. Let us go.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Chairman, I really do not feel like saying anything else. We have chewed this cud so many times now, as they say in my part of the country. The fact is that there are many Republicans and many Democrats who want to do right by the children of this country, and the fact is if the Committee on Appropriations had been allowed to proceed with its original plans, we would have produced a budget which did, in fact, keep the promises of the No Child Left Behind Act.

Instead, however, because of an internal war in the Republican Caucus, the committee has been reduced to going through these motions time and time again. We are being slow walked and slow danced to the end of the session. The leadership desperately wants to get out of town without ever having voted on some of these issues until after the election.

□ 1945

We cannot do much about that in the minority except point it out and hope that the people who want action to improve the quality of their schools will understand and hold this Congress accountable, even though this Congress is turning itself into a pretzel trying to avoid accountability on issues as crucial as education.

I regret that. I know that a lot of Members of the majority party as well regret it, but they have a leadership which is being held captive by their most extreme Members and they are as helpless as we are on this right now.

With that, Mr. Speaker, I thank the gentleman from Florida for trying to do the right thing, even though he has been blocked many times in trying to meet his responsibility, and I thank the Chair for his courtesy.

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

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

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) and all the members of the Committee on Appropriations on both sides of the aisle for having worked together so well this year to get our work where we are prepared to move, with very little notice, to complete this appropriations process. And it has been a good bipartisan effort.

On a bipartisan note, I wanted to thank the gentleman from Texas (Mr. STENHOLM). He and I exchanged some words earlier in the debate. He mentioned just in the last few minutes about the \$400 billion increase in the

debt. I want to talk about that just for a couple of minutes.

He is right. He has been a trooper in this House ever since he came here to try to balance the budget, as have many of us been here to try to balance the budget. But I think the gentleman from Texas would agree with me in what I am about to say. The discretionary appropriation bills that the gentleman from Wisconsin and I and our chairman and ranking members present to the House are not the real culprit in the deficit. Mandatory spending, back-door spending, spending over which the appropriations process has no control whatsoever, that is the problem.

For every dollar that we appropriate through our discretionary funds, there are two additional dollars, two additional dollars for every one that is spent through back-door spending, through mandatory programs. The latest example: the farm bill, the agriculture bill, which was like \$106 billion over the baseline for a 10-year period. That is a lot of money over the baseline. But some of those who are giving us trouble on the discretionary spending bills lined up and voted for that bill. The director of the Office of Management and Budget, who has put such a top line lid on discretionary spending, signed off on that big agriculture bill.

So we have to be consistent. If we are going to control this budget deficit, we have to turn off both spigots. We watch the discretionary; we watch the mandatory. Because mandatory spending programs spend \$2 for every \$1 that we appropriate in the discretionary programs.

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

Mr. YOUNG of Florida. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding, and I want to agree with him totally regarding his statement on the discretionary spending.

But I would also point out the record will show that the farm bill the gentleman talks about this year will save \$5.6 billion from that mandatory spending as a result of the work of the Committee on Agriculture. But I agree with the gentleman on the general gist of it. It is ridiculous for us to be talking about discretionary spending being the culprit in the \$400 billion. The gentleman is absolutely correct.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, this has been an interesting afternoon. Changes came and went and were never implemented, but we are finally at the point to vote on this continuing resolution to keep the government functioning beyond midnight tomorrow night, and to keep us going until midnight Friday of next week.

I am satisfied that between now and then we will have another exercise very similar to this one. I look forward to that exercise, and I am sure all the Members of the House do. But for now, I would just ask the Members to vote this CR and let us adjourn for the night.

Mr. NUSSLE. Mr. Speaker, I rise in strong support of H.J. Res. 122, making continuing appropriations for fiscal year 2003.

While the Congressional Budget Office has yet to release an estimate of this bill, it appears to adhere to both the letter and the spirit of the budget resolution agreed to by the House and supported by the President.

Even once the defense bill just agreed to and the house-passed military construction bill became law, this CR will be fully consistent with the budget resolution.

Under the leadership of the distinguished Chairman YOUNG, the Appropriation Committee has gone to great lengths to avoid carrying forward almost \$16 billion in one-time spending that was provided in response to September 11th.

Moreover, the Appropriations Committee has accomplished this without sacrificing Congressional prerogatives. Rather than cede authority to the Executive branch to make these determinations, the Appropriations Committee has wisely identified each of these one-time expenditures.

Once again, I want to commend Chairman YOUNG and all the Members of the Appropriations Committee for their work on this bill. I strongly urge all my colleagues to support the resolution.

Mr. BLUMENAUER. Mr. Speaker, today marks an appropriate conclusion to the closing days of this 107th Congress under the guidance of Republican Leadership. First this House voted to authorize the President to unilaterally use force against Iraq. Next, they passed the largest Department of Defense appropriations bill ever put before Congress. And now we are debating a resolution to put off our remaining funding responsibilities until after the election.

The Republican Leadership continues to stymie the appropriations process because they cannot come to an agreement within their own party on how to fund important programs in the wake of their massive tax cut. Simply continuing funding at fiscal year 2002 level is a way of skirting the tough decisions before the election. However, there are significant consequences to this strategy.

By keeping funding at 2002 levels we are compromising our Nation's security and a host of other important programs that the American people care about. For example, the Coast Guard is awaiting a \$500 million budget increase, which would allow more hires and increased harbor patrols. The current appropriations hold up is threatening \$3.5 billion in anti-terrorism grants for emergency rescue teams. The spending freeze represents a \$372 million cut from the President's budget, which is already grossly inadequate and falls far short of the promises made in the No Child Left Behind Act. The Securities and Exchange Commission will continue to wait for the funding increases promised to protect investors and monitor corporate activities.

Many projects across the country are threatened, even though they have agreements with the federal government, because discretionary funds cannot be allocated without a fiscal year 2003 bill. In Oregon, this threatens \$70 million for Portland's Interstate Max, \$3 million for the Sauvie Island Bridge, and \$2.8 million for Jobs Access.

The Republican Leadership should be embarrassed to turn its back on its responsibilities to return home and campaign instead of dealing with their unfinished business.

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

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 580, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. OBEY. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the joint resolution, House Joint Resolution 122, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 1, beginning on line 4:

Strike "October 18, 2002" and insert "October 12, 2002".

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, virtually all of us want to go home. I think probably the only Member of this body who wants to stay here late into the evening, every evening, because he enjoys it so much, is the gentleman from Pennsylvania (Mr. MURTHA). But outside of him, we would all like to go home and campaign.

Saturday I am scheduled to be in a little town called Thorp, Wisconsin. It is my favorite political event of the year. It is the annual Clark County Democratic dinner. We meet in the basement of the local VFW hall, and we have the best doggone kielbasa in the United States of America; and I always look forward to that dinner. But I think, in light of what we are neglecting to do in this House, that we should all be here. So I think I ought to be willing to forego that kielbasa and sauerkraut and chicken dinner, and I

think all of the other Members of this House ought to be willing to forego what they have planned so that we can get some of our real work done. And that is what this recommit motion tries to accomplish.

The resolution before us is yet another continuing resolution to take us through next Friday. That means that this House will do nothing on appropriation bills between now and next Friday because we have not yet caused inconvenience for Members. I think the time has come to inconvenience Members in order to try to up the pressure on this place to actually get our work done. So this recommitment motion simply changes the date of the continuing resolution before us from October 18 to October 12.

That means, in essence, it is a 1-day CR. It means that I am willing personally to vote to extend the government every day by 1 day in order to keep people here on the job working. But I am not willing to vote for long-term CRs in the absence of an assurance by the leadership on the majority side of the aisle that they will schedule the education appropriation bill, the housing appropriation bill, the agriculture appropriation bill, and the other appropriation bills that we ought to pass to do our duty before we go home.

We have just finished dealing with what we consider our obligations to be with respect to our differences with Iraq. We need now to turn homeward and deal with our obligations to deal with the problems here at home, and the purpose of this continuing resolution is to accomplish that. I would urge a "yes" vote for the motion to recommit because that is the only way that we can force this House to actually bring to the floor the appropriation bills that could allow this Congress to conclude our work with a note of pride.

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

The SPEAKER pro tempore. Does the gentleman from Florida (Mr. YOUNG) claim time in opposition to the motion to recommit?

Mr. YOUNG of Florida. I do, Mr. Speaker.

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

Mr. YOUNG of Florida. Mr. Speaker, the motion to recommit offered by the gentleman from Wisconsin does not really work. I realize that he and I spend so much time together it is hard to create the separation, even for a weekend; but what this would do is a 1-day CR, a 1-day CR, a 1-day CR. And if all we do is a 1-day CR at a time, that is all we do. We would never get down to the real business.

So we cannot agree to this 1-day CR. And I hope that everybody will vote "no" on the motion to recommit and then vote "yes" on the resolution, so that then we will get back about our business, the rest of our business, after we conclude the CR.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 15, as follows:

[Roll No. 460]

YEAS—202

|             |                |                |
|-------------|----------------|----------------|
| Abercrombie | Filner         | Matsui         |
| Ackerman    | Ford           | McCarthy (MO)  |
| Allen       | Frank          | McCarthy (NY)  |
| Andrews     | Frost          | McCollum       |
| Baca        | Gephardt       | McDermott      |
| Bahr        | Gonzalez       | McGovern       |
| Baldacci    | Gordon         | McIntyre       |
| Baldwin     | Green (TX)     | McNulty        |
| Barcia      | Gutierrez      | Meehan         |
| Barrett     | Hall (TX)      | Meeks (NY)     |
| Becerra     | Harman         | Menendez       |
| Bentsen     | Hastings (FL)  | Millender      |
| Berkley     | Hill           | McDonald       |
| Berry       | Hillhard       | Miller, George |
| Bishop      | Hincher        | Mollohan       |
| Blagojevich | Hinojosa       | Moore          |
| Blumenauer  | Hoeffel        | Moran (VA)     |
| Borski      | Holden         | Murtha         |
| Boswell     | Holt           | Nadler         |
| Boucher     | Honda          | Napolitano     |
| Boyd        | Hooley         | Neal           |
| Brady (IA)  | Hoyer          | Oberstar       |
| Brown (FL)  | Inslee         | Obey           |
| Brown (OH)  | Israel         | Olver          |
| Capps       | Jackson (IL)   | Owens          |
| Capuano     | Jackson-Lee    | Pallone        |
| Cardin      | (TX)           | Pascarella     |
| Carson (IN) | Jefferson      | Pastor         |
| Carson (OK) | John           | Payne          |
| Clay        | Johnson, E. B. | Pelosi         |
| Clayton     | Jones (OH)     | Peterson (MN)  |
| Clement     | Kanjorski      | Phelps         |
| Clyburn     | Kaptur         | Pomeroy        |
| Condit      | Kennedy (RI)   | Price (NC)     |
| Conyers     | Kildee         | Rahall         |
| Costello    | Kilpatrick     | Rangel         |
| Cramer      | Kind (WI)      | Rivers         |
| Crowley     | Kleczka        | Rodriguez      |
| Cummings    | Kucinich       | Roemer         |
| Davis (CA)  | LaFalce        | Ross           |
| Davis (FL)  | Lampson        | Rothman        |
| Davis (IL)  | Langevin       | Roybal-Allard  |
| DeFazio     | Lantos         | Rush           |
| DeGette     | Larsen (WA)    | Sabo           |
| Delahunt    | Larson (CT)    | Sanchez        |
| DeLauro     | Lee            | Sanders        |
| Deutsch     | Levin          | Sandlin        |
| Dicks       | Lewis (GA)     | Sawyer         |
| Dingell     | Lipinski       | Schakowsky     |
| Doggett     | Lofgren        | Schiff         |
| Dooley      | Lowey          | Scott          |
| Doyle       | Lucas (KY)     | Serrano        |
| Edwards     | Luther         | Sherman        |
| Engel       | Lynch          | Shoos          |
| Eshoo       | Maloney (CT)   | Skelton        |
| Etheridge   | Maloney (NY)   | Slaughter      |
| Evans       | Markey         | Smith (WA)     |
| Farr        | Mascara        | Snyder         |
| Fattah      | Matheson       | Solis          |



Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)

Thompson (MS)  
Thurman  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Velázquez  
Visclosky

Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Werner  
Wexler  
Woolsey  
Wu  
Wynn

## NAYS—214

Aderholt  
Akin  
Armey  
Bachus  
Baker  
Ballenger  
Barr  
Bartlett  
Barton  
Bass  
Bereuter  
Biggert  
Billrakis  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boozman  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Castle  
Chabot  
Chambliss  
Coble  
Collins  
Combest  
Cox  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLay  
DeMint  
Diaz-Balart  
Doolittle  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Gekas  
Gibbons  
Gillchrest  
Gillmor  
Gilman  
Goode

Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hobson  
Hobson  
Hoekstra  
Horn  
Hostettler  
Houghton  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourrette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller, Dan  
Miller, Gary  
Miller, Jeff  
Moran (KS)  
Morella  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Osborne  
Otter  
Oxley  
Paul  
Pence

Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadeegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Tauzin  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Toomey  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—15

Berman  
Bonior  
Cooksey  
Coyne  
Ganske

Hulshof  
Jenkins  
McKinney  
Meek (FL)  
Ortiz

Reyes  
Roukema  
Stump  
Sununu  
Taylor (NC)

□ 2018

Messrs. FOLEY, TIAHRT, HUGH-  
TON, REYNOLDS, CASTLE, BLUNT,

and ISTOOK changed their vote from  
“yea” to “nay.”

Messrs. FORD, CARSON of Okla-  
homa, LIPINSKI, NEAL of Massachu-  
setts, HALL of Texas, OBERSTAR,  
MEEHAN, LANGEVIN, HONDA, and  
Ms. EDDIE BERNICE JOHNSON of  
Texas changed their vote from “nay”  
to “yea.”

So the motion to recommit was re-  
jected.

The result of the vote was announced  
as above recorded.

The SPEAKER pro tempore (Mr.  
SIMPSON). The question is on the pas-  
sage of the joint resolution.

The question was taken; and the  
Speaker pro tempore announced that  
the ayes appeared to have it.

## RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a  
recorded vote.

A recorded vote was ordered.

The vote was taken by electronic de-  
vice, and there were—ayes 272, noes 144,  
not voting 15, as follows:

[Roll No. 461]

## AYES—272

Abercrombie  
Aderholt  
Akin  
Armey  
Bachus  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Bartlett  
Barton  
Bass  
Bereuter  
Biggert  
Billrakis  
Bishop  
Blagojevich  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Brown (SC)  
Bryant  
Burr  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Cardin  
Carson (IN)  
Carson (OK)  
Castle  
Chabot  
Chambliss  
Clement  
Coble  
Collins  
Combest  
Costello  
Cox  
Cramer  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann

Davis, Tom  
Deal  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dicks  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emerson  
Engel  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Gekas  
Gibbons  
Gillchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hall (TX)  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hobson  
Hoefel  
Hoekstra  
Holden  
Holt

Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Isakson  
Israel  
Issa  
Istook  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Kanjorski  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
Kolbe  
LaHood  
Larsen (WA)  
Latham  
LaTourrette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Manzullo  
Mascara  
Matheson  
McCarthy (MO)  
McCrery  
McHugh  
McInnis  
McKeon  
McKinney  
Menendez  
Mica  
Miller, Dan  
Miller, Gary  
Miller, Jeff  
Mollohan  
Moore  
Moran (VA)  
Morella  
Murtha

Myrick  
Napolitano  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Pascarelli  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadeegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skellton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Souder  
Stearns  
Sullivan

Sweeney  
Tancredo  
Tanner  
Tauzin  
Taylor (MS)  
Terry  
Thomas  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Toomey  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

## NOES—144

Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Barrett  
Becerra  
Bentsen  
Berkley  
Berry  
Blumenauer  
Borski  
Brown (OH)  
Capps  
Capuano  
Clay  
Clayton  
Clyburn  
Condit  
Conyers  
Crowley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dingell  
Doggett  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gonzalez  
Gutierrez  
Harman  
Hastings (FL)  
Hilliard  
Hinchey  
Hinojosa

Honda  
Hooley  
Inslee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson, E. B.  
Jones (OH)  
Kaptur  
Kildee  
Kilpatrick  
Kind (WI)  
Kleczka  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Solis  
Lowe  
Lynch  
Maloney (NY)  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meeks (NY)  
Miklender-  
McDonald  
Miller, George  
Moran (KS)  
Nadler  
Neal  
Oberstar  
Ohey  
Oliver  
Owens  
Pallone

Pastor  
Paul  
Payne  
Pelosi  
Price (NC)  
Rahall  
Rangel  
Rivers  
Rodriguez  
Roemer  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Serrano  
Sherman  
Slaughter  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tauscher  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Velázquez  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Woolsey  
Wu  
Wynn

## NOT VOTING—15

Berman  
Bonior  
Burton  
Cooksey  
Coyne

Ehrlich  
Ganske  
Jenkins  
Meek (FL)  
Ortiz

Reyes  
Roukema  
Stump  
Sununu  
Taylor (NC)

□ 2029

Mr. HUNTER changed his vote from  
“no” to “aye.”

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2030

**REPORT ON H.R. 5605, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2003**

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107-740) on the bill (H.R. 5605) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SIMPSON). All points of order are reserved on the bill.

**NOTING THE PASSING OF THE HONORABLE LAWRENCE H. FOUNTAIN, MEMBER OF CONGRESS FROM 1953-1983**

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

Mrs. CLAYTON. Mr. Speaker, I rise to note with sadness the passing today of one of the Tar Heel State's true elder statesmen, the Honorable Lawrence H. Fountain, who represented what was then North Carolina's Second Congressional District between the years of 1953 and 1983.

Congressman Fountain will be remembered as the first champion of improving the relationship and cooperation between Federal, State and local governments, and the father of the first, independent, presidentially-appointed Office of Inspector General.

Congressman Fountain was born in Edgecombe County and attended public schools, including the University of North Carolina. He entered World War II as a private and was promoted to a Lieutenant Colonel. He then came to Congress.

We extend our sympathy to the family, who indeed will receive other expressions of respect at Carlisle Funeral Home in Tarboro, North Carolina. A memorial service celebrating the life of Lawrence H. Fountain will be held at the Howard Memorial Presbyterian Church in Tarboro at 3 p.m. this Sunday, October 13, 2002.

Mr. Speaker, our thoughts and prayers go out to the many friends and family of Congressman Fountain, who is in my district in Tarboro, North Carolina.

**ANNOUNCEMENT OF INTENTION TO OFFER MOTIONS TO INSTRUCT CONFEREES ON H.R. 4, ENERGY POLICY ACT OF 2002**

Mr. WAXMAN. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 4. The form of the motion is as follows:

Mr. WAXMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible, within the scope of the conference, that the conferees reject provisions that mandate the use of ethanol in gasoline.

Mr. Speaker, I further have another motion to instruct conferees. The form of that motion is as follows:

Mr. WAXMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible, within the scope of the conference, that the conferees reject provisions that limit the liability of a responsible party for the contamination of groundwater with a fuel or fuel additive.

**CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002**

Mr. NEY. Mr. Speaker, pursuant to the order of the House of October 9, 2002, I call up the conference report on the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of House of Wednesday, October 9, 2002, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 8, 2002, at page H 7247.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

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

**GENERAL LEAVE**

Mr. NEY. 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. 3295.

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

There was no objection.

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

Mr. Speaker, this has been a long, winding process that is about to conclude tonight, in what I think is going to be known as one of the most important votes that any Member of this body can cast, not only for this session but for the future, for decades to come. Of the future of the voting process for the citizens of the United States.

I am pleased to present to the House the conference report for H.R. 3295, the Help America Vote Act of 2002. This legislation will have a profound and positive impact on the way we conduct Federal elections in this country. At the heart of the bill are some fundamental principles:

One, that every eligible citizen shall have the right to vote.

Two, that no legal vote will be canceled by an illegal vote.

Three, that every vote will be counted equally and fairly, according to the law.

When this legislation goes into effect, the voting citizens in this country will have the right to a provisional ballot, so no voter will be turned away from a polling place, no voter will be disenfranchised, just because their name does not appear on a registration list.

Henceforth, instead of simply being told to go home, the voters will be able to cast a provisional ballot which will be counted according to State law.

Voters will now also be able to have the opportunity to check for errors and verify the accuracy of their ballot in privacy before it is cast. No more will voters have to wonder if their vote was properly recorded or not. By guaranteeing them the right to verify the accuracy of their ballot in privacy, voters will be able to leave the polling place confident and certain that their vote was cast and counted in complete secrecy as they intended it to be.

This bill contains tremendous advances for individuals with disabilities. This legislation requires that every polling place in the country have at least one voting system that is accessible to the disabled, meaning individuals with disabilities, including the blind and visually impaired. They will now have the right to cast a secret and secure ballot in the same manner as all other Americans do.

No longer will individuals with disabilities have to rely on an assistant, or compromise the secrecy of their ballot. They will be able to vote in a private and independent manner, the same way all their fellow citizens do, many for the first time in their lives.

The legislation establishes a maximum error rate for voting system performance. This error rate is a measure of the performance of voting system prototypes under laboratory conditions to determine that the system counts votes accurately in accordance with national standards stands in Section 3.2.1 of the Voting System Standards adopted by the FEC.

I will include Section 3.2.1. for the record.

At the heart of our elections system is the process of how we maintain our records on who is eligible to vote. Currently, thousands of election jurisdictions across the country manage these records independently. Some employ the latest technologies and database management techniques to ensure accuracy and reliability. Others need improvement.

This bill will require each State to develop a Statewide registration system. These systems will modernize, centralize and improve current methods for ensuring the accuracy of registration lists.

The current system in many States creates inefficiencies and duplications, as voters often move from one jurisdiction to another within a State without notifying the jurisdiction that they used to live in before they made the move. The result is that a single individual may appear on more than one registration list in a State.

These Statewide systems will make it possible for States to more effectively maintain voter registration information, as they should. States will have more accurate systems to protect voters from being mistakenly removed from the list, while ensuring that costly duplicates that invite voter fraud are quickly removed.

The lists maintained by the State will be the official list used to determine who is registered to vote on Election Day. Uniformity and integrity in the system will be assured as local election jurisdictions will no longer be able to maintain separate lists.

This bill contains important new guarantees for military and overseas voters. Military voters will be guaranteed assistance and information that they need from the Department of Defense so they can complete and return their ballots on time. The military is required to mark all ballots so it can be determined when they were mailed, so no valid military ballot will be rejected for lack of a postmark. All enlistees will receive a voter registration form upon enlistment. We all know how important that is for those who are serving their country and laying their lives on the line.

State election officials must establish a single office where military and overseas voters can get information on how to vote in that State. For the first time, they will be required to accept ballots mailed early from military personnel whose duties, for example, on a submarine, may prevent them from mailing ballots on a date close to the election. For the first time, we will have a report on the number of applications received and absentee ballots sent out to military and overseas voters, together with the number of those ballots that have been returned. Studies of these numbers may help us deter-

mine how to future improve participation and turnout among those voters.

Our election system is dependent on tens of thousands of election officials and 1.5 million volunteer poll workers in over 7,000 jurisdictions serving over 150 million voters across this great country. In the general election for Federal office, all of these people come together during a 24-hour period to choose our leaders. It is an incredibly complicated process that must be choreographed precisely to ensure its success. This means that education and training is critical to the success of our elections system. This legislation provides needed funds to complete that task across the United States.

A provision in this package that has been the subject, frankly, of some controversy is the voter ID provision that was included in the Senate-passed bill and is included in this conference report.

I want to emphasize this provision does not require voters to present an actual photo ID. In recognition of the fact that some citizens do not have such an ID, the bill allows a voter a number of options to identify themselves, including a bank statement, utility bill or government check. The provision applies only to first-time voters who register by mail. Language has been added to ensure it will be administered in a uniform and non-discriminatory manner, Mr. Speaker.

The voter ID provision is very important and will go a long way toward enhancing the integrity of our election process. People should not be permitted to register by mail and then vote by mail without ever having to demonstrate in some fashion they are the actual human being who is eligible to vote. I think this is at least the minimal we can ask.

This provision will help to end the practice of ghost voting, whereby people who do not exist are miraculously somehow able to vote. We should all keep in mind that a person whose vote is canceled out by an illegal vote has been disenfranchised every bit as much as an individual who has simply also been turned away from the polls. In either case, that is not the correct thing to do. This ID provision will protect against fraud of this type, and I am glad the conference saw fit to include it in the package.

Mr. Speaker, the election that took place in November of 2000 demonstrated there are serious problems in our election system. While the initial attention was focused on Florida, we have all learned over the past 2 years that the problems encountered were not unique but in fact were widespread. We just simply did not know it because there was not an election of the magnitude of the presidential that brought all of this to light through the national media.

While the problems varied from State to State, one common problem was a

failure to devote sufficient resources to election infrastructure. Not surprising, when State and local officials are faced with the decision of how to spend their limited resources and have to choose between things citizens use every day, like roads and schools, or spend it on equipment that might get used only a couple of times a year, like election equipment, the latter has often come up short; and this bill will help to solve that.

This lack of resources has left States with old and unreliable voting equipment, inadequate training and education of voters and poll workers and, frankly, poor registration systems.

□ 2045

While State and local governments have been charged with the responsibility of running elections for Federal office, they have simply received no assistance from the Federal Government. This bill changes that.

It is time for the Federal Government to provide some funding to make sure that the world's greatest democracy has an election system it can have pride and confidence in. And remember, when we take our thoughts of democracy across the waters and we try to monitor elections, we have to have our own house in order so that we have the confidence that other countries will see that our system is the best it can be.

The Help America Vote Act will provide Federal financial assistance to the tune of \$3.9 billion in authorized funding over the next 3 years. We can no longer ask State and local governments to bear all of the expense without any assistance from us.

I would also note that according to figures from the Congressional Research Service and the State Department, the United States has spent more than \$3 billion over the past 7 years to promote democracy abroad. I support that; I think we need to be promoting democracy in other countries. I just believe we need to start spending some Federal dollars to bolster our own democracy here at home.

I would also note that meeting the requirements of this act will not be cheap. If we want and expect State and local governments to meet the requirements we are imposing on them, we will have to provide the funding that will make it possible for them to do so. If we do not, we have done nothing more than pass another unfunded mandate to the States, and we do not want to do that. This bill will cause States and localities to fundamentally restructure their election systems in a host of tremendous ways. We need to provide the funding to make sure that happens.

In addition to the funding it provides, the bill will assist the States with their election administration problems by creating a new Federal

election assistance commission. This independent, bipartisan entity will be responsible for providing advice, guidance, and assistance to the States. It will act as a clearinghouse for information and make recommendations on best practices.

I want to stress that the name of the commission, the Election Assistance Commission, is not an accident. The commission's purpose is to assist States with solving their problems. It is not meant and does not have the power to dictate to States how to run their elections. This will not be a bill where Washington, D.C. turns around and says, this is the way you do it. It will not have rulemaking authority. The fundamental premise of the legislation on the commission was to have no rulemaking authority, and it cannot impose its will on the States; but I have to tell my colleagues, it has a heart to this commission, and it has the ability to make changes.

This commission was an important point the gentleman from Maryland (Mr. HOYER) and I talked about when we devised the Ney-Hoyer bill, because we wanted to make sure it worked for local governments and we wanted to make sure that this would be carried out.

Historically, elections in this country have been administered at the State and local level. This system has had many benefits that have to be preserved. The dispersal responsibility for election administration has made it impossible for a single centrally controlled authority to dictate how elections will be run and thereby be able to control the outcome. This leaves the power of responsibility for running elections right where it needs to be: in the hands of the citizens of this country. Local control has the further added benefits of allowing for flexibility so that local authorities can tailor their procedures to meet demands and unique community needs.

Further, by leaving the responsibility for election administration in the hands of local authorities, if a problem arises, the citizens who live within their jurisdictions know whom to hold accountable. The local authorities who bear the responsibility cannot now and not in the future be able to point the finger of blame at some distant, unaccountable, centralized bureaucracy.

By necessity, elections must occur at the State and local level. One-size-fits-all solutions do not work and only lead to inefficiencies. States and locales must retain the power and the flexibility to tailor solutions to their own unique problems. This legislation will pose certain basic requirements that all jurisdictions will have to meet, but they will retain the flexibility to meet the requirements in the most effective manner.

State and local officials from every State in America will have a voice on

this commission. While the commissioners will have expertise and experience with election issues and administration, they can still benefit from the advice and council of those who are on the ground, running elections around this country. State and local election officials in each State will ultimately bear the responsibility for carrying out the commission's recommendations so their voices must be heard as these guidelines and recommendations and best practices are developed.

The Help America Vote Act strikes the appropriate balance between local and Federal involvement. It provides for Federal assistance, acknowledging the responsibility we share to ensure that the elections that send all of us to Washington are conducted properly, without concentrating power in Washington in a manner that will prove at best ineffective, and at worst dangerous.

This conference report has received the support of a very diverse group of organizations that care about how elections are run in this country. I would like to introduce into the RECORD the statements of support from the following organizations: the National Commission on Federal Election Reform (Ford-Carter Commission), National Conference of State Legislatures, National Association of Secretaries of State, National Association of Counties, The Election Center, National Federation of the Blind, Common Cause, National Association of State Election Directors, United Auto Workers, AFL-CIO, NAACP, American Foundation for the Blind, National Association of Protection Advocacy Systems, and United Cerebral Palsy Association.

Mr. Speaker, let me also say that I have presented the thrust of the bill, I have presented the heart of the bill. We have a couple of speakers, and then I am going to conclude by also telling how this bill got here.

[Media release from the National Commission on Federal Election Reform]  
FORMER PRESIDENTS FORD AND CARTER WELCOME THE AGREEMENT REACHED BY THE CONGRESS ON ELECTION REFORM LEGISLATION

Oct. 4, 2002.—Today, former Presidents Gerald R. Ford and Jimmy Carter, along with Lloyd Cutler and Bob Michel, co-chairs of the National Commission on Federal Election Reform, welcomed the bipartisan agreement struck by the House and Senate Conference Committee on a bill to reform federal elections.

"The bill represents a delicate balance of shared responsibilities between levels of government," Ford and Carter said. "This comprehensive bill can ensure that America's electoral system will again be a source of national pride and a model to all the world." Indeed, all four of the co-chairs share the belief of Congressman John Lewis (D-GA) and others that, if passed by both Houses and signed by President Bush, this legislation can provide the most meaningful improvements in voting safeguards since the civil rights laws of the 1960s.

For more information on the National Commission on Federal Election Reform, please contact Ryan Coonerty at 202-321-8862 or Margaret Edwards at 434-466-3587.

NATIONAL CONFERENCE  
OF STATE LEGISLATURES,  
Washington, DC, October 7, 2002.

HON. ROBERT BYRD,  
Chairman, Senate Appropriations Committee,  
Capitol Building, Washington, DC.

HON. BILL YOUNG,  
Chairman, House Appropriations Committee,  
Capitol Building, Washington, DC.

DEAR CHAIRMEN BYRD AND YOUNG: On behalf of the nation's state legislators, we urge to make reform of our nation's election processes a reality by providing sufficient funding to implement H.R. 3295. The conference agreement announced today will provide an effective means for states and counties to update their election processes without federalizing election administration. NCSL worked closely with the conferees in the development of this legislation and is satisfied that it keeps election administration at the state and local level, limits the role of the U.S. Justice Department to enforcement, does not create a federal private right of action, and establishes an advisory commission that will include two state legislators to assist with implementation. NCSL commends the conferees for their work on this landmark legislation and is committed to implementing the provisions of H.R. 3295 to ensure every voter's right to a fair and accurate election.

To ensure proper implementation and avoid imposing expensive unfunded mandates on the states, it is critical that the federal government immediately deliver sufficient funding for states to implement the requirements of this bill. Neither of the existing versions of appropriations legislation provides sufficient funding for election reform. We urge you to fully fund H.R. 3295 at the authorized level of \$2.16 billion for FY 2003.

The Congressional Budget Office has estimated that it may cost states up to \$3.19 billion in one-time costs to begin implementing the provisions of this legislation. In this current fiscal environment, it will be extraordinarily difficult for states to implement the minimum standards in the bill without immediate federal financial support. States are already facing budget shortfalls for FY 2003 of approximately \$58 billion. Thirteen states have reported budget gaps in excess of 10 percent of their general fund budgets. To satisfy their balanced budget requirements, states are being forced to draw down their reserves, cut budgets, and even raise taxes.

We look forward to working with you to keep the commitment of the states and the federal government to implementing H.R. 3295. If we can be of assistance in this or any other matter, please contact Susan Parnas Frederick (202-624-3566; susan.frederick@ncsl.org) or Alysoun McLaughlin (202-624-8691; alysoun.mclaughlin@ncsl.org) in NCSL's state-federal relations office in Washington, D.C.

Sincerely,

Senator ANGELA Z.  
MONSON, Oklahoma,  
President, NCSL.  
Speaker, MARTIN R.  
STEPHENS, Utah,  
President-elect, NCSL.

NATIONAL ASSOCIATION  
OF SECRETARIES OF STATE,  
Washington, DC, October 9, 2002.

COMMITTEE ON HOUSE ADMINISTRATION,  
Longworth Building,  
Washington, DC.

DEAR CHAIRMAN NEY AND RANKING MEMBER HOYER: The National Association of Secretaries of State (NASS) congratulates you on the completion of H.R. 3295, the "Help America Vote Act." The bill is a landmark piece of bipartisan legislation, and we want to express our sincere thanks for your leadership during the conference negotiations. We also commend your Senate colleagues: Senators Chris Dodd, Mitch McConnell and Kit Bond.

The nation's secretaries of state, particularly those who serve as chief state election officials, consider this bill an opportunity to reinvigorate the election reform process. The "Help America Vote Act" serves as a federal response that stretches across party lines and provides a substantial infusion of federal money to help purchase new voting equipment and improve the legal, administrative and educational aspects of elections. In fact, our association endorsed the original draft of H.R. 3295 in November 2001.

Specifically, the National Association of State (NASS) is confident that passage of the final version of H.R. 3295 will authorize significant funding to help states achieve the following reforms:

Upgrades to, or replacement of, voting equipment and related technology;

Creation of statewide voter registration databases to manage and update voter registration rolls;

Improvement of poll worker training programs and new resources to recruit more poll workers throughout the states;

Increases in the quality and scope of voter education programs in the states and localities;

Improvement of ballot review procedures, whereby voters would be allowed to review ballots and correct errors before casting their votes;

Improved access for voters with physical disabilities, who will be allowed to vote privately and independently for the first time in many states and localities;

Creation of provisional ballots for voters who are not listed on registration rolls, but claim to be registered and qualified to vote.

We want to make sure the states will get the funding levels they've been promised, and that Congress will provide adequate time to enact the most substantial reforms. Please be assured that the nation's secretaries of state are ready to move forward once Congress passes H.R. 3295 and the President signs it.

If we can be of further assistance to you, your staff members, or your colleagues in the U.S. House of Representatives, please contact our office at (202) 624-3525.

Best regards,

DAN GWADOSKY,  
NASS President,  
Maine Secretary of State.

NATIONAL ASSOCIATION OF COUNTIES,  
Washington, DC, October 9, 2002.

Hon. BOB NEY,  
Chairman, House Administration Committee,  
House of Representatives, Longworth House  
Office Building, Washington, DC.

Hon. STENY HOYER,  
Ranking Democrat, House Administration Committee,  
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN NEY AND REPRESENTATIVE HOYER: We would like to congratulate you

and thank you for your leadership, perseverance and hard work in reaching agreement in the House-Senate conference on the "Help America Vote Act of 2002." We believe the final bill is a balanced approach to reforming election laws and practices and to providing resources to help counties and states in improving and upgrading voting equipment. The National Association of Counties supports H.R. 3295 as it was approved by the House-Senate conference Committee.

We are very concerned about Congress providing the funds to implement the new law. While there is much confusion at this time about the appropriation process for FY2003, we strongly urge the leadership of the House and Senate and President Bush to support inclusion of \$2.16 billion in a continuing resolution. This is the amount authorized for FY2003 by the "Help America Vote Act." We believe that funding and improving voting practices in the United States is as important as our efforts to strengthen homeland security.

Thank you again for your continuing efforts to fund and implement this new law.

Sincerely,

LARRY E. NAAKE,  
Executive Director.

ELECTION CENTER,  
Houston, TX, October 8, 2002.

Hon. ROBERT NEY,  
Hon. STENY HOYER,  
Hon. CHRISTOPHER DODD,  
Hon. MITCH MCCONNELL,  
House Administration Committee and Senate  
Rules Committee, Washington, DC.

CONGRESSMEN NEY AND HOYER AND SENATORS DODD AND MCCONNELL: On behalf of the elections community of America, I want to congratulate each of you for accomplishing what grizzled veterans said could not be done: you have produced bi-partisan legislation that will help America cure the worst of the problems discovered in Election 2000.

The Election Center neither supports nor opposes legislation—our members nationwide will do that on their own—but we can state what we believe the impact of the legislation will do for American elections.

This bill is not perfect. Few pieces of legislation that deal with complex issues are. And I know that there have been public comments from some quarters that they dislike provisions contained in the legislation. I hope that we all can remember that agreements between the two parties are hard to satisfy when we talk about something as fundamental as the democratic process.

As leaders of the committees of jurisdiction in the U.S. House and the U.S. Senate you have fashioned legislation which does, however, address many of the serious problems discovered in Election 2000. You have found methods which reach and solve many of the real problems and provides a role for each level of government. Real progress is offered in your legislation in assuring Americans that they will be able to go exercise their right to vote and have those votes counted.

Finding the right balance of voter protections, integrity of the process, and yet not upsetting the ability of states and local governments to maintain responsibility for this process has not been an easy task. You have managed to reach consensus that protects the rights of minorities, extends new services to the blind and disabled, to military and overseas voters, and allows the states to help rebuild the infrastructure of elections. The months of delay waiting on bi-partisan

legislation have developed a true compromise bill. While perfection may not have been reached, it is a good compromise for our democracy.

Congratulations on a job well done. This is responsible legislation.

Sincerely,

R. DOUG LEWIS,  
Executive Director.

NATIONAL FEDERATION  
OF THE BLIND,  
Baltimore, MD, October 9, 2002.

Hon. ROBERT NEY,  
Chairman,  
Hon. STENY H. HOYER,  
Ranking Minority Member,  
Committee on House Administration, House of  
Representatives, Washington, DC

DEAR MR. CHAIRMAN AND CONGRESSMAN HOYER: I am writing to express the strong support of the National Federation of the Blind (NFB) for the Help America Vote Act of 2002. Thanks to your efforts and strong bipartisan support, this legislation includes provisions designed to guarantee that all blind persons will have equal access to voting procedures and technology. We particularly endorse the standard set for blind people to be able to vote privately and independently at each polling place throughout the United States.

While the 2000 election demonstrated significant problems with our electoral system, consensus regarding the solution proved to be much more difficult to find. Part of that solution will now include installation of up-to-date technology for voting throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern for decades to come.

With more than 50,000 members representing every state, the District of Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness from our own experience. The right to vote and cast a truly secret ballot is one of our highest priorities, and modern technology can now support this goal. For that reason, we strongly support the Help America Vote Act of 2002 and appreciate your efforts to enact this legislation.

Sincerely,

JAMES GASHEL,  
Director of Governmental Affairs.

COMMON CAUSE PRESIDENT PRAISES ELECTION  
REFORM AGREEMENT

Statement by Scott Harshbarger, president and chief executive officer of Common Cause, on the conference agreement on the election reform bill:

"The Help America Vote Act of 2002 is, as Senator Christopher Dodd (D-CT) has said, the first major piece of civil rights legislation in the 21st century. Nearly two years after we all learned that our system of voting had serious flaws, Congress will pass these unprecedented reforms.

"For the first time, the federal government has set high standards for state election officials to follow, while authorizing grants to help them comply. Billions of dollars will be spent across the country to improve election systems.

"This bill, while not perfect, will make those systems better. Registration lists will be more accurate. Voting machines will be modernized. Provisional ballots will be given to voters who encounter problems at the polling place. Students will be trained as poll workers.

"As Common Cause knows from a seven-year fight to pass campaign finance reform,



compromise often comes slowly. We thank the bill's sponsors, Senators Dodd, Mitch McConnell (R-KY), Christopher Bond (R-MO), and Representatives Robert Ney (R-OH) and Steny Hoyer (D-MD) for their work. Their persistence—even when negotiations bogged down—brought this bill through.

"After the President signs this bill, states will need to act. Implementing this bill will require state legislatures to change laws, election officials to adopt new practices, polling places to alter their procedures, and poll workers to be retrained.

"These far-reaching changes will not come easily. The bill's enforcement provisions are not as strong as the 1993 Motor Voter law or the 1965 Voter Rights Act. Some states may lag behind and fail to implement these changes properly; some polling places will experience problems like in Florida this year; others may have problems implementing the new identification provisions.

"Common Cause and our state chapters will work with civil rights groups and others to ensure that states fully and fairly implement the new requirements. We will help serve as the voters' watchdogs: citizen vigilance can protect voters from non-compliant states.

"Voters can now look forward to marked improvements at the polls in the years ahead, thanks to the bipartisan leadership of the bill's sponsors."

NATIONAL ASSOCIATION OF  
STATE ELECTION DIRECTORS,  
Washington, DC, October 10, 2002.

Hon. BOB NEY,  
Hon. STENY HOYER.

House Administration Committee, Longworth  
House Office Building, Washington, DC.

DEAR CONGRESSMEN NEY AND HOYER: The National Association of State Election Directors (NASED) congratulates you on the successful completion of the final conference report on H.R. 3295. This initiative will significantly affect the manner in which elections are conducted in the United States. On balance, H.R. 3295 represents improvements to the administration of elections. As administrators of elections in each state we express our appreciation to you and your staff for providing us access to the process and reaching out to seek our views and positions on how to efficiently and effectively administer elections.

As with all election legislation, H.R. 3295 is a compromise package, which places new challenges and opportunities before state and local election officials. We stand ready to implement H.R. 3295 once it is passed by Congress and signed into law by the President. Implementation of this bill will be impossible without the full \$3.9 billion appropriation that is authorized. The success of this bold congressional initiative rests in large measure upon the appropriation of sufficient funds to bring the bill's objectives to reality.

We found the bipartisan approach to this legislation refreshing and beneficial. Thank you again for including NASED in the congressional consideration of the bill.

If we can be of further assistance, please contact our office at (202) 624-5460.

Sincerely,

BROOK THOMPSON,  
President.

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE & AGRI-  
CULTURAL IMPLEMENT WORKERS  
OF AMERICA,

Washington, DC, October 8, 2002.

DEAR SENATOR DODD: This week the Senate may take up the conference report on the

election reform legislation (H.R. 3295, the Help America Vote Act). The UAW supports this important legislation and urges you to vote for this conference report.

In our judgment, the conference report on H.R. 3295 will make significant improvements in our nation's election system. In particular, this legislation will require the states to allow registered individuals to cast provisional ballots if their names are mistakenly excluded from voter registration lists at their polling places. It also requires the states to ensure that voting machines allow voters to verify and correct their votes before casting them. And it requires the states to develop centralized, statewide voter registration lists to ensure the accuracy of their voter registration records. The legislation authorizes substantial new federal funding to help the states implement these reforms.

The UAW urges Congress to closely monitor progress by the states and federal government in implementing the provisions of this legislation. We believe it is especially important to make sure that the voter identification requirements are not implemented in a manner that disenfranchises or discriminates against any group of voters.

Thank you for considering our views on this important legislation to reform our nation's election system.

Sincerely,

ALAN REUTHER,  
Legislative Director.

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL OR-  
GANIZATIONS,

Washington, DC, October 8, 2002.

DEAR SENATOR: The AFL-CIO supports the conference report on H.R. 3295, the Help America Vote Act.

This conference report will help improve our nation's election system in several important ways. It will allow registered individuals to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide voter registration lists to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Since the actual number of individuals enfranchised or disenfranchised by the conference report on H.R. 3295 will depend on how the states and the federal government implement its provisions, the AFL-CIO will closely monitor the progress of this new law—especially its voter identification requirements. We will also increase our voter education efforts to ensure that individuals know and understand their new rights and responsibilities.

Sincerely,

WILLIAM SAMUEL,  
Director,  
Department of Legislation.

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
Washington, DC, October 8, 2002.

Re conference report to H.R. 3295, the Help America Vote Act (election reform).

DEAR SENATORS: The National Association for the Advancement of Colored People (NAACP), our Nation's oldest, largest and most widely-recognized grassroots civil rights organization supports the conference

report on H.R. 3295, the Help America Vote Act and we urge you to work quickly towards its enactment.

Since its inception over 90 years ago the NAACP has fought, and many of our members have died, to ensure that every American is allowed to cast a free and unfettered vote and to have that vote counted. Thus, election reform has been one of our top legislative priorities for the 107th Congress and we have worked very closely with members from both houses to ensure that the final product is as comprehensive and as non-discriminatory as possible.

Thus we are pleased that the final product contains many of the elements that we saw as essential to addressing several of the flaws in our Nation's electoral system. Specifically, the NAACP strongly supports the provisions requiring provisional ballots and statewide voter registration lists, as well as those ensuring that each polling place have at least one voting machine that is accessible to the disabled and ensuring that the voting machines allow voters to verify and correct their votes before casting them.

The NAACP recognizes that the actual effectiveness of the final version of H.R. 3295 will depend upon how the states and the federal government implement the provisions contained in the new law. Thus, the NAACP intends to remain vigilant and review the progress of this new law at the local and state levels and make sure that no provision, especially the voter identification requirements, are being abused to disenfranchise eligible voters.

Again, on behalf of the NAACP and our more than 500,000 members nation-wide, I urge you to support the swift enactment of the conference report on H.R. 3295, the Help America Vote Act. Thank you in advance for your attention to this matter; if you have any questions or comments I hope that you will feel free to contact me at (202) 638-2269.

Sincerely,

HILARY O. SHELTON,  
Director.

AMERICAN FOUNDATION  
FOR THE BLIND,  
Washington, DC, October 2, 2002.

Hon. CHRISTOPHER DODD,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR DODD: The American Foundation for the Blind supports the conference report for S. 565 and H.R. 3295. We are pleased that the conference report contains the disability provisions of the Senate bill.

Already this year, in some jurisdictions, blind and visually impaired voters have, for the first time, been able to cast a secret and independent ballot. We look forward to the day when all voters with visual impairments will have full and independent access to the electoral process.

The mission of the American Foundation for the Blind (AFB) is to enable people who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. AFB led the field of blindness in advocating the enactment of the Americans with Disabilities Act of 1990 (ADA). Today, AFB continues its work to protect the rights of blind and visually impaired people to equal access to employment, information, and the programs and services of state and local government.

Sincerely,

PAUL W. SCHROEDER,  
Vice President,  
Governmental Relations.

UNITED CEREBRAL  
PALSY ASSOCIATIONS,  
Washington, DC, October 9, 2002.

DEAR SENATOR DODD: United Cerebral Palsy Association and affiliates support the conference report on H.R. 3295, the Help America Vote Act. We also take this opportunity to commend you for the work you did to ensure that all people with disabilities have equal access under this act.

This legislation, while not perfect, will go a long way in improving the ability of people with disabilities to exercise their constitutional right and responsibility to vote. The funding allocated for the multiple provisions of H.R. 3295 is critical, and we pledge to work with Congress to ensure that this funding is made available.

UCP stands ready to assist states' and local entities as they work toward compliance of this very important legislation. The changes outlined in the bill must be adopted swiftly, correctly and fairly, and it will be incumbent upon us all to help in this process.

Finally, UCP applauds you and your colleagues on your dogged determination to pass legislation that will make distinct improvements at the polls and in the lives of voters with disabilities.

Sincerely,

PATRICIA SANDUSKY,  
*Interim Executive Director.*

NATIONAL ASSOCIATION OF  
PROTECTION & ADVOCACY SYSTEMS,  
October 9, 2002.

Hon. CHRIS DODD,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR DODD: The Protection and Advocacy System (P&A) and the Client Assistance Programs (CAPs) comprised a federally mandated, nationwide network of disability rights agencies. Each year these agencies provide education, information and referral services to hundreds of thousands of people with disabilities and their families. They also provide individual advocacy and/or legal representation to tens of thousands of people in all the states and territories. The National Association for Protection and Advocacy Systems (NAPAS) is the membership organization for the P&A network. In that capacity, NAPAS wants to offer its support for the passage of "The Help America Vote Act of 2002 (H.R. 3295).

NAPAS believes that the disability provisions in the bill go far to ensure that people with all types of disabilities—physical, mental, cognitive, or sensory—will have much improved opportunities to exercise their right to vote. Not only does this bill offer individuals with disabilities better access to voting places and voting machines, but it also will help provide election workers and others with the skills to ensure that the voting place is a welcome environment for people with disabilities. NAPAS is very pleased that P&A network will play an active role in helping implement the disability provisions in this bill.

NAPAS is well aware that there are still some concerns with certain provisions of the bill. We hope that these concerns can be worked out, if not immediately, then as the bill is implemented. It would be extremely unfortunate if people continued to face barriers to casting their ballot after this bill is signed into law.

Finally, we want to thank the bill's sponsors, Senators Dodd (D-CT) and McConnell (R-KY) and Representatives Ney (R-OH) and Hoyer (D-MD) for their hard work and perse-

verance. We look forward to working with each of them to ensure the swift and effective implementation of this important legislation.

Sincerely,

BERNADETTE FRANKS-ONGOY,  
*President.*

#### FEDERAL ELECTION COMMISSION

##### VOTING SYSTEM STANDARDS—SECTION 3.2.1

##### 3.2.1 Accuracy Requirements

Voting system accuracy addresses the accuracy of data for each of the individual ballot positions that could be selected by a voter, including the positions that are not selected. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error. Required accuracy is defined in terms of an error rate that for testing purposes represents the maximum number of errors allowed while processing a specified volume of data. This rate is set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections.

The error rate is defined using a convention that recognizes differences in how vote data is processed by different types of voting systems. Paper-based and DRE systems have different processing steps. Some differences also exist between precinct count and central count systems. Therefore, the acceptable error rate applies separately and distinctly to each of the following functions:

a. For all paper-based systems: (1) Scanning ballot positions on paper ballots to detect selections for individual candidates and contests; and (2) conversion of selections detected on paper ballots into digital data.

b. For all DRE systems: (1) Recording the voter selections of candidates and contests into voting data storage; and (2) independently from voting data storage, recording voter selections of candidates and contests into ballot image storage.

c. For precinct-count systems (paper-based and DRE): Consolidation of vote selection data from multiple precinct-based systems to generate jurisdiction-wide vote counts, including storage and reporting of the consolidated vote data.

d. For central-count systems (paper-based and DRE): Consolidation of vote selection data from multiple counting devices to generate jurisdiction-wide vote counts, including storage reporting of the consolidated vote data.

For testing purposes, the acceptable error rate is defined using two parameters: the desired error rate to be achieved, and the maximum error rate that should be accepted by the test process.

For each processing function indicated above, the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions.

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

Mr. HOYER. Mr. Speaker, I yield myself 3 minutes.

Twenty-three months ago, uncertainty gripped our great democracy. The United States of America, the wealthiest and most technologically advanced Nation in the world had failed, in my opinion, its most basic

election duty: the duty to count every citizen's vote and count it accurately.

The votes of an estimated 4 million to 6 million Americans went uncounted in November of 2000. This national disgrace cried out for comprehensive Federal reform. Thus, I am proud today to strongly support the historic, bipartisan conference report before us, the first Civil Rights Act of the 21st century.

The Help America Vote Act of 2002 is the most comprehensive package of voting reforms since enactment of the Voting Rights Act of 1965. The conference report authorizes unprecedented Federal assistance: \$3.9 billion over 3 years to help States improve and upgrade every aspect of their election systems. This funding will replace outdated voting equipment, train poll workers, educate voters, upgrade voter lists, and make polling places accessible for the disabled.

Furthermore, this legislation prescribes an array of new voting rights and responsibilities. States will now be required to provide provisional balance to ensure no voter is turned away at the polls. It requires that we give voters the opportunity to check for and correct ballot errors. It provides at least one voting machine per precinct that allows disabled voters, including those with visual impairments, to vote privately and independently; and it provides for an implementation of a computerized statewide voter registration database to ensure accurate lists.

In addition, the conference report will require States to set standards for counting ballots and to define what constitutes a vote. To ensure the integrity of our election system, first-time voters who register by mail will be required to produce some form of identification and States will be obligated to maintain accurate voting registration lists.

This legislation. Mr. Speaker, also establishes a bipartisan 4-member elections assistance commission which will issue voluntary guidelines regarding voting systems, administer grants, and study election issues. To ensure compliance, the conference report requires States to set up administrative grievance procedures. The U.S. Department of Justice will also be responsible for Federal enforcement.

Finally, let me remind my colleagues that passage of this conference report does not finish the journey. We now have, in my opinion, Mr. Speaker, a moral opportunity to ensure that this authorization is fully funded. I urge my colleagues to support this conference report. It will strengthen the foundation of democracy and shore up public confidence in this most basic expression of American citizenship, the right to vote and to have one's vote counted.

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



Mr. NEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I rise to engage the chairman of the Committee on House Administration and sponsor of this legislation in a brief colloquy.

I commend the chairman's effort in crafting this important legislation and bringing it before us today. In particular, I wish to thank him and his staff for working so closely with me in incorporating provisions of H.R. 2275, which I introduced with the gentleman from Michigan (Mr. BARCIA) and which was passed by the Committee on Science last year. My legislation established an independent commission charged with developing technical standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems. This concept is included in the conference report in section 221 in the form of the Technical Guidelines Development Committee.

The conference report charges this committee with the duty of developing voluntary voting system guidelines and then recommending these technical standards to the newly created election assistance commission.

I am seeking clarification from the chairman that it is his intent that these guidelines should include standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems, including those areas described in section 221(e)(2).

Mr. Speaker, I yield to the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, to respond to this request.

Mr. NEY. Mr. Speaker, the gentleman's interpretation of the language in the conference agreement is correct.

Mr. EHLERS. Mr. Speaker, I thank the chairman for his assurance and for his hard work on this conference report.

Mr. Speaker, reclaiming my time, I rise in support of the conference agreement on H.R. 3295, the Help America Vote Act of 2002. I thank the gentleman from Ohio (Mr. NEY), the chairman, and the gentleman from Maryland (Mr. HOYER), the ranking member, for their hard work on this. We have all worked very hard to produce this bill, but their leadership is what pulled it through.

For a month after the November 2000 election, we watched in disbelief as Florida's troubled election system became a national drama and fodder for the late-night talk shows. Polling station workers across Florida struggled to discern the true intent of a voter based on their interpretation of the now-infamous hanging chad. Because of Florida's problems, the most precious component of our democracy, the expression of the free will of individual voters, was turned into a battle between attorneys. After the dust settled, we put Florida's voting system

under a microscope and analyzed the flaws that troubled citizens and legislators alike.

After the Florida voting problems occurred, I, as a scientist, quickly realized that we needed to improve the technical flaws in our voting systems before State and local officials made large investments of taxpayer dollars in new voting equipment that may, in fact, be substandard. Scientists at MIT and Cal Tech came to the same realization and launched a joint research project to uncover the technical flaws in our voting systems and equipment. I thank them for their work and for their cooperation with us in this area.

After careful analysis of the problem and the MIT and Cal Tech study, I was appalled to discover many potential problems. For example, a high school computer hacker, or any other hacker, could sabotage some computer voting systems and make them display erroneous vote totals. In response to these problems, I drafted H.R. 2275 in conjunction with my colleague, the gentleman from Michigan (Mr. BARCIA).

In analyzing flaws of voting equipment, one of the key issues I identified was that the FEC's standards for voting equipment had been woefully inadequate for many years. It was very clear that we needed legislation to improve the process for developing technical standards for voting equipment, and H.R. 2275 was designed to address this need.

The legislation before us today contains almost all of H.R. 2275's provisions. It will improve voting equipment, because while we can debate the particulars of how to administer an election or which voting equipment to buy, no one will disagree that any voting system should be based on the best possible standards to ensure the usability, accuracy, security, accessibility, and integrity of voting equipment.

I know that new technical standards do not capture the public's attention, but they are the very foundation upon which voting accuracy and reliability rests, just as all of our commerce rests on reliable universal standards.

□ 2100

This conference report takes the concepts from H.R. 2275 and corrects a glaring flaw in our existing technical standards development process by creating a new 14-member panel chaired by the director of the National Institute of Standards and Technology. This panel will develop and recommend voluntary technical standards to ensure the usability, accuracy, security, accessibility and integrity of voting systems. A newly created Election Assistance Commission will then determine whether or not to adopt these voluntary standards.

Finally, the Commission will publish a central list of systems that are cer-

tified as meeting the current Federal standards. Since these standards are voluntary, States are still free to choose voting systems that are not certified, but now State election officials will be able to use this list to guide the purchasing decisions. This is a relatively simple, straightforward process that will lead to great improvement throughout our voting system.

With these provisions, voters can rest assured that casting their vote on equipment that meets the new Federal standards will mean that their vote counts.

I would also like to point out the strong anti-fraud provisions in this legislation. We must not only guarantee that each vote counts, we must also ensure these votes are not diluted by fraudulent votes. This bill will guard against fraud of many different types and will ensure that votes will be recorded accurately. We certainly do not want a return to the Tammany Halls or the Boss Prendergasts of the past.

Once again, I thank the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), for working with me to incorporate my thoughts in this legislation. I believe our collaboration has made a good bill even better, and I urge all of my colleagues to support this bill.

Mr. Speaker, I rise in support of the conference agreement on H.R. 3295, the Help America Vote Act of 2002.

For a month after the November 2000 election, we watched in disbelief as Florida's troubled election system became a national drama and fodder for the late night network shows. Polling station workers across Florida struggled to discern the true intent of a voter based on their interpretation of the now infamous "hanging chad." Because of Florida's problems, the most precious component of democracy—the expression of the free will of individual voters—was turned into a battle between lawyers. After the dust settled, we put Florida's voting system under a microscope and analyzed the flaws that troubled citizens and legislators alike.

But the problems Florida faced weren't unique, nor were they new. Fraud, outdated and inadequate voting equipment, poor access for handicapped voters, poor training of polling station workers, and voter disenfranchisement have occurred in local, state, and national elections for years. But it took Florida's elections to spur Congressional action to correct these flaws. We can be proud that the agreement before us today addresses, and takes action to correct, each of these issues, among others.

After the Florida voting problems occurred, as a scientist I quickly realized that we needed to improve the technical flaws in our voting systems before state and local officials made large investments of taxpayer dollars in new voting equipment that may, in fact, be substandard. Scientists at MIT and Caltech came to the same realization and launched a joint research project to uncover the technical flaws in our voting systems and equipment. I thank

them for their work and for their collaboration with me in this area.

After careful analysis of the problem and the MIT and Caltech study, I was appalled to discover many potential problems. For example, a high school computer hacker, or any other hacker could sabotage some computer voting systems and make them display erroneous vote totals. In response I drafted H.R. 2275, in conjunction with my colleague from Michigan, Mr. BARCIA, to address the many problems we found. In analyzing the flaws in voting equipment, one of the key issues I identified was that the Federal Election Commission's standards for voting equipment have been woefully inadequate for many years. It was very clear that we needed legislation to improve the process for developing technical standards for voting equipment, and H.R. 2275 was designed to address this need. My legislation was reported out of the House Science Committee with the encouragement of Science Committee Chairman BOEHLERT.

The legislation before us today contains almost all of H.R. 2275's provisions. It will improve voting equipment because, while we can debate the particulars of how to administer an election or which voting equipment to buy, no one will disagree that any voting system should be based on the best possible standards to ensure the usability, accuracy, security, accessibility, and integrity of voting equipment. I know that new technical standards do not capture the public's attention, but they are the very foundation upon which voting accuracy and reliability rests, just as all our commerce rests on reliable, universal standards. From the moment that you walk into a voting booth until your vote is officially recorded, the adequacy of the standards underlying this process will help determine whether or not your vote is recorded correctly. For example, standards help ensure that new "touch screen" technology does not bias your vote for one candidate over another, that voting equipment will afford access to all individuals with disabilities, and that your vote will be transmitted securely and recorded correctly.

This conference report takes the concepts from H.R. 2275 and corrects a glaring flaw in our existing technical standards development process by creating a new 14-member panel, chaired by the Director of The National Institute of Standards and Technology (NIST). This panel will develop and recommend voluntary technical standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems. A newly created Election Assistance Commission will then determine whether or not to adopt these voluntary standards. Once the Commission adopts these standards, labs accredited by the Commission will be able to test voting equipment and certify that new equipment meets the federal standards. Finally, the Commission will publish a central list of systems that are certified as meeting the current federal standards. Since these standards are voluntary, states are still free to choose voting systems that are not certified, but now state election officials will be able to use this list to guide their purchasing decisions.

The legislation also includes a research and development program to support the standards development process and to develop bet-

ter voting technology and systems. This is critical because research must underpin decisions that the standards development committee will be making. In addition, we need research to help improve our voting equipment and systems for future elections.

This is a relatively simple, straightforward process that will lead to great improvement throughout our voting system. With these provisions, voters can rest assured that casting their vote on equipment that meets the new federal standards will mean that their vote counts. I would also like to point out the strong anti-fraud provisions in this legislation. We must not only guarantee that each vote counts; we must also insure those votes are not diluted by fraudulent votes. While flawed voting equipment can undermine a person's right to have their vote recorded accurately, fraud can undermine our entire voting system. In my 25 years in elected office I have seen voting fraud in many different forms. It occurs more often than the American people know. The anti-fraud provisions in this legislation are common-sense measures that reasonable people will agree that we must have in order to preserve the integrity of our elections. We don't want any new Tammany Halls or Boss Preudergasts in the USA!

I want to thank Chairman NEY and Ranking Member HOYER again for working with me to incorporate my thoughts on this legislation. I believe our collaboration has made a good bill even better, and I urge all of my colleagues to support the bill.

Mr. HOYER. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. CONYERS), one of the most senior Members of this House, the ranking member of the Committee on the Judiciary, a giant in the civil rights movement of this country, whose voice is always heard on behalf of those who are dispossessed, downtrodden, or discriminated against. It is an honor to be his friend and an honor to serve with him in this House.

Mr. CONYERS. Mr. Speaker, I want to thank the manager, the gentleman from Maryland (Mr. HOYER), for his kind introduction, but, more importantly for what he did to help us come here today; on February 28 for his bill; on March 27 for my bill. We have been working tirelessly, and I have come to know the gentleman from Iowa (Mr. NEY), the chairman of the committee that had jurisdiction. I commend him. We have come a long, long way together.

I am very grateful to the gentleman from Michigan (Mr. EHLERS) for his technological contributions.

To the gentlewoman from California (Ms. WATERS), who headed the Election Reform Task Force for the Democratic Caucus, I praise her, whose study was a classic, along with that of the Commission on Civil Rights, the Carter-Ford Election Reform Commission, and more than a dozen other historic studies that have gone into this measure.

I am also pleased to have had and enjoy the support of the caucus of which I am a dean, the Congressional

Black Caucus. I am very grateful to all of them for their work, not just in forming the legislation and contributing to the process, but going to Florida and going across the country and putting their time in.

I am looking at the gentlewoman from Florida (Ms. BROWN) in particular, who I appreciate; and our other sister on the Committee on the Judiciary, the gentlewoman from Texas (Ms. JACKSON-LEE); and the Chairperson of the caucus, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who was heroic in this matter.

So I stand here, Mr. Speaker, commending all of our friends. I cannot omit the chairman of the committee in the Senate, CHRIS DODD, who worked tirelessly for 18 months to bring us to this point, a point that was brought to us by the fact that 6 million votes were thrown out in the last Presidential election. Forty-seven percent of the disabled encountered physical barriers at the voting place, and 10 times as many African American voters in Florida were likely to have had their ballot discarded in the last Presidential election. So we have worked on a bill with major standards.

What does this bill do?

One, nobody can spoil a ballot anymore in America when this bill becomes law, no way. If you vote, the machine selected by the State, or another apparatus, has to make sure that the voter has not spoiled his ballot or her ballot before they walk out of that booth.

Number two, there is provisional voting, so any election dispute is protected; that one is not sent to a phone number that nobody ever answers or a building where the office is closed. The vote is allowed in a separate stack, and then the determination that it be included or not is a permanent record kept to be re-examined by the voter or authorities.

Three, it says that that voting site must be accessible to the disabled.

Finally, we have provisions written about language requirements. Many people went to the polls and could not read the English language carefully or clearly enough.

Then, of course, there is \$3.9 billion of funds.

The last point, this is not a perfect bill. We fought against voter ID provisions, citizen check-offs, Social Security numbers. We are going to watch it carefully in the next Congress. If it requires correcting, everybody on this side of the aisle and the chairman of the subcommittee promises that we will take whatever corrective action is necessary.

I thank Congress for their efforts in this movement.

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

Mr. Speaker, I thank the gentleman for his contribution; but not just tonight, I thank the gentleman for his

contribution over a career of fighting for people and ensuring that their rights are observed and expanded.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GONZALEZ), the son of an extraordinary Member of this House who fought for the little people of America all the time and was a giant in this House; and his son, of which he would be supremely proud, promises to be equally committed to people.

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

To my esteemed colleague, the gentleman from Maryland, I thank him very much for those wonderfully kind words. Dad was incredibly unique for many, many reasons; and he is missed.

First, I would like to start off saying that I stand here today in opposition to this bill. It is a difficult time to stand here against a bill that does contain some very good language and make some giant strides in election reform. The drawbacks, though, basically will cancel out the true benefits of this bill.

I will start off by giving credit where credit is due, and that is for everyone who worked so hard out of this House to get out a decent bill that took the best parts of what the Senate had to offer to attempt a compromise, bring it in here in some form that would be acceptable to a majority of the Members. I know that took a lot of work, and there has been progress. I thank the Members for their efforts.

For the first time in the United States election history, an ID requirement is mandated. I attended hearings in Pennsylvania; missed a couple, I believe, in Illinois; was in Florida and Texas, California, because we had committees, we had commissions, that conducted hearings throughout this Nation. Not once, not once was there ever pointed out that there was a problem that would require a national ID requirement. This came out of the clear blue.

The Members that sit in this House tonight will tell us in their conversations, it did not emanate out of this House, not from Members of the House of Representatives.

What am I talking about? I will tell the Members what I am talking about: They have made voter registration, and the very act of voting, more difficult. As good as this bill is, it complicates the process, and it will disenfranchise individuals, individuals that live in my community, because all of the Members run for office. We know the registration process, and we know the voting process because we become part of it, and we are in those neighborhoods.

What this bill does for mail-in registration: no driver's license, no ballot; no utility bill, no ballot; no government check, no ballot; no bank statement, no ballot; no Social Security number, no ballot.

Now, Members may say, we will provide them provisional ballots. Those do not count. Those do not really count. We are talking about what happened in Florida. This gives some sort of a voting right, whatever a provisional ballot really is, because that vote truly is not going to be counted until something is cleared up.

On top of it, on top of it now, we are going to have a driver's license or a Social Security or a special four-digit assigned number. That is not just for mail-in ballots, Mr. Speaker, that is anybody, first-time registrants within a State. Even if they cross the county line, they still go through all of this. If they do not have a driver's license, they should give us the last four digits of their Social Security number. If they do not have that, we will assign them a number.

But if they do have a driver's license, if they do have a Social Security number and we use the last four digits, we need those verified. We are going to have those verified before we have a database system in place by 2004, because all this goes into effect. States will get waivers, move it to 2006. We will not even have the ability to do this.

If any Member has ever been part of a voter registration drive, they know how it is done. There is a deputy that goes up there, because no one can simply go and have something filled out and take it back. They will be asking for the driver's license. They do not have it? Then the Social Security.

But for a mail-in ballot, which a majority of the ballots in my community are submitted in this fashion, why? How long has it been since these Members have actually looked at the voter registration card in their counties? It is simple, it is unique, it is efficient. There has never been a problem that would mandate the type of requirement that we will be instituting on a nationwide basis. This will impact communities. It will impact the Latino communities.

I end by advising everybody that the Mexican American Legal Defense and Educational Fund, the NAACP Legal Defense and Educational Fund, the National Council of La Raza, the National Association of Latino Elected and Appointed Officials, and the National Puerto Rican Coalition all oppose this legislation.

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

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished chairman for yielding time to me, and I thank the ranking member.

Mr. Speaker, let me say, in this great country of ours democracy can only flourish when we make all our voices heard. That is why it is important to do all we can to ensure that no vote is nullified.

I want to commend the sponsors of the Help America Vote Act. Much hard work went into crafting this legislation that seeks to address the problems that plague our Nation's voting system; and when this bill was first debated on the House floor, I sought to offer an amendment to enhance the civil rights provisions of the bill, including ensuring accessibility of polling places, provision for provisional voting, and strengthening the National Voter Registration Act. I am pleased that some of these things were included in the final bill.

□ 2115

However, I want to join my colleague, the gentleman from Texas (Mr. GONZALEZ), in our concerns about other provisions that were added in the conference report. While these new identification provisions may be offered to ensure that our voting system is free of error and fraud, I fear these provisions may lead to further disenfranchise many Latino voters.

Under this bill, a Federal requirement for voter identification is created. This will be the first time ever such a provision exists in our Nation's law. I fear this starts a dangerous precedent. States will be required to ask a voter registration applicant or a first-time voter for a current driver's license number or the last four digits of their Social Security number or have a new four-digit number created and assigned to this applicant.

At a time that we should be encouraging people to come and register and be part of the democratic process, these new requirements add burdensome responsibilities in the process of voter registration and ultimately discourage voters. These people are citizens, and they know that you have to be a citizen to register to vote, which is why this whole other provision of checkoff, of citizenship checkoff, further delays the process and causes the possibility for registrars who may not see that checkoff take place to delay the ability of that individual to ultimately vote.

Lastly, we speak from experience, through manipulation of voter laws and voter intimidation. Many parts of our community and many parts of this country, including in my home State of New Jersey, have had laws used against them to ensure that they cannot vote. So in our objection we are concerned about the implementation of laws as written, and we are raising concerns about the potential or unequal administration of the law. We have seen it happen in the past, and we hope it will not continue in the future.

It is not just Hispanics, by the way. When Wisconsin looked at making changes to their voting laws, they conducted a study that found over 120,000 Wisconsin residents who did not have a driver's license or photo identification

cards. Well, individuals such as these have their voices and their votes ultimately will be heard.

I intend to vote for the bill because clearly there are many good provisions in it, and it provides desperately needed resources so that all of our States can update their voting systems, but we want to wave our sabers now and let it be understood that we intend to follow this process every step of the way, through the regulatory process, through what is promulgated in that regard, through its implementation to make sure that no citizen, particularly citizens of Hispanic decent, enter this democratic process with greater difficulty or with the inability to have their vote and their voice considered.

Mr. HOYER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. MENENDEZ) for his comments. I think they were well taken, as the comments from the gentleman from Texas were well taken. And I will join him and I know the gentleman from Ohio (Mr. NEY) will as well to ensure that their fears are not realized.

Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. HOYER) has 18½ minutes remaining. The gentleman from Ohio (Mr. NEY) has 6½ minutes remaining.

Mr. HOYER. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania (Mr. FATTAH), the next ranking Democrat on the committee who has been such a critical participant in forging this legislation.

Mr. FATTAH. Mr. Speaker, let me thank the managers of this bill for their work, not just here on the floor but more importantly in the conference committee. And also I add kudos to Senator DODD, who has really worked hard with the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) and also to pay deference to the dean, the gentleman from Michigan (Mr. CONYERS).

This is a good bill. It is not, as we now know, a perfect bill; but it is a bill that moves this process forward.

Mr. Speaker, I served as a teller here in the House, and I had to record the results from the Florida election and the Presidential race in the year 2000. And we know that not only were there votes not counted by many in the State of Florida, but throughout this country there are holes in our democracy. And this bill is an attempt to respond to that.

We have worked the will of the conference committee, merging ideas in the Senate and the House. There are things in this bill that I am sure your Senate colleagues would rather not be there and things we prefer not be a part of this bill, but there is a shared consensus of the conferees; and we would hope that it would receive an

overwhelming favorable endorsement here in the House, and I think it will move our democracy toward a more perfect Union.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to cast reflections on the Senate, either positively or negatively on individual Senators.

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

Mr. Speaker, I know the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), is on the floor and he is about to leave. With him is his deputy chief of staff, Mr. Stokke. Before he leaves, I want to take the opportunity to thank him and Mr. Stokke. Both of these gentlemen were vitally interested in this legislation. Both were extraordinarily helpful in seeking its passage. The Speaker has committed to the gentleman from Ohio (Mr. NEY) and I that he will work with us to make sure that this obligation is not an unfunded mandate, but in fact that we give the States the resources necessary. I wanted to thank the Speaker before he leaves the floor and thank Mr. Stokke, as well.

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

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. DAVIS), a member of our committee who has been intimately involved throughout this consideration and was so important in making sure that we had a bill that we could pass.

Mr. DAVIS of Florida. Mr. Speaker, I wanted to commend the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) on their work.

Mr. Speaker, as a Floridian I need to provide a little more sober assessment as to where we are and where we need to go.

I painfully need to first point out that we began discussing this issue right after the November 2000 elections, and it has taken the verge of the next set of elections to revisit the issue. We should not just be talking about this issue at election time. This is a burden we all bear, Federal, State and local. The people that testified before the House Administration Committee pointed out to us that the legislation, if it was going to work, was not just about replacing machines. It was about making sure that we had qualified people who were trained to use the machines. And, unfortunately, once again in my home State of Florida we have provided another painful lesson as to just how right they were.

Let me also point out that tonight is only half the battle. This is an authorization bill; but the guts of the bill, apart from some of the issues that have been discussed earlier, have to do with some of the funding that needs to be

provided. I want to urge the President for the first time to stand up and be counted on this and to release the funds that he has sequestered that would provide the first \$400 million in installment for this bill and to work with Democrats and Republicans to fund this bill, because without funding, the bill will only be an expression. It will not be action by this Congress.

So this is the beginning tonight. I applaud the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY), but we need to get to work on finishing the bill.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who chaired the special committee on election reform and held hearings all over this country and heard from literally hundreds of citizens on the issues confronting them at election time. "Revitalizing Our Nation's Election System" is a report issued by the Waters Commission, which was extraordinarily helpful to the gentleman from Ohio (Mr. NEY) and me in bringing this legislation to fruition. I thank her for that. I thank her for the contributions she has made. I am honored to serve with her.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for the hard work they put in trying to get this election law passed so that we would not experience what we have experienced in Florida and other parts of this country.

Mr. Speaker, my ancestors could not vote. My ancestors were blocked from being able to vote with such tactics as forcing them to have to pay poll taxes and take literacy tests. And we saw some of the same kind of tactics used in Florida and some other parts of this country in the national election that basically stunned the world. And so when the Democratic House minority leader, the gentleman from Missouri (Mr. GEPHARDT), asked me to lead the Democratic Caucus Special Committee on election reform, I said, yes, I must do this.

The committee was given the responsibility to travel throughout America and examine our Nation's voting practices and equipment. Over a 6-month period, this committee held six public field hearings in Philadelphia, San Antonio, Chicago, Jacksonville, Cleveland, and Los Angeles. We heard from election experts.

We heard from election experts and hundreds of voters about what is right and wrong with our election system. I was overwhelmed about the outpouring of interest and the support we received from our Nation's voters.

The conference report before us today authorizes grants to test new voting equipment and increases access to polling places by voters with disabilities. The conference report establishes

election standards that require States to allow voters to check and correct their ballots, provide access to disabled voters, allow provisional voting when there is question of an individual's eligibility.

This is not a perfect conference report, and I had to think long and hard about supporting it. I do not like any ID requirements. We do not have any in California. I do not like having to ask people for a driver's license or a Social Security number.

But despite those things that I do not like and what I think is wrong with this bill, I am going to support it because we need to get started with correcting what is wrong with our election systems here in America. And hopefully, we will continue to work on this so that we can come up with perfect legislation to deal with those problems.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments and again would pledge with the gentleman from Ohio (Mr. NEY) and myself and the gentleman from Michigan (Mr. CONYERS) and others to continue to work with her towards those solutions.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. PRICE). The gentleman has been involved with election reform as long as I can remember. He is an extraordinary leader on this bill and in this House on these issues.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the conference report on the Help America Vote Act. I want to congratulate the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY), the gentleman from Michigan (Mr. CONYERS), and others who have relentlessly pursued this historic bipartisan agreement.

Mr. Speaker, the problems that Florida experienced at the polling places and its primaries again this year demonstrate that our last national election was not just a once-in-a-life-time phenomenon. The problems that plagued us 2 years ago will continue to occur if we do not take action to address them. This legislation takes that action.

It requires States to meet minimum Federal election standards. It authorizes funds to help implement those standards and to educate voters, improve equipment, train poll workers and improve access for disabled voters. It also incorporates key elements of legislation I helped author, the Voting Improvement Act, H.R. 775, to buy out unreliable and outdated punch card machines, the type of equipment that has the highest error rate.

Mr. Speaker, now more than ever we need to make sure that every American can participate fully in our democratic form of government. We must ensure that every vote is counted. I urge my colleagues to take a significant step

towards achieving these goals by joining me in support of the conference report, H.R. 3295.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the distinguished chair of the Congressional Black Caucus, who has been involved since the very first day in demanding that we pass election reform, in focusing in on election reform and working towards the adoption of the bill; and I thank her for her efforts.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to use this minute to say that I want to thank the gentleman from Ohio (Mr. NEY), whom I visited the very first day of the session to talk about this, and the gentleman from Maryland (Mr. HOYER), who stayed the course, and Senator DODD and the Senate who led the deliberations in the Senate.

There was such an overwhelming outcry from this Nation and internationally that came to the Black Caucus after January 6, 2001, that we knew we had to act.

□ 2130

This became the number one priority for the Congressional Black Caucus to do something about election reform.

The faith in the system had gone. Today hopefully it will start to restore it. This is not to say this is a perfect bill, but it is to say that it is a major, major step in the right direction; and we hope that the President will keep his word to me. He made it a public statement when he said he will support it, and he would see that the money would be in the budget.

We appreciate it; and, Mr. Speaker, this is the civil rights bill of the new millennium.

Mr. Speaker, I rise today in support of H.R. 3295, a bill that will restore integrity to our nation's voting system. I strongly urge my colleagues to support this legislation.

Mr. Speaker, today is a proud day for the Congressional Black Caucus. Throughout this Congress, election reform has been our number one legislative priority.

On January 6, 2001, our Members walked out of this chamber to protest the voting irregularities and intimidation that resulted in a President who was appointed by the Supreme Court, rather than elected by the people.

We said we would not rest until the right to vote of every American was protected.

Mr. Speaker, I am proud to say that after 21 months of floor speeches and field hearings, we are very, very close to delivering on our word.

Now, this legislation is not perfect. But it is a tremendous step forward. And, with the 2002 elections just a mere 26 days away, and the 2004 elections on the horizon, it's time to move the ball down the field.

It's time to implement the centralized voter registration and standardized balloting called for by this bill.

It's time that we fund training and technical assistance programs to educate poll workers and replace faulty voting machinery.

And it's time to implement provisional balloting, so that no voter will get turned away from the polls if their eligibility is challenged.

These provisions will all go a long way toward correcting the disenfranchisement that we witnessed in 2000.

However, because I believe that these regulations should be enacted quickly, I am concerned that this legislation gives states waivers to push back their deadlines for many of these protections.

I am also troubled that this legislation authorizes funding for these programs without appropriating the \$3.9 billion dollars that they will require.

Lastly, for far too long, we have seen voting regulations corrupted and used to deny the votes of millions of people, especially people of color.

We must remain vigilant that the voter protections in this legislation are implemented evenly and effectively. And we must ensure that they are enforced with the full weight of our justice system.

Our work is cut out for us. It is easy to see that this legislation is really only the beginning. But it is a good beginning.

Now, I must thank the Members of the Conference Committee from both Chambers for working many, many late nights to complete their work on this legislation.

In particular, I would like to thank the gentleman from Maryland, Mr. HOYER, who has been battling to extend these important protections to our nation's voters. I would also like to commend Chairman NEY for his work in helping reach this compromise.

Finally, let me thank the Members of the Congressional Black Caucus for their extraordinary work. In particular, I must commend the gentleman from Michigan, Mr. CONYERS, for his leadership in co-authoring one of the original House election reform bills and for working to ensure that this bill became a reality.

As I conclude, let me remind my colleagues: The time to improve our elections system is now. We must make sure all Americans can register to vote, remain on the rolls once registered, vote free from harassment, and have those votes counted. I believe that this bill achieves those goals.

I call upon my colleagues to vote in favor of this legislation today. Mr. Speaker, we must act before another day has passed.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), a freshman Member of this House, an extraordinary Member of this House, who has been very much involved in the adoption of this bill as former Secretary of State in the administration of elections and a person who has confronted the challenges of barriers to participation. His participation was critical to the passage of this measure.

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

Mr. Speaker, I am pleased to be here on this historic day to urge passage of H.R. 3295, the Help America Vote Act. The measure sets minimum standards for elections and provides States with



the much-needed resources to upgrade voting equipment, improve election accuracy and provide voter education and poll worker training.

This legislation has rightly been called the first civil rights legislation of the 21st century because it will ensure that all Americans can participate fully in our democracy by being guaranteed the fundamental right to vote.

We would not be here without the leadership of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), my good friends on the Committee on House Administration. Their diligent efforts to craft a bipartisan election reform bill demonstrates the successes that we may enjoy by setting aside our differences and working for the good of the American people. I particularly appreciate their work to make our polling places and election equipment accessible to people with disabilities.

I encourage my colleagues to vote for this measure.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN), who has stood on this floor, stood up in Florida and stood in every forum to demand that we do what we can to ensure that every person's vote counts.

Ms. BROWN of Florida. Mr. Speaker, to the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), Congressional Black Caucus, and I have got to say Senator DODD, we would not be here today if it was not for their leadership.

I tell my colleagues this is a great day. I know this is not a perfect bill, but it is the perfect beginning. I say that over and over again because, as I stand here today, 27,000 of my constituents' votes were thrown out because of old equipment. Do my colleagues hear me? Twenty-seven thousand votes that have not been counted to date.

And I want to say to the young people, it does matter who is in charge. It matters who is in charge, and this is the first step that we have taken to correct that, the first step.

I know that all of the civil rights community is not happy with this bill. I am not happy with it. The reason why I am not happy with it is because it took so long to get here. I wanted it here for the midterm elections. It is not, but it will be for the 2004 election.

Mr. Speaker, this is not a perfect bill but, for me, it is the greatest accomplishment of the 107th Congress. The greatest thing we have done is to make sure that what happened in the 2000 election never happens again in this country.

Mr. Speaker, I am here today to say that it matters who is in charge.

To the young people, I want you to know that your vote does matter, and that every vote counts. And voting matters because the person in charge sets the agenda. In Florida, and here in Washington, it is very clear just

who is in charge and who is setting the agenda. Clearly, the Republican party thinks it is much more important to cut taxes and send the Federal budget into deficit than to focus on issues like election reform, health care, Social Security, and education.

There is no perfect bill, but this bill is a beginning. It has been 628 days since the 2000 election, and here we are, nearly 2 years later, and have just passed an election reform bill. I am thrilled we finally have an election reform bill though: We now have a bill which gives over \$170 million to the State of Florida for election reform, and \$3.6 billion to the States overall. Not perfect, but a good start. This bill requires States to do things they should have done long, long ago: Provisional balloting, replacing outdated punch-card voting machines, properly trained poll workers, educating voters, and upgrading voter lists . . . and making polling places more accessible for the disabled.

Everyone in this country and throughout the world knows that the 2000 elections were a complete sham. In my district alone, Florida's Third Congressional District, 27,000 of my constituents' votes were thrown out. Let me repeat that: 27,000. Now I know who won the last election and it was not the person sitting in the White House right now who is guiding this country into war.

And the incredible thing is that since the 2000 elections, in the State of Florida, Governor Bush has only spent \$32 million to overhaul the voting system. So, Florida, with 16 million people, spent \$32 million, while our neighbor, Georgia, with only 8 million residents, spent \$54 million on election reform.

I guess we see where the Florida Governor's priorities lie. He, like the Republican party here in Washington, is mainly interested in tax cuts for the country club group. Election reform just isn't very high up on their list.

In fact, the Governor did not even allow enough time during the Florida primaries to hold mock elections to educate voters and poll workers before the primaries.

Now I know there is no perfect bill, and I know many in the civil rights community and many here tonight are not happy with this compromise. And I am disappointed it has taken so long to reach a compromise and get an election reform bill passed. And I'm unhappy the conference report today will not pass in time to affect the mid-term elections. But I am happy to see we are ending the 107th Congress with a bill, and that we are finally addressing the problem of elections in this country. No, Mr. Speaker, this bill is not perfect, but it is to me, the greatest accomplishment of the 107th Congress, and I urge my colleagues to vote "yes" on the conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members it is not in order to refer to individual Senators except as the sponsor of a measure.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the conference report and important civil

rights bill that will make much-needed reforms in the way that we vote. For too long Americans had to deal with outdated polling practices, alleged fraud and confusing voting equipment and inexperienced poll workers. While the bill is not perfect, with this legislation we will begin to make improvements that prevent election controversies that continue to emerge in different parts of the Nation.

I am pleased to see that two provisions that I offered along with the gentleman from New York (Mr. REYNOLDS), my friend and colleague, have been included in the legislation. The bill ensures that overseas voters who fill out an application for voter registration will automatically receive an absentee ballot for two Federal general elections following registration. Additionally, the bill establishes an office in each State to respond to overseas voters inquiries. Overseas voters deserve the same opportunities to cast their ballots in elections as those who are able to make it to their local polling place on election day.

This is a movement towards truly every vote counting, and I commend the great leadership of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY).

Overseas voters deserve the same opportunities to cast their ballots in elections as those who are able to make it to their local polling place on election day.

I have spoken with Ambassadors, members of the armed services, and other American citizens living abroad who have expressed their desire to establish a more effective voting process for those living overseas.

Our constituents deserve to be a part of the electoral process no matter where they live.

With the passage of this legislation, we will ensure that each citizen's vote truly does count.

I'd like to commend my colleagues Chairman NEY and Ranking Member HOYER for their work on this issue and for bringing this bipartisan legislation to the floor.

I urge my colleagues to support this bill.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from Ohio (Mr. NEY), as well as the gentleman from Maryland (Mr. HOYER) for yielding the time and bringing the bill to the floor, some 20 plus months after the worst catastrophe in American history happened in our country.

The right to vote and have that vote counted is the most sacred thing an American citizen can have, and this bill begins the process of rectifying the very bad past that we experienced in 2000.

I want to commend the work of the committee. I want to work with my colleagues to see it implemented properly. I like the emphasis on high school and college students and voter education.



On that, I want to work with the committee to see that literacy is addressed. Too many people in America cannot read or read between the 4th and 6th grade level. We have got to make sure that the election materials reach that population so that it can vote.

With that, Mr. Speaker, I will cast my vote for this bill and ask that we continue to do the things necessary so all people's vote count and all people who are registered can vote.

Mr. Speaker, I rise today in support of the conference report on H.R. 3295, the Help America Vote Act. I also want to commend Chairman NEY and Ranking Member HOYER for their hard work on this landmark legislation.

In the aftermath of the 2000 election and the ensuing controversy that prevailed, it became abundantly clear that it was essential for our Nation to overhaul election administration processes. Our consideration of this act could not occur at a more favorable time because the specter of possible voter fraud, voter disenfranchisement and ballot confusion remain.

H.R. 3295 authorizes \$3.9 billion over 3 years to help States replace punch card and lever voting machines to improve the administration of elections. As we prepare for mid-term elections, once again the political stakes are high.

H.R. 3295 is important legislation because its enactment will enable voters to check for and correct ballot errors in a private and independent manner. The act will also ensure that legitimate voters will not be turned away from the polls. Furthermore, H.R. 3295 requires that States maintain clean and accurate voter lists.

As the Representative for the 15th Congressional District in Michigan, I am acutely aware of the vital importance of empowering every prospective voter. In the recent past, numerous black voters were disenfranchised due to the imposition of insidious practices designed to prohibit voter participation. Literacy tests, poll taxes, and voter intimidation were employed successfully to thwart black voter participation. However, a new day has dawned and Americans can now look forward to the overhaul of election administration.

I do, however, want to alert my colleagues to a concern I have about voter literacy, a problem that affects American voters. The average American reads on a 4th to 6th grade level. Therefore, it is imperative that we take steps to ensure that voting instructions and materials accommodate the literacy level of the average American. I am pleased that the conference report includes provisions to make voting sites accessible to persons with disabilities, and it affirms the Voting Rights Act of 1965. Nonetheless, I continue to have reservations about the potential for voter disenfranchisement.

As a former educator, I recognize the importance of reading and comprehending written material. I refer my colleagues to the provision in the bill that authorizes a total of \$3 billion over fiscal year 2003 through fiscal year 2005 that can be used in part to provide voter education. It is my hope that some part of those resources will be used to address voter literacy.

I am pleased to support the conference report, and I am confident the provisions of the bill will usher in critical changes that will serve to enhance the legitimacy of our electoral process.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK), an extraordinary Member of this body who will be leaving this body and we will be poorer for it, who experienced firsthand the trauma of people coming to the ballot box and being unable to cast their vote and being assured that it counts.

Mrs. MEEK of Florida. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER), my good friend, for yielding me the time.

It was once said that all that is required for evil to triumph is for good people to do nothing. We had some very good people doing something on this: the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), the Congressional Black Caucus, the gentlewoman from Florida (Ms. BROWN) and the entire lot, they wanted to do something, not just say nothing could be done because of the problems. The problems were faced.

We do not have a perfect bill, but we have the very best we could get, and it could not have been done without the people that I just mentioned. So I am glad that I lived to see this bill happen, and we all are very emotional about it because of the fact this, to us, is an emancipation of some of the problems we have had with voting in this country, and I want to thank the writers of this bill and the people who participated in it.

For once, we will go forward to do something better for this country and so that everybody can be created equal.

Mr. Speaker, this Conference Report is an important milestone for democracy in America. I am thrilled that the election reform conferees have heeded the will of the Congress and the American people and reached an Election Reform Conference Agreement that takes enormous steps toward ensuring that every voter counts equally and that every vote cast is counted. Last week, when this House overwhelmingly approved my Motion to Instruct the Election Reform Conferees to produce a Conference Report by October 4, 2002, the prospects for election reform were still very much in doubt.

I congratulate my good friends Representative STENY HOYER, Senator CHRIS DODD, Chairman BOB NEY, Senator MITCH MCCONNELL, Senator CHARLES SCHUMER, Senator KIT BOND, the Chair of the Congressional Black Caucus Representative EDDIE BERNICE JOHNSON, Representative JOHN CONYERS, Representative MAXINE WATERS, Representative CORRINE BROWN, Representative ALCEE HASTINGS, my other CBC Colleagues, and my South Florida Democratic Colleagues PETER DEUTSCH and ROBERT WEXLER on this outstanding achievement.

From the day of the 2000 Presidential election catastrophe in Florida and elsewhere to

today, including last month's primary election fiasco in Florida, I vowed that I would not rest until the Congress passed and adequately funded a real election reform bill and the President signed it into law. The Conference Agreement is an important step toward achieving my goal. The next step is to honor our shared commitment to adequately fund the implementation of this legislation through our appropriations process so that we do not create an unfunded mandate for the states.

As many of you know, I had a problem myself in last month's primary election when I stopped by a library branch in my precinct to cast an early vote. I was delayed from voting for more than 30 minutes because the only computer available was not working and the election officials on duty said that they couldn't verify that I was an eligible voter. So the need for election reform is not some abstract matter to me. It is something real and very personal. When I said, "No more Florida voting problems", I meant it. It remains extremely important to me to achieve real election reform for my constituents before I conclude my congressional service.

Mr. Speaker, the Conference Report is an historic achievement, certainly the most important piece of election and voting rights legislation since the Voting Rights Act of 1965. It will mean millions of dollars in Federal assistance to Florida and every other state and will go a long way toward making voting rights problems, such as those that occurred in Florida, a thing of the past.

The Conference Report contains such important protections as provisional voting, 2nd-chance voting, privacy in voting for voters with disabilities, statewide computerized lists of registered voters, and uniform and nondiscriminatory standards for counting ballots so that your chance to have your vote counted will not depend on where you live. It also authorizes \$3.8 billion in funding over the next three years to help states replace and renovate voting equipment, train poll workers, educate voters, upgrade voter lists, and make polling places more accessible for the disabled.

When this Conference Report becomes law, no qualified voter can ever again be turned away from the polling place without first being offered the opportunity to cast a provisional ballot. Voters will be able to correct their ballots easily if they make a mistake and vote for the wrong candidate, or nullify their ballot by voting for too many candidates.

Mr. Speaker, this is not a perfect bill. Like virtually every Conference Agreement, the Conference Report is the product of negotiation and compromise. As a result, it contains some provisions from the Senate bill, like the voter ID requirements for first time voters and the related and redundant citizenship check-off declaration, that would not be in the bill if I alone had been able to draft it.

Some civil rights organizations have expressed their concerns that the voter ID provisions and the citizenship check-off requirement could have a discriminatory and disproportionate impact on those prospective voters, such as racial and ethnic minorities, students, the poor, and people with disabilities, who are substantially less likely to have photo identification than other voters. Given my commitment to voting rights, I take these concerns

seriously, but, they do not affect my support for this Conference Report.

To address the concerns about voter ID, I urge the Election Assistance Commission to be established by this Conference Report to carefully monitor the implementation of the voter ID requirements by the states so that the Commission may make recommendations for further reform if it uncovers evidence that these requirements are interfering with the opportunity of any qualified voter to vote and have his vote counted.

Mr. Speaker, when the House and the Senate approve this Conference Report and the President signs it, and we fully fund its implementation, we will take an enormous step toward ensuring that all qualified voters receive an equal right to vote and to have their vote counted.

I urge all my Colleagues to support this Conference Report.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), assistant Democratic leader, outspoken strong fighter for a citizen's right to vote and have that vote counted, an extraordinarily effective worker on behalf of the passage of this bill.

Ms. DELAURO. Mr. Speaker, I rise in strong support of this legislation and thank those who have made it possible.

Not long ago we took our right to vote for granted, but what occurred in Florida 2 years ago and again last month reminded all Americans how very sacred that right is. The right to vote is a cornerstone of our democracy, the most basic and most essential expression of citizenship. When that right is put into doubt, when citizens cannot know that a ballot cast is a ballot counted and that their unique voice has not been heard, it undermines confidence in our entire political system as well as the government formed on the foundation of our ballots.

People must simply have the confidence that their vote counts. That is what this legislation is about. It authorizes nearly \$4 billion during the next 3 years to modernize our equipment, poll worker training, voter education, improved voter lists, improved voter access, provisions that would alert voters to improperly marked ballots like those we saw during the last presidential election. It goes a long way toward restoring the integrity of our electoral system.

Our work is not done. We must make sure that the funds for this bill are not merely authorized but appropriated so that this historic legislation does not become just another empty promise. At a time when American leadership in the world is critical, following through reforming on our election system is simply too important to address halfheartedly.

I am proud to support it.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the conference committee who succeeded

Barbara Jordan in her seat, an extraordinary fighter for our Constitution and for our people, and she is following in that tradition.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Maryland very much for yielding me the time.

The gentleman from Maryland (Mr. HOYER) did stay the course and the gentleman from Ohio (Mr. NEY), the chairman and the gentleman from Michigan (Mr. CONYERS), and to be admonished, I know I will be, Senator DODD. The work that they all have done has brought us to this place.

When I went to Florida, I saw many people in the aftermath of the 2000 election as we sought the recount; and they were minorities, they were elderly, they were Jewish Americans, they were Hispanic Americans. They were Americans, and each of them said that their vote had not been counted.

Today, let me thank my colleagues because we do have the civil rights act of the millennium but, more importantly, the most historic piece of legislation since the Voter Rights Act of 1965 which helped create the seat that Barbara Jordan held in this United States Congress.

So I am very gratified that we will now have provisional balloting. We will now have State-wide registration. We will now have the ability for disabled individuals to access the voting place. We will now have the ability for funding so that we can get rid of punch cards and we can get rid of paper ballots if the communities desire to do so.

Might I say that I am very grateful as well that the thousands of people who have been purged from the rolls now will have language in this legislation that they must have notice before they are purged. I am grateful that that particular provision that I desired to get in in working with the advocacy groups, we were able to clarify it. Because thousands of persons were purged off the rolls without knowing in the State of Texas, and thousands were purged off in the State of Florida. We have much work to do.

I am opposed to the photo ID. I am opposed to discriminating against people because they are Hispanic or ethnic minorities. The photo ID, let us work on that.

This is a great bill, and I offer my support, but there is more work to be done.

Mr. Speaker, first, I would like to thank Mr. HOYER, Mr. CONYERS, Mr. DODD in the Senate, Mr. HALL and Mr. BARCIA of the Science Committee.

I rise in support of the Help America Vote Act, although there are issues that should still be resolved. After the election debacles of the past two years, I had hoped that we could have produced a perfect solution to the problems that plague our voting systems. Unfortunately, we did not. But I feel that that should not keep us from passing this landmark piece

of legislation. This is a major civil rights initiative of this century.

The bill we have before us takes a great stride toward giving the American people the fair and efficient system of voting that the American people deserve, but it should not be the final step. Even after this Act is signed into law, as I assume it will be, we must continue to be vigilant—looking for obstacles that disenfranchise legal voters, and removing those obstacles.

As a Member of the Judiciary Committee and of the Science Committee, I have been actively involved in the development of this bill. Indeed, I served as a conferee on several parts of the legislation. In it, there is much in it to be pleased with. Voting is the cornerstone of any democracy, and must be above all suspicion. Every vote should be counted to ensure that every voter is being heard.

One excellent provision of this bill is that it follows the recommendation of the National Commission on Election Reform by taking full advantage of the expertise and experience at the National Institute of Standards and Technology (NIST). NIST has long been reporting on voting standards and technologies, and should be the perfect group to direct and coordinate efforts to develop performance-based standards for voting equipment. Such standards will improve the accuracy, integrity, and security of our polling systems.

When this bill first came out of conference, it included language that would have forced any state employing these standards to pay royalties to the company that developed it, although those standards were developed with taxpayers' funds. Thanks to a well-coordinated, bipartisan effort by us conferees from the Science Committee, this language was removed. We also ensured that once standards are created, that NIST will also be charged with accrediting the labs that will certify election equipment, to make it more likely that smart plans will translate into real benefits.

Other victories have come in the field of purging of registered voter lists. Although purging of voter rolls, may be a well-intentioned attempt to remove inappropriate votes from being cast—such purging has rarely, if ever, been done effectively and fairly. Done improperly, purging can be an expensive tool for discrimination or mistreatment. Consistently through the history of our nation, purging has been a mechanism for silencing minorities, and the socio-economically disadvantaged.

In Florida alone, thousands of eligible voters have been misidentified as being felons who are unable to vote: 3,700 before election 1998, and 11,000 before election 2000. There is no reason to think that this is a Florida-specific problem. This means that perhaps hundreds of thousands of American citizens, living in the richest Democracy in the world, are having their fundamental right to vote stripped due to clerical errors. This is absolutely unacceptable. I have fought to preserve language in this bill that will ensure that voters are not unfairly purged from the voting rolls. In Texas thousands of voters were purged from the rolls without notice. The language I insisted on adding requires notice to be given to the voter and two federal elections to occur before that voter would be purged.

I know that this is a somewhat contentious piece of legislation. I had hoped that election

reform would draw us all together in the name of reaffirming the principles of democracy. There are several groups, whose opinions I deeply respect, who feel we should reject this bill because it is not perfect. They are, as I am, concerned that some provisions—such as the reliance on driver's licenses and social security numbers and utility bills as forms of identification—could be used to disenfranchise the elderly, the disabled, the homeless, racial and ethnic minorities who might not have such documentation. This would bring about a disproportionate burden on voters who deserve to vote and have their vote counted.

We are also worried that simple errors in filling out registration forms—such as the failure to check a box, or to supply a driver's license number—could jeopardize a person's ability to vote. Such restrictions could significantly hamper the efforts of get-out-the-vote campaigns that enable hundreds of thousands of Americans to take part in the Democratic process each election year. There will always be a balancing-act between making it easy for people to vote, and making it difficult for people to commit voter fraud. Although it is not perfect, I feel the present bill is a decent compromise.

As the world's greatest Democracy, we must ensure that our elections meet the highest standards of integrity. Pushing the cause of Democracy is primary part of our foreign policy. The eyes of the world are upon us every two years as Americans go to the polls. It is a disservice, not only to the American people, but to all people around the world who aspire to our level of freedom—when we sink to the lows that were seen in Florida in 2000, and again this year.

The Help America Vote Act of 2002, will set the bar for our elections, and election-systems of the future. We should always seek to raise that bar as technology improves and obstacles are recognized. However, with elections upcoming, now is the perfect time to demonstrate our commitment to progress in making each vote count. Mr. Speaker, I support the Help America Vote Act, and urge my colleagues to do the same, and look forward to the bill being fully funded.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Waters Commission on which I also had the opportunity to serve.

Ms. SCHAKOWSKY. Mr. Speaker, I want to congratulate the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for succeeding in bringing forward an election reform bill that will help move our election system into the 21st century. I thank the gentleman from Maryland (Mr. HOYER) for making this a top priority and relentlessly fighting for its passage.

I had the privilege of being one of the vice chairs of the Democratic Caucus Special Committee on Election Reform under the able leadership of our chairwoman, the gentlewoman from California (Ms. WATERS), who tirelessly traveled the country holding many hearings. From young and old voters, people of color and with disabilities, we heard a clear message. Without min-

imum election standards and a commitment of Federal dollars, voters will continue to be disenfranchised and history doomed to repeat itself.

I am particularly pleased that this legislation includes a crucial proposal similar to legislation I introduced last year, the Provisional Voting Rights Act of 2001. Under provisional voting, duly registered voters can feel confident that if their name does not appear on the registration list they will be permitted to vote. They will not have to go to a police station or leave the polling place in order to get their provisional ballot.

Any meaningful election reform proposal must include this measure and the Help Americans Vote Act does.

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It is not perfect, but it will bring us closer to ensuring that every citizen can vote and every vote will be counted.

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

We come now to the end of this debate. It has been a short debate, too short a debate; but it has been a long road from November 2000 to today. It was a road taken by many people.

Paul Vinovich, the chief counsel of our committee, Chet Kalis, who has done an extraordinary job on this bill and was one of the anchors, in my opinion, as we worked through this bill. Roman Buehler, who had strong contributions to this bill and a great knowledge that he brought to the consideration of this bill. Pat Leahy, who did an extraordinary job himself. Matt Petersen, Maria Robinson, Keith Abouchar, Dr. Abouchar, of my staff, who from the very first of this bill has worked daily on its provisions. Len Shambon, Bill Cable, Matt Pinkus, Noah Wofsy, Bob Bean, Neil Volz, who are no longer with us; and Beth Stein, who now works in the Senate.

All of these staffers have played an extraordinary role.

Mr. Speaker, I acknowledged earlier the Speaker of the House. I want to acknowledge the gentleman from Missouri (Mr. GEPHARDT), who was steadfast in his support of this process and whose help was absolutely critical to the final product and who met with the gentleman from Ohio (Mr. NEY) and me when we requested him to do so to discuss how we could move this bill forward.

And then, Mr. Speaker, let me say to the gentleman from Florida (Mr. YOUNG), who is on the floor here today, that the gentleman from the State of Florida, the chairman of the Committee on Appropriations, my dear and close friend, one of the giants of this institution, his commitment to funding this legislation was and is absolutely critical. He and the Speaker have been extraordinarily supportive. And now we come to a challenge to get the \$2

billion that we are going to need for this year and the \$1 billion after that and the \$1 billion after that to ensure that this is not an empty promise.

Mr. Speaker, there are two bills I think that when I end my career I will look back on as being the most important bills in which I was involved: one that I had the privilege of sponsoring, the Americans with Disabilities Act, and this bill I have had the privilege of cosponsoring with my friend, the gentleman from Ohio (Mr. NEY).

There was an article in the paper just a few days ago talking about the gentleman from Ohio and me and our relationship and how we worked together in a nonpartisan fashion. Not in a bipartisan fashion, but in a nonpolitical, nonpartisan fashion, knowing full well that Americans expect us to work together to make sure this institution works as well as it possibly can, with fairness to all 435 Members. I am blessed by the fact that the gentleman from Ohio is committed to that objective and he runs an open, fair, and effective committee. I am pleased and honored to be his colleague.

I want to say as well that I am honored to have served in this House that has come to this day in a bipartisan fashion. When the roll is called, we are going to see the overwhelming majority of Republicans and the overwhelming majority of Democrats vote to ensure that every American not only has the right to vote but will be assured that this greatest of democracies will ensure that every individual, high or low, black or white, rich or poor, will be assured that their vote will count.

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

It has been said that this bill will make it easier to vote and harder to cheat, and that is true; but this bill goes way beyond a simple phrase, and I want to thank everybody that has made this bill possible.

I want to thank the people who worked on the Ford-Carter Commission, obviously, Presidents Ford and Carter. Their commission performed a tremendous service and their recommendations had a profound effect. I had the pleasure 2 days ago to be able to talk personally to Presidents Ford and Carter, and they expressed their tremendous support for this measure and their thanks to the Congress for passing it.

I want to thank the members of the conference committee. First, of course, the gentleman from Maryland (Mr. HOYER). If it were not for the gentleman from Maryland, and he came to me and he proposed the ideas and he had a vision, if it were not for him, we simply would not have had the product in the direction obviously out of the House to be where we are at today, and I want to thank him for his integrity. He is a distinguished ranking member.

He heeded the call to make elections work, to restore the faith in our system; and without his persistence and gentle persuasion at critical moments, this bill would not have been possible. And I want to thank him for what he has done for his country and for the citizens.

I want to recognize the gentleman from Michigan (Mr. EHLERS), who provided invaluable support for the scientific end of it; the gentleman from New York (Mr. REYNOLDS), whose concern over the rights of military and overseas voters are strongly reflected in this bill; the gentleman from California (Mr. DOOLITTLE), who insisted on strong anti-fraud and privacy protections; the gentleman from Arizona (Mr. STUMP) and the gentleman from New York (Mr. McHUGH), from the Committee on Armed Services, who helped to make this bill a landmark piece of legislation for military voters; the gentleman from Illinois (Mr. KIRK).

And although he is not a conferee, I want to especially mention the gentleman from Indiana (Mr. BUYER), whose detailed input on the military voting issue significantly improved the bill. The gentleman from California (Mr. THOMAS) and the gentleman from Florida (Mr. SHAW), from the Committee on Ways and Means, should be given the credit for crafting the provisions to protect voter privacy. The gentleman from New York (Mr. BOEHLERT) and the gentlewoman from Maryland (Mrs. MORELLA) made sure also that the voice of the scientific community came through.

I also want to pay special tribute to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip, whose advice and guidance through the process based on his experience as the Missouri Secretary of State was essential to the final compromise.

I also want to thank the Members on the minority side who served on the conference committee: the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Florida (Mr. DAVIS), who are tremendous Members. We are very blessed on House Administration, on both sides of the aisle, to have such terrific members: the gentleman from Missouri (Mr. SKELTON) and the gentleman from Michigan (Mr. CONYERS), who gave advice and who was always willing to be there; the gentleman from Michigan (Mr. BARCIA); the gentlewoman from Texas (Ms. JACKSON-LEE); the gentleman from New York (Mr. RANGEL); and the gentleman from Rhode Island (Mr. LANGEVIN), whose support on the disabilities issue was tremendous; the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who always was concerned through the whole process to be part of it; and many other Members, Mr. Speaker.

I especially wanted to thank also the gentleman from Missouri (Mr. GEPHARDT), who met with the gentleman

from Maryland (Mr. HOYER) and me, and also I want to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), whose unwavering support through the past 2 years kept this process on track and has gotten us to where we are today. He had the commitment and the faith this could be done. And Mike Stokke, his staff member.

I want to thank the groups whose efforts and support made this possible: the National Association of Counties, including their staff, Ralph Tabour; the National Association of Secretaries of State, including our Secretary of State Ken Blackwell of Ohio, who picked up the phone on the first day after the gentleman from Maryland (Mr. HOYER) and I got together and said he wanted to be a part of the process to help, through the Secretaries of State; Ron Thornburg, past president of NASS, Secretary of State for Kansas; also Sharon Priest, Secretary of State of Arkansas, valuable input, and their executive director, Leslie Reynolds.

The National Conference of State Legislatures, NCSL, including Speaker Marty Stephens from Utah and staff Susan Parnes-Frederick. The Election Center and their executive director, Doug Lewis. The National Federation of the Blind, including their staff Jim McCarthy. The National Commission on Federal Election Reform, executive director Phillip Zelikow.

And I want to mention our staff for their extraordinary, and I mean extraordinary, efforts. People talk about conference committees. There were discussions and they started at 10 a.m. and they ended at 3:15 and then started the next day at 8 a.m. and they ended at 2:15. There was a great deal of time put in on a very technical bill.

But I want to thank, from the Committee on House Administration, Paul Vinovich, our staff director, Chet Kalis, Roman Buhler, Matt Petersen, Pat Leahy, Maria Robinson, Chris Krueger, and also Will Heaton, our chief of staff of our personnel office, who kept that going. Not with us today, Neil Volz, who was originally in the process, and Jim Forbes, who was press secretary then, and our current press secretary, Brian Walsh. All of them had an integral part in making this happen.

For the gentleman from Maryland (Mr. HOYER) and the staff of the Committee on House Administration, Bill Cable, Keith Abouchar, Lenny Shambon, all were extremely valuable.

Mr. Speaker, I want to thank my wife, Liz, and my son, Bobby, and my daughter, Kayla, for putting up with me not spending enough time with them in the last couple of weeks.

Also the staff of Senator CHRIS DODD: Kennie Gill and Ronnie Gillespie and Sean Marr. The staff of Senator MITCH McCONNELL: Brian Lewis and Leon Sequeria. For Senator KIT BOND: Julie

Damman and Jack Bartling. And especially legislative counsel Noah Wofsy for the House and Jim Scott for the Senate.

From the Senate side, there is no question the integrity, the desire, the vision, the perseverance of Senator DODD. If it were not for that, we also would not be here tonight. He has done something that will live on for a long time, also along with the other two Senators, MITCH McCONNELL and KIT BOND.

As I said at the beginning of this process, Mr. Speaker, so many months ago, that for this effort to succeed we would have to be doing it in a bipartisan manner. We are about to witness the realization and fulfillment of that prediction.

I am grateful to my friends on the other side of the aisle, as well as on the other side of the Capitol, for their willingness to put partisanship aside and work together to produce this much-needed piece of legislation for the American people.

The United States of America is the world's greatest democracy. We need an election system that is worthy of that legacy. This bill will give us an election system that all Americans can have pride in. Langston Hughes, the poet, wrote, "Dream your dreams, but be willing to pay the sacrifice to make them come true." Our veterans have sacrificed with their blood, from the beginning of this country through the revolution, to make sure we can be here tonight to debate and argue all these points that are important to us. And on top of that, people died to get the right to vote in this country. We cannot forget that.

So, therefore, this bill is important. This is the bill that is going to produce, long after we are gone, the results that we need to have faith in the system.

In closing, Mr. Speaker, we talk about what we can do for our constituency, and there are a lot of issues. We debate important issues, such as if we are going to go to war or not, and issues important to our domestic agenda. But people have to be here to be able to vote on those issues. They have to be elected at all levels throughout the United States. And the greatest gift we can give, as Members of this House tonight, the greatest gift we can give to our constituency is to vote for this measure and take back to our constituency the ability to have them have faith in the system; a knowledge that tonight America did her work on the floor of this House, as boards of elections do their work every single election across our great country.

And also Members can take the gift back to their people that tonight the body politic worked for the good of the people. The body politic did something that, again, long after we are gone, people will benefit from. Tonight

America shines. We need everyone's vote and support.

Mr. DAVIS of Illinois. Mr. Speaker, I wish to express my support for the conference bill on election reform, H.R. 3295. Members of both parties have worked very hard to reach agreement on this measure over several months. Although I am concerned that some of the bill's provisions relating to voter identification will not make it easier for new voters to cast their ballots, I believe this legislation represents significant progress in addressing the problems we witnessed in our last national election.

I am especially pleased that the language in this bill relating to the accessibility of voting systems for people with disabilities reflects the stronger provisions for participation outlined in Mr. LANGEVIN's July 9 motion to instruct, which I and several of my colleagues cosponsored.

Thanks to Mr. SHIMKUS and Mr. EHRLICH for their help in making the conferees aware of the importance of these provisions. Their recognition that this bill must ensure people with disabilities will be able to exercise their fundamental right to cast a secret ballot demonstrates that full participation in the electoral process by all Americans is truly a bipartisan concern.

I commend the members of the conference committee for their work on this bill and I urge its passage.

Ms. SOLIS. Mr. Speaker, I rise to express my concerns about the Help America Vote Act Conference Report, H.R. 3295. I am pleased that this conference report includes provisions that help voters in the greater Los Angeles area. For example, it provides money for the upgrade of our voting system. This will greatly assist the Los Angeles County Registrar Recorder and County Clerk transition out of the punch-card voting system.

However, I'm disappointed that this conference agreement also includes provisions that can lead to the disproportionate disenfranchisement of our Nation's minority voters. It requires first-time voters who register by mail to bring current photo identification to the polls or a copy of a current utility bill, bank statement, paycheck, or other government document that shows the name and current address of the voter. Our Federal courts have recognized that the use of a photo ID causes a disparate impact on ethnic and racial minority communities. Nevertheless, the photo ID requirement is still part of this bill.

Also problematic is the variation in consequences for failing to meet presumably equal voting prerequisites—being a citizen and being over the age of 18. Unfortunately, this bill has harsher consequences for voters who inadvertently forget to check a box affirming their citizenship than for voters who forget to certify they are 18 or older. This may lead to the disenfranchisement of voters who are English language learners or new to the voting system, including Latinos and Asians.

In addition, I am concerned about the provision that restricts access to information about provisional ballots to the individual who cast that ballot. Unquestionably, the confidentiality of votes cast as well as personal information should be protected. But information about provisional ballots such as where they were issued, should not be hidden from commis-

sions that review and ensure fair voting. Based on this provision, it is unclear if commissions would have full access to information that would help them determine any inconsistencies in the provisional voting process.

While this bill is called the Help America Vote Act, I am afraid it may not help the fastest growing population in America—Latinos—vote.

Mr. HOLT. Mr. Speaker, I support the Help America Vote Act and applaud Representatives HOYER and NEY for their good work on this legislation.

The turmoil surrounding the 2000 Presidential election showed our Nation that we need to improve the instruments of voting and the means of electing our office holders. Even the Supreme Court Justices spoke of the need for uniform voting procedures. This bill does much to advance democracy.

Many of the problems with our electoral process lie in the disparities of our voting system. For instance, while some counties have modern voting machines that leave little room for error, others use dated punch-card ballots that can lead to the now-famous hanging and dimpled chads. In fact, studies show that 18 percent of Americans vote using technology that prevailed around the time Thomas Edison invented the light bulb. And nearly 33 percent of Americans vote by punching out chads, a system implemented during the Johnson administration. Yet many States and localities continue to use these outdated systems because of the exorbitant cost to replace them.

This bill takes many important steps towards that much-needed electoral reform. The Help America Vote Act would create the Election Assistance Commission and authorizes studies to analyze issues ranging from ballot design to voter accessibility.

However, this legislation goes beyond studies and agencies. It would authorize over \$400 million to buyout existing punch card voting devices from states and counties. Moreover, this legislation will provide \$2.25 billion to establish and maintain more accurate voter registration lists.

The bill also establishes minimum standards for State election systems. These standards include uniform means for determining what constitutes a vote on different types of equipment, sets new standards to accommodate individuals with disabilities, gives voters the opportunity to correct voting errors, ensures that uniformed and overseas voters have their votes counted, and requires more accurate registration lists.

Moreover, this bill authorizes the Attorney General to monitor and enforce these standards.

I am happy to support this bill as a step ahead in civil and voting rights.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the Help America Vote Act, a bill that is the product of many days and nights of hard work on both sides of the aisle and both Houses of Congress. It is the product, too, of the collaborative efforts of the Science Committee and the House Administration Committee.

This bill is a carefully constructed compromise. It expands the right to vote by requiring that states allow provisional voting. It includes commonsense measures to prevent

fraud. And, by providing over \$3 billion to States to buy out antiquated voting machines, train poll workers, educate voters, and improve the administration of Federal elections, the bill helps ensure that fiscally strapped States and localities will still be able to meet the tough requirements the bill imposes.

But perhaps one of the most fundamental reforms—taken from provisions passed by the Science Committee last year—is the improvement the bill makes in the way technical standards are developed for voting equipment. Most Americans pay no attention to this arcane field of technical specifications, tolerances, and error rates—and that's as it should be. For when it goes right, no one notices.

But when it goes wrong—when the chads of punch card ballots don't align correctly, or when electronic voting machines automatically shut down before the polls are supposed to—the entire world quickly becomes all too familiar with its technical vocabulary.

Strong technical standards will become even more important as the country strives to live up to the new requirements of this bill, especially the requirement that each state compile a computerized database of all its registered voters. Such lists will surely make vast improvements in how America votes, but if they are not also to expose us to the misdeeds of hackers and other cyber criminals, we must develop robust computer security standards to protect these systems.

I want to thank Mr. NEY, the chairman of the House Administration Committee, for his hard work on crafting this bill and his willingness to include provisions of the Science Committee's to strengthen the way critical, but often overlooked, voting equipment standards are developed.

I urge my colleagues to support this important bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise to talk about a piece of legislation that, if passed, will remove the barriers that have blocked many American citizens' right to vote. If Congress agrees to the passage of H.R. 3295, the Help America Vote Act of 2002, antiquated machines will be replaced, adequate assistance will be provided for our Nation's elections, nondiscriminatory and uniform requirements would be enforced, improved military and overseas voters ballot access will be provided, and the opportunity for young Americans to be involved in the voting process will be established.

Without legislation that helps Americans to have their vote count, barriers of participation will continue to plague many of our communities, and; therefore, increase the growing number of outdated voting equipment, alleged intimidation by police and lack of translators, as mandated by law.

As recent as the last Presidential election, the National Association for the Advancement of Colored People, NAACP, requested an investigation into the voting practices. The 14th amendment, which ensures equal protection under the law, was the basis for the Supreme Court's decision not to allow recounting in Florida. Ironically, an amendment designed in 1866 to protect the rights of minorities was used to protect a system which disenfranchised them in 2000.

It is also interesting that in addition to the votes that were not counted in Florida, there



were voting irregularities in the 11th Congressional District of Ohio. Thousands of voters on the mostly African American east side of Cleveland, OH, went to vote, only to be turned away. Because of a 1996 State law cutting Cleveland precincts by a quarter, their polling places had been changed. The Cuyahoga County Board of Elections said that it sent postcards to registered voters telling them of the switch. But of 85 African Americans who were asked about the postcards during 2½ days of interviews done by the Los Angeles Times, only one said he received notification.

"I never got a card, never," said Francis Lundrum, an East Cleveland native. He said he bellowed at an election worker: "I am a veteran of the United States armed forces! I want to vote!"

It did no good.

Lundrum and the others who were turned away should have been given provisional ballots, to be certified later. Among those who did not get a voting ballot was Chuck Conway, Jr., who stated, "I think there was some stinky stuff going on."

As a U.S. Representative, it truly saddens me to hear of voting irregularities, not only with my constituency, but to all who were not afforded the right to have their vote count. I urge my colleagues to seriously consider what will happen to the future of our democratic process if we do not pass this sensible piece of legislation. It is my hope that for our next general election cycle, Americans can proudly say that every vote does count. I urge my colleagues to vote in favor of H.R. 3295.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of the conference report on H.R. 3295, the Help American Vote Act. I wholeheartedly endorse the meaningful collaboration of the bipartisan group, led by my colleagues Congressman NEY and Congressman HOYER.

The Help American Vote Act corrects the mistakes with our election system that were highlighted in the aftermath of the 2000 election. I have seen firsthand the challenges inadequately equipped polling places and poorly trained poll workers pose to our communities. This measure will go far in ensuring everyone's right and access to a vote.

I introduced bipartisan election reform legislation to establish a federal grant program to provide assistance to States for modernizing and enhancing voting procedures and administration. The substantive changes that my legislation proposes are contained in the detailed election reform conference report we will pass today. I applaud this bill because it provides states with both the standards and the funding to make real election reform happen. This legislation authorizes \$3.0 billion over 3 years—for a grant program administered by the commission to help States meet election requirements, train poll workers, provide voter education, and administer elections.

The Help American Vote Act also requires States to abide by uniform and nondiscriminatory requirements, such as providing provisional ballots, implementing statewide voter registration databases and ensuring that each precinct has at least one machine that is accessible to the disabled. It also establishes an Election Assistance Commission, a bipartisan commission that will issue voluntary guide-

lines, issue grants, and administer research grants, and pilot projects.

Mr. Speaker, this bill would provide the most meaningful reform to our democratic election system since the civil rights laws were enacted in the 1960s. It is time to pass real election reform, time to Help American Vote. This legislation will restore the confidence of the American people in our election process and encourage all citizens to take part in one of the paramount processes that defines us as a nation. Strengthening our election system strengthens our democracy.

Mr. Speaker, I urge my colleagues to vote "yes" on this conference report.

Mr. VITTER. Mr. Speaker, I rise in support of the election reform conference report before us today.

I have strongly advocated election reform in my home State of Louisiana in the past and continue to do so here in Congress. I am pleased that this legislation is a strong step toward correcting many of the flaws in the current system.

Following the 2000 election, I was incensed that there would be any attempt by political operatives to disenfranchise our brave men and women in the Armed Services overseas. In response I introduced legislation to remedy the situation, and am pleased to see the conference report takes important measures similar to the ones I proposed to ensure military overseas ballots are counted. Our service personnel deserve no less.

I applaud the efforts of the conference to address the issue of voter fraud as well. Statewide voting lists, presenting identification when voting, purging names from lists for those that do not vote, and strengthening penalties for those convicted of voting fraud will all help States deal with the problem of vote fraud, which is an assault on our democratic system.

Lastly, I would like to commend the conferees for their work in helping ensure that the disabled have access to voting machines in each precinct. Voters should never be disenfranchised because of any sort of disability and I now hope Congress will follow through with funds.

I would like to commend Chairman NEY, who met with me on a number of occasions to work on a variety of election reform issues, as well as Ranking Member HOYER and all the conferees that worked out this compromise.

I urge my colleagues to support the election reform conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the conference report of H.R. 3295, the Help America Vote Act.

I begin by thanking my good friend from Maryland, Mr. HOYER, for keeping this issue at the forefront of this body's agenda. Given the daunting task of bringing this conference report to the floor, the gentleman from Maryland has remained the voice of justice for the tens of thousands of Americans who had their right to vote stolen from them on Election Day 2000. I thank him for his work and leadership on this issue and so many others.

Additionally, I commend the chairman from Ohio, Mr. NEY, for his continued efforts to get this bill to the floor. Even while Members of the chairman's own party were fighting against this bill and the President still refuses to make election reform a priority, I have never doubt-

ed the chairman's sincerity and resolve to get this bill passed.

Mr. Speaker, 628 days have passed since Election Day 2000 and, until today, Congress has remained largely silent. Just last month, in Florida, my constituents reaped the first-hand benefits of Federal inaction. On November 5, voters throughout this country will be returning to the same broken election system of 2000 because it took Congress nearly 2 years to act.

So, while I will ultimately support this conference report, I cannot come to the floor today with the same jubilation and admiration for this bill that some of my colleagues have. Frankly, we should be ashamed of ourselves. While we improved our homeland security, we neglected the integrity of our democracy.

The conference report that the House is considering has many qualities that hold true to the title's implication. That is, the bill actually helps Americans vote. Improving voter accessibility, establishing statewide voter registration lists, determining what constitutes a vote, increasing voter education and poll worker training, and providing States with the dollars to meet these standards, are just a few of the good qualities of the report.

However, this bill is not perfect by any means. The ID provisions in the report drastically alter voter registration and absentee voting procedures. The inclusion of these provisions will ultimately discourage and intimidate first-time and veteran voters alike. Further, the opt-out until 2006 provisions provide States with an opportunity to delay reform until after the next Presidential election. After the last election, I expected these provisions to be removed. But they weren't.

Mr. Speaker, the passage of today's conference report is merely the first step in true election reform. Congress must now put its money where its mouth is and appropriate the \$3.9 billion authorized in this report. Unfunded mandates are just lip service, and States need our help. If Congress fails to fund election reform in 2003, 2004, and 2005, then we can count on many states opting out until 2006. This places the reliability of our election system in jeopardy for 4 more years.

As I have said so many times before, we must never again find ourselves questioning the methods by which we choose our elected officials. Hopefully, we never will. After all, help is on the way—though it may take a few years to get there.

I urge my colleagues to support the conference report.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 357, nays 48, not voting 26, as follows:



[Roll No. 462]

## YEAS—357

|               |                |                |
|---------------|----------------|----------------|
| Abercrombie   | Edwards        | Lantos         |
| Ackerman      | Ehlers         | Larsen (WA)    |
| Aderholt      | Emerson        | Larson (CT)    |
| Akin          | Engel          | Latham         |
| Allen         | English        | LaTourette     |
| Andrews       | Eshoo          | Leach          |
| Armey         | Etheridge      | Lee            |
| Baca          | Evans          | Levin          |
| Bachus        | Farr           | Lewis (CA)     |
| Baird         | Fattah         | Lewis (GA)     |
| Baker         | Ferguson       | Lewis (KY)     |
| Baldacci      | Fletcher       | Linder         |
| Baldwin       | Foley          | LoBlundo       |
| Ballenger     | Forbes         | Lofgren        |
| Barclay       | Ford           | Lowey          |
| Barrett       | Fossella       | Lucas (KY)     |
| Bartlett      | Frank          | Luther         |
| Barton        | Frelinghuysen  | Lynch          |
| Bass          | Frost          | Maloney (CT)   |
| Bentsen       | Gallagher      | Maloney (NY)   |
| Bereuter      | Gekas          | Markey         |
| Berkley       | Gephardt       | Mascara        |
| Berry         | Gibbons        | Matheson       |
| Biggert       | Gilchrest      | McCarthy (MO)  |
| Bilirakis     | Gillmor        | McCarthy (NY)  |
| Bishop        | Gilman         | McCollum       |
| Blumenauer    | Gordon         | McCrery        |
| Blunt         | Goss           | McDermott      |
| Boehlert      | Graham         | McGovern       |
| Boehner       | Granger        | McHugh         |
| Bono          | Graves         | McInnis        |
| Boozman       | Green (TX)     | McIntyre       |
| Borski        | Green (WI)     | McKeon         |
| Boswell       | Greenwood      | McKinney       |
| Boucher       | Grucel         | McNulty        |
| Boyd          | Hall (TX)      | Meehan         |
| Brady (PA)    | Hansen         | Meek (FL)      |
| Brady (TX)    | Harman         | Meeks (NY)     |
| Brown (FL)    | Hart           | Menendez       |
| Brown (OH)    | Hastings (FL)  | Millender      |
| Brown (SC)    | Hastings (WA)  | McDonald       |
| Bryant        | Hayes          | Miller, Dan    |
| Burr          | Hayworth       | Miller, George |
| Burton        | Hefley         | Mollohan       |
| Buyer         | Herger         | Moore          |
| Calvert       | Hill           | Moran (VA)     |
| Camp          | Hilleary       | Morella        |
| Cantor        | Hilliard       | Myrick         |
| Capito        | Hinchey        | Nadler         |
| Capps         | Hinojosa       | Nethercutt     |
| Cardin        | Hobson         | Ney            |
| Carson (IN)   | Hoeffel        | Northup        |
| Carson (OK)   | Holden         | Norwood        |
| Castle        | Holt           | Nussle         |
| Chabot        | Honda          | Oberstar       |
| Chambliss     | Hooley         | Obey           |
| Clay          | Horn           | Oliver         |
| Clayton       | Hoyer          | Osborne        |
| Clement       | Hulshof        | Ose            |
| Clyburn       | Hunter         | Owens          |
| Combest       | Hyde           | Oxley          |
| Condit        | Inslee         | Pallone        |
| Conyers       | Isakson        | Pascarell      |
| Costello      | Israel         | Payne          |
| Cox           | Issa           | Peios          |
| Cramer        | Jackson (IL)   | Pence          |
| Crane         | Jackson-Lee    | Peterson (MN)  |
| Crenshaw      | (TX)           | Peterson (PA)  |
| Crowley       | Jefferson      | Petri          |
| Culberson     | John           | Phelps         |
| Cummings      | Johnson (CT)   | Pickering      |
| Cunningham    | Johnson (IL)   | Pitts          |
| Davis (CA)    | Johnson, E. B. | Platts         |
| Davis (FL)    | Johnson, Sam   | Pombo          |
| Davis (IL)    | Jones (OH)     | Pomeroy        |
| Davis, Jo Ann | Kanjorski      | Portman        |
| Davis, Tom    | Kaptur         | Price (NC)     |
| Deal          | Keller         | Pryce (OH)     |
| DeFazio       | Kelly          | Quinn          |
| DeGette       | Kennedy (MN)   | Radanovich     |
| DeLauro       | Kennedy (RI)   | Rahall         |
| DeLay         | Kildee         | Ramstad        |
| DeMint        | Kilpatrick     | Rangel         |
| Deutsch       | Kind (WI)      | Regula         |
| Diaz-Balart   | Kirk           | Rehberg        |
| Dingell       | Kleczka        | Reynolds       |
| Doggett       | Knollenberg    | Riley          |
| Dooley        | Kolbe          | Rivers         |
| Doolittle     | Kucinich       | Roemer         |
| Doyle         | LaFalce        | Rogers (KY)    |
| Dreier        | LaHood         | Rogers (MI)    |
| Dunn          | Lampson        | Rohrabacher    |
|               | Langevin       | Ros-Lehtinen   |

Ross  
Rothman  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott  
Serrano  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shlmkus  
Shows  
Shuster  
Simmons  
Simpson

Skeen  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Terry  
Thompson (CA)  
Thompson (MS)  
Thune  
Thurman  
Tiahrt

Tiberi  
Tierney  
Towns  
Turner  
Udall (CO)  
Upton  
Visclosky  
Vitter  
Walden  
Walsh  
Waters  
Watkins (OK)  
Watson (CA)  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

## NAYS—48

Barr  
Becerra  
Bonilla  
Callahan  
Cannon  
Capuano  
Coble  
Collins  
Cubbin  
Duncan  
Everett  
Filner  
Flake  
Gonzalez  
Goode  
Goodlatte

Gutknecht  
Hoekstra  
Hostettler  
Istook  
Jones (NC)  
Kerns  
Kingston  
Lucas (OK)  
Mica  
Miller, Jeff  
Moran (KS)  
Napolitano  
Otter  
Pastor  
Paul  
Putnam

Rodriguez  
Sabo  
Schaffer  
Sensenbrenner  
Sessions  
Smith (MI)  
Souder  
Thomas  
Thornberry  
Toomey  
Udall (NM)  
Velázquez  
Wamp  
Watt (NC)  
Watts (OK)  
Whitfield

## NOT VOTING—26

Berman  
Blagojevich  
Bonior  
Cooksey  
Coyne  
Dicks  
Ehrlich  
Ganske  
Gutierrez

Houghton  
Jenkins  
King (NY)  
Lipinski  
Manzullo  
Matsul  
Miller, Gary  
Murtha  
Neal

Ortiz  
Reyes  
Roukema  
Stump  
Sununu  
Taylor (NC)  
Waxman  
Young (AK)

## □ 2227

Messrs. COBLE, COLLINS, JEFF MILLER of Florida, CANNON, OTTER, WAMP, FILNER, CAPUANO, WHITFIELD, SOUDER, HOEKSTRA, and Ms. VELÁZQUEZ changed their vote from "yea" to "nay."

Messrs. SAWYER, PETRI, GREEN of Texas, and OBEY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the House insists on its disagreement to the Senate amendment to the title.

There was no objection.

# CONSIDERING DISAGREEMENTS BETWEEN HOUSE AND SENATE WITH RESPECT TO H.R. 3295, HELP AMERICA VOTE ACT OF 2002, RESOLVED

Mr. NEY. Mr. Speaker I offer a concurrent resolution (H. Con. Res. 508) re-

solving all disagreements between the House of Representatives and Senate with respect to H.R. 3295, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 508

*Resolved by the House of Representatives (the Senate concurring).* That the conference report to accompany H.R. 3295 be considered to have resolved all disagreements between the two Houses thereon as proposed by the House of Representatives, which acted first on the conference report.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## □ 2230

## INTENTION TO AMEND TIME ALLOCATION ON MOTION TO INSTRUCT CONFEREES ON H.R. 4546

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, this is an issue of great importance to a great many disabled veterans in America. We know that the hour is late. Because of the courtesy of the gentleman from New York (Mr. MCHUGH), in order to expedite the matter, we are going to ask that the time be reduced by half.

We would ask that every Member who wishes to speak keep their remarks as short as possible. I am going to do my part to move it along. I am certain the gentleman from New York (Mr. MCHUGH) will.

## MOTION TO INSTRUCT CONFEREES ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday pursuant to clause 7(c) of rule XXII.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 4546 be instructed to agree to the provisions contained in section 641 of the Senate amendment (relating to payment of retired pay and compensation to disabled military retirees).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Mississippi (Mr. TAYLOR)

and the gentleman from New York (Mr. MCHUGH) each will control 30 minutes.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that debate on this motion be limited to 30 minutes, 15 minutes on each side.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) and the gentleman from New York (Mr. MCHUGH) each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today almost 300 of us voted to give the President the authority to wage war, and a sad consequence of that is that there will be, if there is hostile action, young Americans coming home who have lost their arms, their legs, their vision, their ability to speak.

Traditionally, there has been a system where they are compensated for that loss. Unfortunately, for those people who have served our Nation for 20 years or more, that compensation comes at the expense of the retirement benefit they have already earned. A lot of us do not think that is fair.

The gentleman from Florida (Mr. BILIRAKIS) has been for 17 years pushing legislation to address this inequity, to allow those people who served our Nation honorably in the military for 20 years or more to collect their full pension benefits and be compensated for whatever injuries they incurred on active duty, because it has very much so reduced their ability to make a living in their post-military life.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. BILIRAKIS), the person who has worked so hard on this issue for 17 years.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida.

The SPEAKER pro tempore. The gentleman from Florida (Mr. BILIRAKIS) is recognized for 6 minutes.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlemen for yielding me time.

Mr. Speaker, I rise in reluctant support of the Taylor motion to instruct conferees on H.R. 4546, the Bob Stump National Defense Authorization Act. I say reluctant not because I did not support the Senate provision to provide for the full concurrent receipt of military retired pay and VA disability compensation but because this motion should not even be necessary.

My legislation to completely eliminate the offset between military retired pay and VA disability compensation has received strong bipartisan support in both Houses of Congress. In fact, more than 90 percent of the Mem-

bers of the House of Representatives and more than 80 percent of the Senate have cosponsored legislation to repeal the current offset.

This is the People's House, Mr. Speaker, and this is a Republic. The people, by way of their Representatives, want concurrent receipt, concurrent receipt based on two separate episodes, one having served 20-plus years and the other having suffered a service-connected disability. It is not double dipping.

The last Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans Affairs at 70 percent or greater. These provisions were expanded to include retirees with ratings of 60 percent.

Earlier this year, I was very pleased when the House took the next step in our fight to eliminate the offset by including funding for a partial repeal of the offset in its fiscal year 2003 budget resolution. Specifically, the budget resolution earmarks over \$500 million as a first step in fiscal year 2003, with increasing amounts over the next 5 years, providing a cumulative total of \$5.8 billion. I want to acknowledge and thank the gentleman from Iowa (Mr. NUSSLE) for this.

I repeat, Mr. Speaker, the money is in our budget. The money is in our budget. For years I have been told by the authorizers, get the money in the budget and we will authorize it. The money is in the budget. It will not come out of the military readiness allotment. The funding falls short of the funding needed to completely eliminate the current offset, but it will provide for a substantial concurrent receipt benefit.

The House Committee on Armed Services incorporated the budget resolution proposal into its authorization bill. As approved by the House, H.R. 4546 includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit by fiscal year 2007: not complete elimination of the offset, but providing for concurrent receipt for the more seriously disabled.

Until the program is fully implemented, the bill establishes a transition program through which retirees will receive increasing amounts of their retired pay. Transition payment levels will increase annually until fiscal year 2007, when all retirees with a disability rating of 60 percent or greater will receive their full retired pay and VA disability compensation.

During its consideration of the authorization bill, the Senate approved an amendment to authorize full concurrent receipt immediately. While I would obviously prefer the Senate language because it does mirror my bill,

H.R. 303, I recognize it may be difficult to achieve this goal in one step and that an incremental approach such as the House language may be necessary.

I am extremely disappointed, Mr. Speaker, by recent efforts by the Department of Defense to derail our progress on the concurrent receipt issue. I believe the arguments against concurrent receipt being used by the Defense Department are baseless and designed to be intentionally misleading.

I want to remind my colleagues of a quote by our first Commander-in-Chief, George Washington. He said, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation."

We are at war, Mr. Speaker, and our first President's words are more applicable than ever.

At a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to our military service members. For those of them who have selected to make their career in the U.S. military, they face an additional unknown risk in the fight against terrorism. If they are injured, they will be forced to forgo their earned retired pay in order to receive their VA disability compensation. In effect, they will be paying for their own disability benefits with their retirement collection.

We must include a substantial concurrent receipt provision in a final defense authorization bill, and I urge my colleagues to support the Taylor motion to instruct conferees. The time has come to do what is right and support the elimination of the current offset between military retired pay and VA disability compensation.

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

Mr. Speaker, let me begin by thanking my friend from Mississippi (Mr. TAYLOR), both for bringing this question to the floor at this time, well, maybe not at this time, but at all, and join in his very gracious and I think very appropriate comments about the previous speaker, the gentleman from Florida (Mr. BILIRAKIS), who clearly has been, amongst many defenders and many fighters, the number one champion on behalf of this issue. All veterans and, indeed, all Members of this House and all people who live under the blanket of security and freedom provided by our military Armed Forces owe him a great debt of thanks.

This is obviously a very troubling issue. It has been a perplexing one for this House for a number of years. But it is not a new issue in terms of confronting Members of Congress.

This is a policy that has been in place for some 100 years. As the gentleman from Florida (Mr. BILIRAKIS) so

clearly stated, the House has taken some very definitive steps, and I think thanks are due to, as the gentleman from Florida said, the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, the leadership on the Committee on Armed Services on both sides of the aisle and Members again on both sides of the aisle who have fought for and have been concerned about this for some time.

It is interesting to note, Mr. Speaker, that when the House provision was adopted in H.R. 4546, the vote on the floor was 359 to 58. Clearly every Member, Democrat and Republican, have expressed great concern and great support for trying to take an important step towards righting what most of us feel is a very clear wrong.

The gentleman from Florida (Mr. BILIRAKIS) also pointed out some realities in conference with respect to what we were able to achieve. The fact of the matter is, the Senate provision over 10 years costs nearly \$46 billion. Maybe equally important is the fact that, over 10 years, \$15 billion of that \$46 billion amount is discretionary spending, money that would have to come out of the military services budget, money that would diminish the appropriations that we provide to do all kinds of good things in support of those very brave men and women that we all care so much about.

The House version, on the other hand, compared to the Senate version, is more affordable and less expensive; not \$46 billion, but nearly \$18 billion. Again, as the gentleman from Florida (Mr. BILIRAKIS) so correctly stated, it has, regrettably, caused a great deal of concern and expressions of opposition from the department and one that has placed the entire authorization bill into a great state of flux.

I want to give compliments to the leadership of the other body. They are working in the conference, Senators LEVIN and WARNER particularly, to try to find a way in which we can do all that is humanly possible in the confines of the bill at hand to right this wrong. They have been joined by the gentleman from California (Mr. HUNTER), with the great support, of course, of the gentleman from Arizona (Chairman STUMP) and the gentleman from Missouri (Mr. SKELTON), the ranking minority member, and all of the members of the committee to try to see what we can do to, as I say, make this situation better for every deserving veteran.

There is no disagreement tonight between myself and the objective that the gentleman from Mississippi (Mr. TAYLOR) has defined. I would certainly suggest, respectfully, to all of our Members that the objective of this motion to instruct is a very laudable and a very worthy goal that all of us support; and I certainly would not urge a single Member to vote against it.

Let me again give my appreciation to the gentleman from Mississippi (Mr. TAYLOR) and to all those other Members who have fought so long and hard to try to take a step in the right direction on this.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), a senior Democrat member of the Committee on Armed Services and a father of two members on active duty in the United States military.

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

Mr. Speaker, my fellow Missourian Mark Twain once said, "The more you explain it to me, the more I don't understand it," and I have a difficult time in understanding why we cannot go forward with this issue.

The motion by the gentleman from Mississippi is well taken, and I thank him for it. I associate myself with the gentleman from Florida and with the gentleman from New York in their views. We in Congress need to ensure that our military retirees who have become disabled as a result of military service receive all the benefits to which they are entitled because of service-connected disabilities.

□ 2245

This is not brain surgery. This is what is fair; this is what is decent. They are the ones who made the sacrifices for our wonderful country, and the least we can do is to ensure that we repay the debt that we truly owe them.

Now, the House version of the authorization bill would authorize the payment of military retiree pay and VA disability compensation for all military retirees who are at least 60 percent disabled. The Senate version, more expensive. The Senate version of the bill would authorize both the military retiree pay and the VA disability compensation of any retiree who has been determined to be disabled at any percentage.

Well, out of all of this, there ought to be a compromise that we can live with. Unfortunately, the President has threatened a veto, to veto this conference bill in a time of war, with a lot of very, very important items in this bill such as pay raise, benefits; many, many items that they need with which to conduct the war against terrorism. I would simply say that we need to follow the dictates of this House as it has happened and voted before.

Mr. MCHUGH. Mr. Speaker, I proudly yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a Member of this House that certainly knows firsthand about the sacrifices of the men and women of the military, and a gentleman who is a former member of the Committee on Armed Services and then moved over as a member of the

Subcommittee on Military Construction of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of this resolution. Remember the movie "Born on the 4th of July" with Ron Kovic? Remember Agent Orange, Desert Syndrome. These are folks that fought for our country. Some of them died, some of them came back with afflictions and they need this resolution. It is important. I would hope every Republican and every Democrat comes together on this particular bill, and I laud my colleagues who are supporting the bill.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 30 seconds to the gentleman from Alexandria, Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, we are talking about people who have watched their families struggle all their adult lives because of their service-connected disability. Now that they are eligible for military retirement, they are being punished because they are eligible for both; and like most military retirees who are able to enhance their military retirement pay, because of their disability, they have not been able to.

It is only fair that they receive their military retirement and their service-connected disability. On the day that we voted to send more troops to war, this is the day we ought to fix this injustice. Let us do the right thing. Let us pass it.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise in very, very strong support of this motion, and I would take this opportunity to congratulate the gentleman from Florida (Mr. BILIRAKIS) for years of work.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. SHOWS), someone who has worked very hard for the veterans for his duration of his time here in Washington.

Mr. SHOWS. Mr. Speaker, I rise in support of the gentleman's motion to instruct.

The gentleman from Mississippi (Mr. TAYLOR) and I have been working together to help restore the broken promise of health care for our country's military retirees. Our failure to make good on what is known as a concurrent receipt is one of those broken promises.

One of those promises is a pension when they retire, if they serve a career in uniform, at least 20 years. Another promise is that VA health care would be provided if they become disabled in the line of duty.

They do not know about the archaic law that requires them to deduct service-connected disability pay from their

pensions. No other Federal employee has to do that. All other Federal employees earn VA health care benefits if they are service-connected disabled.

Some may argue that we cannot afford to pay for full concurrent receipt. I would argue that we cannot afford not to authorize full concurrent receipt. How can we expect to recruit troops for the conflict we are about to wage if we continue the cycle of broken promises?

Earlier this year, the gentleman from Mississippi (Mr. TAYLOR) and I offered an amendment that would include a full concurrent receipt in the Federal budget and it was paid for. We are already on record supporting full concurrent receipt. H.R. 303, which would institute full concurrent receipt, 402 cosponsors. It is long overdue.

Mr. Speaker, we need to instruct the defense authorization conferees to do the right thing and insist they support full concurrent receipt.

Mr. MCHUGH. Mr. Speaker, I am honored to yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS), the distinguished member of the Committee on Armed Services.

Mr. CHAMBLISS. Mr. Speaker, I am pleased to rise in strong support of the motion to instruct from the gentleman from Mississippi (Mr. TAYLOR).

This law is over 100 years old. It is time we fixed it. It is time that we recognize a disability as a disability and a retirement as a retirement. I urge strong support of the motion to instruct.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), someone who has been a great help on this issue.

Mr. BARTLETT of Maryland. Mr. Speaker, I want my colleagues to imagine two brothers. They are twin brothers, they joined the military at the same time, they go to war, they are both wounded, they are 60 percent disabled. One of them chooses to stay in the military and serve his country; the other leaves the military and gets a job in the private sector.

The inequity begins right now, because the person who leaves the military starts drawing disability pay, and it continues until he retires in the private sector. When he retires in the private sector, the private sector retirement is not cut by his disability pay. But that brother, that twin brother who chose to stay in the military does not collect any disability until he retires, and even when he retires and after the disability pay, they tell him that it has to be deducted from his retirement.

Mr. Speaker, it is obvious how inequitable this is and how wrong it is; and the fact that it is going to cost money to fix it is just more testimony of how egregious this treatment has

been of our disabled veterans. We should have fixed this a long time ago. We do not need to do it tomorrow. We need to do it today.

Mr. MCHUGH. Mr. Speaker, I have no requests for time at this time, so I will reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. MALONEY), a great member of the Committee on Armed Services.

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me this time. I want to associate myself with his remarks in urging the House to instruct the conferees to adopt the Senate's concurrent receipt provisions in the fiscal year 2003 defense authorization bill.

The Bob Stump National Defense Authorization Act for 2003 contains a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retirement pay as well as disability compensation benefits by fiscal year 2007. The Senate bill, however, S. 2514, authorizes the concurrent receipt of retired pay and veterans disability compensation immediately and for all disabled military retirees with at least 20 years of service.

Concurrent receipt cannot come soon enough for the veterans of Connecticut. Veterans have made possible the very existence and continuation of our country and our way of life. Disabled veterans have made a great personal sacrifice to the security of the United States and are entitled to their due compensation as well as their retirement benefits in full. So I join with the veterans of my State and my colleagues on the House Committee on Armed Services in urging support for this stronger, timely, and comprehensive Senate language.

Mr. MCHUGH. Mr. Speaker, I am honored to yield 1 minute to the gentleman from New York (Mr. GILMAN), a true gentleman and my neighbor and friend from my home State, the dean of our conference and the New York State delegation and a former chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Taylor motion to instruct. I think this is a long-overdue measure to provide equity for all of our veterans who have had retirement and disability benefits, and I urge my colleagues to fully support this measure.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Mississippi for his leadership on this issue.

Just a few hours ago, I gave in good faith my full-fledged support to the President to deal with Iraq in whatever

manner possible. With that commitment I also pledged my support for those in the military, the men and women who have given their service with that commitment for whatever action necessary, and I also pledged support to those that are serving now. But also we should recognize even more those who have already served. It is not right that we would penalize them. We should be rewarding those who have disabilities because of their connection in service, not penalizing them and their pensions because of their service. Whose side are we on?

It is simple and clear. How can we ask those who serve that we are asking to commit now, with new action possibly coming about soon, and those who have already served that come back with injuries and who barely escape losing their lives, and tell them that we cannot afford to pay them what we owe them? That is a sad commentary on this country.

I stand with the gentleman from Mississippi and his motion to instruct, and I hope all of us can unite in this one action.

Mr. MCHUGH. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), another great Northeasterner who, as every Member of this House understands, has been a constant leader in health care issues for both veterans and the civilian community.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I rise in strong support of this motion. Nothing is more humiliating to me than to sit with a constituent whom I know is being treated in a grossly unfair manner, and I have sat with disabled veterans who have high costs associated with their disability, health care costs, accommodation costs, and their disability has imposed limits and hardships on their families. For them not to receive both their military pension and their disability pension is indeed simply unfair, and it is time we corrected that injustice; and I commend the members of the committee on doing that here tonight.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, on behalf of the veterans of San Diego County, I want to thank all of the people that worked on this issue so hard over these years.

Mr. Speaker, during a Memorial Day breakfast last year, the President remarked, "America's veterans have earned not only honors, but specific benefits, and those only become more necessary with the years. My administration will do all it can to assist our veterans and to correct oversights of the past."

I believe that those were sincere words, and we must work together to

turn them into reality. Over 400 Members have pledged their support to legislation to right an injustice and provide veterans with their well-deserved benefits. I hope both the Congress and the administration will accept the final version of the fiscal year 2003 National Defense Authorization Act.

□ 2300

Mr. TAYLOR of Mississippi. Mr. Speaker I yield 45 seconds to the gentleman from Texas (Mr. RODRIGUEZ).

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

Mr. Speaker, let me urge colleagues on both sides of the aisle, this is embarrassing. We need to do the right thing. It is not going to be enough just to show the votes that are out there, we have to make it happen.

I know I get sick and tired when I go back, because I know we are doing the wrong thing. Those veterans are still approaching me and asking me. I can tell them that we did the language, and the President is supposed to do this and that, but we need to make it happen now.

I ask both Democrats and Republicans, let us vote on this. Let us make sure we do the right thing. I ask the conference committee that, after they look at this vote, that they go out there and stick to their guns and make it happen.

The reality is that these veterans have fought; they have been there. It is the fair thing for us to do. They have been our heroes. If we can declare war, this is the time for us to stand up. This is the time to make it happen.

I ask very seriously after this vote and after we make it happen, let the conference committee take a stand, and let us support them.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 30 seconds to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding time to me.

Just a few hours ago, this body overwhelmingly voted to give our President the authority to go to war in Iraq. The least we can do is give the same level of overwhelming support to our veterans.

It is time to keep our promises to the men and women in our Armed Forces, the men and women who made a career of the military service, the men and women who have paid their taxes and were promised a pension. It is time to keep our promises.

If Members want a list of offsets, I would be happy to go over those. The bottom line is, it is time to do what is fair. It is time to keep our promises to our veterans.

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

Mr. Speaker, the hour is late. Obviously, the sentiment of this House and

its Members is, as I have suggested in my opening remarks, very, very clear. It is a sentiment we all join in.

As a member of the Committee on Armed Services, as a conferee, as I know the gentleman from Mississippi (Mr. TAYLOR) understands, we are working on both sides of the aisle in both Houses of Congress to do all that we possibly can within the fiscal as well as the political realities of this bill.

Mr. Speaker, finally, I urge all of my colleagues to vote for this motion as a very clear indication of our ultimate objective.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I thank all of the Members for their help tonight, Democrats and Republicans. We will send a message to the conferees: It is time, after 17 years of the efforts of the gentleman from Florida (Mr. BILIRAKIS), to do the right thing for those people who were injured serving us.

They paid the price for us; it is time for us to pay what is due to them.

Ms. CARSON of Indiana. Mr. Speaker, Concurrent receipt is the offsetting military retired pay, dollar-for-dollar, by the amount of Department of Veterans Affairs (VA) service-connected disability compensation.

I am appalled that this Congress has not been able to grant veterans what they have earned. The Senate version of the Defense Authorization bill completely eliminates the current offset between military retired pay and VA disability compensation.

Our men and women who have given of themselves deserve more for their sacrifices than an excuse about funding.

How dare those people who accept the freedom these brave people declare that any reason is good enough to deny them their due.

Four hundred and two House members have cosponsored H.R. 303, a bipartisan bill that would permit concurrent receipt in precisely the same manner as the Senate language to the Defense Authorization. The Taylor Motion appropriately insists that the House conferees accept the Senate provision which would eliminate the current offset entirely and allow veterans to collect full retirement pay and disability compensation to which they are entitled.

I am sure there is overwhelming support for veterans. Vote in favor of this motion to instruct.

Let's prove our appreciation for the veterans who preserved the land of the free.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to express my support for the so-called concurrent receipt provision in the Senate Defense Authorization Act that would allow all disabled military retirees to receive both their military retired pay and their VA disability compensation. As we know, current law requires that the two are offset so, in effect, our disabled veterans are paying for their own disability! We must correct this unfair practice.

I am extremely dismayed with the word we have been hearing that the Administration is threatening to veto this bill if this concurrent

receipt provision is included. Thousands of our disabled veterans are being cheated out of the pensions and disability compensation they have earned and that are their due!

I urge all members to, first, support concurrent receipt of military retired pay and VA disability compensation and, then, to contact the President and impress upon him the importance of this legislation.

Disabled veterans did not hesitate when called to serve. Disabled veterans returned home with wounds they did not have when they were called to duty. It is imperative that we meet our obligation to these brave men and women who have given so much to our nation. Please do what is right and support concurrent receipt.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of the Taylor motion to instruct conferees on the Defense Authorization bill. Many of our retired military personnel have made tremendous sacrifices while defending our nation. As Congress debates entering a new military conflict, I find the timing of the Administration's reluctance to support this provision ill-chosen. Under current regulation, veterans must essentially pay their own disability compensation out of their retirement benefits. No other profession restricts the concurrent payment of disability and retirement benefits.

One of my constituents, who served in the Army for nearly 20 years and fought in Vietnam where he was injured, must deduct his \$864 monthly disability compensation from the \$1650 monthly retirement benefit for which he is eligible. The Senate language would put \$864 more dollars into this veteran's pocket each month. I am aware of many veterans who would benefit from this change.

I urge the conferees to include the Senate-passed language which would immediately assist the veterans in my district. They cannot afford to wait another four years for full relief. We owe it to these individuals to provide the entire compensation they deserve.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 391, noes 0, not voting 40, as follows:

[Roll No. 463]

AYES—391

|             |           |           |
|-------------|-----------|-----------|
| Abercrombie | Baird     | Barton    |
| Ackerman    | Baker     | Bass      |
| Aderholt    | Baldacci  | Becerra   |
| Akin        | Baldwin   | Bentsen   |
| Allen       | Ballenger | Bereuter  |
| Andrews     | Barcla    | Berkley   |
| Armey       | Barr      | Berry     |
| Baca        | Barrett   | Biggert   |
| Bachus      | Bartlett  | Bilirakis |

Bishop  
Blumenauer  
Boehlert  
Bonilla  
Bono  
Boozman  
Borski  
Boswell  
Boucher  
Boyd  
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Cardin  
Carson (IN)  
Carson (OK)  
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Chambliss  
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Conyers  
Costello  
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Crenshaw  
Crowley  
Cublin  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
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Davis (IL)  
Davis (TX)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeFazio  
DeGette  
DeLauro  
DeMint  
DeMint  
Deutsch  
Dingell  
Doggett  
Doolittle  
Doyle  
Dreier  
Duncan  
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Edwards  
Ehlers  
Emerson  
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Etheridge  
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Everett  
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Goode  
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Gordon  
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Green (TX)  
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Hall (TX)  
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Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson (CT)  
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Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
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Kennedy (MN)  
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Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
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Larsen (WA)  
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Lewis (CA)  
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Maloney (CT)  
Maloney (NY)  
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Mascara  
Matheson  
McCarthy (MO)  
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McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Millender-  
McDonald  
Miller, Dan  
Miller, Gary  
Miller, George  
Miller, Jeff  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Osborne  
Ose  
Otter  
Owens  
Pallone  
Pascarelli  
Pastor  
Paul  
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Pelosi  
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Peterson (MN)  
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Petri  
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Pickering  
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Pombo  
Pomeroy  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reynolds  
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Rivers  
Rodriguez  
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Rogers (KY)  
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Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
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Sanders  
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Sawyer  
Saxton  
Schaffer  
Schakowsky

Schiff  
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Sensenbrenner  
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Sessions  
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Sherwood  
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Simmons  
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Stearns  
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Stupak  
Sullivan  
Sweeney  
Tancred  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
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Thompson (CA)  
Thompson (MS)  
Thornberry  
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Thurman  
Tiahrt  
Tierney  
Tierney  
Toomey  
Towns  
Turner  
Udall (CO)  
Udall (NM)

Upton  
Velázquez  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watkins (OK)  
Watson (CA)  
Watt (NC)  
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Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
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Wynn  
Young (FL)

## NOT VOTING—40

Berman  
Blagojevich  
Blunt  
Boehner  
Bontor  
Clay  
Combest  
Cooksey  
Coyne  
DeLay  
Diaz-Balart  
Dicks  
Dooley  
Ehrlich

Fossella  
Ganske  
Gephardt  
Gillmor  
Gutierrez  
Hoeffel  
Houghton  
Jenkins  
King (NY)  
LaFalce  
Lipinski  
Manzullo  
Matsui  
McKinney

Murtha  
Ortiz  
Oxley  
Reyes  
Roukema  
Smith (MI)  
Stark  
Stump  
Sununu  
Taylor (NC)  
Waxman  
Young (AK)

□ 2325

Mr. MORAN of Kansas changed his vote from "no" to "aye."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

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

Ms. PELOSI. Mr. Speaker, I would like to inquire about the schedule for next week, and I am pleased to yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, let me thank the gentlewoman from California for yielding; and, Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday October 15 and may consider measures under suspension of the rules. No votes are expected on Tuesday.

On Wednesday, October 16, the House will meet at noon for legislative business, and no votes are expected before two o'clock p.m. The House will consider a continuing resolution and any conference reports that may be available.

Other legislation that may become available will be announced as soon as possible.

Obviously, Mr. Speaker, completion of the Department of Homeland Security which passed the House in July remains our highest priority. I am sure the gentlewoman shares my interest in getting this bill to conference as soon as the other body completes consideration of the legislation, and I am very hopeful that we will be able to finally get this critical bill into conference next week, and I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, just to clarify, there are no votes on Tuesday and no votes on Friday of next week? Suspension votes on Tuesday will be rolled until Wednesday?

Mr. ARMEY. Mr. Speaker, again, if the gentlewoman will continue to yield, that is exactly right. On Wednesday, we will begin votes at 2:00; and I must say that the Members should be prepared to be working yet on Thursday, but I do not expect us to be here on Friday of next week.

Ms. PELOSI. That is not definite yet?

Mr. ARMEY. Mr. Speaker, it is not definite.

Ms. PELOSI. I understand no votes until 2:00 p.m.

Will the investor tax bill be scheduled next week, and if so, what day?

Mr. ARMEY. Mr. Speaker, if the gentlewoman will yield, we have two bills that have been reported by the committee. We are continuing to work with the chairman of the committee with respect to the scheduling, and at this time we have not made a final determination. We will notify as soon as we do.

Ms. PELOSI. Mr. Speaker, does the majority leader wish to share with us how long the next CR will last?

Mr. ARMEY. I thank the gentlewoman for her inquiry, and if the gentlewoman would grant me just a moment, if I had extrasensory perception, I could probably answer her with a good deal more confidence, but these continuing resolutions are subject to negotiations between the two bodies and the ability on the part of both bodies in this respect, most notably the other body, to actually pass the agreements once they are made.

So it is what we in Texas call a running gunfight, and we can only give my colleagues updates as we see the progress that is made.

Ms. PELOSI. Mr. Speaker, so it is not the usual consultation with Puff the Magic Dragon?

Mr. ARMEY. It is a bicameral, bipartisan consultation that involves not only the leadership on both sides of the aisle, both sides of the building, but also, as very critically, the Committee on Appropriations as well.

Ms. PELOSI. Mr. Speaker, the hour is late. Other than the vote on Iraq today, we have not accomplished anything much in this body since July. Since there is no question we will have



a lame duck, would my colleague wish to share with us when that might begin?

Mr. ARMEY. I thank the gentlewoman for her inquiry, and I share her regret that since July we have not been able to get into conference on all the bills that we passed over to the other body that they have neglected, and clearly we will be able to complete our work, maintaining our high priority for homeland security.

□ 2330

We will continue to try to work our way through that; and again, I think it is pretty much dependent on the ability of the other body to pass anything that would result in our being able to respond to the question regarding what is euphemistically referred to as a "lame duck session."

Ms. PELOSI. Mr. Speaker, reclaiming my time. I thank the gentleman for his comments.

#### DISPOSING OF VARIOUS LEGISLATIVE MEASURES

Mr. ARMEY. Mr. Speaker, I send a unanimous consent request to the desk.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. ARMEY asks unanimous consent that the House

(1) Be considered to have discharged from the committee and passed H.R. 5316, H.R. 5574, H.R. 5361, H.R. 5439, Senate 2558, H.R. 5349, H.R. 5598, H.R. 5601, H.R. 670, H.R. 669, and H.R. 5205;

(2) Be considered to have discharged from committee and agreed to House Concurrent Resolution 406, House Resolution 542, House Resolution 572, House Concurrent Resolution 504, House Resolution 532, House Resolution 571, and House Concurrent Resolution 467;

(3) Be considered to have discharged from committee, amended, and agreed to House Resolution 410, House Concurrent Resolution 486, House Concurrent Resolution 487 in the respective forms placed at the desk;

(4) Be considered to have amended and passed H.R. 5400 by the committee amendment placed at the desk; and

(5) That the committees being discharged be printed in the RECORD, the texts of each measure and any amendment thereto be considered as read and printed in the RECORD, and that motions to reconsider each of these actions be laid upon the table.

The SPEAKER pro tempore. The Chair will entertain this combined request under the Speaker's guidelines as recorded on page 712 of the Manual with assurances that it has been cleared by the bipartisan floor and all committee leaderships.

The Clerk will report the titles of the various bills and the resolutions.

The Clerk read as follows:

DISCHARGED FROM THE COMMITTEE ON AGRICULTURE AND THE COMMITTEE ON RESOURCES AND PASSED

H.R. 5316, to establish a user fee system that provides for an equitable re-

turn to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes.

H.R. 5316

*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 Forest Organizational Camp Fee Improvement Act of 2002".

#### SEC. 2. FINDINGS, PURPOSE, AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Organizational camps, such as those administered by the Boy Scouts, Girl Scouts, and faith-based and community-based organizations, provide a valuable service to young people, individuals with a disability, and their families by promoting physical, mental, and spiritual health through activities conducted in a natural environment.

(2) The 192,000,000 acres of national forests and grasslands of the National Forest System managed for multiple uses by the Forest Service provides an ideal setting for such organizational camps.

(3) The Federal Government should charge land use fees for the occupancy and use of National Forest System lands by such organizational camps that, while based on the fair market value of the land in use, also recognize the benefits provided to society by such organizational camps, do not preclude the ability of such organizational camps from utilizing these lands, and permit capital investment in, and maintenance of, camp facilities by such organizational camps or their sponsoring organizations.

(4) Organizational camps should—

(A) ensure that their facilities meet applicable building and safety codes, including fire and health codes;

(B) have annual inspections as required by local law, including at a minimum inspections for fire and food safety; and

(C) have in place safety plans that address fire and medical emergencies and encounters with wildlife.

(b) PURPOSE.—It is the purpose of this Act to establish a land use fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands by organizational camps that serve young people or individuals with a disability.

(c) DEFINITIONS.—In this Act:

(1) The term "organizational camp" means a public or semipublic camp that—

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

(C) does not have as its primary purpose raising revenue through commercial activities.

(2) The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) The term "individual with a disability" has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)).

(4) The term "children at risk" means children who are raised in poverty or in single-

parent homes or are subject to such circumstances as parental drug abuse, homelessness, or child abuse.

(5) The term "change in control" means—

(A) for a corporation, the sale or transfer of a controlling interest in the corporation;

(B) for a partnership or limited liability company, the sale or transfer of a controlling interest in the partnership or limited liability company; and

(C) for an individual, the sale or transfer of an organizational camp subject to this Act to another party.

#### SEC. 3. FEES FOR OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS AND FACILITIES BY ORGANIZATIONAL CAMPS.

(a) LAND USE FEE.—

(1) PERCENTAGE OF LAND VALUE.—The Secretary shall charge an annual land use fee for each organizational camp for its occupancy and use of National Forest System lands equal to five percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

(B) The estimated per-acre market value of land and buildings in the county where the camp is located, as reported in the most recent Census of Agriculture conducted by the National Agricultural Statistics Service.

(2) ANNUAL ADJUSTMENT.—The land use fee determined under paragraph (1) for an organizational camp shall be adjusted annually by the annual compounded rate of change between the two most recent Censuses of Agriculture.

(3) REDUCTION IN FEES.—

(A) TYPE OF PARTICIPANTS.—The Secretary shall reduce the land use fee determined under paragraph (1) proportionate to the number of individuals with a disability and children at risk who annually attend the organizational camp.

(B) TYPE OF PROGRAMS.—After making the reduction required by subparagraph (A), the Secretary shall reduce the remaining land use fee amount by up to 60 percent, proportionate to the number of persons who annually attend the organizational camp who participate in youth programs through organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences.

(C) RELATION TO MINIMUM FEE.—The reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) SPECIAL CONSIDERATIONS.—For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist persons in attending the organizational camp.

(4) MINIMUM LAND USE FEE.—The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary's cost annually to administer an organizational camp special use authorization in the National Forest Region in which the organizational camp is located. Notwithstanding paragraph (3) or subsection (d), the minimum land use fee shall not be subject to a reduction or waiver.

(b) FACILITY USE FEE.—

(1) PERCENTAGE OF FACILITIES VALUE.—If an organizational camp uses a Government-owned facility on National Forest System lands pursuant to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the Secretary shall charge, in addition to the land

use fee imposed under subsection (a), a facility use fee equal to five percent of the value of the authorized facilities, as determined by the Secretary.

(2) **REDUCTION IN FEES PROHIBITED.**—Notwithstanding subsection (d), the facility use fees determined under paragraph (1) shall not be subject to a reduction or waiver.

(c) **FEE RELATED TO RECEIPT OF OTHER REVENUES.**—If an organizational camp derives revenue from the use of National Forest System lands or authorized facilities described in subsection (b) for purposes other than to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues, the Secretary shall charge, in addition to the land use fee imposed under subsection (a) and the facility use fee imposed under subsection (b), an additional fee equal to five percent of that revenue.

(d) **WORK-IN-LIEU PROGRAM.**—Subject to subsections (a)(4) and (b)(2), section 3 of the Federal Timber Contract Payment Modification Act (16 U.S.C. 539f) shall apply to the use fees imposed under this section.

#### SEC. 4. IMPLEMENTATION.

(a) **PROMPT IMPLEMENTATION.**—The Secretary shall issue direction regarding implementation of this Act by interim directive within 180 days after the date of the enactment of this Act. The Secretary shall implement this Act beginning with the first billing cycle for organizational camp special use authorizations occurring more than 180 days after the date of the enactment of this Act.

(b) **PHASE-IN OF USE FEE INCREASES.**—In issuing any direction regarding implementation of this Act under subsection (a), the Secretary shall consider whether to phase-in any significant increases in annual land or facility use fees for organizational camps.

#### SEC. 5. RELATIONSHIP TO OTHER LAWS.

Except as specifically provided by this Act, nothing in this Act supersedes or otherwise affects any provision of law, regulation, or policy regarding the issuance or administration of authorizations for organizational camps regarding the occupancy and use of National Forest System lands.

#### SEC. 6. DEPOSIT AND EXPENDITURE OF USE FEES.

(a) **DEPOSIT AND AVAILABILITY.**—Unless subject to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), use fees collected by the Secretary under this Act shall be deposited in a special account in the Treasury and shall remain available to the Secretary for expenditure, without further appropriation until expended, for the purposes described in subsection (c).

(b) **TRANSFER.**—Upon request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary from the special account such amounts as the Secretary may request. The Secretary shall accept and use such amounts in accordance with subsection (c).

(c) **USE.**—Use fees deposited pursuant to subsection (a) and transferred to the Secretary under subsection (b) shall be expended for monitoring of Forest Service special use authorizations, administration of the Forest Service's special program, interpretive programs, environmental analysis, environmental restoration, and similar purposes.

#### SEC. 7. MINISTERIAL ISSUANCE, OR AMENDMENT AUTHORIZATION.

(a) **NEPA EXCEPTION.**—The ministerial issuance or amendment of an organizational camp special use authorization shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **RULE OF CONSTRUCTION.**—For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND PASSED

H.R. 5574, to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office".

H.R. 5574

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

#### SECTION 1. MICHAEL LEE WOODCOCK POST OFFICE.

(a) **DESIGNATION.**—The facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, shall be known and designated as the "Michael Lee Woodcock Post Office".

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Michael Lee Woodcock Post Office.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND PASSED

H.R. 5361, to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the "Floyd Spence Post Office Building".

H.R. 5361

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

#### SECTION 1. FLOYD SPENCE POST OFFICE BUILDING.

(a) **DESIGNATION.**—The facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, shall be known and designated as the "Floyd Spence Post Office Building".

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Floyd Spence Post Office Building.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND PASSED

H.R. 5439, to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the "Delbert L. Latta Post Office Building".

H.R. 5439

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

#### SECTION 1. DELBERT L. LATTA POST OFFICE BUILDING.

(a) **DESIGNATION.**—The facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, shall be known and designated as the "Delbert L. Latta Post Office Building".

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Delbert L. Latta Post Office Building.

DISCHARGED FROM THE COMMITTEE ON ENERGY  
AND COMMERCE AND PASSED

Senate 2558, to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2558

*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 "Benign Brain Tumor Cancer Registries Amendment Act".

#### SEC. 2. NATIONAL PROGRAM OF CANCER REGISTRIES; BENIGN BRAIN-RELATED TUMORS AS ADDITIONAL CATEGORY OF DATA COLLECTED.

(a) **IN GENERAL.**—Section 399B of the Public Health Service Act (42 U.S.C. 280e), as redesignated by section 502(2)(A) of Public Law 106-310 (114 Stat. 1115), is amended in subsection (a)—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and indenting appropriately;

(2) by striking "(a) IN GENERAL.—The Secretary" and inserting the following:

"(a) IN GENERAL.—

"(1) **STATEWIDE CANCER REGISTRIES.**—The Secretary";

(3) in the matter preceding subparagraph (A) (as so redesignated), by striking "population-based" and all that follows through "data" and inserting the following: "population-based, statewide registries to collect, for each condition specified in paragraph (2)(A), data"; and

(4) by adding at the end the following:

"(2) **CANCER; BENIGN BRAIN-RELATED TUMORS.**—

"(A) **IN GENERAL.**—For purposes of paragraph (1), the conditions referred to in this paragraph are the following:

"(i) Each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), including malignant brain-related tumors.

"(ii) Benign brain-related tumors.

"(B) **BRAIN-RELATED TUMOR.**—For purposes of subparagraph (A):

"(i) The term 'brain-related tumor' means a listed primary tumor (whether malignant or benign) occurring in any of the following sites:

"(I) The brain, meninges, spinal cord, cauda equina, a cranial nerve or nerves, or any other part of the central nervous system.

"(II) The pituitary gland, pineal gland, or craniopharyngeal duct.

"(ii) The term 'listed', with respect to a primary tumor, means a primary tumor that is listed in the International Classification of Diseases for Oncology (commonly referred to as the ICD-O).

"(iii) The term 'International Classification of Diseases for Oncology' means a classification system that includes topography

(site) information and histology (cell type information) developed by the World Health Organization, in collaboration with international centers, to promote international comparability in the collection, classification, processing, and presentation of cancer statistics. The ICD-O system is a supplement to the International Statistical Classification of Diseases and Related Health Problems (commonly known as the ICD) and is the standard coding system used by cancer registries worldwide. Such term includes any modification made to such system for purposes of the United States. Such term further includes any published classification system that is internationally recognized as a successor to the classification system referred to in the first sentence of this clause.

“(C) STATEWIDE CANCER REGISTRY.—References in this section to cancer registries shall be considered to be references to registries described in this subsection.”.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to grants under section 399B of the Public Health Service Act for fiscal year 2002 and subsequent fiscal years, except that, in the case of a State that received such a grant for fiscal year 2000, the Secretary of Health and Human Services may delay the applicability of such amendments to the State for not more than 12 months if the Secretary determines that compliance with such amendments requires the enactment of a statute by the State or the issuance of State regulations.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND PASSED

H.R. 5349, to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri.

H.R. 5349

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

**SECTION 1. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, FORMER O'REILLY GENERAL HOSPITAL, SPRINGFIELD, MISSOURI.**

(a) RELEASE REQUIRED.—Notwithstanding the first section of the Act of August 9, 1955 (chapter 661; 69 Stat. 592), the Administrator of General Services shall release, without consideration, all right, title, and interest retained by the United States in and to the portion of the former O'Reilly General Hospital in Springfield, Missouri, conveyed to the State of Missouri pursuant to such Act.

(b) INSTRUMENT OF RELEASE.—As soon as possible after the date of the enactment of this Act, the Administrator of General Services shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

DISCHARGED FROM THE COMMITTEE ON  
EDUCATION AND THE WORKFORCE AND PASSED

H.R. 5598, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 5598

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

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**TITLE I—EDUCATION SCIENCES REFORM**

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Education Sciences Reform Act of 2002”.

**SEC. 102. DEFINITIONS.**

In this title:

(1) IN GENERAL.—The terms “elementary school”, “secondary school”, “local educational agency”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms “freely associated states” and “outlying area” have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) APPLIED RESEARCH.—The term “applied research” means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(3) BASIC RESEARCH.—The term “basic research” means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(4) BOARD.—The term “Board” means the National Board for Education Sciences established under section 116.

(5) BUREAU.—The term “Bureau” means the Bureau of Indian Affairs.

(6) COMPREHENSIVE CENTER.—The term “comprehensive center” means an entity established under section 203 of the Educational Technical Assistance Act of 2002.

(7) DEPARTMENT.—The term “Department” means the Department of Education.

(8) DEVELOPMENT.—The term “development” means the systematic use of knowledge or understanding gained from the findings of scientifically valid research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(9) DIRECTOR.—The term “Director” means the Director of the Institute of Education Sciences.

(10) DISSEMINATION.—The term “dissemination” means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, parents, policymakers, and the

public, through technical assistance, publications, electronic transfer, and other means.

(11) **EARLY CHILDHOOD EDUCATOR.**—The term “early childhood educator” means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(12) **FIELD-INITIATED RESEARCH.**—The term “field-initiated research” means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(13) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term “historically Black college or university” means a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(14) **INSTITUTE.**—The term “Institute” means the Institute of Education Sciences established under section 111.

(15) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(16) **NATIONAL RESEARCH AND DEVELOPMENT CENTER.**—The term “national research and development center” means a research and development center supported under section 133(c).

(17) **PROVIDER OF EARLY CHILDHOOD SERVICES.**—The term “provider of early childhood services” means a public or private entity that serves young children, including—

(A) child care providers;

(B) Head Start agencies operating Head Start programs, and entities carrying out Early Head Start programs, under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschools;

(D) kindergartens; and

(E) libraries.

(18) **SCIENTIFICALLY BASED RESEARCH STANDARDS.**—(A) The term “scientifically based research standards” means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

(B) The term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment;

(ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(19) **SCIENTIFICALLY VALID EDUCATION EVALUATION.**—The term “scientifically valid education evaluation” means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) may study program implementation through a combination of scientifically valid and reliable methods.

(20) **SCIENTIFICALLY VALID RESEARCH.**—The term “scientifically valid research” includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(21) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(22) **STATE.**—The term “State” includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(23) **TECHNICAL ASSISTANCE.**—The term “technical assistance” means—

(A) assistance in identifying, selecting, or designing solutions based on research, including professional development and high-quality training to implement solutions leading to—

(i) improved educational and other practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

## PART A—THE INSTITUTE OF EDUCATION SCIENCES

### SEC. 111. ESTABLISHMENT.

(a) **ESTABLISHMENT.**—There shall be in the Department the Institute of Education Sciences, to be administered by a Director (as described in section 114) and, to the extent set forth in section 116, a board of directors.

(b) **MISSION.**—

(1) **IN GENERAL.**—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States, including early childhood education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and

(C) the effectiveness of Federal and other education programs.

(2) **CARRYING OUT MISSION.**—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) conform to high standards of quality, integrity, and accuracy; and

(B) are objective, secular, neutral, and non-ideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(C) **ORGANIZATION.**—The Institute shall consist of the following:

(1) The Office of the Director (as described in section 114).

(2) The National Board for Education Sciences (as described in section 116).

(3) The National Education Centers, which include—

(A) the National Center for Education Research (as described in part B);

(B) the National Center for Education Statistics (as described in part C); and

(C) the National Center for Education Evaluation and Regional Assistance (as described in part D).

### SEC. 112. FUNCTIONS.

From funds appropriated under section 194, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development, and wide dissemination;

(2) widely disseminate the findings and results of scientifically valid research in education;

(3) promote the use, development, and application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct, develop, and widely disseminate scientifically valid research in education;

(5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and

(6) promote the use and application of research and development to improve practice in the classroom.

### SEC. 113. DELEGATION.

(a) **DELEGATION OF AUTHORITY.**—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except section 302(e)(1)(J) of such Act) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 115 and 116 shall not apply to the National Assessment of Educational Progress; and

(5) sections 115 and 116 shall not apply to the National Assessment Governing Board.

(b) OTHER ACTIVITIES.—The Secretary may assign the Institute responsibility for administering other activities, if those activities are consistent with—

(1) the Institute's priorities, as approved by the National Board for Education Sciences under section 116, and the Institute's mission, as described in section 111(b); or

(2) the Institute's mission, but only if those activities do not divert the Institute from its priorities.

#### SEC. 114. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, by and with the advice and consent of the Senate, shall appoint the Director of the Institute.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director.

(2) FIRST DIRECTOR.—The President, with-out the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the day before the date of enactment of this Act) to serve as the first Director of the Institute.

(3) SUBSEQUENT DIRECTORS.—The Board may make recommendations to the President with respect to the appointment of a Director under subsection (a), other than a Director appointed under paragraph (2).

(c) PAY.—The Director shall receive the rate of basic pay for level II of the Executive Schedule.

(d) QUALIFICATIONS.—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) ADMINISTRATION.—The Director shall—

- (1) administer, oversee, and coordinate the activities carried out under the Institute, including the activities of the National Education Centers; and

- (2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) DUTIES.—The duties of the Director shall include the following:

- (1) To propose to the Board priorities for the Institute, in accordance with section 115(a).

- (2) To ensure the methodology applied in conducting research, development, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

- (3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government.

- (4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

- (5) To establish necessary procedures for technical and scientific peer review of the activities of the Institute, consistent with section 116(b)(3).

- (6) To ensure that all participants in research conducted or supported by the Institute are afforded their privacy rights and other relevant protections as research sub-

jects, in accordance with section 183 of this title, section 552a of title 5, United States Code, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

- (7) To ensure that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

- (8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities of the Institute, including historically Black colleges or universities or other institutions of higher education with large numbers of minority students.

- (9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers.

- (10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.

- (11) To coordinate the wide dissemination of information on scientifically valid research.

- (12) To carry out and support other activities consistent with the priorities and mission of the Institute.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than ¼ of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

(h) REVIEW.—The Director may, when requested by other officers of the Department, and shall, when directed by the Secretary, review the products and publications of other offices of the Department to certify that evidence-based claims about those products and publications are scientifically valid.

#### SEC. 115. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development on core issues conducted through the national research and development centers). The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

- (1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children's more advantaged peers; and

- (2) ensuring—

- (A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments, particularly in mathematics, science, and reading or language arts;

- (B) access to, and opportunities for, postsecondary education; and

- (C) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Institute proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Institute and the National Education Centers are consistent with the mission of the Institute.

(d) PUBLIC AVAILABILITY AND COMMENT.—

- (1) PRIORITIES.—Before submitting to the Board proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

- (2) PLAN.—Upon approval of such priorities, the Director shall make the Institute's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

#### SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) ESTABLISHMENT.—The Institute shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) DUTIES.—The duties of the Board shall be the following:

- (1) To advise and consult with the Director on the policies of the Institute.

- (2) To consider and approve priorities proposed by the Director under section 115 to guide the work of the Institute.

- (3) To review and approve procedures for technical and scientific peer review of the activities of the Institute.

- (4) To advise the Director on the establishment of activities to be supported by the Institute, including the general areas of research to be carried out by the National Center for Education Research.

- (5) To present to the Director such recommendations as it may find appropriate for—

- (A) the strengthening of education research; and

- (B) the funding of the Institute.

- (6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

- (7) To review and regularly evaluate the work of the Institute, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this title.

- (8) To advise the Director on ensuring that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

- (9) To solicit advice and information from those in the educational field, particularly



practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities and mission of the Institute.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Institute.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) COMPOSITION.—

(1) VOTING MEMBERS.—The Board shall have 15 voting members appointed by the President, by and with the advice and consent of the Senate.

(2) ADVICE.—The President shall solicit advice regarding individuals to serve on the Board from the National Academy of Sciences, the National Science Board, and the National Science Advisor.

(3) NONVOTING EX OFFICIO MEMBERS.—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Institute of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) APPOINTED MEMBERSHIP.—

(A) QUALIFICATIONS.—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include the following individuals:

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences, which may include those researchers recommended by the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(ii) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(C) UNEXPIRED TERMS.—Any member appointed to fill a vacancy occurring before the

expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(D) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) CHAIR.—The Board shall elect a chair from among the members of the Board.

(6) COMPENSATION.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.—

(A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair and the Executive Director.

(C) DETAIL OF PERSONNEL.—The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 6 voting members of the Board. Meetings of the Board shall be open to the public.

(10) QUORUM.—A majority of the voting members of the Board serving at the time of the meeting shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) that will each serve 1 of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Center.

(2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

(B) ex officio members of the Board; and

(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who

may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

(3) DUTIES.—Each standing committee shall—

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center.

(e) ANNUAL REPORT.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT OF COMMISSIONERS.—

(1) IN GENERAL.—Except as provided in subsection (b), each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) PAY AND QUALIFICATIONS.—Except as provided in subsection (b), each Commissioner shall—

(A) receive the rate of basic pay for level IV of the Executive Schedule; and

(B) be highly qualified in the field of education research or evaluation.

(3) SERVICE.—Except as provided in subsection (b), each Commissioner shall report to the Director. A Commissioner shall serve for a period of not more than 6 years, except that a Commissioner—

(A) may be reappointed by the Director; and

(B) may serve after the expiration of that Commissioner's term, until a successor has been appointed, for a period not to exceed 1 additional year.

(b) APPOINTMENT OF COMMISSIONER FOR EDUCATION STATISTICS.—The National Center for Education Statistics shall be headed by a



Commissioner for Education Statistics who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(1) have substantial knowledge of programs assisted by the National Center for Education Statistics;

(2) receive the rate of basic pay for level IV of the Executive Schedule; and

(3) serve for a term of 6 years, with the term to expire every sixth June 21, beginning in 2003.

(c) **COORDINATION.**—Each Commissioner of a National Education Center shall coordinate with each of the other Commissioners of the National Education Centers in carrying out such Commissioner's duties under this title.

(d) **SUPERVISION AND APPROVAL.**—Each Commissioner, except the Commissioner for Education Statistics, shall carry out such Commissioner's duties under this title under the supervision and subject to the approval of the Director.

#### SEC. 118. AGREEMENTS.

The Institute may carry out research projects of common interest with entities such as the National Science Foundation and the National Institute of Child Health and Human Development through agreements with such entities that are in accordance with section 430 of the General Education Provisions Act (20 U.S.C. 1231).

#### SEC. 119. BIENNIAL REPORT.

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees, and make widely available to the public (including by means of the Internet), a report containing the following:

(1) A description of the activities carried out by and through the National Education Centers during the prior fiscal years.

(2) A summary of each grant, contract, and cooperative agreement in excess of \$100,000 funded through the National Education Centers during the prior fiscal years, including, at a minimum, the amount, duration, recipient, purpose of the award, and the relationship, if any, to the priorities and mission of the Institute, which shall be available in a user-friendly electronic database.

(3) A description of how the activities of the National Education Centers are consistent with the principles of scientifically valid research and the priorities and mission of the Institute.

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

#### SEC. 120. COMPETITIVE AWARDS.

Activities carried out under this Act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis and, when practicable, through a process of peer review.

### PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

#### SEC. 131. ESTABLISHMENT.

(a) **ESTABLISHMENT.**—There is established in the Institute a National Center for Education Research (in this part referred to as the "Research Center").

(b) **MISSION.**—The mission of the Research Center is—

(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, to—

(A) ensure that all children have access to a high-quality education;

(B) improve student academic achievement, including through the use of educational technology;

(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and

(D) improve access to, and opportunity for, postsecondary education;

(2) to support the synthesis and, as appropriate, the integration of education research;

(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

#### SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the "Research Commissioner") who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

#### SEC. 133. DUTIES.

(a) **GENERAL DUTIES.**—The Research Center shall—

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

(2) propose to the Director a research plan that—

(A) is consistent with the priorities and mission of the Institute and the mission of the Research Center and includes the activities described in paragraph (3); and

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Institute, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;

(B) meets the procedures for peer review established by the Director under section 114(f)(5) and the standards of research described in section 134; and

(C) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives;

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research projects described in section 118;

(6) ensure that research conducted under the direction of the Research Center is relevant to education practice and policy;

(7) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of education research conducted or supported by the Research Center;

(8) assist the Director in the preparation of a biennial report, as described in section 119;

(9) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap, as approved by the Director;

(10) carry out research initiatives regarding the impact of technology, including—

(A) research into how technology affects student achievement;

(B) long-term research into cognition and learning issues as they relate to the uses of technology;

(C) rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research that is designed to determine which approaches to the use of technology are most effective and cost-efficient in practice and under what conditions; and

(D) field-based research on how teachers implement technology and Internet-based resources in the classroom, including an understanding how these resources are being accessed, put to use, and the effectiveness of such resources; and

(11) carry out research that is rigorous, peer-reviewed, and large scale to determine which methods of mathematics and science teaching are most effective, cost efficient, and able to be applied, duplicated, and scaled up for use in elementary and secondary classrooms, including in low-performing schools, to improve the teaching of, and student achievement in, mathematics and science as required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) **ELIGIBILITY.**—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

#### (c) NATIONAL RESEARCH AND DEVELOPMENT CENTERS.

(1) **SUPPORT.**—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.

(2) **TOPICS OF RESEARCH.**—The Research Commissioner shall support the following topics of research, through national research and development centers or through other means:

(A) Adult literacy.

(B) Assessment, standards, and accountability research.

(C) Early childhood development and education.

(D) English language learners research.

(E) Improving low achieving schools.

(F) Innovation in education reform.

(G) State and local policy.

(H) Postsecondary education and training.

(I) Rural education.

(J) Teacher quality.

(K) Reading and literacy.

(3) **DUTIES OF CENTERS.**—The national research and development centers shall address areas of national need, including in educational technology areas. The Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research Center. The research carried out by the centers shall incorporate the potential or existing role of educational technology, where appropriate, in achieving the goals of each center.

(4) **SCOPE.**—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 134(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Institute; and

(B) merits renewal (applying the procedures and standards established in section 134).

(5) **LIMIT.**—No national research and development center may be supported under this subsection for a period of more than 10 years without submitting to a competitive process for the award of the support.

(6) **CONTINUATION OF AWARDS.**—The Director shall continue awards made to the national research and development centers that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (4) and (5).

(7) **DISAGGREGATION.**—To the extent feasible, research conducted under this subsection shall be disaggregated by age, race, gender, and socioeconomic background.

#### SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) **IN GENERAL.**—In carrying out this part, the Research Commissioner shall—

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and wide dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) **PEER REVIEW.**—

(1) **IN GENERAL.**—The Director shall establish a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed \$100,000, and for evaluating and assessing the products of research by all recipients of grants and cooperative agreements under this Act.

(2) **EVALUATION.**—The Research Commissioner shall—

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors (including, as applicable, the use of longitudinal data linking test scores, enrollment, and graduation rates over time) which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

(c) **LONG-TERM RESEARCH.**—The Research Commissioner shall ensure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Institute and the mission of the Research Center.

### PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

#### SEC. 151. ESTABLISHMENT.

(a) **ESTABLISHMENT.**—There is established in the Institute a National Center for Education Statistics (in this part referred to as the "Statistics Center").

(b) **MISSION.**—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and non-ideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

(B) is relevant and useful to practitioners, researchers, policymakers, and the public.

#### SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the "Statistics Commissioner") who shall be highly qualified and have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

#### SEC. 153. DUTIES.

(a) **GENERAL DUTIES.**—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics (disaggregated by the population characteristics described in paragraph (3)) on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) State and local education reform activities;

(B) State and local early childhood school readiness activities;

(C) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(D) secondary school completions, dropouts, and adult literacy and reading skills;

(E) access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(F) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas, including technology courses; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

(G) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(H) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(I) the financing and management of education, including data on revenues and expenditures;

(J) the social and economic status of children, including their academic achievement;

(K) the existence and use of educational technology and access to the Internet by students and teachers in elementary schools and secondary schools;

(L) access to, and opportunity for, early childhood education.

(M) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(N) student participation in and completion of secondary and postsecondary vocational and technical education programs by specific program area; and

(O) the existence and use of school libraries;

(2) conducting and publishing reports on the meaning and significance of the statistics described in paragraph (1);

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, disability, urban, rural, suburban districts, and other population characteristics, when such disaggregated information will facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data and with the development of longitudinal student data systems;

(5) determining voluntary standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183, to improve student academic achievement and close achievement gaps;

(6) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations;

(7) conducting longitudinal and special data collections necessary to report on the condition and progress of education;

(8) assisting the Director in the preparation of a biennial report, as described in section 119; and

(9) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.

(b) **TRAINING PROGRAM.**—The Statistics Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts, and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center, in order to assist the Statistics Center in carrying out its duties.

#### SEC. 154. PERFORMANCE OF DUTIES.

(a) **GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.**—In carrying out the duties under this part, the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) **GATHERING INFORMATION.**—

(1) **SAMPLING.**—The Statistics Commissioner may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) **SOURCE OF INFORMATION.**—The Statistics Commissioner may, as appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(3) **COLLECTION.**—The Statistics Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) **TECHNICAL ASSISTANCE AND COORDINATION.**—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

(c) **DURATION.**—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Statistics Commissioner for an additional period of not more than 5 years.

#### SEC. 155. REPORTS.

(a) **PROCEDURES FOR ISSUANCE OF REPORTS.**—The Statistics Commissioner, shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) **REPORT ON CONDITION AND PROGRESS OF EDUCATION.**—Not later than June 1, 2003, and each June 1 thereafter, the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) **STATISTICAL REPORTS.**—The Statistics Commissioner shall issue regular and, as

necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and the mission of the Statistics Center.

#### SEC. 156. DISSEMINATION.

(a) **GENERAL REQUESTS.**—

(1) **IN GENERAL.**—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) **COMPILATIONS.**—The Statistics Center shall provide State educational agencies, local educational agencies, and institutions of higher education with opportunities to suggest the establishment of particular compilations of statistics, surveys, and analyses that will assist those educational agencies.

(b) **CONGRESSIONAL REQUESTS.**—The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) **JOINT STATISTICAL PROJECTS.**—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) **FEES.**—

(1) **IN GENERAL.**—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) **FUNDS RECEIVED.**—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) **ACCESS.**—

(1) **OTHER AGENCIES.**—The Statistics Center shall, consistent with section 183, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) **INTERESTED PARTIES.**—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

#### SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Statistics Center may establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

#### SEC. 158. STATE DEFINED.

In this part, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

### PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

#### SEC. 171. ESTABLISHMENT.

(a) **ESTABLISHMENT.**—There is established in the Institute a National Center for Education Evaluation and Regional Assistance.

(b) **MISSION.**—The mission of the National Center for Education Evaluation and Regional Assistance shall be—

(1) to provide technical assistance;

(2) to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science);

(3) to support synthesis and wide dissemination of results of evaluation, research, and products developed; and

(4) to encourage the use of scientifically valid education research and evaluation throughout the United States.

(c) **GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.**—In carrying out the duties under this part, the Director may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

#### SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.

(a) **IN GENERAL.**—The National Center for Education Evaluation and Regional Assistance shall be headed by a Commissioner for Education Evaluation and Regional Assistance (in this part referred to as the “Evaluation and Regional Assistance Commissioner”) who is highly qualified and has demonstrated a capacity to carry out the mission of the Center and shall—

(1) conduct evaluations pursuant to section 173;

(2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to information relating to, at a minimum—

(A) the core academic areas of reading, mathematics, and science;

(B) closing the achievement gap between high-performing students and low-performing students;

(C) educational practices that improve academic achievement and promote learning;

(D) education technology, including software; and

(E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act);

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet-based online database that shall include all topics covered in paragraph (2)(E)) to schools, institutions of higher education, educators (including early childhood educators), parents, administrators, policymakers, researchers, public and private entities (including providers of early childhood services), entities responsible for carrying out technical assistance through the Department, and the general public;

(4) support the regional educational laboratories in conducting applied research, the development and dissemination of educational research, products and processes, the provision of technical assistance, and other activities to serve the educational needs of such laboratories' regions;

(5) manage the National Library of Education described in subsection (d), and other sources of digital information on education research;

(6) assist the Director in the preparation of a biennial report, described in section 119; and

(7) award a contract for a prekindergarten through grade 12 mathematics and science teacher clearinghouse.

(b) **ADDITIONAL DUTIES.**—In carrying out subsection (a), the Evaluation and Regional Assistance Commissioner shall—

(1) ensure that information disseminated under this section is provided in a cost-effective, non duplicative manner that includes the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act);

(2) describe prominently the type of scientific evidence that is used to support the findings that are disseminated;

(3) explain clearly the scientifically appropriate and inappropriate uses of—

(A) the findings that are disseminated; and  
(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(c) **CONTINUATION.**—The Director shall continue awards for the support of the Educational Resources Information Center Clearinghouses and contracts for regional educational laboratories (established under subsections (f) and (h) of section 941 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards were in effect on the day before the date of enactment of this Act) for the duration of those awards, in accordance with the terms and agreements of such awards.

(d) **NATIONAL LIBRARY OF EDUCATION.**—

(1) **ESTABLISHMENT.**—There is established, within the National Center for Education Evaluation and Regional Assistance, a National Library of Education that shall—

(A) be headed by an individual who is highly qualified in library science;

(B) collect and archive information;

(C) provide a central location within the Federal Government for information about education;

(D) provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(E) promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

(2) **INFORMATION.**—The information collected and archived by the National Library of Education shall include—

(A) products and publications developed through, or supported by, the Institute; and

(B) other relevant and useful education-related research, statistics, and evaluation ma-

terials and other information, projects, and publications that are—

(i) consistent with—

(I) scientifically valid research; or

(II) the priorities and mission of the Institute; and

(ii) developed by the Department, other Federal agencies, or entities (including entities supported under the Educational Technical Assistance Act of 2002 and the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act))).

#### SEC. 173. EVALUATIONS.

(a) **IN GENERAL.**—

(1) **REQUIREMENTS.**—In carrying out its missions, the National Center for Education Evaluation and Regional Assistance may—

(A) conduct or support evaluations consistent with the Center's mission as described in section 171(b);

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) to the extent practicable, examine evaluations conducted or supported by others in order to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;

(D) coordinate the activities of the National Center for Education Evaluation and Regional Assistance with other evaluation activities in the Department;

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;

(F) establish evaluation methodology; and

(G) assist the Director in the preparation of the biennial report, as described in section 119.

(2) **ADDITIONAL REQUIREMENTS.**—Each evaluation conducted by the National Center for Education Evaluation and Regional Assistance pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review.

(b) **ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**—The Evaluation and Regional Assistance Commissioner, consistent with the mission of the National Center for Education Evaluation and Regional Assistance under section 171(b), shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

#### SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) **REGIONAL EDUCATIONAL LABORATORIES.**—The Director shall enter into contracts with entities to establish a networked system of 10 regional educational laboratories that serve the needs of each region of the United States in accordance with the provisions of this section. The amount of assistance allocated to each laboratory by the Evaluation and Regional Assistance Commissioner shall reflect the number of local educational agencies and the number of school-age children within the region served

by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.

(b) **REGIONS.**—The regions served by the regional educational laboratories shall be the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act).

(c) **ELIGIBLE APPLICANTS.**—The Director may enter into contracts under this section with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this section, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)).

(d) **APPLICATIONS.**—

(1) **SUBMISSION.**—Each applicant desiring a contract under this section shall submit an application at such time, in such manner, and containing such information as the Director may reasonably require.

(2) **PLAN.**—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the regional educational laboratory, on an ongoing basis.

(e) **ENTERING INTO CONTRACTS.**—

(1) **IN GENERAL.**—In entering into contracts under this section, the Director shall—

(A) enter into contracts for a 5-year period; and

(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff.

(2) **COORDINATION.**—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

(A) share information about the activities of each regional educational laboratory awarded a contract under this section with each other regional educational laboratory awarded a contract under this section and with the Department of Education, including the Director and the Board;

(B) oversee a strategic plan for ensuring that each regional educational laboratory awarded a contract under this section increases collaboration and resource-sharing in such activities;

(C) ensure, where appropriate, that the activities of each regional educational laboratory awarded a contract under this section also serve national interests; and

(D) ensure that each regional educational laboratory awarded a contract under this section coordinates such laboratory's activities with the activities of each other regional technical assistance provider.

(3) **OUTREACH.**—In conducting competitions for contracts under this section, the Director shall—

(A) actively encourage eligible entities to compete for such awards by making information and technical assistance relating to the competition widely available; and

(B) seek input from the chief executive officers of States, chief State school officers, educators, and parents regarding the need for applied research, wide dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served by the regional educational laboratories and how those educational needs could be addressed most effectively.

(4) **OBJECTIVES AND INDICATORS.**—Before entering into a contract under this section, the Director shall design specific objectives and measurable indicators to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional educational laboratories, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(5) **STANDARDS.**—The Evaluation and Regional Assistance Commissioner shall establish a system for technical and peer review to ensure that applied research activities, research-based reports, and products of the regional educational laboratories are consistent with the research standards described in section 134 and the evaluation standards adhered to pursuant to section 173(a)(2)(A).

(f) **CENTRAL MISSION AND PRIMARY FUNCTION.**—Each regional educational laboratory awarded a contract under this section shall support applied research, development, wide dissemination, and technical assistance activities by—

(1) providing training (which may include supporting internships and fellowships and providing stipends) and technical assistance to State educational agencies, local educational agencies, school boards, schools funded by the Bureau as appropriate, and State boards of education regarding, at a minimum—

(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(B) scientifically valid research in education on teaching methods, assessment tools, and high quality, challenging curriculum frameworks for use by teachers and administrators in, at a minimum—

(i) the core academic subjects of mathematics, science, and reading;

(ii) English language acquisition;

(iii) education technology; and

(iv) the replication and adaption of exemplary and promising practices and new educational methods, including professional development strategies and the use of educational technology to improve teaching and learning; and

(C) the facilitation of communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the State education goals;

(2) developing and widely disseminating, including through Internet-based means, scientifically valid research, information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement, to—

(A) schools, districts, institutions of higher education, educators (including early childhood educators and librarians), parents, pol-

icymakers, and other constituencies, as appropriate, within the region in which the regional educational laboratory is located; and

(B) the National Center for Education Evaluation and Regional Assistance;

(3) developing a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in prekindergarten through grade 16) of the region in which the regional educational laboratory is located, that reflect findings from scientifically valid research, and that result in user-friendly, replicable school-based classroom applications geared toward promoting increased student achievement, including using applied research to assist in solving site-specific problems and assisting in development activities (including high-quality and on-going professional development and effective parental involvement strategies);

(5) supporting and serving the educational development activities and needs of the region by providing educational applied research in usable forms to promote school-improvement, academic achievement, and the closing of achievement gaps and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education and access to postsecondary education;

(6) collaborating and coordinating services with other technical assistance providers funded by the Department of Education;

(7) assisting in gathering information on school finance systems to promote improved access to educational opportunities and to better serve all public school students;

(8) assisting in gathering information on alternative administrative structures that are more conducive to planning, implementing, and sustaining school reform and improved academic achievement;

(9) bringing teams of experts together to develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

(10) developing innovative approaches to the application of technology in education that are unlikely to originate from within the private sector, but which could result in the development of new forms of education software, education content, and technology-enabled pedagogy.

(g) **ACTIVITIES.**—Each regional educational laboratory awarded a contract under this section shall carry out the following activities:

(1) Collaborate with the National Education Centers in order to—

(A) maximize the use of research conducted through the National Education Centers in the work of such laboratory;

(B) keep the National Education Centers apprised of the work of the regional educational laboratory in the field; and

(C) inform the National Education Centers about additional research needs identified in the field.

(2) Consult with the State educational agencies and local educational agencies in the region in developing the plan for serving the region.

(3) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(4) Report and disseminate information on overcoming the obstacles faced by educators and schools in high poverty, urban, and rural areas.

(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(h) **GOVERNING BOARD AND ALLOCATION.**—

(1) **IN GENERAL.**—In carrying out its responsibilities, each regional educational laboratory awarded a contract under this section, in keeping with the terms and conditions of such laboratory's contract, shall—

(A) establish a governing board that—

(i) reflects a balanced representation of—

(I) the States in the region;

(II) the interests and concerns of regional constituencies; and

(III) technical expertise;

(ii) includes the chief State school officer or such officer's designee of each State represented in such board's region;

(iii) includes—

(I) representatives nominated by chief executive officers of States and State organizations of superintendents, principals, institutions of higher education, teachers, parents, businesses, and researchers; or

(II) other representatives of the organizations described in subclause (I), as required by State law in effect on the day before the date of enactment of this Act;

(iv) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;

(II) determines the regional agenda of the laboratory;

(III) engages in an ongoing dialogue with the Evaluation and Regional Assistance Commissioner concerning the laboratory's goals, activities, and priorities; and

(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Evaluation and Regional Assistance Commissioner, the mission of the regional educational laboratory for the duration of the contract period;

(v) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

(vi) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(vii) directs the regional educational laboratory to carry out the laboratory's duties in a manner that will make progress toward achieving the State education goals and reforming schools and educational systems; and

(viii) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(B) allocate the regional educational laboratory's resources to and within each State



in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

(2) **SPECIAL RULE.**—If a regional educational laboratory needs flexibility in order to meet the requirements of paragraph (1)(A)(i), the regional educational laboratory may select not more than 10 percent of the governing board from individuals outside those representatives nominated in accordance with paragraph (1)(A)(iii).

(i) **DUTIES OF GOVERNING BOARD.**—In order to improve the efficiency and effectiveness of the regional educational laboratories, the governing boards of the regional educational laboratories shall establish and maintain a network to—

(1) share information about the activities each laboratory is carrying out;

(2) plan joint activities that would meet the needs of multiple regions;

(3) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(4) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(j) **EVALUATIONS.**—The Evaluation and Regional Assistance Commissioner shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in this section in the third year that such laboratory receives assistance under this section in accordance with the standards developed by the Evaluation and Regional Assistance Commissioner and approved by the Board and shall transmit the results of such evaluations to the relevant committees of Congress, the Board, and the appropriate regional educational laboratory governing board.

(k) **RULE OF CONSTRUCTION.**—No regional educational laboratory receiving assistance under this section shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(l) **ADVANCE PAYMENT SYSTEM.**—Each regional educational laboratory awarded a contract under this section shall participate in the advance payment system at the Department of Education.

(m) **ADDITIONAL PROJECTS.**—In addition to activities authorized under this section, the Director is authorized to enter into contracts or agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve State education goals and for other purposes.

(n) **ANNUAL REPORT AND PLAN.**—Not later than July 1 of each year, each regional educational laboratory awarded a contract under this section shall submit to the Evaluation and Regional Assistance Commissioner—

(1) a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of the plans such laboratory expects to submit in the re-

maining years of such laboratory's contract; and

(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities during the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.

(o) **CONSTRUCTION.**—Nothing in this section shall be construed to require any modifications in a regional educational laboratory contract in effect on the day before the date of enactment of this Act.

## PART E—GENERAL PROVISIONS

### SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Institute use common sources of data in standardized formats.

### SEC. 182. PROHIBITIONS.

(a) **NATIONAL DATABASE.**—Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) **FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.**—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) **ENDORSEMENT OF CURRICULUM.**—Notwithstanding any other provision of Federal law, no funds provided under this title to the Institute, including any office, board, committee, or center of the Institute, may be used by the Institute to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

### (d) FEDERALLY SPONSORED TESTING.

(1) **IN GENERAL.**—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) **EXCEPTIONS.**—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of this title or section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section was in effect on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

### SEC. 183. CONFIDENTIALITY.

(a) **IN GENERAL.**—All collection, maintenance, use, and wide dissemination of data by the Institute, including each office, board, committee, and center of the Institute, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) **STUDENT INFORMATION.**—The Director shall ensure that all individually identifiable information about students, their academic achievements, their families, and information with respect to individual schools, shall

remain confidential in accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

### SEC. 184. AVAILABILITY OF DATA.

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

### SEC. 185. PERFORMANCE MANAGEMENT.

The Director shall ensure that all activities conducted or supported by the Institute or a National Education Center make customer service a priority. The Director shall ensure a high level of customer satisfaction through the following methods:

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely distribution of information, including data and reports.

(4) Establishing and measuring performance against a set of indicators for the quality of data collected, analyzed, and reported.

(5) Continuously improving management strategies and practices.

(6) Making information available to the public in an expeditious fashion.

### SEC. 186. AUTHORITY TO PUBLISH.

(a) **PUBLICATION.**—The Director may prepare and publish (including through oral presentation) such research, statistics (consistent with part C), and evaluation information and reports from any office, board, committee, and center of the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department.

(b) **ADVANCE COPIES.**—The Director shall provide the Secretary and other relevant offices with an advance copy of any information to be published under this section before publication.

(c) **PEER REVIEW.**—All research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(d) **ITEMS NOT COVERED.**—Nothing in subsections (a), (b), or (c) shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

### SEC. 187. VACANCIES.

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which



the original appointment was made. This section does not apply to employees appointed under section 188.

#### SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) IN GENERAL.—The Director may appoint, for terms not to exceed 6 years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees to carry out the functions of the Institute or the office, board, committee, or center, respectively, if—

(1) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(2) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS-15, as determined in accordance with section 5376 of title 5, United States Code, except that not more than 7 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level III of the Executive Schedule;

(3) the appointment of such employee is necessary (as determined by the Director on the basis of clear and convincing evidence) to provide the Institute or the office, board, committee, or center with scientific or technical expertise which could not otherwise be obtained by the Institute or the office, board, committee, or center through the competitive service; and

(4) the total number of such employees does not exceed 40 individuals or 1/4 of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

(b) DUTIES OF EMPLOYEES.—All employees described in subsection (a) shall work on activities of the Institute or the office, board, committee, or center, and shall not be reassigned to other duties outside the Institute or the office, board, committee, or center during their term.

#### SEC. 189. FELLOWSHIPS.

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in institutions of higher education (which may include the establishment of such fellowships in historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study onsite at the Institute or at the institution of higher education. In establishing the fellowships, the Director shall ensure that women and minorities are actively recruited for participation.

#### SEC. 190. VOLUNTARY SERVICE.

The Director may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Institute.

#### SEC. 191. RULEMAKING.

Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the exemption for public property, loans, grants, and benefits in section 553(a)(2) of title 5, United States Code, shall apply to the Institute.

#### SEC. 192. COPYRIGHT.

Nothing in this Act shall be construed to affect the rights, remedies, limitations, or defense under title 17, United States Code.

#### SEC. 193. REMOVAL.

(a) PRESIDENTIAL.—The Director, the Commissioner for Education Statistics, and each member of the Board may be removed by the President prior to the expiration of the term of each such appointee.

(b) DIRECTOR.—Each Commissioner appointed by the Director pursuant to section 117 may be removed by the Director prior to the expiration of the term of each such Commissioner.

#### SEC. 194. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except section 174) \$400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(2) not more than the lesser of 2 percent of such funds or \$1,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).

(b) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated to carry out section 174 \$100,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. Of the amounts appropriated under the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

(c) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

### TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

#### SEC. 201. SHORT TITLE.

This title may be cited as the “Educational Technical Assistance Act of 2002”.

#### SEC. 202. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms “local educational agency” and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SECRETARY.—The term “Secretary” means the Secretary of Education.

#### SEC. 203. COMPREHENSIVE CENTERS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), beginning in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to local entities, or consortia of such entities, with demonstrated expertise in providing technical assistance and professional development in reading, mathematics, science, and technology, especially to low-performing schools and districts, to establish comprehensive centers.

(2) REGIONS.—In awarding grants under paragraph (1), the Secretary—

(A) shall ensure that not less than 1 comprehensive center is established in each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision

existed on the day before the date of enactment of this Act); and

(B) after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))) in the population served by the local entity or consortium of such entities.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Grants under this section may be made with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (f), including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)).

(2) OUTREACH.—In conducting competitions for grants under this section, the Secretary shall actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition.

(3) OBJECTIVES AND INDICATORS.—Before awarding a grant under this section, the Secretary shall design specific objectives and measurable indicators, using the results of the assessment conducted under section 206, to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(c) APPLICATION.—

(1) SUBMISSION.—Each local entity, or consortium of such entities, seeking a grant under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the comprehensive center, on an ongoing basis.

(d) ALLOCATION.—Each comprehensive center established under this section shall allocate such center's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the center.

(e) SCOPE OF WORK.—Each comprehensive center established under this section shall work with State educational agencies, local

educational agencies, regional educational agencies, and schools in the region where such center is located on school improvement activities that take into account factors such as the proportion of economically disadvantaged students in the region, and give priority to—

(1) schools in the region with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools receiving assistance under title I of that Act (20 U.S.C. 6301 et seq.);

(2) local educational agencies in the region in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(f) ACTIVITIES.—

(1) IN GENERAL.—A comprehensive center established under this section shall support dissemination and technical assistance activities by—

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) the use of scientifically valid teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic subjects of mathematics, science, and reading or language arts;

(II) English language acquisition; and

(III) education technology; and

(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and

(B) disseminating and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))), to schools, educators, parents, and policymakers within the region in which the center is located; and

(C) developing teacher and school leader inservice and preservice training models that illustrate best practices in the use of technology in different content areas.

(2) COORDINATION AND COLLABORATION.—Each comprehensive center established under this section shall coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region in which the center is located, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(g) COMPREHENSIVE CENTER ADVISORY BOARD.—

(1) ESTABLISHMENT.—Each comprehensive center established under this section shall have an advisory board that shall support the priorities of such center.

(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the comprehensive center—

(A) concerning the activities described in subsection (d);

(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis;

(C) on maintaining a high standard of quality in the performance of the center's activities; and

(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement.

(3) COMPOSITION.—

(A) IN GENERAL.—Each advisory board shall be composed of—

(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and

(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:

(I) Representatives of local educational agencies and regional educational agencies, including representatives of local educational agencies serving urban and rural areas.

(II) Representatives of institutions of higher education.

(III) Parents.

(IV) Practicing educators, including classroom teachers, principals, and administrators.

(V) Representatives of business.

(VI) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(B) SPECIAL RULE.—In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

(h) REPORT TO SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A summary of the comprehensive center's activities during the preceding year

(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.

SEC. 204. EVALUATIONS.

The Secretary shall provide for ongoing independent evaluations by the National Center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State edu-

cational agencies, local educational agencies, and schools in the region.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

The Secretary shall continue awards for the support of the Eisenhower Regional Mathematics and Science Education Consortia established under part M of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107-110)), and the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), in accordance with the terms of such awards, until the comprehensive centers authorized under section 203 are established.

SEC. 206. REGIONAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 174(b) of the Education Sciences Reform Act of 2002.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The membership of each regional advisory committee shall—

(A) not exceed 25 members;

(B) contain a balanced representation of States in the region; and

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) ELIGIBILITY.—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials.

(E) Representatives of business.

(F) Researchers.

(3) RECOMMENDATIONS.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the chief executive officers of States, chief State school officers, and education stakeholders within the applicable region.

(4) SPECIAL RULE.—

(A) TOTAL NUMBER.—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(B) DISSOLUTION.—Each regional advisory committee shall be dissolved by the Secretary after submission of such committee's report described in subsection (c)(2) to the Secretary, but each such committee may be reconvened at the discretion of the Secretary.

(c) DUTIES.—Each regional advisory committee shall advise the Secretary on the following:

(1) An educational needs assessment of its region (using the results of the assessment conducted under subsection (d)), in order to assist in making decisions regarding the regional educational priorities.

(2) Not later than 6 months after the committee is first convened, a report based on the assessment conducted under subsection (d).

(d) **REGIONAL ASSESSMENTS.**—Each regional advisory committee shall—

(1) assess the educational needs within the region to be served;

(2) in conducting the assessment under paragraph (1), seek input from chief executive officers of States, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, members of the regional educational laboratory governing board, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities described in section 174 of the Education Sciences Reform Act of 2002 and section 203 of this title and how those needs would be most effectively addressed; and

(3) submit the assessment to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

#### SEC. 207. PRIORITIES.

The Secretary shall establish priorities for the regional educational laboratories (established under section 174 of the Education Sciences Reform Act of 2002) and comprehensive centers (established under section 203 of this title) to address, taking into account the regional assessments conducted under section 206 and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

#### SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.

(a) **GRANTS AUTHORIZED.**—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable such agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) **APPLICATIONS.**—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) **AWARDING OF GRANTS.**—In awarding grants under this section, the Secretary shall use a peer review process that—

(1) ensures technical quality (including validity and reliability), promotes linkages across States, and protects student privacy consistent with section 183;

(2) promotes the generation and accurate and timely use of data that is needed—

(A) for States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other reporting requirements and close achievement gaps; and

(B) to facilitate research to improve student academic achievement and close achievement gaps; and

(3) gives priority to applications that meet the voluntary standards and guidelines described in section 153(a)(5).

(d) **SUPPLEMENT NOT SUPPLANT.**—Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing State data systems.

(e) **REPORT.**—Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—

(1) identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems;

(2) evaluating the ability of such systems to manage individual student data consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183; and

(3) identifying best practices and areas for improvement.

#### SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

### TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

#### SEC. 301. SHORT TITLE.

This title may be referred to as the “National Assessment of Educational Progress Authorization Act”.

#### SEC. 302. DEFINITIONS.

In this title:

(1) The term “Director” means the Director of the Institute of Education Sciences.

(2) The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated—

(1) for fiscal year 2003—

(A) \$4,600,000 to carry out section 302, as amended by section 401 of this Act (relating to the National Assessment Governing Board); and

(B) \$107,500,000 to carry out section 303, as amended by section 401 of this Act (relating to the National Assessment of Educational Progress); and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303, as amended by section 401 of this Act.

(b) **AVAILABILITY.**—Amounts made available under this section shall remain available until expended.

### TITLE IV—AMENDATORY PROVISIONS

#### SEC. 401. REDESIGNATIONS.

(a) **CONFIDENTIALITY.**—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking “center”, “Center”, and “Commissioner” each place any such term appears and inserting “Director”;

(2) in subsection (a)(2)(A), by striking “statistical purpose” and inserting “research, statistics, or evaluation purpose under this title”;

(3) by striking subsection (b)(1) and inserting the following:

“(1) **IN GENERAL.**—

“(A) **DISCLOSURE.**—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or co-

operative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.

“(B) **IMMUNITY.**—Individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

“(C) **APPLICATION.**—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.”;

(4) in paragraphs (2) and (6) of subsection (b), by striking “subsection (a)(2)” each place such term appears and inserting “subsection (c)(2)”;

(5) in paragraphs (3) and (7) of subsection (b), by striking “Center’s” each place such term appears and inserting “Director’s”; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 183 of this Act.

(b) **CONFORMING AMENDMENT.**—Sections 302 and 303 of this Act are redesignated as sections 304 and 305, respectively.

(c) **NATIONAL ASSESSMENT GOVERNING BOARD.**—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (a)—

(A) by striking “referred to as the ‘Board’” and inserting “referred to as the ‘Assessment Board’”; and

(B) by inserting “(carried out under section 303)” after “for the National Assessment”;

(2) by striking “Board” each place such term appears (other than in subsection (a)) and inserting “Assessment Board”;

(3) by striking “Commissioner” each place such term appears and inserting “Commissioner for Education Statistics”.

(4) in subsection (b)(2)—

(A) by striking “ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH” in the heading and inserting “DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES”; and

(B) by striking “Assistant Secretary for Educational Research and Improvement” and inserting “Director of the Institute of Education Sciences”;

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “section 411(b)” and inserting “section 303(b)”;

(ii) in subparagraph (B), by striking “section 411(e)” and inserting “section 303(e)”;

(iii) in subparagraph (E), by striking “, including the Advisory Council established under section 407”;

(iv) in subparagraphs (F) and (I), by striking “section 411” each place such term appears and inserting “section 303”;

(v) in subparagraph (H), by striking “and” after the semicolon;

(vi) in subparagraph (I), by striking the period at the end and inserting “; and”; and

(vii) by inserting at the end the following:

“(J) plan and execute the initial public release of National Assessment of Educational Progress reports.

The National Assessment of Educational Progress data shall not be released prior to the release of the reports described in subparagraph (J).”;

(B) in paragraph (5), by striking "and the Advisory Council on Education Statistics"; and

(C) in paragraph (6), by striking "section 411(e)" and inserting "section 303(e)"; and

(6) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Commissioner for Education Statistics";

(2) by striking "National Assessment Governing Board" and "National Board" each place either such term appears and inserting "Assessment Board";

(3) in subsection (a)—

(A) by striking "section 412" and inserting "section 302"; and

(B) by striking "and with the technical assistance of the Advisory Council established under section 407";

(4) in subsection (b)—

(A) in paragraph (1), by inserting "of" after "academic achievement and reporting";

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "paragraphs (1)(B) and (1)(E)" and inserting "paragraphs (2)(B) and (2)(E)";

(ii) in clause (ii), by striking "paragraph (1)(C)" and inserting "paragraph (2)(C)"; and

(iii) in clause (iii), by striking "paragraph (1)(D)" and inserting "paragraph (2)(D)"; and

(C) in paragraph (5), by striking "(c)(2)" and inserting "(c)(3)";

(5) in subsection (c)(2)(D), by striking "subparagraph (B)" and inserting "subparagraph (C)";

(6) in subsection (e)(4), by striking "subparagraph (2)(C)" and inserting "paragraph (2)(C) of such subsection";

(7) in subsection (f)(1)(B)(iv), by striking "section 412(e)(4)" and inserting "section 302(e)(4)"; and

(8) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

(e) TABLE OF CONTENTS AMENDMENT.—The items relating to title III in the table of contents of this Act, as amended by section 401 of this Act, are amended to read as follows:

"TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

"Sec. 301. Short title.

"Sec. 302. National Assessment Governing Board.

"Sec. 303. National Assessment of Educational Progress.

"Sec. 304. Definitions.

"Sec. 305. Authorization of appropriations."

#### SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(1) by striking section 202(b)(4) and inserting the following:

"(4) There shall be in the Department a Director of the Institute of Education Sciences who shall be appointed in accordance with section 114(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.";

(2) by striking section 208 and inserting the following:

#### "INSTITUTE OF EDUCATION SCIENCES

"SEC. 208. There shall be in the Department of Education the Institute of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act."; and

(3) by striking the item relating to section 208 in the table of contents in section 1 and inserting the following:

"Sec. 208. Institute of Education Sciences."

#### SEC. 403. REPEALS.

The following provisions of law are repealed:

(1) The National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

(2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).

(3) Section 401(b)(2) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

#### SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).

(b) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Commissioner, National Center for Education Statistics."

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j(b)) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))" and inserting "section 153(a)(6) of the Education Sciences Reform Act of 2002".

(d) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 111(c)(2) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".

(2) Section 1112(b)(1)(F) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".

(3) Section 1117(a)(3) is amended—

(A) by inserting "(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994"; and

(B) by inserting "regional educational laboratories established under part E of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and" after "assistance from".

(4) Section 1501(a)(3) is amended by striking "section 411 of the National Education Statistics Act of 1994" and inserting "section 303 of the National Assessment of Educational Progress Authorization Act".

(5) The following provisions are each amended by striking "Office of Educational Research and Improvement" and inserting "Institute of Education Sciences":

(A) Section 3222(a) (20 U.S.C. 6932(a)).

(B) Section 3303(1) (20 U.S.C. 7013(1)).

(C) Section 5464(e)(1) (20 U.S.C. 7253(e)(1)).

(D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).

(E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).

(6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253(e)) are each amended by striking "such Office" and inserting "such Institute".

(7) Section 5613 (20 U.S.C. 7283b) is amended—

(A) in subsection (a)(5), by striking "Assistant Secretary of the Office of Educational Research and Improvement" and inserting "Director of the Institute of Education Sciences"; and

(B) in subsection (b)(2)(B), by striking "research institutes of the Office of Educational Research and Improvement" and inserting "National Education Centers of the Institute of Education Sciences".

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking "by the Office" and inserting "by the Institute".

(9) Section 9529(b) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994" and inserting "section 153(a)(5) of the Education Sciences Reform Act of 2002".

(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting "(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994".

#### SEC. 405. ORDERLY TRANSITION.

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

Mr. KILDEE. Mr. Speaker, today's consideration of the Education Sciences Reform Act marks an important step in addressing the quality and effectiveness of education research and technical assistance. I believe our work on this legislation over the last 3 years has produced a good bipartisan product that is much improved over the House passed version. I do want to thank Chairmen CASTLE and BOEHNER for their willingness to address Democratic concerns on this legislation and for working in a bipartisan manner to pass meaningful reform.

This legislation addresses several critical issues in the area of education research. First is adequate resources. This bill authorizes approximately \$700 million for the Department's research and technical assistance activities—nearly double existing funding. This level of funding is vital if the research Institute created under this legislation is to become a top-flight education research organization. The legislation also includes provisions sought by Representative OWENS, a longtime leader in Congress on education research issues, to increase outreach to and involvement of HBCUs and HSIs, and to permit fellowships to build research knowledge and experience.

Secondly, this legislation ensures that research is concluded through a minimum of 8 national research and development centers studying specified topics and that 50 percent of research funding is for long-term research—both critical elements necessary to ensure

high quality and effective research. This legislation also seeks to maintain the current governance relationship between the National Assessment of Education Progress, the Department of Education, and the National Assessment Governing Board and in no way undermines any present authority provided to the Board. It is my intent that the changes made by this bill do not modify the manner in which the National Center for Education Statistics administers the National Assessment, with the exception of the bill's express provision granting NAGB authority over the initial release of NAEP reports.

Lastly, the bill ensures that we have a strong regional development and technical assistance focus that continues the existing Regional Educational Laboratory program and strengthens the Comprehensive Center program by expanding the number of Centers to 20.

Mr. Speaker, a strong research focus at the Department of Education is vital to improving the educational achievement of our children. Coupled with the elements of the recently passed reauthorization of the Elementary and Secondary Education Act, this legislation can play a critical role in providing high quality research, technical assistance and development activities. It is my belief that this legislation improves the state of our education research efforts and I urge Members to support it today.

Mr. BOEHNER. Mr. Speaker, the time for final passage of the reauthorization of the Office of Education Research and Improvement, OERI, has come. The Senate and the House have agreed on the language of the bill, and both houses, on a bipartisan, bicameral basis have agreed to vote on it before we adjourn.

My colleagues, Mr. CASTLE, Mr. KILDEE, and Mr. MILLER in the House, and Senators KENNEDY and GREGG deserve a great deal of credit for moving the Education Sciences Reform Act of 2002 and finally bringing the bill to a final vote. Without the leadership and determination of these gentlemen, it wouldn't have happened this year.

Providing high quality, scientifically based education research is vital if we are to improve our nation's schools and help every child receive a quality education. The Education Sciences Reform Act of 2002 ensures such research will occur. In addition, it provides for technical assistance to States, school districts, and schools that is accountable, customer-driven, and focused on the implementation of the No Child Left Behind Act. Let me emphasize that the reforms in this bill will greatly assist in helping the No Child Left Behind Act successfully transform and reform our schools.

Some of the reforms that have been included in this bill are significant and will offer the opportunity for a new "culture of science" to develop in Federal research, evaluation, and statistics. Let me describe just a few. The bill:

**Requires Scientifically Based Research—**Research that can't or won't meet these standards will be ineligible for federal funds. This means scientific experiments will help ensure that schools do not waste scarce resources on ineffective programs and methods of instruction.

**Focuses the Research, Evaluation and Statistics Activities of the Department—**The bill

ensures that the new Institute of Education Sciences is responsible for research, evaluation and statistics activities only. It will no longer administer grant programs, which dilute the focus of the Institute.

**Eliminates Bureaucracy—**The bill eliminates the five National Research Institutes, which were supposed to organize and support education research in specific areas but never did.

**Guards Against Partisan or Political Activities—**The decision-makers in charge of research, statistics and evaluation are required to be highly qualified in their respective fields, ensuring that scientists—not politicians—will be in charge. Also, these scientists must ensure that all activities at the Institute are free from bias and political influence.

**Expands Competition—**The bill expands competition to allow other research entities, such as public or private, profit or nonprofit research organizations, to compete for Federal funds. The Director has the flexibility to award contracts and grants to those entities that meet the priorities and the standards of the Institute.

**Helps States and Schools—**The bill specifically asks those responsible for technical assistance to focus on helping states and schools implement education reforms, especially as they relate to the No Child Left Behind Act.

I also want to highlight a provision included in this legislation to support states in developing longitudinal data systems. As schools, districts, and States work to collect, disaggregate, and analyze the data that No Child Left Behind requires, especially as they use that data to determine which schools and districts are making adequate yearly progress, it is critical that states have an adequate mechanism in place to monitor the academic achievement of students from year to year, and this bill can help ensure that states have the data they need to ensure accountability for results.

This legislation allows the Secretary to make grants to States for the development of statewide, longitudinal data systems. The intent of this program is to help States with their ongoing efforts to develop such a system, as needed. In some cases that may mean a State is starting from scratch. In others, a State that already has a data system in place at the district or school level may be assisted. I would encourage those States currently working, either on their own or with high quality organizations, to improve their data systems to apply for assistance under this provision.

Different school districts often use different systems of data collection. This language would allow a state to build a statewide, longitudinal data system that is comprised of diverse systems at the district and local level, so long as the data was collected at the State level in a consistent format.

Mr. Speaker, we have worked closely with the President and the administration as we have developed this bill, and have their support for its final passage.

And once again, I thank my colleagues, Mr. CASTLE, Mr. MILLER, Mr. KILDEE, and Senators GREGG and KENNEDY for making this bipartisan process work. We have continued the good relationship we had during the yearlong

work on the No Child Left Behind Act. I am hopeful that we have set a new tone and a new example in Congress. Even in an election year, the approval by both the House and the Senate of the Education Sciences Reform Act of 2002 demonstrates once again that we can do great things when we work together.

The staff of both the House and Senate Committees is to be commended for their hard work too. Thank you, on both sides of the aisle and both sides of the Hill, for your outstanding work on this important legislation. I urge my Colleague to vote "aye" and pass this bill.

Mr. McKEON, Mr. Speaker, I rise in support of H.R. 5598, the Education Sciences Reform Act of 2002, which will provide for the improvement of Federal education research.

We all know that educational research in all disciplines is critical to the education of America's youth. By requiring that research be based on valid scientific findings, H.R. 5598 will greatly improve the quality of federal scientific research in education.

As has been talked about today, the Education Sciences Reform Act will streamline and strengthen education research by replacing the current Office of Educational Research and Improvement with a new, more independent Institute of Education Science. The institute will provide the infrastructure necessary to undertake coordinated, high quality education research and statistical and program evaluation activities within the Department of Education.

Furthermore, H.R. 5598 establishes quality standards that will put an end to trends in education that masquerade as sensible science, requiring all federally funded activities to meet these new standards of quality, including scientifically based research. H.R. 5598 also makes certain that research priorities focus on solving key problems and are informed by the needs of teachers, parents and school administrators, rather than political pressure.

Finally, this bill makes technical assistance, including support in carrying out the conditions of No child Left Behind, "customer-driven" and accountable to school districts, states and regions.

With that in mind, I would like to thank the chairman of the Education Reform Subcommittee, the gentleman from Delaware, Mr. CASTLE, for his assistance and support of the Southern California Comprehensive Assistance Center, SCCAC. Because of the language included in the bill, regional education agencies like the Los Angeles County Office of Education (LACOE), California's largest regional educational agency, which have been critical in providing hands on technical assistance to low-performing schools and districts, will be competitive for grant funding under the technical assistance title.

Under the leadership of the Los Angeles County Office of Education, the SCCAC provides support, training, and assistance to local schools and communities in an effort to improve teaching and learning for all children, including those who live in poverty, have limited-English proficiency, are neglected, delinquent, or have disabilities.

As the gentleman is aware, section 203 of the bill ensures that local entities or consortia eligible to receive grants includes regional



educational agencies as well. I want to, once again, thank the chairman for his assistance in ensuring that our local regional entities are eligible. We are very proud of the work done by our eight county comprehensive assistance center and the value it can bring to this new system.

In closing, I urge the House to vote "yes" on H.R. 5598, a bill that builds on the Administration's plans to reform America's education system—through accountability, flexibility and local control, research-based reform and expanded parental options. I believe that the passage of this bill will significantly ensure that our children have access to the most advanced educational opportunities possible.

Mr. CASTLE. Mr. Speaker, nearly 3 years ago, I introduced legislation to transform the Department of Education's Office of Educational Reform and Improvement, OERI, into a streamlined, more independent and more scientific "Institute of Education Sciences." Today, nearly 6 months after the House of Representatives passed the bill unanimously, we are poised enact long-overdue reforms to ensure that education research is based on science—not fads or fiction.

This year, President Bush signed landmark education reforms into law, demanding new and more challenging standards of accountability from our States and improved student achievement from our schools. Recognizing that any successful education reform effort requires the best information on how children learn, the words "scientifically based research" appear more than 100 times in the new law.

The reason for the focus on "scientific" research is simple; educators need to know what works if they are to improve student achievement. For that reason, among other things, my legislation: Replaces OERI with a new streamlined National Institute of Education Science; insulates Federal research, evaluations and statistics from inappropriate partisan or political influences; ensures high quality standards; creates a "culture of science; by allowing the Director to attract the best researchers, evaluators and statisticians to the Institute; and, ensures that technical assistance is responsive to the needs of States and schools.

If we are to lift those who are struggling to achieve proficiency in reading, math and science, we must expect scientific rigor. And we must ensure that 'what works' in education informs classroom practice. My legislation does just that.

Of course, this legislation would not have been possible without the hard work of members on both sides of the aisle and both chambers of Congress. In particular, I want to thank the full Committee Chairman JOHN BOEHNER, Ranking Member GEORGE MILLER and my Subcommittee Ranking Member DALE KILDEE as well as Chairman KENNEDY and Ranking Member GREGG for their assistance and their strong support throughout this process.

I also want to thank Secretary Paige, Assistant Secretary Russ Whitehurst and the staff at the Department, whose counsel and technical expertise were invaluable. Last, but certainly not least, I want to thank the staff who put in countless hours to get this legislation right—Doug Mesecar, Bob Sweet, Sally Lovejoy,

Alex Nock, Denise Forte, Jane Oats, Tracy Locklin, and Denzel McGuire. They all deserve our thanks and appreciation.

As there will be no conference report to accompany this legislation, I would like to take this opportunity to clarify a few points. The comprehensive centers under this act will provide essential technical assistance and professional development to help our States and schools advance the goals of the No Child Left Behind Act. It is our intent that the reference to "local entities" or "consortia of such entities" in section 203 include regional educational agencies as among those eligible to receive grants. As my colleague, Mr. McKEON, has informed me, the state of California has a consortium of eight regional offices of education that provide hands-on technical assistance and professional development directly to schools in southern California. It is our intent that the regional offices of education will continue to be eligible to participate in our improved structure.

Finally, I would like to clarify the intent of section 117(d), regarding the supervision and removal authority of the Director. This section does not mean that the NCES Commissioner operates independently of the Director of the Institute. In fact, the Statistics Commissioner is an officer of the government and has the authority fulfill the duties stipulated in section 154 and section 155 of the bill, such as the authority to enter into contracts and the authority to supervise the technical work of the Statistics Center. However, since NCES is a part of the Institute it, along with the other National Education Centers, it ultimately subject to the oversight of the Director of the Institutes.

DISCHARGED FROM THE COMMITTEE ON EDUCATION AND THE WORKFORCE AND PASSED

H.R. 5601, to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

H.R. 5601

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

##### Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.

Sec. 112. Research and assistance activities and demonstrations.

Sec. 113. Grants to States and public or private agencies and organizations.

Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.

Sec. 115. Miscellaneous requirements relating to assistance.

Sec. 116. Authorization of appropriations.

Sec. 117. Reports.

##### Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.

Sec. 122. Eligibility.

Sec. 123. Amount of grant.

Sec. 124. Existing grants.

Sec. 125. Application.

Sec. 126. Local program requirements.

Sec. 127. Performance measures.

Sec. 128. National network for community-based family resource programs.

Sec. 129. Definitions.

Sec. 130. Authorization of appropriations.

#### TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.

Sec. 202. Information and services.

Sec. 203. Study of adoption placements.

Sec. 204. Studies on successful adoptions.

Sec. 205. Authorization of appropriations.

#### TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.

Sec. 302. Establishment of local programs.

Sec. 303. Evaluations, study, and reports by Secretary.

Sec. 304. Authorization of appropriations.

Sec. 305. Definitions.

#### TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

##### SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;"

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;"

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: "; which may



impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

#### Subtitle A—General Program

### SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication";

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) maintain information about the best practices used for achieving improvements in child protective systems"; and

(5) by adding at the end the following:

"(4) provide technical assistance upon request that may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under this Act; and

"(5) collect and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.".

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a); and" and inserting "104(a)";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and"

### SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting "in-

cluding longitudinal research," after "interdisciplinary program of research"; and

(B) in subparagraph (B), by inserting before the semicolon the following: "including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(1) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(2) by striking "and" at the end; and

(D) in subparagraph (D)—

(1) in clause (viii), by striking "and" at the end;

(2) by redesignating clause (ix) as clause (x); and

(3) by inserting after clause (viii), the following:

"(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and"

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

"(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

"(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of subparagraph (H); and"

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.";

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

"(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in subparagraphs (i) through (ix) of paragraph (1)(I).

"(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the

Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2)."

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based"; and

(B) by inserting "including replicating successful program models," after "programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

"(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

"(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(A) for court-ordered, supervised visitation between children and abusing parents; and

"(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

"(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

"(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative training for mandated child abuse and neglect reporters.

"(5) RESEARCH-BASED ADOLESCENT VICTIM/VICTIMIZER PREVENTION PROGRAMS.—The Secretary may award grants to organizations that demonstrate innovation in preventing child sexual abuse through school-based programs in partnership with parents and community-based organizations to establish a network of trainers who will work with schools to implement the program. The program shall be research-based, meet State guidelines for health education, and should

reduce child sexual abuse by focusing on prevention for both adolescent victims and victimizers."

**SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.**

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION" and inserting "GRANTS FOR";

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with,";

(B) by striking "nonprofit"; and

(C) by striking "time limited, demonstration";

(3) in paragraph (1)—

(A) in subparagraph (A), by striking "law, education, social work, and other relevant fields" and inserting "law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,";

(B) in subparagraph (B), by striking "nonprofit" and all that follows through "and" and inserting "children, youth and family service organizations in order to prevent child abuse and neglect,";

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

"(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

"(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

"(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

"(G) for improving the training of supervisory and nonsupervisory child welfare workers;

"(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

"(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

"(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

"(ii) the parents of such infants.";

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

"(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

"(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

"(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

"(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.";

(6) in paragraph (3) (as so redesignated), by striking "(such as Parents Anonymous)";

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking "(B) KINSHIP CARE.—" and inserting the following:

"(4) KINSHIP CARE.—

"(A) IN GENERAL.—"; and

(ii) by striking "nonprofit"; and

(8) by adding at the end the following:

"(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated."

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

"(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.";

(4) in paragraph (4)(D), by striking "nonprofit".

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking "demonstration";

(2) in the second sentence, by inserting "or contract" after "or as a separate grant"; and

(3) by adding at the end the following: "In the case of an evaluation performed by the recipient of a grant, the Secretary shall

make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques."

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows: "SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS."

**SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.**

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting "including ongoing case monitoring," after "case management"; and

(B) by inserting "and treatment" after "and delivery of services";

(2) in paragraph (4), by striking "improving" and all that follows through "referral systems" and inserting "developing, improving, and implementing risk and safety assessment tools and protocols";

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

"(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange";

(6) in paragraph (6) (as so redesignated), by striking "opportunities" and all that follows through "system" and inserting "including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals";

(7) by inserting after paragraph (6) (as so redesignated) the following:

"(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers";

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

"(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

"(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(A) existing social and health services;

"(B) financial assistance; and

"(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

"(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect"; and

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon;

(10) by adding at the end the following:

"(13) supporting and enhancing inter-agency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity

of treatment plan and services as children transition between systems; or

“(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.”.

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking “provide notice to the Secretary of any substantive changes” and inserting the following: “provide notice to the Secretary—

“(i) of any substantive changes; and”;

(ii) by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.”;

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

“(i) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being physically affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure and requirements for the development of a plan of safe care for the infant;”;

(iii) in clause (iii) (as so redesignated), by inserting “risk and” before “safety”;

(iv) by inserting after clause (iii) (as so redesignated), the following:

“(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;”;

(v) in clause (vii)(II) (as so redesignated), by striking “, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect” and inserting “, as described in clause (viii)”;;

(vi) by inserting after clause (vii) (as so redesignated), the following:

“(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;”;

(vii) in clause (xii) (as so redesignated)—

(i) by inserting “who has received training appropriate to the role, and” after “guardian ad litem,”; and

(ii) by inserting “who has received training appropriate to that role” after “advocate”;

(viii) in clause (xiv) (as so redesignated), by striking “to be effective not later than 2 years after the date of enactment of this section”;

(ix) in clause (xv) (as so redesignated)—

(I) by striking “to be effective not later than 2 years after the date of enactment of this section”, and

(II) by striking “and” at the end;

(x) in clause (xvi) (as so redesignated), by striking “clause (xii)” each place that such appears and inserting “clause (xv)”; and

(xi) by adding at the end the following:

“(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

“(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

“(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers; and

“(xx) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;”; and

(C) in paragraph (2), by adding at the end the following flush sentence:

“Nothing in subparagraph (A) shall be construed to limit the State’s flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect.”.

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking “With regard to clauses (v) and (vi) of paragraph (2)(A)” and inserting “With regard to clauses (vi) and (vii) of paragraph (2)(A)”.

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking “and procedures” and inserting “, procedures, and practices”; and

(II) by striking “the agencies” and inserting “State and local child protection system agencies”; and

(ii) in clause (iii)(I), by striking “State” and inserting “State and local”; and

(B) by adding at the end the following:

“(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A).”; and

(2) in paragraph (6)—

(A) by striking “public” and inserting “State and the public”; and

(B) by inserting before the period the following: “and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the rec-

ommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system”.

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

“(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

“(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.”.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(i) of the Child Abuse Prevention and Treatment Act.

SEC. 115. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

“(d) GAO STUDY.—The Comptroller General of the United States shall conduct a survey of a wide range of State and local child protection service systems to evaluate and submit to Congress a report concerning the cross training of child protective service workers and court personnel.

“(e) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.”.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

“(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title \$120,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.”.

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking “Secretary make” and inserting “Secretary shall make”; and

(2) by striking “section 106” and inserting “section 104”.

SEC. 117. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

“(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

“(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

“(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).”.

## Subtitle B—Community-Based Grants for the Prevention of Child Abuse

### SEC. 121. PURPOSE AND AUTHORITY.

(a) **PURPOSE.**—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

“(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and”.

(b) **AUTHORITY.**—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking “Statewide” and all that follows through the dash, and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and built upon existing strengths that—”;

(B) in subparagraph (F), by striking “and” at the end; and

(C) by striking subparagraph (G) and inserting the following:

“(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

“(H) provide referrals to early health and developmental services;”;

(2) in paragraph (4)—

(A) by inserting “through leveraging of funds” after “maximizing funding”;

(B) by striking “a Statewide network of community-based, prevention-focused” and inserting “community-based and prevention-focused”; and

(C) by striking “family resource and support program” and inserting “programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”.

(c) **TECHNICAL AMENDMENT TO TITLE HEADING.**—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

## “TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT”.

### SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking “a Statewide network of community-based, prevention-focused” and inserting “community-based and prevention-focused”; and

(ii) by striking “family resource and support programs” and all that follows through the semicolon and inserting “programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(B) in subparagraph (B), by inserting “that exists to strengthen and support families to prevent child abuse and neglect” after “written authority of the State”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “a network of community-based family re-

source and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(B) in subparagraph (B)—

(i) by striking “to the network”; and

(ii) by inserting “, and parents with disabilities” before the semicolon;

(C) in subparagraph (C), by striking “to the network”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(B) in subparagraph (B), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(C) in subparagraph (C), by striking “and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(D) in subparagraph (D), by inserting “, parents with disabilities,” after “children with disabilities”.

### SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking “as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the” and inserting “as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated”; and

(2) by striking “the lead agency” and inserting “the current lead agency”.

### SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

### SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(2) in paragraph (2)—

(A) by striking “network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)”;

(B) by striking “, including those funded by programs consolidated under this Act,”;

(3) by striking paragraph (3), and inserting the following:

“(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect,

and other family resource services operating in the State;”;

(4) in paragraph (4), by striking “State’s network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(5) in paragraph (5), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(6) in paragraph (7), by striking “individual community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(7) in paragraph (8), by striking “community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(8) in paragraph (9), by striking “community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(9) in paragraph (10), by inserting “(where appropriate)” after “members”;

(10) in paragraph (11), by striking “prevention-focused, family resource and support program” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”; and

(11) by redesignating paragraph (13) as paragraph (12).

### SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “prevention-focused, family resource and support programs” and inserting “and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(2) in paragraph (3)(B), by inserting “voluntary home visiting and” after “including”; and

(3) by striking paragraph (6) and inserting the following:

“(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.”.

### SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking “a Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect”;

(2) by striking paragraph (3), and inserting the following:

“(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);”;

(3) in paragraph (4),

(A) by inserting “and parents with disabilities,” after “children with disabilities,”;

(B) by striking "evaluation of" the first place it appears and all that follows through "under this title" and inserting "evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs";

(4) in paragraph (5), by striking "prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to prevent child abuse and neglect";

(5) in paragraph (6), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect"; and

(6) in paragraph (8), by striking "community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect".

#### SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking "Statewide networks of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect".

#### SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking "given such term in section 602(a)(2)" and inserting "given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)".

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended by striking paragraphs (3) and (4) and inserting the following:

"(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term 'community-based and prevention-focused programs and activities to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect."

#### SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

#### "SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title \$80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007."

### TITLE II—ADOPTION OPPORTUNITIES

#### SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

"(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

"(3) each year, thousands of children are in need of placement in permanent, adoptive homes";

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

"(7)(A) currently, there are 131,000 children waiting for adoption"; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "including geographic barriers," after "barriers"; and

(B) in paragraph (2), by striking "a national" and inserting "an Internet-based national".

#### SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 203. INFORMATION AND SERVICES."

(2) by striking "SEC. 203. (a) The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary";

(3) in subsection (b)—

(A) by inserting "REQUIRED ACTIVITIES.—" after "(b)";

(B) in paragraph (1), by striking "nonprofit" each place that such appears;

(C) in paragraph (2), by striking "nonprofit";

(D) in paragraph (3), by striking "nonprofit";

(E) in paragraph (4), by striking "nonprofit";

(F) in paragraph (6), by striking "study the nature, scope, and effects of" and insert "support";

(G) in paragraph (7), by striking "nonprofit";

(H) in paragraph (9)—

(i) by striking "nonprofit"; and

(ii) by striking "and" at the end;

(I) in paragraph (10)—

(i) by striking "nonprofit"; each place that such appears; and

(ii) by striking the period at the end and inserting "and"; and

(J) by adding at the end the following:

"(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

"(A) outreach, public education, or media campaigns to inform the public of the needs

and numbers of older youth available for adoption;

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

"(C) recruitment of prospective families for such children.";

(4) in subsection (c)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

"(1) IN GENERAL.—The Secretary";

(B) by striking "(2) Services" and inserting the following:

"(2) SERVICES.—Services"; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon. and

(iv) by adding at the end the following:

"(H) day treatment; and

"(I) respite care."; and

(D) by striking "nonprofit"; each place that such appears;

(5) in subsection (d)—

(A) by striking "(d)(1) The Secretary" and inserting the following:

"(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

"(1) IN GENERAL.—The Secretary";

(B) by striking "(2)(A) Each State" and inserting the following:

"(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

"(A) APPLICATIONS.—Each State";

(C) by striking "(B) The Secretary" and inserting the following:

"(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary";

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "nonprofit";

(E) by striking "(3)(A) Payments" and inserting the following:

"(3) PAYMENTS.—

"(A) IN GENERAL.—Payments"; and

(F) by striking "(B) Any payment" and inserting the following:

"(B) REVERSION OF UNUSED FUNDS.—Any payment"; and

(6) by adding at the end the following:

"(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

"(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

"(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

"(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

"(B) developing models of financing cross-jurisdictional placements;

"(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;



“(D) developing training materials and training social workers on preparing and moving children across State lines; and

“(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.”

#### SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking “The” and inserting “(a) IN GENERAL.—The”;

(2) by striking “of this Act” and inserting “of the Keeping Children and Families Safe Act of 2002”;

(3) by striking “to determine the nature” and inserting “to determine—

“(1) the nature”;

(4) by striking “which are not licensed” and all that follows through “entity”;; and

(5) by adding at the end the following:

“(2) how interstate placements are being financed across State lines;

“(3) recommendations on best practice models for both interstate and intrastate adoptions; and

“(4) how State policies in defining special needs children differentiate or group similar categories of children.”

#### SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

“(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002.

“(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary, in consultation with the Comptroller General, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.”

#### SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

“There are authorized to be appropriated \$40,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007 to carry out programs and activities authorized under this subtitle.”

### TITLE III—ABANDONED INFANTS ASSISTANCE

#### SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting “studies indicate that a number of factors contribute to” before “the inability of”;

(B) by inserting “some” after “inability of”;

(C) by striking “who abuse drugs”;; and

(D) by striking “care for such infants” and inserting “care for their infants”;

(3) by amending paragraph (5) to read as follows:

“(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as ‘HIV’), those who have acquired immune deficiency syndrome (commonly known as ‘AIDS’), and those who have been exposed to dangerous drugs”;

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting “by parents abusing drugs,” after “deficiency syndrome”;

(6) in paragraph (9), by striking “comprehensive services” and all that follows through the semicolon at the end and inserting “comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and”;

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively.

(9) by adding at the end the following:

“(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.”

#### SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS.”; and

(2) by striking subsection (b) and inserting the following:

“(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

“(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

“(2) have been perinatally exposed to a dangerous drug.”

#### SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

“SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

“(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

“(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

“(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

“(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

“(B) an estimate of the annual number of infants and young children who are victims of homicide;

“(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant’s birth; and

“(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

“(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

“(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.”

#### SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated \$45,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

“(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).”;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting “AUTHORIZATION.—” after “(1)”; and

(B) in paragraph (2)—

(i) by inserting “LIMITATION.—” after “(2)”; and

(ii) by striking “fiscal year 1991,” and inserting “fiscal year 2002.”; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

#### SEC. 305. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

#### “SEC. 103. DEFINITIONS.

“For purposes of this Act:

“(1) The terms ‘abandoned’ and ‘abandonment’, with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

“(2) The term ‘acquired immune deficiency syndrome’ includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

“(3) The term ‘dangerous drug’ means a controlled substance, as defined in section 102 of the Controlled Substances Act.

“(4) The term ‘natural family’ shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

“(5) The term ‘Secretary’ means the Secretary of Health and Human Services.”

Mr. BOEHNER. Mr. Speaker, I support H.R. 5601, the “Keeping Children and Families



Safe Act of 2002," to reauthorize the Child Abuse Prevention and Treatment Act, and its related programs and acts. This bill is an alternative to the original bill, H.R. 3839, on which we were unable to reach agreement, and puts forth our efforts and commitment to ensure that programs aimed at the prevention of child abuse and neglect continue.

This bill improves program implementation and makes improvements to current law to ensure that states have the necessary resources and flexibility to properly address the prevention of child abuse and neglect.

Specifically, the bill:

Maintains important federal resources for identifying and addressing issues of child abuse and neglect.

Promotes the prevention of child abuse and neglect before it occurs.

Supports efforts to ensure that the current programs are operating effectively.

Promotes partnerships between child protective services and private and community-based organizations to improve child abuse and neglect prevention and treatment services.

Ensures that individuals are informed of abuse or neglect allegations against them, while ensuring the integrity of the confidential informant system.

Improves public education on the role of the child protective services system and appropriate reporting of suspected incidents of child abuse and neglect.

Improves the training, recruitment and retention of individuals providing services to children and families.

Continues local projects with demonstrated value in eliminating barriers to permanent adoption.

Supports programs that are intended to increase the number of older children placed in adoptive families.

Protects infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

Provides for the development of a plan of safe care for such infants.

Addresses the circumstances that often lead to child abandonment and provides support to prevent abandonment.

I want to thank my colleagues—Select Education Subcommittee Chairman HOEKSTRA, Mr. GREENWOOD, Mr. ROEMER, the ranking member of the Subcommittee on Select Education and Mr. MILLER, the ranking member of the full committee—for their efforts in bringing forward this alternative.

I urge my colleagues to join me in support of H.R. 5601, the Keeping Children and Families Safe Act of 2002.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND PASSED

H.R. 670, to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building".

H.R. 670

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

**SECTION 1. BRUCE F. COTTA POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 7

Commercial Street in Newport, Rhode Island, shall be known and designated as the "Bruce F. Cotta Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Bruce F. Cotta Post Office Building.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND PASSED

H.R. 669, to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building".

H.R. 669

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

**SECTION 1. ALPHONSE F. AUCLAIR POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, shall be known and designated as the "Alphonse F. Auclair Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Alphonse F. Auclair Post Office Building.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND PASSED

H.R. 5205, to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H.R. 5205

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

**SECTION 1. PERMITTING USE OF ESTIMATED AMOUNTS IN DETERMINING SERVICE LONGEVITY COMPONENT OF FEDERAL BENEFIT PAYMENTS TO METROPOLITAN POLICE DEPARTMENT RETIREES.**

(a) IN GENERAL.—Section 11012(e) of the District of Columbia Retirement Protection Act of 1997 (Public Law 105-33; sec. 1-803.02(e), D.C. Official Code) is amended by adding at the end the following: "The Secretary of the Treasury is authorized to estimate the additional compensation for service longevity for purposes of determining the amount of a Federal benefit payment for annuitants who retire on or after August 29, 1972, and on or before December 31, 2001, and to make Federal benefit payments based upon such estimates."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of title IX of division A of the Miscellaneous Appropriations Act, 2001 (as enacted by reference in section 1(a)(4) of the Consolidated Appropriations Act, 2001).

DISCHARGED FROM THE COMMITTEE ON  
INTERNATIONAL RELATIONS AND AGREED TO  
House Concurrent Resolution 406,  
honoring and commending the Lao

Veterans of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States.

H. CON. RES. 406

Whereas one of the largest clandestine operations in United States military history was conducted in Laos during the Vietnam War;

Whereas the Central Intelligence Agency and the United States Armed Forces recruited, organized, trained, and assisted Laotian and Hmong guerrilla units and conventional forces, including ethnic lowland Lao and highland Laotians composed of Hmong, Khmu, Mien, Yao, Lahu, and other diverse tribal and nontribal ethnic groups, from 1960 through 1975 to combat the North Vietnamese Army and Communist Pathet Lao forces;

Whereas Laotian and Hmong special forces who served in the United States sponsored "Secret Army" courageously saved numerous American pilots and aircrews who were shot down over Laos or North Vietnam and interdicted and helped to destroy many enemy units and convoys intended to engage United States military forces in combat;

Whereas Laotian and Hmong special forces served in key roles with air force elements of the United States Air Force, United States Navy carrier-based air units, United States Army helicopter units, and the Central Intelligence Agency's "Air America" in distinguished roles such as T-28 fighter pilots, "Raven" spotter co-pilots, Forward Air Guides, and mobile group rescue and combat reconnaissance units;

Whereas Laotian and Hmong special forces, including highly decorated group mobile units, served in daring and courageous helicopter and airborne combat operations in support of joint United States and Royal Lao Army military operations in Laos and Vietnam, including interdiction of enemy troop movements and supply convoys using the Ho Chi Minh Trail;

Whereas Laotian and Hmong special forces guarded one of the most highly sensitive United States intelligence and electronic targeting sites in all of Southeast Asia during the Vietnam War, LIMA Site 85, which permitted the United States Air Force and Navy to conduct the all-weather and night bombing of enemy targets in North Vietnam;

Whereas tens of thousands of members of the Laotian and Hmong special forces and their families were trapped in Laos when the Communists took over, and many of these persons were brutally persecuted, imprisoned, or killed because of their role in defending Laos and assisting the United States as allies;

Whereas many of those members of the Laotian and Hmong special forces and their families who avoided capture suffered for years in horrific conditions as political refugees in refugee camps in neighboring Thailand;

Whereas the United States is now the home to significant communities of the Laotian and Hmong veterans and their families after providing them with political asylum, refugee status, and citizenship because of their unique contribution to United States national security interests during the Vietnam War;

Whereas the Lao Veterans of America was founded as a nonprofit veterans organization in 1990 to honor and assist Laotian and Hmong veterans who served with or assisted the United States Armed Forces during the Vietnam War;

Whereas the Lao Veterans of America has established chapters throughout the United States that have sought to serve their communities and educate the public about the historic contribution of the Lao and Hmong veterans during the Vietnam War;

Whereas the Lao Veterans of America spearheaded and led national efforts in the Congress to seek to provide citizenship to elderly Laotian and Hmong veterans, as well as their spouses or widows;

Whereas in 1995, a historic Lao Veterans of America ceremony was held at the airbase and headquarters of the 144th Fighter Wing of the Air National Guard in Fresno, California, along with a memorial service and overflights of T-28 fighter aircraft to honor the Laotian and Hmong veterans, their American advisers, and the Lao Veterans of America and other veterans organizations;

Whereas in 1997, long overdue national recognition and honor was finally bestowed upon the Lao Veterans of America and thousands of Laotian and Hmong veterans and their American advisers at the Vietnam Veterans Memorial in the District of Columbia and at Arlington National Cemetery in Arlington, Virginia, by Members of the Congress and representatives of the United States Intelligence, military, and diplomatic communities;

Whereas in 1997, a monument was dedicated at Arlington National Cemetery by the Lao Veterans of America to honor the Laotian and Hmong veterans and their American advisers who served during the Vietnam War; and

Whereas in 2000, thousands of additional Lao and Hmong veterans were again honored, after a veterans memorial service and parade led by the Lao Veterans of America that progressed from the Vietnam Veterans Memorial, past the White House, and down Pennsylvania Avenue to the United States Capitol, where a national commemorative service was held: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress honors and commends the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War who served with or assisted the United States Armed Forces, and the families of these Laotian and Hmong veterans, for their historic contributions to the United States.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND AGREED TO

House Resolution 542, congratulating the Bryan Packers American Legion baseball team from West Point, Mississippi, for their outstanding performance in winning the 2002 American Legion World Series.

H. RES. 542

Whereas the Bryan Packers baseball team from West Point, Mississippi, is the 2002 champion of the American Legion World Series;

Whereas the American Legion baseball program began in 1926 and is the oldest amateur baseball program in the United States and includes 5,300 registered baseball teams;

Whereas 55 percent of professional baseball players and 70 percent of college baseball players played American Legion baseball as teenagers;

Whereas the West Point team is the first team from Mississippi ever to win the American Legion World Series;

Whereas a team from Region 4, which includes Mississippi, has won the American Legion Championship only twice before, most recently in 1968,

Whereas the Packers have won 4 State titles in the past 6 years;

Whereas this North Mississippi team finished the 3 month season with a record of 47-13, and went 12-2 in post-season play;

Whereas 4 members of the All-Tournament team, Corey Carter, Dusty Snider, Josh Johnson, and Jeff Shafer, were Bryan Packers;

Whereas the Tournament Most Valuable Player was Packers pitcher, Josh Johnson;

Whereas Josh Johnson also won the tournament's Bob Feller Pitching Award with 34 strikeouts;

Whereas Corey Carter won the tournament's Rawlings Big Stick Award with 31 bases; and

Whereas Packers Coach Frank Portera, who started the West Point team 9 years ago, won the tournament's Jack Williams Memorial Leadership award: Now, therefore, be it

*Resolved,* That the House of Representatives—  
(1) congratulates the Bryan Packers American Legion baseball team from West Point, Mississippi, for their outstanding performance in winning the 2002 American Legion World Series;

(2) recognizes Frank Portera, the Packers' coach, and players Justin Best, Russell Bourland, Corey Carter, Joby Garner, Tyler Hunter, Scottie Jacobs, Drew Jaudon, Josh Johnson, Lance Martin, Brandon McGarity, Dave Nanney, Brent Patton, John Raymond Pitre, Taylor Robertson, Jeff Schafer, Dusty Snider, Chris Stamps, and Rod Williams for demonstrating excellence and character throughout the baseball season; and

(3) commends American Legion Baseball for its 76-year tradition of encouraging the development of sportsmanship and confidence in youth through its sponsorship of world-class baseball.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND AGREED TO

House Resolution 572, honoring the 225th anniversary of the signing of the Articles of Confederation.

H. RES. 572

Whereas the Continental Congress met in York, Pennsylvania, from September 30, 1777, to June 27, 1778, to debate the very same issues that face Congress today, such as individual freedoms, taxes, and State versus Federal rights;

Whereas on November 15, 1777, the Continental Congress adopted the Articles of Confederation in the York County Courthouse, thereby establishing the first document that united the 13 original colonies as the United States of America;

Whereas the Articles of Confederation established the first legal system until the adoption of the Constitution;

Whereas the Continental Congress, in York, Pennsylvania, proclaimed the first Thanksgiving Day as a National Day of Thanksgiving and Praise on December 18, 1777;

Whereas the Continental Congress ratified the French Treaty of Amity and Commerce and the Treaty of Alliance at the York County Courthouse, York, Pennsylvania, on May 4, 1778;

Whereas the Continental Congress adjourned from the York County Courthouse on June 27, 1778, after receiving a letter from General Washington stating that the British army had vacated Philadelphia, Pennsylvania, and the Continental Congress departed York, Pennsylvania, to return to Independence Hall in Philadelphia, Pennsylvania; and

Whereas November 15, 2002, is the 225th anniversary of the signing of the Articles of Confederation in York, Pennsylvania: Now, therefore, be it

*Resolved,* That the House of Representatives, on the occasion of the 225th anniversary of the signing of the Articles of Confederation in York, Pennsylvania, congratulates the City and County of York and its residents for their important contributions to the birth of our Nation, the United States of America.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND AGREED TO

House Concurrent Resolution 504, congratulating the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship.

H. CON. RES. 504

Whereas the Protecting Our Nation's Youth (PONY) Organization sponsors various baseball and softball leagues for young people throughout the world, including the PONY League for 13- and 14-year-olds;

Whereas the PONY League baseball team of Norwalk, California, won the 2002 PONY League World Championship held in Washington, Pennsylvania, on August 24, 2002;

Whereas, in order to win the World Championship Title, the Norwalk team defeated the PONY League baseball team of Washington, Pennsylvania, by a score of 11 to 7, the PONY League baseball team of Hagerstown, Maryland, by a score of 11 to 0, the PONY League baseball team of Port Neches, Texas, by a score of 11 to 4, and, finally, the PONY League baseball team of Levittown, Puerto Rico, by a score of 10 to 0;

Whereas the Norwalk team is the third team from California during the last 6 years to win the PONY League World Championship;

Whereas the Norwalk team's success would not have been possible without the support of the players' parents: volunteer manager, Ruben Velázquez; and volunteer coaches, George Sánchez and Tony Riveras;

Whereas each of the athletes on the Norwalk team—Art Gonzalez, Jimmy Buentello, Frankie Lucero, Johnny Perez, Gabriel Schwulst, Danny Dutch, Miguel Flores, Jesus Cabral, Tony Zarco, Jamil Acosta, Eddie Murray, George Sánchez, Richard Melendrez, Anthony Topete, and Victor Sánchez—devoted a great deal of time and effort to the practices that led to the World Championship victory, and

Whereas the PONY League provides young people throughout the world an opportunity to enjoy the competitive sport of baseball, build character, and learn important skills such as teamwork: Now, therefore, be it

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

(1) congratulates the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship;

(2) recognizes the parents of the team's players and the team's volunteer manager and coaches for providing the support which made the team's victory possible; and

(3) recognizes the Protecting Our Nation's Youth (PONY) Organization for providing safe recreational opportunities for young people and an opportunity for young athletes to become positive role models for other youth.

DISCHARGED FROM THE COMMITTEE ON  
GOVERNMENT REFORM AND AGREED TO

House Resolution 532, commending the Los Angeles Sparks basketball

team for winning the 2002 Women's National Basketball Association championship.

#### H. RES. 532

Whereas in 2002, the Los Angeles Sparks basketball team won its second consecutive championship title, becoming only the 2nd team in the Women's National Basketball Association (WNBA) to win multiple championships;

Whereas the Sparks finished the season with a 25 and 7 record and won all 6 of their playoff games, tying the WNBA record;

Whereas team captain, Lisa Leslie, was named Most Valuable Player of both the WNBA All-Star Game and the WNBA finals for the 2nd straight year;

Whereas Mwadi Mabika and Lisa Leslie were named to the first All-WNBA team;

Whereas Nikki Teasley tied her own WNBA record with 11 assists and scored the winning basket in the final game; and

Whereas each player, coach, trainer, and manager dedicated their time and effort to ensuring the Sparks reached the summit of team achievement: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates—

(A) the Los Angeles Sparks for winning the 2002 Women's National Basketball Association championships; and

(B) all of the 16 teams that compose the WNBA for their hard work and dedication to the sport of basketball and for their display of sportsmanship throughout the WNBA season;

(2) recognizes the achievements of all the players, coaches, support staff, and fans who were instrumental in helping the Sparks win the championship; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Sparks for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the Sparks championship team.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 571, honoring the life of David O. "Doc" Cooke, the "Mayor of the Pentagon".

#### H. RES. 571

Whereas for 44 years, David O. "Doc" Cooke's tireless dedication, skill, and involvement in Department of Defense management issues earned him the respect of his colleagues and distinction as a Pentagon institution;

Whereas as the quintessential civil servant, Doc Cooke rose to become the highest ranking career civil servant within the Department of Defense;

Whereas in his jobs as the Director of Administration and Management for the Office of the Secretary of Defense, and Director of Washington Headquarters Services, Doc Cooke was responsible for maintenance, operation, and security of buildings of the Department of Defense in the Washington, D.C. area, including the Pentagon Reservation;

Whereas because of his propensity to make things happen, Doc Cooke was respectfully known as the "Mayor of the Pentagon";

Whereas Doc Cooke was born in 1920 in Buffalo, New York, and went on to earn a bachelor's degree in education from the State Teachers College at Buffalo in 1941, a master's degree in political science from the New York State College for Teachers in 1942, and a law degree in 1950 from George Washington University, where he was a member of the Law Review;

Whereas Doc Cooke served in the Navy during World War II as an officer on the USS Pennsylvania; returned to active duty during the Korean war, during which time he served as an instructor in the School of Naval Justice; and retired in 1968 as a Navy captain;

Whereas Doc Cooke served on Defense Secretary Neil McElroy's task force on Department of Defense reorganization in 1958; worked for Defense Secretary Robert McNamara, as Director of the Office of Organizational and Management Planning, implementing changes in Department of Defense organization; and worked for every other Secretary of Defense since then;

Whereas during the late 1980s and early 1990s, Doc Cooke was a strong advocate for renovation of the Pentagon;

Whereas many of the construction specifications supported by Doc Cooke helped to save lives during the terrorist attack on the Pentagon on September 11, 2001;

Whereas Doc Cooke could be seen assisting in the response to the terrorist attack on the Pentagon on September 11, 2001;

Whereas throughout the Department of Defense, Doc Cooke was noted for his strong support of equal employment opportunity for minorities, women, and individuals with disabilities;

Whereas Doc Cooke was instrumental in establishing a Public Service Academy at Anacostia High School in the District of Columbia, which has helped to increase the graduation rate of students;

Whereas Doc Cooke served as a member of the seven-member Governance Committee of United Way of the National Capital Area's September 11 Fund, deciding how to distribute disaster relief funds collected after September 11;

Whereas Doc Cooke has been recognized for his extraordinary performance through numerous awards, including the Department of Defense Medal for Distinguished Civilian Service (the Department's highest department career award) seven times; the Department of Defense Medal for Outstanding Public Service; the Department of Defense Medal for Distinguished Public Service twice; the Roger W. Jones Award for Executive Leadership from American University (1983); the NAACP Benjamin L. Hooks Distinguished Service Award (1994); the Presidential Meritorious Rank Award (1994); the Government Executive Leadership Award (1995); a Presidential Distinguished Rank Award (1995); a National Public Service Award (1997); the President's Award for Distinguished Federal Civilian Service (1998), the highest Government service award; the John O. Marsh Public Service Award (2000); the Senior Executives Association Board of Directors Award (2001); the Nelson A. Rockefeller College of Public Affairs and Policy Distinguished Alumnus Award (2001); an award from the University at Albany Alumni Association for "Recognition for Outstanding Service" (2001); and the American Society of Public Administration Elmer B. Staats Lifetime Achievement Award for Distinguished Service (2002); and

Whereas on June 22, 2002, Doc Cooke died as the result of injuries sustained in an automobile accident, after a long and distinguished career in government, in which he became the model for civil servants: Now, therefore, be it:

*Resolved*, That the House of Representatives—

(1) recognizes David O. "Doc" Cooke's legendary professionalism as a model civil servant;

(2) honors Doc Cooke's life; and

(3) extends its condolences to the Cooke family and the Department of Defense community on the death of an extraordinary human being.

DISCHARGED FROM THE COMMITTEE ON EDUCATION AND THE WORKFORCE AND AGREED TO

House Concurrent Resolution 467, expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

#### H. CON. RES. 467

Whereas Lionel Hampton was one the Nation's greatest jazz musicians, composers, and band leaders;

Whereas Lionel Hampton was one of the first musicians to play the vibraphone in jazz, setting the standard for mastery of that instrument;

Whereas Lionel Hampton nurtured and inspired many of the greatest performers of jazz music who would go on to fame in their own right;

Whereas Lionel Hampton shattered the racial barriers of his time when he was recruited to perform with the Benny Goodman band in the 1930s, creating for the first time an integrated public face of jazz music;

Whereas Lionel Hampton, with his performances around the world, was a musical ambassador of goodwill and friendship for the United States;

Whereas Lionel Hampton was never deterred by fame from contributing to the Harlem, New York, community that he viewed as his home;

Whereas Lionel Hampton was active in the development of affordable housing, among them Harlem's Gladys Hampton Houses, named after his late wife, the former Gladys Riddle;

Whereas Lionel Hampton performed at the White House under Republican and Democratic presidents and was honored with the Presidential Gold Medal by President Bill Clinton; and

Whereas Lionel Hampton was born in Louisville, Kentucky on April 20, 1908, and died in New York City on August 31, 2002: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that Lionel Hampton should be honored for his contributions to American music and for his work as an ambassador of goodwill and democracy.

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS, AMENDED, AND AGREED TO

House Resolution 410, expressing the sense of the House of Representatives regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership of the Dalai Lama or his representatives.

#### H. RES. 410

Whereas Jiang Zemin, President of the People's Republic of China, is scheduled to visit the United States in October of 2002;

Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama,

Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights covenants to which the People's Republic of China is a party, including the Convention on the Rights of the Child;

Whereas the use of religious belief as the primary criteria for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50;

Whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied;

Whereas the appointment of the Under Secretary of State for Global Affairs, Paula J. Dobriansky, as the Special Coordinator for Tibetan Issues is a positive sign that the United States Government places a priority on the political and religious liberties of the people of Tibet; and

Whereas the direct contact reestablished in September 2002 between the Government of the People's Republic of China and the representatives of the Dalai Lama is a welcome gesture and should provide a basis for regular dialogue leading to a mutually acceptable solution for Tibet; Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) President Jiang Zemin should be made aware of congressional concern for the Panchen Lama and the need to resolve the situation in Tibet through dialogue with the Dalai Lama or his representatives; and

(2) the Government of the People's Republic of China should—

(A) release the Panchen Lama and allow him to pursue his traditional role at Tashi Lhunpo monastery in Tibet; and

(B) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM, AMENDED, AND AGREED TO

House Concurrent Resolution 486, expressing the sense of Congress that there should be established a Pancreatic Cancer Awareness Month.

H. CON. RES. 486

Whereas over 30,300 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death for men and women in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only 3 to 6 months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only 4 percent of patients survive beyond 5 years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the only national advocacy organization for pancreatic cancer patients, facilitates awareness, patient support, professional education, and advocacy for pancreatic cancer research funding, with a view to ultimately developing a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer

Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that there should be established a Pancreatic Cancer Awareness Month.

DISCHARGED FROM THE COMMITTEE ON HOUSE ADMINISTRATION, AMENDED, AND AGREED TO

House Concurrent Resolution 487, authorizing the printing as a House document of a volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senate from the CONGRESSIONAL RECORD on the terrorist attacks of September 11, 2001.

H. CON. RES. 487

*Resolved by the House of Representatives (the Senate concurring)*,

**SECTION 1. AUTHORIZING PRINTING OF VOLUME OF TRANSCRIPTS OF NEW YORK CITY MEETING AND STATEMENTS ON TERRORIST ATTACKS OF SEPTEMBER 11.**

(a) *IN GENERAL*.—A volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senators on the terrorist attacks of September 11, 2001, shall be printed as a House document under the direction of the Joint Committee on Printing, with suitable binding.

(b) *STATEMENTS TO BE INCLUDED IN VOLUME*.—A statement by a Member of the House of Representatives or a Senator on the terrorist attacks of September 11, 2001, shall be included in the volume printed under subsection (a) if the statement—

(1) was printed in the Congressional Record prior to the most recent date on which the House of Representatives adjourned prior to the date of the regularly scheduled general election in November 2002; and

(2) is approved for inclusion in the volume by the Committee on House Administration of the House of Representatives (in the case of a statement by a Member of the House) or the Committee on Rules and Administration of the Senate (in the case of a statement by a Senator).

**SEC. 2. NUMBER OF COPIES.**

The number of copies of the document printed under section 1 shall be 15,000 casebound copies, of which—

(1) 15 shall be provided to each Member of the House of Representatives;

(2) 25 shall be provided to each Senator; and

(3) the balance shall be distributed by the Joint Committee on Printing to Members of the House of Representatives and Senators, based on requests submitted to the joint Committee by Members and Senators.

**SEC. 3. MEMBER DEFINED.**

In this concurrent resolution, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

AMENDED BY COMMITTEE AMENDMENT AND PASSED

H.R. 5400, to authorize the President of the United States to agree to certain

amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

H.R. 5400

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

**SECTION 1. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.**

(a) *IN GENERAL*.—Part 2 of subtitle D of title V of Public Law 103–182 (22 U.S.C. 290m–290m–3) is amended by adding at the end the following:

**"SEC. 545. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.**

*"The President may agree to amendments to the Cooperation Agreement that—*

*"(1) enable the Bank to make grants and non-market rate loans out of its paid-in capital resources with the approval of its Board, and*

*"(2) amend the definition of 'border region' to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico."*

(b) *CLERICAL AMENDMENT*.—Section 1(b) of such public law is amended in the table of contents by inserting after the item relating to section 544 the following:

*"Sec. 545. Authority to agree to certain amendments to the Border Environment Cooperation Agreement."*

**SEC. 2. ANNUAL REPORT.**

The Secretary of the Treasury shall submit annually to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the North American Development Bank, which addresses the following issues:

(1) The number and description of the projects that the North American Development Bank has approved. The description shall include the level of market-rate loans, non-market-rate loans, and grants used in an approved project, and a description of whether an approved project is located within 100 kilometers of the international boundary between the United States and Mexico or within 300 kilometers of the international boundary between the United States and Mexico.

(2) The number and description of the approved projects in which money has been dispersed.

(3) The number and description of the projects which have been certified by the Border Environment Cooperation Commission, but yet not financed by the North American Development Bank, and the reasons that the projects have not yet been financed.

(4) The total of the paid-in capital, callable capital, and retained earnings of the North American Development Bank, and the uses of such amounts.

(5) A description of any efforts and discussions between the United States and Mexican governments to expand the type of projects which the North American Development Bank finances beyond environmental projects.

(6) A description of any efforts and discussions between the United States and Mexican governments to improve the effectiveness of the North American Development Bank.

(7) The number and description of projects authorized under the Water Conservation Investment Fund of the North American Development Bank.

**SEC. 3. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION FOR TEXAS IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE LOWER RIO GRANDE RIVER VALLEY.**

(a) **FINDINGS.**—The Congress finds that—

(1) Texas irrigators and agricultural producers are suffering enormous hardships in the lower Rio Grande River valley because of Mexico's failure to abide by the 1944 Water Treaty entered into by the United States and Mexico;

(2) over the last 10 years, Mexico has accumulated a 1,500,000-acre fee water debt to the United States which has resulted in a very minimal and inadequate irrigation water supply in Texas;

(3) recent studies by Texas A&M University show that water savings of 30 percent or more can be achieved by improvements in irrigation system infrastructure such as canal lining and metering;

(4) on August 20, 2002, the Board of the North American Development Bank agreed to the creation in the Bank of a Water Conservation Investment Fund, as required by Minute 308 to the 1944 Water Treaty, which was an agreement signed by the United States and Mexico on June 28, 2002; and

(5) the Water Conservation Investment Fund of the North American Development Bank stated that up to \$80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that—

(1) water conservation projects are eligible for funding from the North American Development Bank under the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; and

(2) the Board of the North American Development Bank should support qualified water conservation projects which can assist Texas irrigators and agricultural producers in the lower Rio Grande River Valley.

**SEC. 4. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION IN THE SOUTHERN CALIFORNIA AREA.**

It is the sense of the Congress that the Board of the North American Development Bank should support—

(1) the development of qualified water conservation projects in southern California and other eligible areas in the 4 United States border States, including the conjunctive use and storage of surface and ground water, delivery system conservation, the re-regulation of reservoirs, improved irrigation practices, wastewater reclamation, regional water management modeling, operational and optimization studies to improve water conservation, and cross-border water exchanges consistent with treaties; and

(2) new water supply research and projects along the Mexico border in southern California and other eligible areas in the 4 United States border States to desalinate ocean seawater and brackish surface and groundwater, and dispose of or manage the brines resulting from desalination.

**SEC. 5. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS FOR WHICH FINANCE WATER CONSERVATION FOR IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE SOUTHWEST UNITED STATES.**

(a) **FINDINGS.**—The Congress finds as follows:

(1) Irrigators and agricultural producers are suffering enormous hardships in the southwest United States. The border States of California, Arizona, New Mexico, and Texas are suffering from one of the worst droughts in history. In Arizona, this is the second driest period in recorded history and the worst since 1904.

(2) In spite of decades of water conservation in the southwest United States, irrigated agriculture uses more than 60 percent of surface and ground water.

(3) The most inadequate water supplies in the United States are in the Southwest, including the lower Colorado River basin and the Great Plains River basins south of the Platte River. In these areas, 70 percent of the water taken from the stream is not returned.

(4) The amount of water being pumped out of groundwater sources in many areas is greater than the amount being replenished, thus depleting the groundwater supply.

(5) On August 20, 2002, the Board of the North American Development Bank agreed to the creation in the bank of a Water Conservation Investment Fund.

(6) The Water Conservation Investment Fund of the North American Development Bank stated that up to \$80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that—

(1) water conservation projects are eligible for funding from the North American Development Bank under the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank;

(2) the Board of the North American Development Bank should support qualified water conservation projects that can assist irrigators and agricultural producers; and

(3) the Board of the North American Development Bank should take into consideration the needs of all of the border states before approving funding for water projects, and strive to fund water conservation projects in each of the border states.

**SEC. 6. ADDITIONAL SENSES OF THE CONGRESS.**

(a) It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address coastal issues and the problem of pollution in both countries having an environmental impact along the Pacific Ocean and Gulf of Mexico shores of the United States and Mexico.

(b) It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address air pollution.

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

There was no objection.

The **SPEAKER** pro tempore. Without objection, the various titles are amended.

There was no objection.

**GENERAL LEAVE**

Mr. **ARMEY**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measures just passed, and to insert extraneous material thereon.

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

There was no objection.

□ 2340

**RECOGNIZING BOYLE-TURTON PRECEDENT**

Mr. **ARMEY**. Mr. Speaker, I ask unanimous consent that the previously read unanimous consent be recognized in the **RECORD** as the Boyle-Turton precedent.

The **SPEAKER** pro tempore (Mr. **SIMPSON**). The Chair will take the gentleman's request under advisement.

**ENGAGEMENT OF MS. SHANTI OCHS**

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

Mr. **ARMEY**. Mr. Speaker, it has been brought to my attention that one Shanti Ochs, a distinguished member of our floor staff, is sporting a new diamond ring on her left hand. This causes the gentleman from Texas to conclude that she has just become engaged to a young man who most certainly is not good enough for her. So I would recommend to Ms. Shanti Ochs that she postpone any permanent wedding plans until the majority leader receives his FBI report on the young man in question.

**HOOR OF MEETING ON FRIDAY, OCTOBER 11, 2002**

Mr. **ARMEY**. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

**DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT**

Mr. **ARMEY**. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.



**APPOINTMENT OF HON. DAN MILLER OF FLORIDA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 15, 2002**

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

WASHINGTON, DC,  
October 10, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 15, 2002.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

**COMMUNICATION FROM CONSTITUENT SERVICES REPRESENTATIVE OF HON. JOHN LINDER, MEMBER OF CONGRESS**

The SPEAKER pro tempore laid before the House the following communication from Dessie Martin, Senior Constituent Services Representative to the Honorable JOHN LINDER, Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 8, 2002.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Juvenile Court of Bartow County, Georgia.

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

Sincerely,

DESSIE MARTIN,  
*Senior Constituent Services Representative.*

**COMMUNICATION FROM HON. MICHAEL BILIRAKIS, MEMBER OF CONGRESS**

The Speaker pro tempore laid before the House the following communication from the Honorable MICHAEL BILIRAKIS, Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 10, 2002.

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 of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the Circuit Court for Pinellas County, Florida.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

MICHAEL BILIRAKIS,  
*Member of Congress.*

**AGRICULTURAL DISASTER ASSISTANCE NEEDED**

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

Mr. REHBERG. Mr. Speaker, it has been a tough week. But as we wind down this congressional session, I come to this floor to make one more plea on behalf of our Nation's farmers and ranchers. Producers in this country have suffered through multiple years of drought, causing many to go out of business and others to cut severely into the equity they have built for generations.

My message today is simple: Before we leave town, we must do the right thing for farmers. It is not too late. Members of this House, let us agree that this farm country drought is a natural disaster. And let us also agree to compensate those hard-working farmers for their economic losses in the same way we would compensate producers who suffer from the devastation of a Florida hurricane or the ravages of a Mississippi flood. There is no difference. Let us address this crisis before we adjourn by passing a meaningful agriculture disaster assistance package for 2001 and 2002.

**SPECIAL ORDERS**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each until midnight.

**SHINING EXAMPLES OF VOLUNTEERISM**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor several organizations and individuals in my congressional district who have done an extraordinary job of serving our communities.

It is my pleasure to recognize Marilyn Adamo, Monsignor Emilio Vallina, the Brickell Homeowners Association, John "Footy" Cross, Steve Safron, Davrye Gibson-Smith and the Miami Heat basketball team, Norman Lipoff, Johnathan Mayer, and Debra Berger, just a few shining examples of what altruism and selflessness are all about.

For example, Marilyn Adamo, working through Protect America's Children, should be commended for her work on passage of the Jennifer Act, a law protecting children against crimes and abductions.

Marilyn Adamo will soon begin a national campaign to ensure that the

critical importance of the Jennifer Act is extended to every jurisdiction nationwide. The Jennifer Act authorizes the police and prosecutors to apprehend and to convict child stalkers and sexual predators before the child's physical safety is irreversibly placed in harm's way.

The law makes any credible threat or intentional stalking of children under 16 years of age a third degree felony.

I am happy to recognize these selfless efforts just as I am pleased to also recognize humanitarian efforts by individuals like Monsignor Emilio Vallina, the first recipient of the Monsignor Bryan O. Walsh Humanitarian Award.

This award, established by the Mercy Hospital Foundation, recognizes an individual displaying a deep commitment to our community and whose devotion has shown great acts of love, compassion and honor.

I want to thank Monsignor Vallina for the positive impact he has had on the lives of so many people. I am glad to know he is being honored for his devotion to the needy and that he has made such positive impacts on the lives of so many in South Florida.

Individuals sharing the values of self-sacrifice like the Monsignor, I am also happy to say, sometimes also join forces to work together toward similar goals.

A great example is the Brickell Homeowners Association made up of residents along downtown Miami's Brickell Avenue corridor and those on Brickell Key. This coalition of over 30 condominium associations has helped build a community and mobilize support for critical quality-of-life matters. The BHA has tackled issues affecting our area and has worked closely with professionals and elected officials to find solutions that enhance the residential character of their neighborhood.

The BHA President Tory Jacobs, Vice President Veena Panjabi, Treasurer Norman Mininberg, Secretary Mac Seligman, and Chairperson Herbert Bailey do a great job of leading efforts to help 16,000 residents from the Miami River to the Rickenbacker Causeway and are shining examples of volunteerism and activism.

In today's world these two virtues are increasingly important and one man who steps forward every year in embodying them is John "Footy" Cross. Footy, along with Steve Safron, head Here's Help, a local drug rehab center fighting drug abuse in our community.

Every year, Footy and Steve Safron together with Y-100 radio station have the Bubbles and Bones event, a festival drawing over 50,000 people each time. The event features a competition with South Florida restaurants, national entertainment, an amusement area, and a celebrity auction, with the proceeds benefiting Here's Help.

I have mentioned just a few common individuals exemplifying an uncommon charitable character. However, when organizations like the Miami Heat basketball team, that have already had national recognition come together to help our community, it is indeed noteworthy. The Miami Heat moved forward to do something constructive about low test scores and performance ratings in some of our Miami-Dade County Public Schools.

The Miami Heat sponsors the HEAT Academy, an after-school enrichment program offering tutoring in reading and math to students in our community attending low-performance schools in mostly minority-populated areas.

As a former educator, I take my hat off to the Miami Heat and Davrye Gibson-Smith of the HEAT Academy for their efforts in assisting all children and their families in pursuit of a quality education and a positive environment.

□ 2350

But I could not conclude my statement without also congratulating Project Interchange, an institution devoted to educating American policymakers and opinion leaders about Israel through firsthand experience. Norman Lipoff of Coconut Grove and Jonathan Mayer of Miami Beach along with Deborah Berger, founder of Project Interchange, are celebrating its 20th year. This year Ms. Berger will be honored for her outstanding career dedicated to educating leaders of all races through intensive seminars by advocating acceptance and respect.

Together with Ms. Berger, Mr. Lipoff and Mr. Mayer have been instrumental in sending nearly 3,000 leaders to the Interchange's crash course seminar that for the past 20 years has encouraged and maintained pluralism and tolerance in the United States. It is a pleasure today for me to commend these individuals. They are shining examples of what makes this country great.

#### QUESTIONS RAISED OUT OF LOVE FOR NATION

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

Mr. McDERMOTT. Mr. Speaker, there is a saying that we must be careful what we ask for because we might get it. Today we have given the President what he asked for; and if he gets the same from the Senate, I think it is important as we leave to remind him of the weight of the power that we have given him, that is, to commit this country to war.

As I listened to the debate today, I thought of a story I read in the notes of

the Bishops Retreat at Blackstone, Virginia, on October 1. The priest, Christopher Morris, tells this story. He told about a general who lived in his parish, and he said, "Nearly half of my congregation was made up of military families; so any opposition to the war in Vietnam seemed to be attacking those who had to fight it. When a series of Sunday evening sessions addressing this issue were announced, some of the service people in the congregation protested. We had arranged for members of the American field service to come and make the case against the war and a representative from the Pentagon to come and give the government's case for the war. But some felt this was unpatriotic and undermining our troops who were being sent into combat."

The general and his wife attended our church, she being more active than he. He was the comptroller of the Army stationed at nearby Fort Monroe. I called and asked if I could go and see him and was invited to their house late one evening. The three of us sat together in the living room. He was a general who was loyal to the defense of his country and its government's policy. Somewhat to my surprise, he said to me, "Everyone knows there is a division of opinion in this country and the church should not avoid the issue. If you're going to present the sides fairly, I think you should go ahead."

Two years later when I had left Hampton and been appointed to do graduate study at Union Seminary, a call came to New York asking me if I would come down to Arlington Cemetery for the burial of the general's 18-year-old son. On behalf of a grateful Nation, the chaplain said, presenting the flag to his wife. "Don't speak to me of a grateful Nation," she replied. "This is not a grateful Nation. It is a confused Nation. My son loved nature and liked to climb mountains, and now he is dead in a war he never believed in and neither did I." I have never seen more agony in a person's face than I saw in the face of the general.

I hope the President will understand that we are divided here. We were not all on one side. And those of us who voted against are as patriotic as those who voted for. The questions we raise are because we love our country, and I think that as we enter this period it is very important not to brand one side or the other as unpatriotic.

Mr. Speaker, I add to the RECORD an article entitled "Am I anti-American?" by Arundhati Roy in the Guardian, September 27, 2002. She lays out the case for why we have the strength and the ability to raise questions about our democracy. It is important and it should not be considered un-American for anyone to raise these issues.

[From the Guardian, Sept. 27, 2002]

AM I ANTI-AMERICAN?

(By Arundhati Roy)

Recently, those who have criticized the actions of the US government myself included

have been called "anti-American". Anti-Americanism is in the process of being consecrated into an ideology. The term is usually used by the American establishment to discredit and, not falsely—but shall we say inaccurately—define its critics. Once someone is branded anti-American, the chances are that he or she will be judged before they're heard and the argument will be lost in the welter of bruised national pride. What does the term mean? That you're anti-jazz?

Or that you're opposed to free speech? That you don't delight in Toni Morrison or John Updike?

That you have a quarrel with giant sequoias? Does it mean you don't admire the hundreds of thousands of American citizens who marched against nuclear weapons, or the thousands of war resisters who forced their government to withdraw from Vietnam? Does it mean that you hate all Americans?

This sly conflation of America's music, literature, the breathtaking physical beauty of the land, the ordinary pleasures of ordinary people with criticism of the US government's foreign policy is a deliberate and extremely effective strategy. It's like a retreating army taking cover in a heavily populated city, hoping that the prospect of hitting civilian targets will deter enemy fire.

There are many Americans who would be mortified to be associated with their government's policies, the most scholarly, scathing, incisive, hilarious critiques of the hypocrisy and the contradictions in US government policy come from American citizens. (Similarly, in India, not hundreds, but millions of us would be ashamed and offended, if we were in any way implicated with the present Indian government's fascist policies.)

To call someone anti-American, indeed, to be anti-American, is not just racist, it's a failure of the imagination. An inability to see the world in terms other than those that the establishment has set out for you: If you don't love us, you hate us. If you're not good, you're evil. If you're not with us, you're with the terrorists.

Last year, like many others, I too made the mistake of scoffing at this post-September 11 rhetoric, dismissing it as foolish and arrogant. I've realized that it's not. It's actually a canny recruitment drive for a misconceived, dangerous war. Every day I'm taken aback at how many people believe that opposing the war in Afghanistan amounts to supporting terrorism. Now that the initial aim of the war—capturing Osama bin Laden seems to have run into bad weather, the goalposts have been moved. It's being made out that the whole point of the war was to topple the Taliban regime and liberate Afghan women from their burqas. We're being asked to believe that the US marines are actually on a feminist mission. (If so, will their next stop be America's military ally, Saudi Arabia?) Think of it this way: In India there are some pretty reprehensible social practices, against "untouchables", against Christians and Muslims, against women. Should they be bombed?

Uppermost on everybody's mind, of course, particularly here in America, is the horror of what has come to be known as 9/11. Nearly 3,000 civilians lost their lives in that lethal terrorist strike. The grief is still deep. The rage still sharp. The tears have not dried. And a strange, deadly war is raging around the world. Yet, each person who has lost a loved one surely knows that no war, no act of revenge, will blunt the edges of their pain or bring their own loved ones back. War cannot avenge those who have died.

War is only a brutal desecration of their memory.

To fuel yet another war—this time against Iraq—by manipulating people's grief, by packaging it for TV specials sponsored by corporations selling detergent or running shoes, is to cheapen and devalue grief, to drain it of meaning. We are seeing a pillaging of even the most private human feelings for political purpose. It is a terrible, violent thing for a state to do to its people.

The US government says that Saddam Hussein is a war criminal, a cruel military despot who has committed genocide against his own people. That's a fairly accurate description of the man. In 1988, he razed hundreds of villages in northern Iraq and killed thousands of Kurds. Today, we know that that same year the US government provided him with \$500m in subsidies to buy American farm products. The next year, after he had successfully completed his genocidal campaign, the US government doubled its subsidy to \$1bn. It also provided him with high-quality germ seed for anthrax, as well as helicopters and dual-use material that could be used to manufacture chemical and biological weapons. It turns out that while Saddam was carrying out his worst atrocities, the US and UK governments were his close allies. So what changed?

In August 1990, Saddam invaded Kuwait. His sin was not so much that he had committed an act of war, but that he acted independently, without orders from his masters. This display of independence was enough to upset the power equation in the Gulf, so it was decided that Saddam be exterminated, like a pet that has outlived its owner's affection.

A decade of bombing has not managed to dislodge him. Now, almost 12 years on, Bush Jr is ratcheting up the rhetoric once again. He's proposing an all-out war whose goal is nothing short of a regime change. Andrew H. Card, Jr., the White House chief-of-staff, described how the administration was stepping up its war plans for autumn: "From a marketing point of view," he said, "you don't introduce new products 'in August.'" This time the catchphrase for Washington's "new product" is not the plight of people in Kuwait but the assertion that Iraq has weapons of mass destruction. Forget "the feckless moralizing of the 'peace' lobbies," wrote Richard Perle, chairman of the Defense Policy Board. The US will "act alone if necessary" and use a "pre-emptive strike" if it determines it is in US interests.

Weapons inspectors have conflicting reports about the status of Iraq's weapons of mass destruction, and many have said clearly that its arsenal has been dismantled and that it does not have the capacity to build one. What if Iraq does have a nuclear weapon? Does that justify a pre-emptive US strike? The US has the largest arsenal of nuclear weapons in the world. It's the only country in the world to have actually used them on civilian populations. If the US is justified in launching a pre-emptive attack on Iraq, why, any nuclear power is justified in carrying out a pre-emptive attack on any other. India could attack Pakistan, or the other way around.

Recently, the US played an important part in forcing India and Pakistan back from the brink of war. Is it so hard for it to take its own advice? Who is guilty of feckless moralizing? Of preaching peace while it wages war? The U.S., which Bush has called "the most peaceful nation on earth", has been at war with one country or another every year for the last 50 years.

Wars are never fought for altruistic reasons. They're usually fought for hegemony, for business. And then, of course, there's the business of war. In his book on globalization, *The Lexus and the Olive Tree*, Tom Friedman says: "The hidden hand of the market will never work without a hidden fist. McDonald's cannot flourish without McDonnell Douglas. And the hidden fist that keeps the world safe for Silicon Valley's technologies to flourish is called the U.S. Army, Air Force, Navy and Marine Corps." Perhaps this was written in a moment of vulnerability, but it's certainly the most succinct, accurate description of the project of corporate globalization that I have read.

After September 11 and the war against terror, the hidden hand and fist have had their cover blown—and we have a clear view now of America's other weapon—the free market—bearing down on the developing world, with a clenched, unsmiling smile. The Task That Never Ends is America's perfect war, the perfect vehicle for the endless expansion of American imperialism.

In Urdu, the word for profit is  *fayda*. *Al-qaida* means the word, the word of God, the law. So, in India, some of us call the War Against Terror, *Al-qaida* vs *Al-fayda*—The Word vs The Profit (no pun intended). For the moment it looks as though *Al-fayda* will carry the day. But then you never know . . .

In the past 10 years, the world's total income has increased by an average of 2.5% a year. And yet the numbers of the poor in the world has increased by 100 million. Of the top 100 biggest economies, 51 are corporations, not countries. The top 1% of the world has the same combined income as the bottom 57%, and the disparity is growing. Now, under the spreading canopy of the war against terror, this process is being hustled along. The men in suits are in an unseemly hurry. While bombs rain down contracts are being signed, patents registered, oil pipelines laid, natural resources plundered, water privatized and democracies undermined.

But as the disparity between the rich and poor grows, the hidden fist of the free market has its work cut out. Multinational corporations on the prowl for "sweetheart deals" that yield enormous profits cannot push them through in developing countries without the active connivance of state machinery—the police, the courts, sometimes even the army. Today, corporate globalization needs an international confederation of loyal, corrupt, preferably authoritarian governments in poorer countries, to push through unpopular reforms and quell the mutinies. It needs a press that pretends to be free. It needs courts that pretend to dispense justice. It needs nuclear bombs, standing armies, sterner immigration laws, and watchful coastal patrols to make sure that it's only money, goods, patents and services that are globalized—not the free movement of people, not a respect for human rights, not international treaties on racial discrimination or chemical and nuclear weapons, or greenhouse gas emissions, climate change, or, God forbid, justice. It's as though even a gesture towards international accountability would wreck the whole enterprise.

Close to one year after the war against terror was officially flagged off in the ruins of Afghanistan, in country after country freedoms are being curtailed in the name of protecting freedom, civil liberties are being suspended in the name of protecting democracy. All kinds of dissent is being defined as "terrorism". Donald Rumsfeld said that his mission in the war against terror was to per-

sue the world that Americans must be allowed to continue their way of life. When the maddened king stamps his foot, slaves tremble in their quarters. So, it's hard for me to say this, but the American way of life is simply not sustainable. Because it doesn't acknowledge that there is a world beyond America.

Fortunately, power has a shelf life. When the time comes, maybe this mighty empire will, like others before it, overreach itself and implode from within. It looks as though structural cracks have already appeared. As the war against terror casts its net wider and wider, America's corporate heart is hemorrhaging. A world run by a handful of greedy bankers and CEOs whom nobody elected can't possibly last.

Soviet-style communism failed, not because it was intrinsically evil but because it was flawed. It allowed too few people to usurp too much power: 21st-century market-capitalism, American-style, will fall for the same reasons.

[From the New York Times, Oct. 10, 2002]

CONGRESS MUST RESIST THE RUSH TO WAR

(By Robert C. Byrd)

WASHINGTON.—A sudden appetite for war with Iraq seems to have consumed the Bush administration and Congress. The debate that began in the Senate last week is centered not on the fundamental and monumental questions of whether and why the United States should go to war with Iraq, but rather on the mechanics of how best to wordsmith the president's use-of-force resolution in order to give him virtually unchecked authority to commit the nation's military to an unprovoked attack on a sovereign nation.

How have we gotten to this low point in the history of Congress? Are we too feeble to resist the demands of a president who is determined to bend the collective will of Congress to his will—a president who is changing the conventional understanding of the term "self-defense"? And why are we allowing the executive to rush our decision-making right before an election? Congress, under pressure from the executive branch, should not hand away its Constitutional powers. We should not hamstring future Congresses by casting such a shortsighted vote. We owe our country a due deliberation.

I have listened closely to the president. I have questioned the members of his war cabinet. I have searched for that single piece of evidence that would convince me that the president must have in his hands, before the month is out, open-ended Congressional authorization to deliver an unprovoked attack on Iraq. I remain unconvinced. The president's case for an unprovoked attack is circumstantial at best. Saddam Hussein is a threat, but the threat is not so great that we must be stamped to provide such authority to this president just weeks before an election.

Why are we being hounded into action on a resolution that turns over to President Bush the Congress's Constitutional power to declare war? This resolution would authorize the president to use military forces of this nation wherever, whenever and however he determines, and for as long as he determines, if he can somehow make a connection to Iraq. It is a blank check for the president to take whatever action he feels "is necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq." This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of

preventive war and pre-emptive strikes—detailed in a recent publication, “National Security Strategy of the United States”—against any nation that the president, and the president alone, determines to be a threat.

We are at the gravest of moments. Members of Congress must not simply walk away from their Constitutional responsibilities. We are the directly elected representatives of the American people, and the American people expect us to carry out our duty, not simply hand it off to this or any other president. To do so would be to fail the people we represent and to fall woefully short of our sworn oath to support and defend the Constitution.

We may not always be able to avoid war, particularly if it is thrust upon us, but Congress must not attempt to give away the authority to determine when war is to be declared. We must not allow any president to unleash the dogs of war at his own discretion and for an unlimited period of time.

Yet that is what we are being asked to do. The judgment of history will not be kind to us if we take this step.

Members of Congress should take time out and go home to listen to their constituents. We must not yield to this absurd pressure to act now, 27 days before an election that will determine the entire membership of the House of Representatives and that of a third of the Senate. Congress should take the time to hear from the American people, to answer their remaining questions and to put the frenzy of ballot-box politics behind us before we vote. We should hear them well, because while it is Congress that casts the vote, it is the American people who will pay for a war with the lives of their sons and daughters.

#### REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003

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

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations to the Committee on Appropriations established by H. Con. Res. 353, the Concurrent Resolution on the Budget for fiscal year 2003. My authority to make these adjustments is derived from sections 201, 204 and 231(c) of the budget resolution.

As reported to the House, H.R. 5559, the Department of Transportation and Related Agencies Appropriations Bill for fiscal year 2003, establishes an obligation limitation for programs, projects, and activities within the highway category (as defined by section 251(c)(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985). Section 204 of H. Con. Res. 353 provides for an increase in the outlay allocation to the Committee on Appropriations if: (1) the funds are distributed according to the formula contained in section 1102 of the Transportation Equity Act for the 21st Century, (2) the obligation limitation established by the legislation for such programs exceeds \$23,864,000,000, and (3) the accompanying increase in outlays does not exceed \$1,180,000,000.

I have reviewed the provisions of H.R. 5559, and have determined that those conditions have been met. Accordingly, I am increasing the fiscal year 2003 outlay allocation to the House Committee on Appropriations by \$1,180,000,000.

In addition, the conference report on H.R. 5010, the bill making appropriations for the Department of Defense for fiscal year 2003, provides new budget authority for operations of the Department of Defense to prosecute the war on terrorism. Section 201 of H. Con. Res. 353 provides for an increase in the allocations and other levels in the budget resolution for amounts provided for this purpose, subject to an overall limitation of \$10,000,000,000 in new budget authority and outlays flowing therefrom.

The conference report on the Defense appropriations bill provides additional funds to prosecute the war on terrorism. Accordingly, I am increasing the fiscal year 2003 budget authority allocation to the House Committee on Appropriations by \$1,000,000,000, and the outlay allocation by \$743,000,000, which I estimate to be the outlays flowing from those appropriations.

The resulting 302(a) allocation for fiscal year 2003 to the House Committee on Appropriations is \$749,096,000,000 in new budget authority and \$785,191,000,000, in outlays.

#### CONGRATULATING INDIA ON SUCCESSFUL DEMOCRATIC ELECTIONS IN JAMMU AND KASHMIR

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

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity on the House floor to congratulate India and its election commission on the successful conclusion of free, fair, and transparent elections in Jammu and Kashmir for an 87-member state assembly.

The challenges experienced by candidates, political workers, and voters were extreme in this election. Targeted violence by terrorists was used as a tool for the specific purpose of foiling these elections and impeding this exercise in democracy.

The people of Jammu and Kashmir were very brave to literally risk their lives in order to participate in these elections. In fact, the outcome of these elections was such a success that during the fourth phase of polling an estimated 52 percent of the nearly 450,000 electorate exercised their right to vote in six constituencies of the Doda district alone.

The example of these elections further reiterates India's dedication to democracy since it gained independence over 50 years ago. It is no wonder that the United States and India, the world's two largest democracies, are partners in the ongoing effort to build a more democratic world.

Mr. Speaker, unfortunately the same cannot be said about Pakistan. Not only has militant infiltration across

the Kashmir border increased over the past 2 months, but in addition there is much concern that the legislative elections currently being held in Pakistan are a sham. President Musharraf has single-handedly emasculated the leadership of major political parties that oppose him, and he has altered the constitution to such an extreme degree that it is clear that the outcome of the election will favor a party of politicians or the “King's Party” who are directly under his control. And this is deliberate and I think absolutely undemocratic.

Mr. Speaker, the point I am trying to make is that we have two neighboring countries but that their electoral process and government structure could not be more different. As Indian citizens of Jammu and Kashmir faced potential death by heading to the polls over the last 4 weeks, these citizens courageously cast their votes, and I believe this democratic will and exercise on the part of the Indian Government and its people must be appropriately commended. And again, Mr. Speaker, that is why I felt it was necessary for me to speak on this important issue this late in the evening.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT) 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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. McDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. HOSTETTLER, for 5 minutes, today and October 11.

Mr. NUSSLE, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HORN and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$650.00.

### ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2121. An act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.

H.R. 4085. An act to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of the certain disabled veterans.

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

### ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 11, 2002, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9612. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's certification that the costs of Wedges 2 through 5, of the Pentagon Renovation will be within the specified limitation; to the Committee on Armed Services.

9613. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General John N. Abrams, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9614. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule — Debt Cancellation Contracts and Debt Suspension Agreements [Docket No. 02-14] (RIN: 1557-AB75) received September 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9615. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Television Stations (Galveston, Texas) [MB Docket No. 02-142; RM-10436] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9616. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Fed-

eral Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Digital Television Broadcast Stations; and Section 73.622(b) Table of Allotments, Digital Broadcasting Television Stations (Hammond, Louisiana) [MB Docket No. 02-131; RM-10440] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9617. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Reliance, South Dakota) [MB Docket No. 02-101; RM-10429] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9618. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Florence, South Dakota) [MB Docket No. 02-102; RM-10430] received October 8, 2002; to the Committee on Energy and Commerce.

9619. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada, Denmark, Italy, Norway, The Netherlands, Turkey, and the United Kingdom [Transmittal No. DTC 277-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9620. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations (RINs: 3209-AA00 and 3209-AA04) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9621. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

9622. A letter from the Chairman, Commission on Ocean Policy, transmitting a report entitled, "Developing a National Ocean Policy: Mid-Term Report of the U.S. Commission on Ocean Policy"; to the Committee on Resources.

9623. A letter from the Deputy Assistant Secretary for Insular Affairs, Department of the Interior, transmitting the Department's report entitled, "Annual Report on Financial and Social Impacts of the Compacts of Free Association on the United States Insular Areas and the State of Hawaii"; to the Committee on Resources.

9624. A letter from the General Counsel, Department of Commerce, transmitting the Department's draft bill entitled, "The Hydrographic Services Amendments Act of 2002"; to the Committee on Resources.

9625. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific sardine [Docket No. 020920218-2218-01; 091902C] (RIN: 0648-AQ47) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9626. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule — Termination of Appeals Settlement Initiative For Corporate Owned Life Insurance (COLI) Cases (Announcement 2002-96) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9627. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Settlement of Section 351 Contingent Liability Tax Shelter Cases (Revenue Procedure 2002-67) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9628. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2002-68) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9629. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Imposition of Tax; in general (Rev. Rul. 2002-60) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9630. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Election Under 1397B (Rev. Proc. 2002-62) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9631. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Conditions of Participation: Immunization Standards for Hospitals, Long-Term Care Facilities, and Home Health Agencies [CMS-3160-FC] (RIN: 0938-AM00) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

9632. A letter from the Secretary, Department of Labor, transmitting the Department's bill entitled, "Employment Security Reform Act of 2002"; jointly to the Committees on Ways and Means, Education and the Workforce, and Government Reform.

### 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. YOUNG of Florida: Committee on Appropriations. Revised Suballocation of Budget Allocations for Fiscal Year 2003 (Rept. 107-738). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on rules. House Resolution 580. Resolution providing for consideration of the joint resolution (House Joint Resolution 122) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 107-739). Referred to the House Calendar.

Mr. WALSH: Committee on Appropriations. H.R. 5605. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107-740). Referred to the Committee of the Whole House on the State of the Union.



## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BRADY of Texas (for himself, Mr. DOGGETT, Mr. VITTER, Mr. POMEROY, Mr. SHAYS, and Mr. MEEHAN):

H.R. 5596. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. JONES of North Carolina):

H.R. 5597. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Resources.

By Mr. CASTLE (for himself and Mr. BOEHNER):

H.R. 5598. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Education and the Workforce, considered and passed.

By Mr. THUNE (for himself and Mr. CARSON of Oklahoma):

H.R. 5599. A bill to apply guidelines for the determination of per-pupil expenditure requirements for heavily impacted local educational agencies, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GEPHARDT (for himself, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. BERMAN, Mr. BECERRA, Ms. SOLIS, Ms. ROYBAL-ALLARD, Mr. RANGEL, Mr. GREEN of Texas, Mr. CONYERS, Ms. VELÁZQUEZ, Mr. PASTOR, Mr. DOOLEY of California, Mr. GONZALEZ, Mr. HINOJOSA, Mr. SERRANO, Mr. OWENS, Mr. TOWNS, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. MENENDEZ, Ms. DELAURO, Mr. BACA, Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mr. FARR of California, Mr. HONDA, Mr. FRANK, and Mr. FROST):

H.R. 5600. A bill to amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. DELAY, and Mr. GREENWOOD):

H.R. 5601. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; to the Committee on Education and the Workforce, considered and passed.

By Mr. TERRY (for himself, Mr. LUTHER, Mr. SHIMKUS, and Mr. JENKINS):

H.R. 5602. A bill to create a Rural Issues Advisory Board within the Federal Communications Commission, to assist the Federal Communications Commission in developing policies and procedures, and to ensure that the Commission takes into account the size and resources of affected parties in rural

America; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, 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. THUNE (for himself, Mr. RAMSTAD, and Mrs. JOHNSON of Connecticut):

H.R. 5603. A bill to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, and for other purposes; to the Committee on Ways and Means.

By Ms. CARSON of Indiana (for herself, Mr. KERNS, Mr. BUYER, Mr. VISCLOSKEY, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. ROEMER, Mr. HILL, Mr. PENCE, and Mr. SOUDER):

H.R. 5604. A bill to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. WALSH:

H.R. 5605. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

By Mr. BACA (for himself, Ms. WATERS, Mr. TOWNS, and Mr. DAVIS of Illinois):

H.R. 5606. A bill to amend the Public Health Service Act to promote careers in nursing and diversity in the nursing workforce; to the Committee on Energy and Commerce.

By Mr. BACA (for himself and Mrs. NAPOLITANO):

H.R. 5607. A bill to amend the Controlled Substances Act to place Salvinorin A in Schedule I; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself and Mr. GREEN of Wisconsin):

H.R. 5608. A bill to provide for the testing of chronic wasting disease and other infectious disease in deer and elk herds, to establish the Interagency Task Force on Epizootic Hemorrhagic Disease, and for other purposes; to the Committee on Agriculture, 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. BARR of Georgia:

H.R. 5609. A bill to designate the facility of the United States Postal Service located at 600 East 1st Street in Rome, Georgia, as the "Martha Berry Post Office"; to the Committee on Government Reform.

By Ms. BERKLEY:

H.R. 5610. A bill to authorize the Secretary of Veterans Affairs to construct a comprehensive veterans medical center in southern Nevada that would include a full service hospital, an outpatient clinic, and a long-term care nursing home facility; to the Committee on Veterans' Affairs.

By Mr. CANNON (for himself, Mr. PUTNAM, Mr. SMITH of Washington, Mr. MOLLOHAN, Mr. BOYD, Mr. ACEVEDO-

VILÁ, Mrs. NORTHUP, Mr. GORDON, Mr. GILMAN, Ms. MCCOLLUM, Mr. LIPINSKI, Mr. PASCRELL, Mr. SHUSTER, Mr. TAUZIN, Mr. BARR of Georgia, Mr. CARSON of Oklahoma, Mr. MCKEON, Mr. CRAMER, Mr. DOOLEY of California, Mr. FATTAH, Mr. NORWOOD, Mr. PICKERING, Mr. SHAYS, Mrs. MORELLA, Ms. BROWN of Florida, Mr. KILDEE, Mr. BURTON of Indiana, Mr. DAN MILLER of Florida, Mr. ISSA, Mr. CAMP, Mr. DREIER, Mr. HOBSON, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. REHBERG, Mr. ARMEY, Mr. HASTINGS of Washington, Mr. SHERWOOD, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. CUNNINGHAM, Mr. BRYANT, Mr. PASTOR, Mr. MARKEY, Mr. SCHROCK, Mr. FLETCHER, Mr. LOBIONDO, Mr. PALLONE, Mr. UPTON, Mr. CONDIT, Mr. GREEN of Texas, Mr. TAYLOR of Mississippi, Mr. GEKAS, Mr. GEORGE MILLER of California, Mr. NETHERCUTT, Mr. RADANOVICH, Mr. GUTKNECHT, Mr. GANSKE, Mr. WALDEN of Oregon, Mrs. WILSON of New Mexico, Mr. BERMAN, Mr. COBLE, Mr. SKELTON, Mr. FORBES, Mr. KINGSTON, Mr. OBERSTAR, Mr. WALSH, Mr. INSLEE, Mr. JEFF MILLER of Florida, Mr. NADLER, Mr. BARCIA, Mr. CLYBURN, Mr. DAVIS of Florida, Mr. DEMINT, Mr. GIBBONS, Mr. GREENWOOD, Mr. MALONEY of Connecticut, Mr. MATHEWSON, Mr. MCCRERY, Mr. MORAN of Virginia, Mr. RAMSTAD, Mr. SAXTON, Mrs. JO ANN DAVIS of Virginia, Mr. BACA, Mr. CROWLEY, Mr. KNOLLENBERG, Mr. WILSON of South Carolina, Mr. BOEHNER, Mr. BOOZMAN, Mr. DINGELL, Mr. LARSON of Connecticut, Mr. LINDER, Mr. MURTHA, Mr. SHADEGG, Mr. SPRATT, Mr. SULLIVAN, Mr. TIERNEY, Mr. ISAKSON, Mr. HOEFFEL, Mr. PITTS, Ms. MCCARTHY of Missouri, Mr. CALVERT, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. TERRY, Ms. ROYBAL-ALLARD, Mr. THORNBERRY, Mr. GREEN of Wisconsin, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. UDALL of Colorado, Mr. FROST, Mr. SABO, Ms. KAPTUR, Mr. HINCHEY, Mr. CAPUANO, Mr. DOYLE, Mr. MCINTYRE, Mr. ROGERS of Michigan, Mr. DEAL of Georgia, Mr. ABERCROMBIE, Mr. LAMPSON, Mr. RAHALL, Mr. SMITH of Michigan, Mr. DICKS, Mr. TIBERI, Mr. TOOMEY, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. DEFazio, Mr. HOEKSTRA, Mr. KING, Mr. CRANE, Mr. ENGLISH, Mr. REGULA, Mr. LAHOOD, Mr. KELLER, Mr. BURR of North Carolina, Mr. PORTMAN, Mr. SIMMONS, Mr. ADERHOLT, Mr. ANDREWS, Mr. MATSUI, Mr. MENENDEZ, Mr. FRELINGHUYSEN, Mr. WICKER, Mr. KIND, Mr. LEWIS of Kentucky, Mr. HOLT, Mr. FARR of California, Mr. CHAMBLISS, Mrs. CAPITO, Mr. BROWN of Ohio, Mr. BOEHLERT, Mr. REYES, Mr. CHABOT, Mr. ISRAEL, Mrs. MYRICK, Mr. EVERETT, Mr. BARRETT, Mr. DELAY, Mr. LANTOS, Mr. LATHAM, Mr. OSBORNE, Mr. PETRI, Mr. UDALL of New Mexico, Mr. SNYDER, Mr. GOODE, Mr. JENKINS, Mr. HERGER, Mr. JONES of North Carolina, Mr. GILCHREST, Mr. WATKINS, and Mr. COYNE):

H.R. 5611. A bill to designate the Federal building located at 324 Twenty-fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. CHAMBLISS (for himself, Mr. NORWOOD, Mr. PICKERING, Mr. CUNNINGHAM, Mr. HAYES, Mr. BISHOP, and Mr. PETERSON of Minnesota):

H.R. 5612. A bill to recognize hunting heritage and provide opportunities for continued hunting on Federal public lands; to the Committee on Resources.

By Ms. DELAURO:

H.R. 5613. A bill to establish a demonstration project to implement evidence-based preventive-screening methods to detect mental illness and suicidal tendencies in school-age youth at selected facilities; 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. DINGELL (for himself, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. GORDON, Mr. RUSH, Mr. HONDA, Ms. NORTON, Mr. INSLEE, Ms. DELAURO, and Ms. KILPATRICK):

H.R. 5614. A bill to prohibit fraudulent, manipulative, or deceptive acts in electric and natural gas markets, to provide for audit trails and transparency in those markets, to increase penalties for illegal acts under the Federal Power Act and Natural Gas Act, to reexamine certain exemptions under the Federal Power Act and the Public Utility Holding Company Act of 1935, to expand the authority of the Federal Energy Regulatory Commission to order refunds of unjust and discriminatory rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOOLEY of California (for himself and Mr. RADANOVICH):

H.R. 5615. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; to the Committee on Transportation and Infrastructure.

By Mr. DOOLEY of California (for himself, Mrs. EMERSON, Mr. TOWNS, Mr. PAUL, Mr. SNYDER, Mr. NETHERCUTT, Mr. MCGOVERN, Mr. FLAKE, Mr. DELAHUNT, Mr. SHAYS, Ms. HOOLEY of Oregon, Mr. FARR of California, Mr. BERMAN, Mr. LAMPSON, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. BERRY, Mr. DEFazio, Mr. RANGEL, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. STENHOLM, and Mr. JOHNSON of Illinois):

H.R. 5616. A bill to provide for the expiration of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, known as the Helms-Burton Act, on March 31, 2003; to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, and 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. GIBBONS:

H.R. 5617. A bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of the silver-based biocides as an alternative treatment to preserve wood; to the Committee on Agriculture, 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 Ms. HART:

H.R. 5618. A bill to amend the Immigration and Nationality Act to improve procedures

for the processing of visas for "O" and "P" nonimmigrant artists; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 5619. A bill to require the Secretary of the Treasury to take certain actions with respect to the prevention of illegal transshipments, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE:

H.R. 5620. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on Resources.

By Mr. LAFALCE:

H.R. 5621. A bill to amend the Federal Credit Union Act to expand membership, service, and investment opportunities for credit unions, to expand credit union services within financially underserved communities, to enhance member protections in certain credit union conversions, and for other purposes; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. HUGHTON, Mr. POMEROY, and Mrs. THURMAN):

H.R. 5622. A bill to amend the Trade Act of 1974 and the Sherman Act to address foreign private and joint public-private market access barriers that harm United States trade, and to amend the Trade Act of 1974 to address the failure of foreign governments to cooperate in the provision of information relating to certain investigations; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUTHER:

H.R. 5623. A bill to provide for prioritization of transportation of nuclear waste from utilities to a permanent repository on the basis of renewable energy use; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York (for herself, Mr. SERRANO, Mr. CROWLEY, Mr. ENGEL, and Mr. TOWNS):

H.R. 5624. A bill to provide that Federal funds for the relief and revitalization of New York City after the September 11, 2001, terrorist attack shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 5625. A bill to restore aiding and abetting liability under the Federal securities laws; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 5626. A bill to amend the Internal Revenue Code of 1986 to revise the tax treatment of derivative transactions entered into by a corporation with respect to its stock; to the Committee on Ways and Means.

By Mr. OBEY (for himself and Mr. SANDERS):

H.R. 5627. A bill to establish a counter-cyclical income support program for dairy producers; to the Committee on Agriculture.

By Mr. OTTER:

H.R. 5628. A bill to authorize the Secretary of Agriculture to sell or exchange all or part

of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Resources.

By Mr. OTTER:

H.R. 5629. A bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; to the Committee on Resources, 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. POMBO:

H.R. 5630. A bill to direct the Secretary of Transportation to conduct a study to determine the feasibility of constructing a highway in California connecting State Route 130 in Santa Clara County with Interstate Route 5 in San Joaquin County; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Mr. TANCREDO, Mr. DAVIS of Illinois, and Mr. SHAYS):

H.R. 5631. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of personal wireless services facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. TANCREDO, and Mr. DAVIS of Illinois):

H.R. 5632. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMMONS (for himself, Mrs. THURMAN, Mr. SMITH of New Jersey, Mr. CUMMINGS, Mr. BLAGOJEVICH, and Mr. HOBSON):

H.R. 5633. A bill to ensure that children at highest risk for asthma are identified and treated; 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. SMITH of Texas:

H.R. 5634. A bill to amend title 28, United States Code, to provide prejudgment interest on certain judgments against the United States; to the Committee on the Judiciary.

By Mr. STRICKLAND (for himself, Mr. DEUTSCH, and Ms. SLAUGHTER):

H.R. 5635. A bill to prohibit the Federal Government from entering into contracts with companies that do not include certifications for certain financial reports required under the Securities Exchange Act of 1934; to the Committee on Government Reform, 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. TANCREDO:

H.R. 5636. A bill to establish a student loan forgiveness program for nurses; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado (for himself and Ms. SOLIS):

H.R. 5637. A bill to require Federal agencies to develop and implement policies and

practices that promote environmental justice, 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. UPTON (for himself and Mr. TAUZIN):

H.R. 5638. 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, and in addition to the Committee on the Budget, 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. WATKINS:

H.R. 5639. A bill to clarify the rights of United States citizenship and eligibility for Federal benefits for all enrolled members of the Kickapoo Tribe of Oklahoma and the Kickapoo Traditional Tribe of Texas, and for other purposes; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself and Mr. HALL of Texas):

H.R. 5640. A bill to amend title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged; to the Committee on Government Reform.

By Mr. WILSON of South Carolina:

H.R. 5641. A bill to amend the National Labor Relations Act to provide the National Labor Relations Board with expanded statutory authority with respect to employees and labor organizations engaged in or encouraging violent and other potentially injurious conduct; to the Committee on Education and the Workforce.

By Mr. YOUNG of Florida:

H.J. Res. 121. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 122. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget; Committees on Appropriations and the Budget discharged; considered and passed.

By Mr. NEY:

H. Con. Res. 508. Concurrent resolution resolving all disagreements between the House of Representatives and Senate with respect to H.R. 3295; considered and agreed to.

By Mr. MARKEY (for himself and Mr. PETERSON of Pennsylvania):

H. Con. Res. 509. Concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Associations Week; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma:

H. Con. Res. 510. Concurrent resolution commending the Minority Business Development Agency for its history of achievement in helping to create minority businesses enterprises and in helping those enterprises effectively compete in the national and global marketplace; to the Committee on Financial Services, and in addition to the Committee

on Small Business, 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. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BISHOP, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. WATT of North Carolina, Ms. WATSON, Mr. WYNN, Mrs. MALONEY of New York, Mr. HONDA, Ms. KAPTUR, Mr. KILDEE, and Mr. CARSON of Oklahoma):

H. Res. 581. A resolution recognizing the importance and accomplishments of the Thurgood Marshall Scholarship Fund; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself and Mrs. BIGGERT):

H. Res. 582. A resolution recognizing and supporting the goals and ideals of "National Runaway Prevention Month"; to the Committee on Government Reform.

By Mr. ISRAEL (for himself, Mr. LANTOS, and Mr. CANTOR):

H. Res. 583. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in remembrance of the victims of the Holocaust; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico:

H. Res. 584. A resolution supporting the goals and ideas of a National Sexual Assault Awareness Month; 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. 218: Mr. KANJORSKI.  
H.R. 488: Mr. FALEOMAVAEGA.  
H.R. 536: Mr. KIND and Mr. TOWNS.  
H.R. 547: Mr. GUTIERREZ.  
H.R. 632: Mr. CONDIT, Mr. GALLEGLY, Mr. COYNE, Mr. MASCARA, and Mr. FOLEY.  
H.R. 826: Mr. SKEEN, Ms. BERKLEY, and Mr. HOSTETTLER.  
H.R. 912: Mr. GORDON.  
H.R. 951: Mr. STEARNS.  
H.R. 1086: Ms. WOOLSEY.  
H.R. 1193: Mr. ENGEL and Mr. MALONEY of Connecticut.  
H.R. 1255: Ms. WOOLSEY.  
H.R. 1256: Mr. SMITH of New Jersey, Mr. DOGGETT, Ms. MILLENDER-MCDONALD, Mr. MCHUGH, and Mr. GREENWOOD.  
H.R. 1331: Mr. KENNEDY of Minnesota.  
H.R. 1362: Mr. DICKS.  
H.R. 1520: Mr. KIND.  
H.R. 1598: Mr. HOYER.  
H.R. 1624: Mr. TOM DAVIS of Virginia.  
H.R. 1904: Mr. SCHIFF.  
H.R. 1918: Mr. WAXMAN and Ms. BERKLEY.  
H.R. 2005: Ms. WOOLSEY.  
H.R. 2053: Mr. GUTIERREZ.  
H.R. 2570: Ms. WATERS.

H.R. 2638: Mr. CHAMBLISS.  
H.R. 2699: Mr. CAPUANO.  
H.R. 2735: Mr. TOOMEY and Mr. WILSON of South Carolina.  
H.R. 2874: Mr. GRUCCI.  
H.R. 3132: Mr. KILDEE, Mr. LARSEN of Washington, Mr. EHLERS, Mr. ANDREWS, Mr. CONYERS, Mr. BARGIA, Mr. GRUCCI, Mr. TAYLOR of Mississippi, Mr. GONZALEZ, Mr. PALLONE, Mr. ORTIZ, and Mr. KIRK.  
H.R. 3320: Mr. ANDREWS.  
H.R. 3413: Mr. GUTIERREZ.  
H.R. 3464: Ms. DELAURO.  
H.R. 3545: Mr. McDERMOTT, Ms. DELAURO, Mr. DOOLEY of California, Mr. SHOWS, and Mr. PRICE of North Carolina.  
H.R. 3659: Mrs. JO ANN DAVIS of Virginia, Mrs. CAPPS, Mr. EHLERS, Ms. VELÁZQUEZ, Mr. POMEROY, Mr. PASCRELL, Mr. ENGEL, Mr. PICKERING, and Mr. CRAMER.  
H.R. 3688: Ms. MILLENDER-MCDONALD.  
H.R. 3884: Mr. GORDON.  
H.R. 3961: Mr. BROWN of Ohio.  
H.R. 4000: Ms. MCCOLLUM.  
H.R. 4483: Mr. TOOMEY.  
H.R. 4643: Mr. GUTIERREZ.  
H.R. 4667: Mr. GRUCCI and Mr. PHELPS.  
H.R. 4668: Mrs. LOWEY.  
H.R. 4774: Mr. FRANK and Mr. BLAGOJEVICH.  
H.R. 4780: Mr. STUPAK, Mr. ISRAEL, Mr. SERRANO, Mr. BECERRA, Mr. KENNEDY of Rhode Island, Mr. HOYER, Mr. BOUCHER, Mr. WYNN, and Mr. FARR of California.  
H.R. 4843: Mr. ANDREWS, Ms. RIVERS, and Mr. KINGSTON.  
H.R. 4943: Mr. MALONEY of Connecticut.  
H.R. 4957: Mr. BLUMENAUER.  
H.R. 5013: Mr. ROHRBACHER, Mr. WAMP, and Mr. SCHAFFER.  
H.R. 5061: Ms. MILLENDER-MCDONALD.  
H.R. 5076: Mr. GUTIERREZ.  
H.R. 5085: Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Mr. JEFF MILLER of Florida, Mr. STUPAK, and Mrs. CAPPS.  
H.R. 5194: Mrs. DAVIS of California, Mrs. JONES of Ohio, Mrs. LOWEY, Ms. ESHOO, Mr. WAXMAN, and Mr. ENGEL.  
H.R. 5230: Mr. INSLEE and Mr. BLUMENAUER.  
H.R. 5235: Mr. BOEHNER.  
H.R. 5250: Mr. GOSS, Mr. LUTHER, Mr. HONDA, Mr. HAYES, Mr. JENKINS, Mr. SULLIVAN, Mr. PASTOR, and Mr. REYES.  
H.R. 5256: Mr. SÁNCHEZ, Mr. DOOLEY of California, Ms. PELOSI, Mr. SHEKMAN, Mr. WAXMAN, Mr. BACA, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. MILLENDER-MCDONALD, and Mr. GEORGE MILLER of California.  
H.R. 5270: Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. FROST, Mr. TIERNEY, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. SHIMKUS, Ms. McNULTY, Mr. MATHESON, and Mrs. LOWEY.  
H.R. 5302: Mr. DOOLEY of California.  
H.R. 5311: Mr. SMITH of Michigan.  
H.R. 5319: Mr. THOMAS and Mr. TAYLOR of North Carolina.  
H.R. 5334: Mr. GRUCCI, Mr. BLAGOJEVICH, and Mrs. MALONEY of New York.  
H.R. 5383: Mr. KANJORSKI, Mr. FILNER, Mr. GILMAN, Mr. BROWN of Ohio, and Mr. BALDACCIO.  
H.R. 5389: Mr. PALLONE and Ms. MILLENDER-MCDONALD.  
H.R. 5398: Mr. MCINNIS.  
H.R. 5411: Mr. GOODE, Mr. COYNE, Mr. PHELPS, Ms. WOOLSEY, Mr. GORDON, Ms. HOOLEY of Oregon, Ms. KILPATRICK, and Mr. REYES.  
H.R. 5414: Ms. PRYCE of Ohio and Mr. ENGLISH.  
H.R. 5416: Mr. SOUDER.  
H.R. 5462: Mr. HINOJOSA, Mr. INSLEE, Mr. HONDA, Mr. WILSON of South Carolina, Mr. HALL of Texas, and Mr. TIAHRT.

- H.R. 5479: Ms. LOFGREN.  
H.R. 5492: Mr. RANGEL, Ms. LEE, and Mr. TOWNS.  
H.R. 5493: Mr. OWENS.  
H.R. 5499: Ms. BERKLEY.  
H.R. 5508: Mr. WAMP and Mr. KENNEDY of Rhode Island.  
H.R. 5528: Mr. HOBSON, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. SHAW, Mr. McNULTY, Mr. TOWNS, Mr. CROWLEY, Mr. GILLMOR, Mr. KILDEE, Mr. FARR of California, Mr. LEWIS of California, Mr. DEAL of Georgia, Mr. BILIRAKIS, Mr. ABERCROMBIE, Mr. EHLERS, Mr. BLUNT, Mr. UPTON, Mr. ISRAEL, Mr. QUINN, Mr. ROGERS of Michigan, Mr. CALVERT, Mr. TAUZIN, Mr. MATSUI, Mr. ISAKSON, Mr. NEY, Mr. SWEENEY, Mr. SKEEN, Mr. CRANE, Mr. GIBBONS, Mr. PUTNAM, Mr. STEARNS, Mr. SCHROCK, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, and Mr. MCCRERY.  
H.R. 5533: Mr. RANGEL.  
H.R. 5541: Mr. DAVIS of Illinois, Mr. STARK, Ms. WOOLSEY, and Mr. RODRIGUEZ.  
H.R. 5554: Mr. WALSH, Mr. POMBO, and Mr. OTTER.  
H.R. 5575: Mr. SIMMONS, Mr. PITTS, and Mr. RILEY.  
H.R. 5586: Mr. KANJORSKI and Mr. MURTHA.  
H.R. 5587: Mr. HOUGHTON, Mrs. WILSON of New Mexico, Mr. PETERSON of Pennsylvania, Mr. CAMP, Mr. GEKAS, and Mrs. CAPITO.  
H.J. Res. 31: Ms. VELÁZQUEZ, Ms. MILLENDER-MCDONALD, Ms. NORTON, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, and Ms. BROWN of Florida.  
H.J. Res. 40: Mr. ROEMER.  
H. Con. Res. 351: Mr. GILMAN and Mr. STUPAK.  
H. Con. Res. 404: Mr. GUTIERREZ.  
H. Con. Res. 406: Mr. HONDA.  
H. Con. Res. 445: Mr. GRAVES, Mr. BILIRAKIS, Mr. OXLEY, Mr. CRANE, Mr. BAKER, and Ms. DUNN.  
H. Con. Res. 447: Mr. PENCE, Mr. BROWN of Ohio, Mrs. ROUKEMA, Ms. VELÁZQUEZ, Mr. KIRK, and Mr. SCHIFF.  
H. Con. Res. 466: Mr. CARSON of Oklahoma.  
H. Con. Res. 473: Ms. NORTON.  
H. Con. Res. 486: Mr. HOEKSTRA and Mr. WAMP.  
H. Con. Res. 502: Mr. ROSS, Mr. HINOJOSA, Mr. WALSH, Mr. TIAHRT, Mr. CLEMENT, and Ms. WOOLSEY.  
H. Res. 505: Mr. WAXMAN.  
H. Res. 560: Mr. EHLERS and Mr. KNOLLENBERG.  
H. Res. 571: Mr. TOWNS.

**SENATE—Thursday, October 10, 2002**

The Senate met at 9:15 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

**PRAYER**

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

Almighty God, all power and authority belong to You. You hold universes in Your hands and focus Your attention on the planet Earth. We humble ourselves before You. You alone are Lord of all nations and have called our Nation to be a leader in the family of nations. By Your providence You have brought to this Senate the men and women through whom You can rule wisely in the soul-sized matters that affect the destiny of humankind. With awe and wonder at Your trust in them, the Senators soon will vote on the resolution on Iraq as part of our Nation's ongoing battle against terrorism.

Grip their minds with three assurances to sustain them: You are Sovereign of this land and they are accountable to You; You are able to guide their thinking, speaking, and decisions if they will but ask You; and You will bring them to unity so that they may lead our Nation in its strategic role against terrorism and assist the free nations of the world in their shared obligation.

O God, hear our prayer. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

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

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 10, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

**SCHEDULE**

Mr. REID. Mr. President, debate will commence shortly on the Byrd amendment, with a vote expected in 20 minutes. Following that, there will be debate with respect to the motion to invoke cloture on the Lieberman substitute amendment for the Iraq resolution. The two leaders will control the last 30 minutes prior to the cloture vote. Following that vote, debate will occur on another Byrd amendment, with 60 minutes of debate, and then a vote will occur.

Following the vote on the second Byrd amendment, Senator LEVIN's amendment will be debated for a period of 95 minutes, to be followed by a vote. After disposition of the Levin amendment, the Durbin amendment will be considered for 40 minutes, and then there will be a vote.

Therefore, Senators should be alerted that votes will be occurring throughout the day, and the votes will end within the specified time of rollcall votes. The point is, we are going to try to stick closely to the time.

Other amendments are expected to be debated and voted on today in order to complete action on this legislation, which the leader wants to complete tonight.

**RESERVATION OF LEADER TIME**

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

**AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ**

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

The legislative clerk read as follows:

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

Pending:

Lieberman/Warner modified amendment No. 4856, in the nature of a substitute;

Byrd amendment No. 4868 (to amendment No. 4856, as modified), to provide statutory construction that constitutional authorities remain unaffected and that no additional grant of authority is made to the President

not directly related to the existing threat posed by Iraq;

Levin amendment No. 4862 (to amendment No. 4856), in the nature of a substitute.

Mr. MCCAIN. Mr. President, what is the parliamentary situation?

AMENDMENT NO. 4869, AS MODIFIED

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the amendment of the Senator from West Virginia.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4869, as modified.

The amendment, as modified, is as follows:

(Purpose: To provide a termination date for the authorization of the use of the Armed Forces of the United States, together with procedures for the extension of such date unless Congress disapproves the extension)

At the appropriate place, insert the following:

**SEC. 5. TERMINATION OF THE AUTHORIZATION FOR THE USE OF THE UNITED STATES ARMED FORCES.**

(a) IN GENERAL.—The authorization in section 4(a) shall terminate 12 months after the date of enactment of this joint resolution, except that the President may extend, for a period or periods of 12 months each, such authorization if—

(1) the President determines and certifies to Congress for each such period, not later than 60 days before the date of termination of the authorization, that the extension is necessary for ongoing or impending military operations against Iraq under section 4(a); and

(2) the Congress does not enact into law, before the extension of the authorization, a joint resolution disapproving the extension of the authorization for the additional 12-month period.

(b) CONGRESSIONAL REVIEW PROCEDURES.—

(1) IN GENERAL.—For purposes of subsection (a)(2), a joint resolution described in paragraph (2) shall be considered in the Senate and the House of Representatives in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936-1937), except that—

(A) references in those provisions to the Committee on Appropriations of the House of Representatives shall be deemed to be references to the Committee on International Relations of the House of Representatives; and

(B) references in those provisions to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate.

(2) JOINT RESOLUTION DEFINED.—For purposes of paragraph (1), the term "joint resolution" means only a joint resolution introduced after the date on which the certification of the President under subsection (a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That, pursuant to section 5 of the Authorization for the Use of Military Force



Against Iraq, the Congress disapproves the extension of the authorization under section 4(a) of that joint resolution for the additional 12-month period specified in the certification of the President to the Congress dated . . . , with the blank filled in with the appropriate date.

Mr. MCCAIN. And the time is running; is that correct?

The ACTING PRESIDENT pro tempore. There are 20 minutes overall—15 minutes to the sponsor of the amendment and 5 minutes in opposition. If nobody yields time, time will be deducted proportionately.

The Senator from West Virginia.

Mr. BYRD. Mr. President, does the distinguished Senator from Arizona wish to use any time at this point?

Mr. MCCAIN. No.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. BYRD. Mr. President, how much time does the distinguished Senator from Massachusetts wish?

Mr. KENNEDY. Four and a half minutes.

Mr. BYRD. I yield 5 minutes to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for the past few days we have debated the details of a resolution but not the implication of war with Iraq. We were into the debate on the resolutions for 2 days, and then a cloture motion was filed. I am reminded of the excellent statements made by my friend from West Virginia that this subject about war and peace deserves a longer period of time for discussion.

Earlier in the session, we debated for 21 days the Elementary and Secondary Education Act; 23 days on the energy bill; 19 days on trade promotion; 18 days on the farm bill—all extremely important, but this issue is far more so.

In facing the global challenges of these times, we defend American values and interests best when war is our last resort, not our first impulse. I commend President Bush for deciding in the end to take America's case to the United Nations. Make no mistake about it, this resolution lets the President go it alone. Iraq should have no doubt of the unity of the American purpose and the seriousness of our intent. Having suffered the tragedy of September 11, we will leave no stone unturned in the defense of innocent Americans.

The question is not whether we will disarm Saddam Hussein of his weapons of mass destruction but how. And it is wrong for Congress to declare war against Iraq now before we have exhausted the alternatives. It is wrong for the President to demand a declaration of war from Congress when he says he has not decided whether to go to war. It is wrong to avert our attention

now from the greater and far more immediate threat of Osama bin Laden and al-Qaeda terrorism.

Pick up the paper and see the different headlines: "Attacks Put Troops on Alert"; "They fear contact with al-Qaeda"; "Tape, Assaults Stir Worry About Resurgent Al Qaeda"; and the list goes on about the al-Qaeda activities all over the world.

We cannot go it alone on Iraq and expect our allies to support us.

We cannot go it alone and expect the world to stand with us in the urgent and ongoing war against terrorism and al-Qaeda.

We cannot go it alone in attacking Iraq and expect Saddam to keep his weapons of mass destruction at bay against us or our ally Israel.

We cannot go it alone while urging unprincipled regimes to resist invasions of their adversaries.

The better course for our Nation and for our goal of disarming Saddam Hussein is a two-step policy. We should approve a strong resolution today calling on the United Nations to require Iraq to submit to unfettered U.N. weapons inspections or face U.N.-backed international force. If such option fails, and Saddam refuses to cooperate, the President could then come to the Congress and request Congress to provide him with authorization to wage war against Iraq.

By pursuing this course, we maximize the chance that the world can disarm Saddam without our going to war or, if war was necessary, we would be joined by allied troops in the cause. In the end, having tried these options and failed, our allies are far more likely to support our intervention should we elect to attack alone.

The world looks to America not just because of our superior might or economic weight; they admire us and emulate us because we are a friend and ally that defends freedom and promotes our values around the globe. Those same traits that are the envy of the world should guide us today as we conclude this important debate.

I thank the Senator from West Virginia, and I yield back to him the remainder of my time.

Mr. BYRD. Mr. President, I thank the Senator. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 11 minutes.

Mr. BYRD. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I understand we have 5 minutes. I yield that 5 minutes to the Senator from Connecticut however he chooses to use it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I thank my colleague from Arizona.

The amendment of the Senator from West Virginia which is before us would

terminate, 12 months after the date of enactment of the underlying joint resolution, the authorization given in that resolution. In other words, it would put a time limit of a year subject to extension, but, nonetheless, a time limit for a year on the authorization provided in the underlying resolution.

I say to my colleagues respectfully, this amendment is unprecedented and unwise. It is unprecedented in the sense that in brief research overnight, I have not been able to find an occasion in which Congress has exercised authority with regard to military action under article I of the Constitution when Congress has attached a time limit to it.

There was one occasion when time limits were discussed with regard to the deployment of American forces in Bosnia, the Balkans, during the nineties, but I think we saw there why congressional imposition of time limits on authorization of military action is unwise.

Why is it unwise? It is unwise because it gives notice to our enemies that there is a limit to the authority we are giving the President as Commander in Chief of our military forces. It allows them to calculate their actions based on that limited duration.

In Bosnia, when that deadline was articulated by the administration, it created expectations which were quite naturally frustrated and therein created a credibility gap.

There is a deadline in the underlying resolution, and the deadline is what it ought to be and always has been for military actions in which the Armed Forces of the United States have been involved. The authorization ends when the mission is accomplished, and in this case the authorization would end when the two missions stated were accomplished: When the President as Commander in Chief concluded that America was adequately protected, our national security was adequately protected from threats from Iraq, and that the relevant United Nations resolutions were adequately being enforced. That is the deadline.

If the mood of Congress should change, if the attitude of the public should change, Congress always reserves, as it has shown in the past, the power of the purse and the power to change its opinion. But this amendment at this time, as we try to gather our strength and unity of purpose to convince the international community to join with us, as they surely will, is to finally get Saddam Hussein to keep his promise to disarm at the end of the gulf war.

We need no limitations on authority. We need to speak with a clear voice. As it says in the Bible, if the sound of the trumpet be uncertain, who shall follow? And if we put a 12-month time limit on the authority of the underlying resolution, I fear that fewer will

follow and the result will be much less than we want it to be.

I reserve the remainder of my time.

Mr. McCAIN. Mr. President, I oppose the amendment offered by the Senator from West Virginia, which would sunset the authority Congress would grant to the President in this resolution to defend American security against the threat posed by Iraq.

As the Senator has pointed out, the 12-month limit on congressional authorization for the use of force his amendment would set could be extended by presidential or congressional action. However, these requirements are onerous and infringe upon the authority of the Commander in Chief to meet his obligations to protect American security.

The concept of imposing a deadline after which the President loses his authority to achieve the goals set out in the Iraq resolution strikes me as losing sight of the objective of a congressional authorization of the use of force: ending the threat to the United States and the world posed by Saddam Hussein's regime, so long as it possesses weapons of mass destruction and defies its obligations to the world.

So long as that threat persists, and with Congress and the President having agreed that Saddam Hussein's regime endangers America, congressional authority for the President to use force must remain in force until he has met our common objective of disarming Saddam Hussein.

To place a limit on the amount of time the President possesses this authority, once Congress has granted it to him, would only encourage Saddam Hussein to stall and temporize on his commitments, knowing that the clock is working in his favor. Such an incentive would make us less secure, not more secure.

If the vast majority of Members of Congress and the American people agree upon the threat posed by Saddam Hussein's Iraq, and if we accept that the President will confront this danger within the parameters we have laid out in this congressional resolution, what about that threat would change in 12 months, assuming we have not acted against it by that time, that would somehow negate the President's need for the authority to meet it?

If anything, the threat posed by Saddam Hussein's regime will only grow with time. Private and public estimates are that Saddam Hussein could possess nuclear weapons within six months to a year were he to acquire weapons-grade plutonium on the international market.

That's why the President has requested the authority to act now. Saddam Hussein represents a grave and gathering danger. I hope he is no longer in power 1 year from now. But there is certainly a chance he could be.

Congress cannot foresee the entire course of this conflict. Acting now to

deprive the President 12 months from now of the authority we would grant him in this resolution would be an infringement on the authority of the Commander in Chief and a strange way to respond to the grave threat to American national security posed by Saddam Hussein's regime.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. I yield 2 minutes to the distinguished Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from Connecticut is right that article 1 of the Constitution does not provide for this, but article 1 of the Constitution also does not provide for a declaration of war before the President is asked to go to war. So this is a very different circumstance. The President has not asked us to go to war. He has said he wants the power to be able to go to war. It seems completely consistent with that request that we say: Yes, Mr. President, you have that power to go to war; you can do that within 1 year. If, in fact, you go to war in 1 year, you can extend that 1 year.

Let me put it this way. If we are 2 years down the road still fooling around with Iraq, then my friends from Connecticut and other places have been so dead wrong about what we are supposed to do that it would be amazing.

I point out that this is nothing like Bosnia and nothing like the Balkans. In that case, we were in the Balkans. There were forces there, and there were people on the floor who were attempting to put a time on how long they could stay after we had gone in, after we had already prevailed, after we were in place.

The third point I make in the 2 minutes I have is, we learned from Vietnam the power of the purse is useless. The power of the purse is useless because it presents us with a Hobson's choice. We have our fighting men and women in place and we are told, by the way, the President will not take them home so let's cut off the support for them so they have no guns, no bullets, no ability to fight a war. And no one is willing to do that. This is a prudent way to do this, totally consistent with what the President is asking. I think it makes absolute eminent sense. I congratulate the Senator. Even though I disagree with him on his underlying notion, I do think he is right on this point and I support him.

Mr. BYRD. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes 20 seconds.

Mr. BYRD. I ask to be notified when I have 2 minutes left.

Mr. President, 38 years ago I, ROBERT C. BYRD, voted on the Tonkin Gulf Resolution—the resolution that authorized the President to use military force to “repel armed attacks” and “to prevent further Communist aggression” in Southeast Asia.

It was this resolution that provided the basis for American involvement in the war in Vietnam.

It was the resolution that led to the longest war in American history.

It led to the deaths of 58,000 Americans, and 150,000 Americans being wounded in action.

It led to massive protests, a deeply divided country, and the deaths of more Americans at Kent State.

It was a war that destroyed the Presidency of Lyndon Johnson and wrecked the administration of Richard Nixon.

After all that carnage, we began to learn that, in voting for the Tonkin Gulf Resolution, we were basing our votes on bad information. We learned that the claims the administration made on the need for the Tonkin Gulf Resolution were simply not true, and history is repeating itself.

We tragically and belatedly learned that we had not taken enough time to consider the resolution. We had not asked the right questions, nor enough questions. We learned that we should have been demanding more hard evidence from the administration rather than accepting the administration at its word.

But it was too late.

For all those spouting jingoism about going to war with Iraq, about the urgent need for regime change no matter what the cost, about the need to take out the evil dictator—and make no mistakes, I know and understand that Saddam Hussein is an evil dictator—I urge Senators to go down on The Capitol Mall and look at the Vietnam Memorial. Nearly every day you will find someone at that wall weeping for a loved one, a father, a son, a brother, a friend, whose name is on that wall.

If we are fortunate, a war with Iraq will be a short one with few American deaths, as in the Persian Gulf war, and we can go around again waving flags and singing patriotic songs.

Or, maybe we will find ourselves building another wall on the mall.

I will always remember the words of Senator Wayne Morse, one of the two Senators who opposed the Tonkin Gulf Resolution. During the debate on the Tonkin Gulf Resolution, he stated: “The resolution will pass, and Senators who vote for it will live to regret it.”

Many Senators did live to regret it.

The Tonkin Gulf Resolution contained a sunset provision to end military action. S.J. Res. 46 will allow the President to continue war for as long as he wants, against anyone he wants as long as he feels it will help eliminate the threat posed by Iraq.

With the Tonkin Gulf Resolution, Congress could “terminate” military action. With S.J. Res. 46, only the President can terminate military action.

I should point out that the Tonkin Gulf Resolution and S.J. Res. 46 do have several things in common. Congress is again being asked to vote on

the use of force without hard evidence that the country poses an immediate threat to the national security of the United States. We are being asked to vote on a resolution authorizing the use of force in a hyped up, politically charged atmosphere in an election year. Congress is again being rushed into a judgment.

This is why I stand here today, before this Chamber, and before this Nation, urging, pleading for some sanity, for more time to consider this resolution, for more hard evidence on the need for this resolution.

Before we put this great Nation on the track to war, I want to see more evidence, hard evidence, not more Presidential rhetoric. In support of this resolution, several people have pointed out that President Kennedy acted unilaterally in the Cuban missile crisis. That is true. I remember that. I was here. I also remember President Kennedy going on national television and showing proof of the threat we faced. I remember him sending our UN ambassador, Adlai Stevenson, to the United Nations, to provide proof to the world that there was a threat to the national security of the United States.

All we get from this administration is rhetoric. In fact, in an address to our NATO colleagues, Defense Secretary Donald Rumsfeld, according to the Chicago Tribune, urged our allies to resist the idea for the need of absolute proof about terrorists intent before they took action.

Before we unleash what Thomas Jefferson called the "dogs of war," I want to know, have we exhausted every avenue of peace? My favorite book does not say, blessed are the war makers. It says: "Blessed are the peacemakers." Have we truly pursued peace?

If the need for taking military action against Iraq is so obvious and so needed and so urgent, then why are nearly every one of our allies opposed to it? Why is the President on the phone nearly every day trying to convince our allies to join us?

So many people, so many nations in the Arab world already hate and fear us. Why do we want them to hate and fear us even more?

People are correct to point out that September 11 changed everything. We need to be more careful. We need to build up our intelligence efforts and our homeland security. But do we go around pounding everybody, anybody, who might pose a threat to our security? If we clobber Iraq today, do we clobber Iran tomorrow?

When do we attack China? When do we attack North Korea? When do we attack Syria?

Unless I can be shown proof that these distant nations do pose an immediate, serious threat to the national interests and security of the United States, I think we should finish our war on terrorism. I think we should de-

stroy those who destroyed the Trade Towers and attacked the Pentagon. I think we should get thug No. 1 before we worry about thug No. 2.

Yes, September 11 changed many aspects of our lives, but people still bleed. America's mothers will still weep for their sons and their daughters who will not come home.

September 11 should have made us more aware of the pain that comes from being attacked. We, more than ever, are aware of the damage, the deaths, and the suffering that comes from violent attacks.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. BYRD. I thank the Chair.

This is what we are about to do to other countries. We are about to inflict this horrible suffering upon other people.

Of course, we do not talk about this. We talk about taking out Saddam Hussein. We are talking about taking out Iraq, about "regime change."

I do not want history to remember my country as being on the side of evil.

During the Civil War, a minister expressed his hope to President Lincoln that the Lord was on the side of the North. The Great Emancipator reportedly rebuked the minister stating:

It is my constant anxiety and prayer that I and this nation are on the Lord's side.

Before I vote for this resolution for war, a war in which thousands, perhaps tens of thousands or hundred of thousands of people may die, I want to make sure that I and this Nation are on God's side.

I want more time. I want more evidence. I want to know that I am right, that our Nation is right, and not just powerful.

And I want the language that is in this amendment so that Congress can oversee this power grab and act to terminate it at some point in time—giving the President the opportunity to extend the time but let's keep Congress in the act.

Senators, vote for this amendment. I plead with you.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, I am opposed to the Byrd amendment, for this is a resolution to deter war.

The amendment proposed by Senator BYRD would insert into the joint resolution, language which would state that nothing in that joint resolution: is intended to alter the constitutional authorities of the Congress to declare war, grant letters of marque and reprisal, or other authorities invested in Congress by Article I, Section 8, of the Constitution; or shall be construed as granting any authority to the President to use the U.S. Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and

direct attack upon the U.S. or its armed forces unless the Congress otherwise authorizes.

The amendment of the Senator from West Virginia attempts to do something that the Framers of the Constitution did not attempt—to define, with particularity, the extent of the President's powers as Commander in Chief of the Armed Forces. Specifically, it would limit the authority of the President to use Armed Forces to a narrowly defined set of circumstance—"a clear threat of imminent, sudden and direct attack upon the United States or its Armed Forces." Even when the United States enjoyed genuine geographic and political isolation from the Old World, such a limitation could not be maintained. Within a decade of the ratification of the Constitution, the United States engaged in an undeclared naval war with France. Shortly thereafter, we engaged in undeclared war with the Barbary States of North Africa, who had engaged in piratical depredations against American shipping.

In 1861, President Lincoln, faced with an unprecedented situation, imposed a blockade—an act of war normally employed against a foreign enemy—upon the Southern Confederacy. He did this without congressional authorization. The Supreme Court later upheld this action in the famous Prize Cases, stating that the President had a constitutional duty to meet the insurrection as he found it; the determination that a state of war existed was for him to make.

This is not a Republican or Democratic issue. Since 1945, Presidents of both parties have repeatedly committed American troops abroad without formal congressional approval. Whether in Korea, Grenada, Panama, Kosovo, or numerous other areas of the world, our Presidents have used their powers as Commander in Chief to protect the Nation and American interests whenever they, in their considered judgment, thought it best to do so. The Clinton administration, which committed American troops to military operations abroad on an unprecedented scale in situations not involving imminent danger of attack to the United States, did not request formal congressional approval for any of those operations—believing that the President possessed the constitutional authority to do so. Indeed, the Secretary of State in 1998 publicly stated that the 1991 congressional resolution authorizing the use of force against Iraq, together with existing Security Council resolutions, constituted sufficient authority for the use of force against Iraq.

On September 11th of last year the American people awoke to the realization that they were in imminent danger, had been for some time, and this danger gives no warning. It is a different type of danger, but no less real

and no less threatening to the Nation than more traditional ones. As the President reminded us in his speech to the Nation on Monday evening:

Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints . . . confronting the threat posed by Iraq is crucial to winning the war on terror.

On the Today Show this week, Richard Butler, former head of UNSCOM, was asked how easy it would be for the Iraqis to arm a terrorist group or an individual terrorist with weapons of mass destruction. His response was "Extremely easy. If they decided to do it, piece of cake!"

They may already have done it. The danger is clear, present, and imminent. We must grant the President the authority to use armed force to protect the Nation, and the flexibility to employ that force as seems best to him. Our enemies are cunning and flexible; we cannot defeat them with anything less.

The Byrd amendment regarding preservation of Congress's constitutional authorities is unnecessary. The portion of the amendment that would limit the authority of the President to wage war is, arguably unconstitutional. The Congress can declare war, but it cannot dictate to the President how to wage war. No law passed by Congress could alter the constitutional separation of powers.

I urge my colleagues to defeat this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield the remaining time on our side to my friend from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Connecticut for his thoughtful statement. I want to say in the few remaining seconds that to view the cause of the tragedy of the Vietnam war as being the Tonkin Gulf resolution is a somewhat, in my view, simplistic view.

There were a lot of factors that entered into the beginning and the continuation of the Vietnam war. The Tonkin Gulf resolution was simply window dressing. At any time the Congress of the United States could have reversed that resolution and chose not to.

The ACTING PRESIDENT pro tempore. The time in opposition has expired.

The sponsor has 37 seconds.

Mr. BYRD. Mr. President, this is a Tonkin Gulf resolution all over again. Let us stop, look, and listen. Let us not give this President, or any President, unchecked power. Remember the Constitution. Remember the Constitution.

Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. They have not.

Mr. LIEBERMAN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to Byrd amendment No. 4869, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Maryland (Ms. MIKULSKI), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. MILLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 66, as follows:

[Rollcall Vote No. 232 Leg.]

#### YEAS—31

|          |          |             |
|----------|----------|-------------|
| Akaka    | Dodd     | Leahy       |
| Biden    | Dorgan   | Levin       |
| Bingaman | Durbin   | Rockefeller |
| Boxer    | Feingold | Sarbanes    |
| Byrd     | Harkin   | Schumer     |
| Cantwell | Hollings | Stabenow    |
| Chafee   | Inouye   | Torricelli  |
| Clinton  | Jeffords | Wellstone   |
| Conrad   | Kennedy  | Wyden       |
| Corzine  | Kerry    |             |
| Dayton   | Kohl     |             |

#### NAYS—66

|           |            |             |
|-----------|------------|-------------|
| Allard    | Ensign     | Miller      |
| Allen     | Enzi       | Murkowski   |
| Baucus    | Feinstein  | Murray      |
| Bayh      | Fitzgerald | Nelson (FL) |
| Bennett   | Frist      | Nelson (NE) |
| Bond      | Graham     | Nickles     |
| Breaux    | Gramm      | Reed        |
| Brownback | Grassley   | Reid        |
| Bunning   | Gregg      | Roberts     |
| Burns     | Hagel      | Santorum    |
| Campbell  | Hatch      | Sessions    |
| Carnahan  | Hutchinson | Shelby      |
| Casper    | Hutchison  | Smith (NH)  |
| Cleland   | Inhofe     | Smith (OR)  |
| Cochran   | Johnson    | Snowe       |
| Collins   | Kyl        | Specter     |
| Craig     | Landrieu   | Stevens     |
| Crapo     | Lieberman  | Thomas      |
| Daschle   | Lott       | Thompson    |
| DeWine    | Lugar      | Thurmond    |
| Domenici  | McCain     | Voinovich   |
| Edwards   | McConnell  | Warner      |

#### NOT VOTING—3

|       |         |          |
|-------|---------|----------|
| Helms | Lincoln | Mikulski |
|-------|---------|----------|

The amendment (No. 4869), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 45 minutes prior to the cloture vote on amendment No. 4856, as modified. Under the previous order, the first 15 minutes shall be under the control of the Senator from West Virginia, Mr. BYRD, the second 15 minutes shall be under the control of the Republican leader, and the third 15 minutes shall be under the control of the majority leader.

Mr. BYRD. Mr. President, I yield 5 minutes of my 15 minutes to the distinguished Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished President pro tempore and the Chair.

Mr. President, I have sought this time to register my very strong objection to cloture on this resolution authorizing the use of force, which is the equivalent of a declaration of war. In my 22 years in the Senate, the only issue which has been of equal importance was the authorization for the use of force in 1991. The motion to invoke cloture, which is to cut off debate, is supposed to be done when there is a filibuster. However, there is no filibuster present on this issue.

I came to the floor yesterday in an effort to participate in a colloquy with Senator LIEBERMAN, the lead proponent of the bill, and found that all the time was allotted and all the time was taken. When no one appeared, we had about 3 minutes to discuss an issue which really required 30 minutes or an hour. I then sought time later in the afternoon, and all the time was taken. I then sought time this morning and find that the only time which is available is some time after 5 p.m. this afternoon.

It is customary in the Senate to see two lights on for a quorum call, but there have been very few quorum calls on this resolution—really none—except when Senators are on their way to the floor or when there are discussions. So there has certainly not been any effort to filibuster. Those who sought time to come over and discuss important issues have found that there is no time to do so.

We now have a series of amendments lined up with time allocations which are very brief. To discuss the cloture resolution itself in 45 minutes is very limited. To discuss the amendments which are pending is very difficult. There is in the bill a change from the 1991 resolution which has an objective test for the President to use force to carry out U.N. resolutions, whereas in the current resolution, it is subjective as the President sees fit. That is a matter of great moment which has not been debated in the Senate.

The resolution has numerous whereas clauses so that one can read the resolution to justify the use of force if the Iraqi Government continues to abuse its citizens. I would not want to say the Iraqi Government has not abused its citizens, but I do not believe anyone is seriously contending that is the basis for the President to take the United States to war. To stop Saddam Hussein from having weapons of mass destruction which pose a threat to the United States, is a reason.

Then there is the issue of regime change, which is in the whereas clause.

The resolution contains a provision for U.S. national security interests. I posed questions to the Senator from Connecticut yesterday as to whether regime change was comprehended in our national security interest. That has yet to be answered.

The point I am making is that this is a matter which requires discussion and analysis. I do not believe it helps the President of the United States to have the Senate rush to judgment. It is not quite a blank check. It is not quite a knee-jerk reaction, but it is not the kind of deliberation that ought to characterize the work of this body. It would be unfortunate if the Senate votes for a resolution authorizing the use of force notwithstanding the questions which I have raised, although I said on the floor before that I may well support the President. However, if we do so in a context of deliberation and thoughtfulness when people like Senator LIEBERMAN, Senator MCCAIN, Senator WARNER, Senator BIDEN, Senator JEFFORDS, and other Members, put our imprimatur on it, it has some significance in the international arena, providing it is debated, and providing there is some lucid discussion on all of the issues we are confronting.

I noted in the "Philadelphia Inquirer" this week the comment of a House member: The President has handcuffed us. I am voting yes on this resolution because I think ultimately the box the President has put us in has forced us to vote in the interests of national security.

I do not think we ought to vote for this resolution because we are being handcuffed. I do not think anyone anywhere ought to vote for a resolution for being handcuffed or for being put in a box.

These are matters which require a lot of analysis and a lot of debate. The cloture motion will cut off nongermane amendments. That is a very tight restriction. Other amendments ought to be offered which are very important to the discussion on this critical matter. I thank the Senator from West Virginia, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator for a very courageous statement.

The Polycratichus of John of Salisbury, completed in 1159, says that Nero, the sixth in line from Julius, having heard the Senate had condemned him to death, begged that someone would give him courage to die by dying with him as an example. When he perceived the horseman drawing near, he upbraided his own cowardice by saying: "I die shamefully." So saying, he drove the steel into his own throat and thus, says John of Salisbury, came to an end the whole House of the Caesars.

Mr. President, here in this pernicious resolution on which the Senate will

vote soon, we find the dagger that is being held at the throat of the Senate of the United States. I say to my friends, we ought to pause and wonder if Captain John Parker and his minute-men fought on the green of Lexington for this piece of rag, this so-called resolution. When Parker lost 8 or 10 of his men with that first shot, is this what they died for, this resolution? Is that what they died for?

How about John Paul Jones, when he was fighting the *Serapis*. He was the captain of the *Bon Homme Richard* when he said, I have not yet begun to fight. What he was fighting for? Was he fighting for this piece of cowardice here in this resolution that gives to the President—lock, stock and barrel—the authority to use the military forces of this country however he will, whenever he will, and wherever he will, and for as long as he will?

We are handing this over to the President of the United States. When we do that, we can put a sign on the top of this Capitol, and we can say: "Gone home." "Gone fishing." "Out of business."

I don't believe our forebears died for that kind of a piece of paper. How about Nathan Hale? He, too, was from Connecticut, may I say to the chief sponsor of this resolution. Nathan Hale volunteered to go into the British lines when he was called upon to do so by George Washington. He volunteered. He went behind the British lines to draw the gun emplacements, the breastwork of the British. And on the night of September 21, 1776, he was prepared to return to his own lines. He had on his person the pictures that he had drawn, the notes he had made, and he was discovered as a spy on the night of September 21, 1776. Nathan Hale.

The next morning he was hauled up before a wooden coffin in which he knew that his body would soon lie and grow cold. And the captain of the British, Captain Cunningham, said to Nathan Hale: Do you have anything that you would like to say? He had already been refused a Bible. He was asked, did he have anything further.

He said: I only regret that I have but one life to lose for my country.

Nathan Hale gave his own life, one life. It was all he had. Can we give one vote for our country today? Each of us took an oath under this Constitution. You took it in the chair, Mr. President. Mr. Senator from Virginia, you took it. This is the Constitution that James Madison from the State of Virginia helped to write; that George Washington helped to write. We take an oath to support and defend that Constitution. Are we defending it here today? Are we defending the role of the Senate as set forth in this Constitution which says Congress shall declare war?

Here we are about to hand off that role, that responsibility, to a President of the United States without limita-

tion. He can go on and on. We are out of it. Once we pass this resolution and it is signed by the President, Senators are out of it. You can complain, but it won't help.

I say that we are denying the American people their right to be heard. Here we are being shut off on a cloture vote. I know the rules of the Senate. I have used the cloture vote myself. But in a situation such as this, I have pleaded for time, more time. I have been turned down.

The American people out there are going to render a judgment. They are going to render a judgment on every Senator in this body before it is over. I pray to God that if we go to war with Iraq, we will be lucky. I pray to God we will be lucky.

Nobody will support this country in war any more strongly than will I. But here today we are being tested. I didn't swear to support and defend the President of the United States when I came here. I pledged on the Bible up there on the desk to support and defend the Constitution of the United States, so help me God. That was no light prayer. That was no light oath.

I think we ought to look inside of ourselves. Look at our children and grandchildren. Look in the mirror and see if you can say: Old buddy, I voted for what I thought was right. I voted with the Constitution.

They say: Well, support our Commander in Chief. He is Commander in Chief of the Army and Navy and the militia when called into service. He is not Commander in Chief of industry. He is not Commander in Chief of the Senate of the United States. So where are the Nathan Hales today who would give their life, their own life for their country? Give one vote for this Constitution. After all, if it were not for this Constitution, I wouldn't be here. You would not be here. You would not be here. None of us would be here. But because of this Constitution, we are here today.

The people want us to ask questions. They want us to take a stand. They want us to take a stand against this stampede. Where are Senators today? Where are the backbones that stand up for the people? How many mothers, how many fathers will see their sons and their daughters die possibly in a war in a foreign land?

I say, my friends, I am sorry to see this day. This is my 50th year in Congress. I never would have thought I would find a Senate which would lack the backbone to stand up against the stampede, this rush to war, this rush to give to the President of the United States, whatever President he is, whatever party, this rush to give a President, to put it in his hands alone, to let him determine alone when he will send the sons and daughters of the American people into war, let him have control of the military forces. He will not only make war, but he will declare war.



That flies in the face of this Constitution. This Constitution does not give to a President of the United States the right to determine when, where, how, and for how long he will use the military forces of the United States.

I plead to Senators in the name of this Constitution: We need people who will stand up for the American people. We need Senators who will take a stand. I hope Senators will take what I am saying in the best of spirit. I think we are making one horrible mistake.

Remember: I only regret that I have but one life to lose for my country. Nathan Hale.

The PRESIDING OFFICER. Under the previous order, the next 15 minutes will be controlled by the Republican Party.

The Republican leader is recognized.

Mr. LOTT. Mr. President, I believe under the agreement, I have 15 minutes of this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. I will use approximately 5 minutes of the time and yield the remainder of my time to Senator WARNER.

I would like to begin by saying how much I appreciate the work that has been done here in handling this legislation, having a full debate. Senator WARNER has been here joining in the discussion, Senator REID, Senator MCCAIN. There has been a serious effort to make sure we had an orderly process where Senators could make their feelings known. There has been thoughtful discussion on both sides of the issue, and there might have been one or two quorum calls the whole time because Senators have known, when you come to the floor, this will be your opportunity to speak on this issue.

And there will be more time today. As I look at the schedule that was lined up through the diligent efforts of Senator WARNER, Senator MCCAIN, and Senator REID, we are going to have votes on amendments—even amendments that would not be germane postcloture. There has been a real effort to make sure Senator BYRD and Senators LEVIN, DURBIN, BOXER, and others have an opportunity to offer amendments and make their case. We will have five votes between now and approximately 4 o'clock this afternoon.

Mr. President, I remember the discussion back in 1991 on the Persian Gulf resolution. I think we had about 2 days of debate previously, and 2½ days when we actually took up the debate—when it passed. It was a very important debate. I thought it was an occasion when the Senate proved it is the world's greatest deliberative body. It was very serious. Every Senator spoke, we had the vote, and it passed. I thought it was one of the high-water marks since I have served in the Senate. It was only 2½ days and every Senator got a chance to speak.

In 1998, at the request of President Clinton, I moved aggressively, in a bipartisan way, to pass the Iraqi Liberation Act. As I recall, at that time, Senator KYL worked with me on that issue, Senator WARNER was involved, as were Senators KERRY and LIEBERMAN, and we passed that resolution, which also called for a regime change unanimously, with very short debate—as I recall, maybe even a half day, or a day at the most. But it was important debate and an important vote.

So when we have been called on by Presidents of both parties to address this very serious issue in this very serious area of the world, we have handled it in the right way. I think that is the case here. Senators were told in my conference, and I know Senator DASCHLE told his side's conference, you will be able to speak on Friday and, again, on Monday. We will stay as long as you need. We had all day yesterday. A great effort was made to make sure Senators had a chance to speak. Now Senators have a chance to offer amendments and speak on them. After the vote between 3 and 4 o'clock, there will be more time because Senators do feel strongly about this and want an opportunity to be heard. They are going to have that opportunity.

I believe this issue has been aired fully. It is not new. We have been worrying about this, talking about this, and debating the seriousness of the threat from Saddam Hussein and his weapons of mass destruction for years—really, for 11 years. There is new information that is available. We have had our classified briefings. I have made sure Senators on our side—and I know the administration has made sure Senators on both sides of the aisle—have had a chance to get briefings at multiple opportunities. So Senators know what the issue is. We have seen, yesterday, Senators from both parties moving toward giving the President the authority to do this job.

I hope we can get inspectors in there, that they can find the weapons of mass destruction, and they are destroyed. But I don't trust Saddam Hussein. His record is clear. I think, once again, he will resist, he will agree, he will dissemble. In the end, he will try to block this. You can always hope and pray we will find a solution here.

The President of the United States has listened to the American people, to the Congress, to the U.N., and our allies. The President came to the Congress and said, yes, I want your input. He sent up some suggested language on this resolution, and it was changed once and then twice; significant changes were made at the recommendation of Senators on both sides of the aisle. So he has worked with us in this effort. He encouraged our involvement and our debate. He has gone to the U.N. and called on them to stand up to their commitment and do their

job, and quit passing resolutions that are not backed or demanded to be complied with, with force if necessary. He did the job. He and his administration, including the Secretary of State, Colin Powell, have worked with allies at the U.N. and with our allies around the world. This President has made it clear he is not going to act precipitously, but he is prepared to act.

This President has led with commitment and has shown leadership. He is prepared to try to find a peaceful solution here. But unless we make it clear he is committed, we are committed, and the U.N. is committed, this problem will not go away. It is serious and it is imminent. It takes but one person with a small container to bring very dangerous weapons of mass destruction into this country.

Some people say, why now? Well, because the threat is not going to lessen. It has been 4 years since we passed the Iraqi Liberation Act in 1998. I suspect matters have gotten much worse. Besides that, the U.N. is going to be leaving soon for the year and won't be back until next August. We want to see action from the U.N. We need to act to show our commitment, and we need to show our determination to get them to act in a way that has real force.

I think we have had a full debate and we will have more debate. To try to delay it another day, another week, is not going to be helpful. We need to stand up now, show we mean what we say, and we are going to get the results and, by doing that, perhaps something can be worked out without the use of force. But this President has asked for this. This Senate is committed to this. I believe the vote will be overwhelming.

I urge my colleagues to vote for cloture. There will be times for postcloture debate. We have bent over backward to make sure everybody had an opportunity and will still have an opportunity to speak and even offer amendments.

With that, I yield the remainder of my time to the Senator from Virginia, who has done a magnificent job in fairly managing this legislation.

Mr. WARNER. I thank the leader. I appreciate very much the calm tone with which he addresses this issue of a rush to judgment. Regrettably, our colleague from Pennsylvania used those terms. I was reminded of being here last Friday afternoon for 5½ hours. What a memorable opportunity it was with my distinguished colleague from West Virginia. Senator KENNEDY and Senator DODD joined in. I think we went about a very constructive debate and exchanged our views. Senator BYRD and I debated again on Monday, Tuesday, and Wednesday. Here we are on the fifth day.

Mr. President, this is not a rush to judgment. This is the Senate working diligently. Most of us were here close

to 11 o'clock last night. In parallel, as the distinguished leader said—I remember it so well—the period of January 10 through 12, when a resolution, again drawn up by my colleague from Connecticut, the principal sponsor this time, at that time I was the principal sponsor. It was carefully debated. The Senate is doing its job and doing it well. We have had a very good debate and we will complete that debate here today, tomorrow, or whatever the case may be.

I wish to draw the attention of the Senate to the last vote—a very strong vote, not against our colleague from West Virginia. But I thought, as he mentioned the Gulf of Tonkin, how appropriate it was that in the leader's chair, Senator MCCAIN, my partner who is working diligently with me on this side, spoke very softly of his experience. I don't know of anyone in this Chamber more qualified than he to speak to that period, and the relevance of that resolution. I was Secretary of the Navy for 5 years, and Under Secretary during that period of time, and we remember well that period.

I wish to talk about the President of the United States. As I look upon this situation and listen to the debate, I think we are of a mind, all 100 of us, of the seriousness of these weapons of mass destruction. We may have a difference of conscience as to the level of threat posed perhaps today, tomorrow, in the future, but it is there. This is no question.

I stop to think that the United Nations has done nothing for 4 years. They have not sought to enforce the resolutions, 16 in number. It has been this President, President George Bush, who has taken the initiative to go not only to the American people, but to the whole world, and very carefully and methodically tell the world we should be on alert; we cannot do nothing. We should join as a community of nations to address it. He said that at the United Nations very brilliantly. I think everyone in this body respects him.

As we are debating today, another debate is taking place in the U.N. To the extent this resolution remains strong as it is now is the extent to which we can expect an equal and perhaps even stronger statement of resolve by the United Nations to fulfill its mandate, to fulfill its charter.

The League of Nations failed to act at a critical time in the history of this Nation, and it went into the dustbin of history. The United Nations will not go into the dustbin of history. I am confident that this time they will stand up, that they will devise a 17th resolution.

I look upon the action by the Senate today in voting a strong bipartisan vote for this resolution as not an act of war. It is an act to deter war, to put in place the tools for our President and our Secretary of State to get the

strongest possible resolution in the United Nations. It is an act seen to force, I repeat, the last option as our President has said ever so clearly time and again. It is an act to deter war to make the last option the use of force.

I yield the floor.

Mr. DASCHLE. Mr. President, I yield 5 minutes of my time to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the majority leader for his gracious yielding of time. I thank him for more than that. I thank him for his leadership in this matter of how the Senate should proceed with regard to Iraq, and I thank him specifically for the work that he and his staff did in negotiations with the White House and with Members of the House to get this resolution to where it is where I am confident it can and will enjoy broad bipartisan support.

There will be time for debate later in the day about the relevance of this resolution, about the extent to which I am confident it is clearly within our constitutional authority under article I. I have comparisons to other declarations of war and authorizations of military action, that is, if anything, more specific than most.

I am inspired by Senator BYRD's reference to Nathan Hale. Nathan Hale was not only a son of Connecticut, but a Yale man. For my entire freshman year, I walked by an inspiring statue of Nathan Hale. I read about him. I studied him. I cannot say I knew him personally, but I feel as if I knew Nathan Hale, who was remembered for saying: "I regret I have only one life to give for my country."

Nathan Hale was a patriot, and he was prepared to give his life for the security and freedom of his country. I am absolutely confident that if Nathan Hale were in the Senate of the United States today, he would not only be cosponsoring this resolution, he would be impatient to have the talking stop and the action begin.

Is it time? Are we ready? Time is what it is about.

It is 12 years since Iraq invaded Kuwait and threatened to invade Saudi Arabia and thereby showed that all that Saddam Hussein had been saying about wanting to make Baghdad the capital of the Arab world and dominate the Arab world was not just talk; he was prepared to act on it.

It is 12 years since U.N. Resolution 678 authorizing the use of force against Iraq.

It is 11 years since the congressional authorization for Desert Storm and the triumphant brilliant effort of our military in Desert Storm.

It is 11 years since Saddam asked for a cease-fire and accepted the inspection regime as part of that cease-fire on which he has never followed through and complied.

It is 11 years since the no-fly zones were first adopted and began to be enforced by American military personnel.

It is 9 years since the U.N. found Saddam in "material breach of his international obligations."

It is 9 years since Iraq under Saddam Hussein attempted to assassinate former President Bush.

It is 6 years since Saddam crushed Kurdish and Shi'a resistance to his regime.

It is 4 years since Saddam ejected inspectors and President Clinton ordered Operation Desert Fox, an air campaign against Iraq in response to this act.

It is 4 years since this Senate called for the indictment of Saddam as a war criminal.

It is 4 years since the Senate found Iraq in breach of international obligations and authorized the President to take "appropriate action in accordance with the Constitution and relevant laws of the United States to bring Iraq into compliance with its international obligation."

It is 4 years since Congress passed and President Clinton signed the Iraq Liberation Act.

It is more than 1 year since we were attacked by terrorists on September 11, 2001, showing us the risks of inaction against those who would arm and threaten us.

It is 1 month since the President of the United States challenged the United Nations to act against this international lawbreaker.

It is 8 days since we started the debate on this resolution in the Senate; excluding the Sabbath, 6 days. The Lord made Heaven and Earth in 6 days. It is time now for us to come to a conclusion.

Is it time? Are we ready to act? I think the record shows we are ready to act.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, if I need additional time, I will take it from my Senate leader allocation for the day.

The Senate is now engaged in one of the most consequential debates addressed in this Chamber for many years. We are confronting the grave issues of war and peace. We are considering how the United States should respond to a murderous dictator who has shown he will be bound neither by conscience nor by the laws or principles of civilized nations. And we are contemplating whether and under what conditions the Congress should authorize the preemptive use of American military power to remove the threat that he poses.

These questions go directly to who we are as a nation. How we answer them will have a profound consequence for our Nation, for our allies, for the war on terror, and perhaps most importantly, for the men and women in our Armed Forces who could be called to

risk their lives because of our decisions.

There is no question that Saddam Hussein is a dangerous man who has done barbaric things. He has invaded neighbors, supported terrorists, repressed and murdered his own people.

Over the last several months, as the world has sought to calm the violence between Israelis and Palestinians, Iraq has tried to inflame the situation by speaking against the very existence of Israel and encouraging suicide bombers in Gaza and the West Bank.

Saddam Hussein has stockpiled, weaponized and used chemical and biological weapons, and he has made no secret of his desire to acquire nuclear weapons. He has ignored international agreements and frustrated the efforts of international inspectors, and his ambitions today are as unrelenting as they have ever been.

As a condition of the truce that ended the gulf war, Saddam Hussein agreed to eliminate Iraq's nuclear, biological, and chemical weapons and to abandon all efforts to develop or deliver such weapons. That agreement is spelled out in U.N. Security Council Resolution 687. Iraq has never complied with the resolution.

For the first 7 years after the gulf war, it tried to deceive U.N. weapons inspectors, block their access to key sites, and make it impossible for them to do their jobs.

Finally, in October of 1998, the U.N. was left with no choice but to withdraw its inspectors from Iraq. As a result, we do not know exactly what is now in Iraq's arsenal. We do know Iraq has weaponized thousands of gallons of anthrax and other deadly biological agents. We know Iraq maintains stockpiles of some of the world's deadliest chemical weapons, including VX, sarin, and mustard gas. We know Iraq is developing deadlier ways to deliver these horrible weapons, including unmanned drones and long-range ballistic missiles. And we know Saddam Hussein is committed to one day possessing nuclear weapons.

If that should happen, instead of simply bullying the gulf region, he could dominate it. Instead of threatening only his neighbors, he could become a grave threat to U.S. security and to global security.

The threat posed by Saddam Hussein may not be imminent, but it is real, it is growing, and it cannot be ignored. Despite that, like many Americans, I was concerned by the way the administration first proposed to deal with that threat. The President's desire to wage war alone, without the support of our allies and without authorization from Congress, was wrong. Many of us, Democrats and Republicans, made it clear that such unilateralism was not in our Nation's best interest. I now commend the administration for changing its approach and acknowl-

edging the importance of working with our allies. I also commend it for recognizing that under our Constitution, it is Congress that authorizes the use of force, and for requesting a resolution providing such authority.

I applaud my colleagues, Democrats and Republicans in the House and in the Senate, for the improvements they have made to the administration's original resolution. Four changes were especially critical.

First, instead of giving the President broad and unfocused authorization to take action in the region, as the administration originally sought, this resolution focuses specifically on the threat posed by Iraq. It no longer authorizes, nor should it be used to justify, the use of force against other nations, organizations, or individuals that the President may believe threaten peace and stability in the Persian Gulf region. It is a strong and focused response to a specific threat. It is not a template or model for any other situation.

Second, the resolution expresses the deep conviction of this Congress and of the American people that President Bush should continue to work through the United Nations Security Council in order to secure Iraqi compliance with U.N. resolutions. Unfettered inspections may or may not lead to Iraqi disarmament, but whether they succeed or fail, the effort we expend in seeking inspections will make it easier for the President to assemble a global coalition against Saddam should military action eventually be needed.

Third, this resolution makes it clear that before the President can use force in Iraq, he must certify to the Congress that diplomacy has failed, that further diplomatic efforts alone cannot protect America's national security interests, nor can they lead to enforcement of the U.N. Security Council resolutions.

Fourth, this resolution protects the balance of power by requiring the President to comply with the War Powers Act and to report to Congress at least every 60 days on matters relevant to this resolution.

This resolution gives the President the authority he needs to confront the threat posed by Iraq. It is fundamentally different and a better resolution than the one the President sent to us. It is neither a Democratic resolution nor a Republican resolution. It is now a statement of American resolve and values. It is more respectful of our Constitution, more reflective of our understanding that we need to work with our allies in this effort, and more in keeping with our strong belief that force must be a last resort, not a first response.

Because this resolution is improved, because I believe Saddam Hussein represents a real threat, and because I believe it is important for America to speak with one voice at this critical

moment, I will vote to give the President the authority he needs, but I respect those who reach different conclusions. For me, the deciding factor is my belief that a united Congress will help the President unite the world, and by uniting the world we can increase the world's chances of succeeding in this effort and reduce both the risks and the costs America may have to bear. With this resolution, we are giving the President extraordinary authority. How he exercises that authority will determine how successful any action in Iraq might be.

In 1991, by the time the President's father sought congressional support to use force against Iraq, he had secured pledges of military cooperation from nearly 40 nations and statements of support from scores of others. He had already secured the backing of the United Nations, and he had already developed a clear plan of action. In assembling that coalition, the legitimacy of our cause was affirmed, regional stability was maintained, the risks to our soldiers were lessened, America's burden was reduced, and perhaps most importantly, Iraq was isolated.

At this point, we have done none of those things. That is why, unlike in 1991, our vote on this resolution should be seen as the beginning of a process, not the end. For our efforts in Iraq to succeed, the President must continue to consult with Congress and work hard to build a global coalition. That is not capitulation, it is leadership. And it is essential.

In my view, there are five other crucial steps the administration must take before any final decision on the use of force in Iraq is made. First and foremost, the President needs to be honest with the American people, not only about the benefits of action against Iraq but also about the risks and the costs of such action. We are no longer talking about driving Saddam Hussein back to within his borders, we are talking about driving him from power. That is a much more difficult and complicated goal.

There was a story in this past Sunday's Philadelphia Inquirer that top officials in the administration "have exaggerated the degree of allied support for a war in Iraq." The story goes on to say that others in the administration "are rankled by what they charge is a tendency" by some in the administration "to gloss over the unpleasant realities" of a potential war with Iraq.

A report in yesterday's Washington Post suggests "an increasing number of intelligence officials, including former and current intelligence agency employees, are concerned the agency is tailoring its public stance to fit the administration's views."

I do not know whether these reports are accurate. We do know from our own national experience, however, that public support for military action can

evaporate quickly if the American people come to believe they have not been given all of the facts. If that should happen, no resolution Congress might pass will be able to unify our Nation. The American people expect, and success demands, that they be told both the benefits and the risks involved in any action against Iraq.

Second, we need to make clear to the world that the reason we would use force in Iraq is to remove Saddam Hussein's weapons of mass destruction. I would have preferred if this goal had been made explicit in this resolution. However, it is clear from this debate that Saddam's weapons of mass destruction are the principal threat to the United States and the only threat that would justify the use of the United States military force against Iraq. It is the threat that the President cited repeatedly in his speech to the American people on Monday night. It may also be the only threat that can rally the world to support our efforts. Therefore, we expect, and success demands, that the administration not lose sight of this essential mission.

Third, we need to prepare for what might happen in Iraq after Saddam Hussein. Regime change is an easy expression for a difficult job. One thing we have learned from our action in Afghanistan is that it is easier to topple illegitimate regimes than it is to build legitimate democracies. We will need to do much better in post-Saddam Iraq than the administration has done so far in post-Taliban Afghanistan. Iraq is driven by religious and ethnic differences and demoralized by a repressive government and crushing poverty. It has no experience with democracy. History tells us it is not enough merely to hope that well-intentioned leaders will rise to fill the void that the departure of Saddam Hussein would leave. We must help create the conditions under which such a leader can arise and govern. Unless we want to risk seeing Iraq go from bad to worse, we must help the Iraqi people build their political and economic institutions after Saddam. That could take many years and many billions of dollars, which is another reason we must build a global coalition. The American people expect, and success demands, that we plan for stability and for economic and political progress in Iraq after Saddam.

Fourth, we need to minimize the chances that any action we may take in Iraq will destabilize the region. Throughout the Persian Gulf, there are extremists who would like nothing more than to transform a confrontation with Iraq into a wider war between the Arab world and Israel or the Arab world and the West. What happens if, by acting in Iraq, we undermine the government in Jordan, a critical ally and a strategic buffer between Iraq and Israel? What happens if we destabilize Pakistan and empower Is-

lamic fundamentalists? Unlike Iraq, Pakistan already has nuclear weapons and the means to deliver. What happens if that arsenal falls into the hands of al-Qaeda or other extremists?

We can tell the Arab world this is not a fight between their nations and ours. But a far better way to maintain stability in the gulf is to demonstrate that by building a global coalition to confront Saddam Hussein. That is why the administration must make every reasonable effort to secure a U.N. resolution just as we did in 1991. With U.N. support, we can count a number of Arab countries as full allies. Without U.N. support, we cannot even count on their airspace. We expect, and success demands, that any action we take in Iraq will make the region more stable, not less.

Fifth, and finally, we cannot allow a war in Iraq to jeopardize the war on terrorism. We are fighting terrorist organizations with global networks, and we need partners around the globe. Some, including the chairman of the President's own Foreign Intelligence Advisory Board, doubt we can count on this continued cooperation in the war on terror if we go to war against Iraq. I do not know if that is true. I do know, however, that the military intelligence and political cooperation we receive from nations throughout the world are critical to the war on terrorism.

Saddam Hussein may yet target America. Al-Qaeda already has. The American people expect, and our national security demands, that the administration make plans to ensure that any action we take in Iraq does not detract or detract from the war on terror. If they fail to do so, any victory we win in Iraq will come at a terrible cost.

On Monday night in his speech to the Nation, the President said: The situation could hardly get worse for world security and the people of Iraq.

Yes, it can. If the administration attempts to use the authority in this resolution without doing the work that is required before and after military action in Iraq, the situation there and elsewhere can indeed get worse. We could see more turmoil in the Persian Gulf, not less. We could see more bloodshed in the Middle East, not less. Americans could find themselves more vulnerable to terrorist attacks, not less.

So I stress again, this resolution represents a beginning, not an end. If we are going to make America and the world safer, much more work needs to be done before the force authorized in this document is used.

Some people think it is wrong to ask questions or raise concerns when the President says our national security is at risk. They believe it is an act of disloyalty. I disagree. In America, asking questions is an act of patriotism. For those of us who have been entrusted by our fellow citizens to serve in this Sen-

ate, asking questions is more than a privilege, it is a constitutional responsibility.

The American people have serious questions about the course of action on which this resolution could set us. Given the gravity of the issues involved and the far-reaching consequences of this course, it is essential that their questions are answered. I support this resolution. And for the sake of the American people, especially those who will be called to defend our Nation, we must continue to ask questions.

On one point, however, I have no question. I believe deeply and absolutely in the courage, the skill, and the devotion of our men and women in uniform. I know that if it becomes necessary for them to stand in harm's way to protect America, they will do so with pride and without hesitation and they will succeed. They are the finest fighting force the world has ever known. For their sake, for the sake of all Americans, for the world's sake, we must confront Saddam Hussein. But we must do so in a way that avoids making a dangerous situation even worse.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I congratulate the distinguished majority leader for a very powerful and very clear statement. I, too, join you in saying that it is our responsibility to ask questions. Questions have been asked throughout this debate. As best we can, we answered them.

But I think the distinguished leader has provided very helpful guidance in the uncertain days, months, and perhaps years to come. I commend you. As one of the cosponsors, I welcome your strong support.

Mr. DASCHLE. I thank the Senator from Virginia for his kind words.

Mr. BYRD. Will the Senator yield to me?

Mr. DASCHLE. I am happy to yield.

Mr. BYRD. Mr. President, I congratulate our leader. I congratulate him not only for his statement today, but I congratulate him on refusing to stand with other leaders of my party on the White House lawn. He has shown leadership. He has kept himself apart, kept himself in a position to make decisions. He hasn't rushed, pell-mell, to shake this piece of rag. He has done what leaders should do. He has stood aside and waited, helped to advise us and counsel with us. He is the one leader on this Hill in my party who didn't rush to judgment on this blank check that we are giving the President of the United States. I thank him. I congratulate him. I shall always praise him for that.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from West Virginia for his kind words and for his understanding and appreciation

for the difficulties we face in this body as we make these momentous decisions.

Mr. WARNER. Mr. President, regular order.

Mr. LEAHY addressed the Chair.

#### CLOTURE MOTION

The PRESIDING OFFICER. The regular order has been called for.

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Lieberman-Warner amendment to S.J. Res. 45:

Thomas Daschle, Bill Nelson, Joseph Lieberman, Evan Bayh, Harry Reid, Pete Domenici, Joseph Biden, Patty Murray, Jay Rockefeller, Larry E. Craig, Trent Lott, John Warner, John McCain, Jesse Helms, Craig Thomas, Don Nickles, Frank H. Murkowski.

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 amendment No. 4856, as modified, to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq, 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 yeas and nays resulted—yeas 75, nays, 25, as follows:

[Rollcall Vote No. 233 Leg.]

#### YEAS—75

|           |            |             |
|-----------|------------|-------------|
| Allard    | Ensign     | McConnell   |
| Allen     | Enzi       | Mikulski    |
| Baucus    | Feinstein  | Miller      |
| Bayh      | Fitzgerald | Murkowski   |
| Bennett   | Frist      | Nelson (FL) |
| Biden     | Graham     | Nelson (NE) |
| Bond      | Gramm      | Nickles     |
| Breaux    | Grassley   | Reed        |
| Brownback | Gregg      | Reid        |
| Bunning   | Hagel      | Roberts     |
| Burns     | Harkin     | Rockefeller |
| Campbell  | Hatch      | Santorum    |
| Cantwell  | Helms      | Schumer     |
| Carnahan  | Hutchinson | Sessions    |
| Cleland   | Hutchison  | Shelby      |
| Clinton   | Inhofe     | Smith (NH)  |
| Cochran   | Johnson    | Smith (OR)  |
| Collins   | Kerry      | Snowe       |
| Craig     | Kyl        | Stevens     |
| Crapo     | Landrieu   | Thomas      |
| Daschle   | Lieberman  | Thompson    |
| DeWine    | Lincoln    | Thurmond    |
| Domenici  | Lott       | Torricelli  |
| Dorgan    | Lugar      | Volnovich   |
| Edwards   | McCain     | Warner      |

#### NAYS—25

|          |          |           |
|----------|----------|-----------|
| Akaka    | Dodd     | Levin     |
| Bingaman | Durbin   | Murray    |
| Boxer    | Feingold | Sarbanes  |
| Byrd     | Hollings | Specter   |
| Carper   | Inouye   | Stabenow  |
| Chafee   | Jeffords | Wellstone |
| Conrad   | Kennedy  | Wyden     |
| Corzine  | Kohl     |           |
| Dayton   | Leahy    |           |

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 25.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

#### AMENDMENT NO. 4868

Under the previous order, there will now be 60 minutes of debate on the Byrd amendment No. 4868.

Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time run equally during the quorum call.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I did not see the Senator from Minnesota in the Chamber. It is my understanding he now wants to proceed with his 15 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that I be added as an original cosponsor of Senator BYRD's amendment.

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

Mr. DAYTON. Mr. President, I rise to support this amendment by the great senior Senator from West Virginia. It closely parallels an amendment which I filed and which, unfortunately, now that the Senate has made its determination to limit the amount of time and debate on this historic decision, I will not be bringing to the Senate for a vote.

A decision to rush to judgment on this matter has now been made by the Senate. I won't belabor the point except to say that in January of 1998, after Saddam Hussein had bounced U.N. inspectors out of Iraq, the Senate took 5 months to consider and finally approve a resolution which did not even authorize President Clinton to use force. In October, 1998, the Senate passes another resolution which again did not authorize the President of the United States to use force.

In 1990, the Senate took 5 months after Saddam Hussein invaded Kuwait, and that resolution was passed just days before President Bush committed this Nation to its first military engagement in the Persian Gulf war.

We have had a number of very valuable hearings in the Senate Armed Services Committee in the last weeks. I asked one panel of recently retired generals, three of whom were directly involved in the Persian Gulf war, whether the absence of a Congressional resolution or declaration of war had in any way prevented or impeded that military buildup preparatory to the engagement in January of 1991. They

said, no, it did not. So I don't understand why, from any consideration—military, diplomatic, or constitutional—we should be voting and rushing to this judgment this weekend, but we will.

We will be voting on what? What is it, S.J. Res. 46, that we are actually voting upon? It is a preapproval of whatever the President of the United States decides to do whenever. It is a vote for euphemisms such as "to use force" or "as he determines to be necessary." Why? Why are we rushing to this judgment at this time? So we can adjourn in the next few days and go home until next January, or until we decide whether the outcome of the November election will aid or impair our own political agendas?

Some of those concerns might seem justified, particularly as they relate to our own domestic concerns. But for decisions of war or peace, decisions about what is right for our national security, decisions about the life or death of Americans fighting on our behalf, decisions about the survival of the existing world order and even possibly the survival of our world as we know it, there are no justifications for political calculation or personal convenience. There should be only one consideration, and that is to do what is right for the country, as God gives each of us to see that right.

Yet S.J. Res. 46 preapproves any decision by the President of the United States to commit this Nation to war at some time in the future, with U.N. support or without it—unilaterally, bilaterally, multilaterally, preventatively, preemptively. Even other amendments that I will support, which have the best of intentions, fall into this trap: What do you do when you are preapproving a war? Put a limit on this but not for that; if this; if that. However, it is very hard to forecast events of this magnitude.

There is no need for us to try to do so. There are no good reasons for us to do so, except the need to preapprove something and then go home.

If we don't vote for the final resolution, we will be accused of not supporting the President, of not speaking with one voice to Saddam Hussein, to the United Nations, and to the world. Those are very serious accusations, that you don't support the President of the United States. I do support the President. He is my President. He is our President. I pray he will make the right decisions and get the credit. I pray he won't make the wrong decisions and get the blame.

But when I am asked to support this President, or any President, I need to understand what it is exactly that he wants us to do, what he intends for us to support. This President, as I understood his speech last Monday, is certainly not asking the Congress to declare war on Iraq today. He is wisely



reserving that judgment. Why wouldn't we exercise the same wisdom?

The situation, as we have seen in the last weeks, is inherently fluid. New facts become known; old facts even change. I support the President's reserving judgment until after the United Nations decision, until it attempts to force Saddam Hussein's compliance, until we can determine the outcome of those efforts. During those critical days or weeks ahead, I will be around. I will be available at any time, day or night, whenever, to participate back here on the Senate floor in this momentous decision. All of us in this Chamber and in the House could be here within hours, should be, and would be if we were called upon to do so, whenever the President or this Congress believed that a decision to commit this Nation to war must be made.

As the President said Monday night, the time before that decision is limited. But the time for that decision is not now.

Another reason to follow this protocol, the reason for my amendment, the reason I support Senator BYRD's amendment, is that it is what the Constitution of the United States requires Congress to do—either declare war or not. It says right in that book—I don't carry it with me quite as faithfully as the great Senator from West Virginia, but I do happen to have my copy today—Congress shall declare war. That is about as clear and unambiguous a statement as could be made.

There are important reasons that Congress was given, and only Congress was given, that authority and that responsibility. Because it was considered by our Founders to be essential to the system of checks and balances upon which this Republic depends.

James Madison wrote a letter to Thomas Jefferson in 1798, less than a decade after the Constitution's ratification, in which he said:

The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, & most prone to it. It has, accordingly, with studied care, vested the question of war in the Legislature. But the Doctrines lately advanced strike at the root of all these provisions, and will deposit the peace of the Country in that Department which the Constitution distrusts as most ready without cause to renounce it. For if the opinion of the President, not the facts & proofs themselves, are to sway the judgment of Congress in declaring war, and if the President in the recess of Congress create a foreign mission, appoint the minister, & negotiate [sic] a War Treaty, without the possibility of a check even from the Senate, . . . It is evident that the people are cheated out of the best ingredients of their Government, the safeguards of peace which is the greatest of their blessings.

The subsequent 204 years have demonstrated many times the wisdom and foresight of our Constitution. Its principles should give special pause to this body when being admonished by the

President, by any President, not to "tie my hands." Those words indicate a regrettable lack of regard for Congress and for our constitutional standing as a coequal branch of Government. Our Nation's Founders darn well wanted to tie a President's hands.

Thomas Jefferson wrote:

In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Those words are meant to apply to this President, to any President. Except in matters of war and peace? Especially in matters of war and peace. I would say this, the Constitution's wisdom has a very valuable perspective on the pressures and perils we face in this body today. Not only the perils in confronting a dangerous dictator, as we must, but also the perils in how we decide to do so.

Some might prefer to avoid the momentous decision the Constitution assigns us whether or not to declare war. Whether or not to send Americans into battle halfway around the world, where they would likely encounter the chemical or biological weapons we rightfully seek to spare this country. Some of those Americans will die too young, and others will suffer horrible wounds lasting for lifetimes. Iraqi children and their families will be destroyed in their own homes, schools, and mosques. The rest of the world will judge that decision and its consequences, which they could not escape.

We will read about it in the newspapers. We will watch its manifestations on television. We will probably attempt to share the credit if it turns out well, and avoid the blame if, God forbid, it doesn't. We will talk about that decision. We might even hold hearings on it, but we won't assemble in this Chamber where previous Senates once voted declarations of war, but not since World War II.

Mr. President, these decisions are ones we will live with for our lifetimes. They should not be made in these circumstances. We should follow the guidance we have seen evident from the changes in the administration's views over the last weeks. I support and applaud those changing perspectives. I respect a leader who can listen and learn, then adjust his views and decisions accordingly. I believe the wise counsel from Members of this body—Republicans, Democrats, and Independents—has been an important part of that process. I believe the American people, the collective wisdom of our fellow citizens, who overwhelmingly support the President, who overwhelmingly believe the President should consult with this body, who overwhelmingly believe the U.S. should act in concert with the U.N. and other nations of the world, and not alone, unilaterally, preemptively. I believe those public judgments, as we all manage to view them,

probably daily in polling documents, have had enormous influence on the decisions that are going to be made.

We owe it to our responsibilities to what is best for this country; we owe it to the brave men and women who will have to carry out those decisions, to make them when they must be made, on the basis of the best, most current, and most complete information possible—knowing, even then, that we will still not have the certainty, clarity, foresight we would wish to have.

That is the wisdom of the Constitution. That is the wisdom of Senator BYRD's amendment. That is, I believe, the wisdom of the amendment I would have brought forth, which says simply the Congress shall go back to following the Constitution of the United States. The reasons for that document's decisions are as valid today as they were 213 years ago, and maybe some day—it will not be this week but soon, this body will review the decision not to follow its dictates and return to it. I look forward to that and, hopefully, Senator BYRD will be on the floor that day, as he deserves to be when that decision is made.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield myself 5 minutes. Mr. President, I wish to respond to a couple of the statements made by the junior Senator from Minnesota. I don't think they are actually correct in categorizing what happened in 1998. I believe I heard him say then we were very deliberative and the resolution we passed did not authorize the use of force. Well, I will show you what we did in 1998.

In 1998, Saddam Hussein had continued his defiance of the U.N. He had not complied with any of the 16 resolutions. So the U.S. passed a resolution saying he should comply, Public Law 105-235, on August 14th. But the deliberative portion was introduced before the Senate on July 31, 1998—placed on the calendar July 27, measure laid before the Senate on July 31—and it passed the Senate with an amendment by unanimous consent. So it passed in one day. I don't remember the number of hours spent in debate, but it wasn't a lot. To say we spent months deliberating it is not accurate. The fact is we passed it in one day. And then to say it had no authorization for force, I don't believe is actually correct either. If you look at the resolved section—I put the 1998 resolution in the calendar because I think it is important. It goes through several items of noncompliance by Iraq. Basically, we are saying we should force or compel Iraq to comply. The resolved section says:

. . . the United States of America and Congress assembled, find the government of Iraq in a material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action

in accordance with the Constitution and relevant laws of the United States to bring Iraq into compliance with international obligations.

I believe in the appropriate action Congress was saying with a united voice: Take military action, if necessary, to get Saddam Hussein to comply with the U.N. resolution. That is what this resolution stated. We passed it unanimously. We also passed, in 1998, the Iraqi Liberation Act. This act did not authorize any additional military force. That is correct with this act, but not with Public Law 105-235.

When someone says we didn't authorize force in 1998—yes, we did. The Iraqi Liberation Act didn't have an authorization of force, but it did include a change of regime. It said Saddam Hussein should go. Again, we spoke with a united voice. We passed that by a voice vote. I might mention this to my colleagues. In the House, it passed by 360-38. In the Senate, we received it from the House on October 6 and passed it in the Senate on October 7. We passed it by unanimous consent. We passed it without objection.

This resolution says it should be the policy of the U.S. to have a regime change. That became the law of the land. It passed unanimously in the Senate with an overwhelming vote in the House. Then, the earlier resolution that passed on August 14 said the President is urged to take appropriate action to compel compliance with existing U.N. resolutions. That was a strong, united voice. Congress spoke together, overwhelmingly. It was not unanimous in the House, but it was unanimous in the Senate. Both of these resolutions passed in one day.

So for people who are saying we haven't been deliberative enough, and what is the consequence of this—what has changed? This Congress, Democrats and Republicans, this Senate unanimously told President Clinton to compel compliance. Also, we stated it was the public policy of Congress to have a regime change in Iraq. I want to clarify the RECORD and make sure we are factually accurate.

Congress spoke in a united fashion in 1998. It was proud to be part of that then, and I am proud to be part of the sponsorship of this resolution, which I believe will also pass with a very strong voice—after much more extensive debate than we had in 1998. I thank my friend for yielding me the time.

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

Mr. MCCAIN. Not on our time. If the Senator from West Virginia would like to yield the Senator time, I would be more than happy.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that he has 1½ minutes remaining.

Mr. DAYTON. I will use that 1½ minutes to respond. I was not here when

those events occurred. I rely on the authorities and information available to me. I will note Senator LOTT was quoted in several publications. On February 12, the then-majority leader said:

I had hoped that we could get to the point where we can pass a resolution this week on Iraq. But we really developed some physical problems, if nothing else. . . . So we have decided that the most important thing is not to move so quickly, but to make sure that we have had all the right questions asked and answered and that we have available to us the latest information about what is . . . happening with our allies in the world.

He went on to say:

The Senate is known for its deliberative actions. And the longer I stay in the Senate, the more I have learned to appreciate it. It does help to give us time to think about the potential problems and the risks and ramifications and to, frankly, press the administration.

The majority leader made that statement on the Senate floor on February 12. The resolution was passed and signed by President Clinton August 14, 1998, 6 months later.

Also, I am not a legal scholar, but in making my comments I cited the opinion of counsel at the Library of Congress and its Congressional Research Services. They opined—I realize lawyers and others can disagree—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. I ask for unanimous consent that I have 30 seconds more to finish my remarks.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I yield the Senator 2 minutes or whatever he needs.

Mr. President, I ask unanimous consent that Senator DAYTON's name be added as a cosponsor of my amendment.

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

Mr. DAYTON. I thank the Senator from West Virginia.

Mr. President, the opinion stated its judgment that since the document in 1998 urged the President to follow the actions which the Senator from Oklahoma has accurately described, it did not constitute an authorization under the War Powers Act. Furthermore, in the absence of any reference to authorization under the War Powers Act, which the resolution before us today contains, it did not provide that authority. I thank the Chair. I yield back time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 29 minutes 20 seconds.

Mr. BYRD. How many minutes?

The PRESIDING OFFICER. Twenty-nine.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent

that my time on this amendment not count against my hour under cloture.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. This shows the patience of a Senator. This clearly demonstrates that the train is coming down on us like a Mack truck, and we are not even going to consider a few extra minutes for this Senator.

Mr. President, I yield 5 minutes to my friend from Pennsylvania.

Mr. MCCAIN. Mr. President, in deference—

Mr. BYRD. On the Senator's time.

Mr. MCCAIN. On my time. In deference to the Senator from West Virginia, on this one occasion, given all the circumstances, I will not object to it not counting against the Senator's hour.

Mr. BYRD. Mr. President, I thank my friend.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER. Mr. President, I thank the distinguished President pro tempore for yielding me 5 minutes.

I do support his amendment which has two provisions. First:

Nothing . . . is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, Article I of the Constitution.

I think this provision is necessary, although customarily you would not think that you would need a statute to say the Constitution governs. However, I have expressed on the floor of the Senate my concern of the constitutionality of the delegation of authority to the President here.

Congress has the authority to declare war. The authorization for the use of force is a practical equivalent. What we are doing is saying the President may decide when to use that force and, in effect, decide when the war will start, or really to make a determination as to when war is declared. So I think that it is important to have this sort of provision, although its importance is hard to evaluate historically.

The second part of the pending amendment of the Senator from West Virginia is:

. . . shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions, or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

The language of "clear threat of imminent, sudden, and direct attack" has

been inserted in place of the language "the existing threat posed by Iraq." This does call for a more precise determination of the need for preemptive action, and I think is sound. Ultimately, it is not going to detract from the authority of the President because the resolution allows the President to "use all means that he deems to be appropriate," which is very broad authority.

The language of the pending Byrd amendment is consistent with one of the earliest articulations of the concept of self-defense. Secretary of State Daniel Webster in 1842, referring to self-defense in an anticipatory sense, stated that its use be "confined to cases in which the necessity of that self-defense is instant, overwhelming, and leaving no choice of means and no moment of deliberation."

Hugo Grotius, considered the father of international law, said in his 1925 treatise that a nation may use self-defense in anticipation of attack when there is "present danger," which is a broader definition. Grotius further said:

It is lawful to kill him who is preparing to kill.

Elihu Root, a distinguished scholar on international law, said in 1914 that international law did not require a nation to wait to use force in self-defense "until it is too late to protect itself."

I think the language of the pending amendment offered by the Senator from West Virginia is helpful in providing assurance that preemptive force is really necessary. We know President Bush said he does not intend to use this military force unless absolutely necessary and has already made a determination that he thinks there is an imminent threat from Iraq. Some of the information which has been presented, partly in closed session, supports the President's concern along that line, but I do think this language is helpful. Therefore, I support it.

I thank the Chair and yield the floor.  
The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Arizona.

Mr. MCCAIN. Madam President, I wish to say very briefly that I understand people have a desire to speak. We have a number of Senators who have not spoken on this issue. It is already looking as if we may be here well into this evening. From now on, I will be adhering strictly to the rules according to postcloture. I hope my colleagues will be understanding because we have to resolve this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Madam President, I believe the distinguished Democratic whip was able to get unanimous consent last night for my amendment No. 4868 to be modified to remove paragraph 2. It so states in the CONGRES-

SIONAL RECORD on page S10217; am I correct?

The PRESIDING OFFICER. The Chair believes the RECORD is in error and that only amendment No. 4869 was modified.

Mr. BYRD. On what basis—Madam President, I hope this time is not being charged. We are trying to clarify something.

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

Mr. BYRD. On what basis does the Chair maintain that the RECORD is in error in that portion of the RECORD from which I read on page S10217? What is the basis for the Chair stating that RECORD portion is in error?

I do not question the integrity of the Chair. I am only asking why does the Chair state—I know the Chair is being advised to that effect—why are we to say that this RECORD, as it is clearly written, is in error?

The PRESIDING OFFICER. The Chair is relying on the Journal of proceedings.

Mr. BYRD. And what does the Journal say?

The PRESIDING OFFICER. The Journal indicates that only amendment No. 4869 was modified.

Mr. BYRD. May I ask the distinguished majority whip, is that statement by the Chair in accordance with his understanding?

Mr. REID. I say to my friend from West Virginia, I read directly from the paper that the Senator gave me. There were two unanimous consent requests on it. The one was not acceptable. The other was, and I read that into the RECORD. As I recall, it was changing section 4 to 3, or 3 to 4. That is what I submitted.

Mr. BYRD. There were two requests, one changing the section numbers, and I am sure that one was agreed to.

Mr. REID. Yes.

Mr. BYRD. The other one, according to this RECORD, was also agreed to.

Mr. REID. No. That is the only one that—in fact, I said on the RECORD the other was not agreed to.

Mr. BYRD. May I read the RECORD. It is very short.

Mr. REID. Mr. President, this has been cleared with the minority. Mr. President, on behalf of Senator BYRD, I ask unanimous consent to modify his amendment No. 4868 to remove paragraph 2, and further I ask consent to modify amendment No. 4869 to change references to section 3(a) to 4(a).

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

Mr. REID. I say to my friend from West Virginia, I had the paper here and the clerk took that paper. Maybe they made a mistake. But there is no question in my mind whatsoever—as I told the Senator this morning when he came in—that the one had been approved, the other had not.

Mr. BYRD. Yes. The whip did tell me that, but when I looked at the RECORD, I saw, by the RECORD at least, it said

that both requests were agreed to. I am not going to argue this point. I am going to take the distinguished whip's word, which is good for me at all times.

Mr. REID. I say to my friend from West Virginia, I appreciate that very much. In fact, there are a lot of things going on I may not be quite certain on, but I am absolutely, unqualifiedly certain of what I did last night.

Mr. BYRD. Madam President, I have absolute and complete faith in the integrity of the distinguished Senator from Nevada, and I thank the Chair, with the greatest of respect. I thank the Assistant Parliamentarian as well, for whom I have the greatest respect.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-three minutes.

Mr. BYRD. On this amendment?

The PRESIDING OFFICER. On this amendment, that is correct.

Mr. BYRD. Madam President, a point I want to make about this discussion that ensued after the statement was made by the distinguished Senator from Minnesota: There were references made to Public Law 105-235, August 14, 1998. Here is the resolving clause which has been quoted by the distinguished Republican whip:

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

That the government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations. Approved August 14, 1998.

Well, so what? What does that prove? What does that prove? Somebody tell me. Let's read it again. The resolving clause says that the Government of Iraq is in material and unacceptable breach of its international obligations. That is okay. But get this: And therefore the President is urged to take appropriate action.

What does that mean? There is nothing definitive about that. That is ambiguous. It is not contemporaneous with today's question. It is ambiguous. It is vague. What would that prove in a court if the Supreme Court of the United States were to take this up? What would those who read this piece of junk maintain that this says? It is plain. The President is urged—well, what does that mean, "urged"?—to take appropriate action. What is that? That is not a declaration of war. What is that? What does that mean, "to take appropriate action"? Well, you can guess, I can guess, he can guess, he can guess. Anybody can guess.

"Urges the President to take appropriate action in accordance with the Constitution . . ." Now, that is fine. It is in accordance with the Constitution. Then that would say that Congress has the power to declare war.

"In accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations." What is he supposed to do? What is the President being urged to do to bring Iraq into compliance with its international obligations? Anybody's guess. Why, surely this great country of ours is not going to be able to launch a war on the basis of that ambiguous and vague language.

I wish those who are continuing to refer to this Public Law 105-235 and the so-called relevant U.N. resolutions would explain what they mean. I hear that over and over again. In connection with the resolution that is before this Senate today, it refers to all relevant U.N. Security Council resolutions. "All relevant . . ." What does that mean? And they keep referring to 660 and 678 and 687. I would like to discuss those resolutions with those who will do so. I hope they come on the floor. Where are they? Where are these men of great strength? Let them come to the floor. I want to debate with them these so-called resolutions.

In this resolution that is before the Senate, S.J. Res. 46, it refers to relevant resolutions. They keep talking about the relevant resolutions. What resolutions are they talking about enforcing? Are they talking about 660? Are they talking about 678? No. 678 was adopted on November 29, 1990. Is that what they are talking about? U.N. Resolution 687 was the enforcement resolution. That was the resolution that authorized the member states to act to uphold Resolution No. 660. But that conferring of authorization was wiped out. No. 678 was wiped out by 687 when Iraq contacted the Security Council and accepted 687. It was wiped out. So I am prepared to argue that. I do not want to do it on my flimsy 1 hour, but I am prepared.

I have heard the Senator from Connecticut—he is not in the Chamber right now, but he will be back. I have heard him and others refer to the so-called relevant resolutions. They have been wiped out. They are gone, and no single member state can revive them. They were extinguished on April 6, 1991, when Iraq signified to the Security Council that it accepted the terms of 687.

Now we can talk about that at a later time. I would love to get into it. I would like to get into a discussion on that, but for now, suffice it to say, what I am saying is this resolution we are talking about would accept as fact certain things that are not facts—this blank check we have been talking about that we are going to turn over to this President of the United States, the power to determine when, where, how, and for how long he will use the military forces of the United States. It is flimsy. That resolution is full of holes. The whereas clauses are full of holes. Now they have been wiped out by unan-

imous consent so they are no longer "whereas" but "since." It is flimsy. Full of holes. Ambiguities. Statements of facts that are not facts. I am ready to debate that at any time.

Mr. DURBIN. Will the Senator yield?

Mr. BYRD. I am happy to yield.

Mr. DURBIN. I hope Members will carefully read this amendment by Senator BYRD. This amendment says two things. One of these things should not even be controversial. It asserts the constitutional authority of this Chamber and the U.S. Congress to declare war. The Senator and I have stood together on this floor.

Mr. BYRD. Here it is, my Constitution.

Mr. DURBIN. I thought you might have your Constitution with you.

The Senator and I have stood on the floor and argued this point. Sometimes we did not fare so well. Keep in mind there was a question at the beginning of this debate about Iraq as to whether or not Congress would be engaged. Some argued that the President had the authority of his father's resolutions.

The second point made by Senator BYRD in this resolution is one I hope you will read carefully because I address part of this in an amendment I will offer later. He establishes a standard by which we would declare war. A standard is stated clearly: A clear threat of imminent, sudden, direct attack upon the United States, its possessions or territories, or the Armed Forces.

I hope Members of the Senate will read that. If that is not a standard by which we will measure whether this Nation will dedicate its Armed Forces and risk the lives of Americans in combat and the lives of innocent victims, I cannot imagine what we are going to debate. To take any other standard is to take the power away from Congress to declare war. This is a constitutional resolution. I applaud the Senator from West Virginia for offering it.

Mr. BYRD. I thank the distinguished Senator. How much time remains?

The PRESIDING OFFICER. Thirteen minutes.

Mr. BYRD. I hope Senators will show an abundance of mercy before the day is over and perhaps give me some more time.

Mr. President, this week the Senate is considering a very important resolution. The language of this resolution has been touted as a bipartisan compromise that addresses the concerns of both the White House and the Democratic leadership in Congress. But the only thing that I see being compromised in this resolution is this Constitution of the United States, which I hold in my hand, and the power that Constitution gives to Congress to declare war. This resolution we are considering is a dangerous step toward a government in which one man at the

other end of this avenue holds in his hand the power to use the world's most powerful military force in whatever manner he chooses, whenever he chooses, wherever he chooses, and wherever he perceives a threat against national security.

The Bush administration has announced a new security doctrine that advocates acting preemptively to head off threats to U.S. national security. Much has been said about the diplomatic problem with this doctrine. But we should also recognize that the administration's new approach to war may also pose serious problems for our own constitutional system.

In the proposed use-of-force resolution, the White House lawyers claim "the President has authority under the Constitution to use force in order to defend the national security interests of the United States."

It says no such thing. I dare them to go to the Constitution and point out where that Constitution says what they say it said. They cannot do it. I know the job of any good lawyer—I have never been a practicing lawyer, but I know the job of a good lawyer is to craft legal interpretations that are most beneficial to the client. But for the life of me, I cannot find any basis for such a broad, expansive interpretation in the interpretation of the Constitution of the United States. Find it. Show it to me. You can't do it.

Where in the Constitution is it written that the title of Commander in Chief carries with it the power to decide unilaterally whether to commit the resources of the United States to war? Show it to me, lawyers, lawyers of the White House, or lawyers in this body. Show it.

There is a dangerous agenda, believe me, underlying these broad claims by this White House. The President is hoping to secure power under the Constitution that no President has ever claimed before. Never. He wants the power—the Bush administration wants that President to have power to launch this Nation into war without provocation and without clear evidence of an imminent attack on the United States. And we are going to be foolish enough to give it to him. I never thought I would see the day in these 44 years I have been in this body, never did I think I would see the day when we would cede this kind of power to any President. The White House lawyers have redefined the President's power under the Constitution to repel sudden acts against the United States. And he has that power, to repel sudden, unforeseen attacks against the United States, against its possessions, its territories, and its Armed Forces.

But they suggest he could also justify military action whenever there is a high risk of a surprise attack. That Constitution, how they would love to stretch it to give this President that

power which he does not have. Those White House lawyers would have us believe that the President has independent authority not only to repel attacks but to prevent them. How silly. You cannot find it in that Constitution.

The White House wants to redefine the President's implied power under the Constitution to repel sudden attacks, suggesting that the realities of the modern world justify preemptive military action whenever there is a high risk of a surprise attack. What in the world are they teaching in law school these days? What are they teaching? I never heard of such as that when I was in law school. Of course I had to go at night. I had to go 10 years to get my law degree. In the national security strategy released last week, a few days ago, the President argued—let me tell you what the President argued—we must adapt the concept of imminent threat to the capabilities of today's adversary. Get that.

Defense Secretary Rumsfeld echoed this sentiment when he told the Senate Armed Services Committee: I suggest that any who insist on perfect evidence are back in the 20th century and still thinking in pre-9/11 years.

What a profound statement that was. How profound. Perhaps the Secretary of Defense ought to go back to law school, too. I don't believe he was taught that in law school.

The President does not want to shackle his new doctrine of 20th century ideas of war and security, much less any outdated notion from the 18th century about how this Republic should go to war. The Bush administration thinks the Constitution, with its inefficient separation of powers and its cumbersome checks and balances—they are cumbersome—has become an anachronism in a world of international terrorism and weapons of mass destruction.

They say it is too old. This Constitution, which I hold in my hand, is an anachronism. It is too old. It was all right back in the 19th century. It was all right in the 20th century. But we are living in a new time, a new age. There it is, right up there, inscribed, "Novus ordo seclorum." A new order of the ages. New order of the ages.

This modern President does not have time for old-fashioned political ideas that complicate his job of going after the bad guys single-handedly.

And make no mistake, the resolution we are considering will allow the President to go it alone at every stage of the process. It will be President Bush, by himself, who defines the national security interests of the United States. It will be President Bush, by himself, who identifies threats to our national security. It will be President Bush, by himself, who decides when those threats justify a bloody and costly war. And it will be President Bush, by himself, who

determines what the objectives of such a war should be, and when it should begin and when it should end.

The most dangerous part of this modernized approach to war is the wide latitude the President will have to identify which threats present a "high risk" to national security. The administration's National Security Strategy briefly outlines a few common attributes shared by dangerous "rogue states," but the administration is careful not to confine its doctrine to any fixed set of objective criteria for determining when the threat posed by any one of these states is sufficient to warrant preemptive action.

The President's doctrine—and we are about to put our stamp on it, the stamp of this Senate. The President's doctrine, get this, gives him—Him? Who is he? He puts his britches on just the same way I do. He is a man. I respect his office. But look what we are turning over to this man, one man.

The President's doctrine gives him a free hand to justify almost any military action with unsubstantiated allegations and arbitrary risk assessments.

Even if Senators accept the argument that the United States does not have to wait until it has been attacked before acting to protect its citizens, the President does not have the power to decide when and where such action is justified, especially when his decision is supported only by fear and speculation. The power to make that decision belongs here in Congress. That is where it belongs. That is where this Constitution vests it. The power to make this decision belongs to Congress and Congress alone.

Ultimately, Congress must decide whether the threat posed by Iraq is compelling enough to mobilize this Nation to war. Deciding questions of war is a heavy burden for every Member of Congress. It is the most serious responsibility imposed on us by the Constitution. We should not shrink from our duty to provide authority to the President where action is needed. But just as importantly, we should not shrink from our constitutional duty to decide for ourselves whether launching this Nation into war is an appropriate response to the threats facing our people—those people looking, watching this debate through that electronic lens there. They are the ones who will have to suffer. It is their sons and daughters whose blood will be spilled. Our ultimate duty is not to the President. They say: Give the President the benefit of the doubt. Why, how sickening that idea is. Our ultimate duty is not to the President of the United States. I don't give a darn whether he is a Democrat or Republican or an Independent—whatever. It makes no difference. I don't believe that our ultimate duty is to him. Our ultimate duty is to the people out there who elected us.

Our duty is not to rubber-stamp the language of the President's resolution, but to honor the text of the Constitution. Our duty is not to give the President a blank check to enforce his foreign policy doctrine, but to exercise our legislative power to protect the national security interests of this Republic.

Our constitutional system was designed to prevent the executive from plunging the Nation into war in the name of contrived ideals and political ambitions. The nature of the threats posed by a sudden attack on the United States may have changed dramatically since the time when the Constitution was drafted, but the reasons for limiting the war powers of the President have not changed at all. In fact, the concerns of the Framers are even more relevant. Talk about this being old fashioned. The concerns of the Framers are even more relevant to the dangerous global environment in which our military must now operate, because the consequences of unchecked military action may be more severe for our citizens than ever before.

Congress has the sole power under the Constitution to decide whether the threat posed by Iraq is compelling enough to mobilize this nation to war, and no Presidential doctrine can change that. If President Bush wants our foreign policy to include any military action, whether for preemption, containment, or any other objective, he must first convince Congress that such a policy is in the best interest of the American people.

The amendment I am offering reaffirms the obligation of the Congress to decide whether this country should go to war. It makes clear that Congress retains this power, even in the event that we pass this broad language, which I believe gives the President a blank check to initiate war whenever he wants, wherever he wants, and against any perceived enemy he can link to Iraq. My amendment makes clear that the President has the power to respond to the threat of an imminent, sudden, and direct attack by Iraq against the United States, and that any military action that does not serve this purpose must be specifically authorized by the Congress.

Other Senators have said on the floor that the language of this resolution does not give the President a blank check, and they have said that this resolution is narrowly tailored to Iraq. I do not read the resolution that way, but I hope that the President does. I hope the President reads this resolution as a narrowly crafted authorization to deal with Iraq's weapons of mass destruction, and not as an open-ended endorsement of his doctrine of preemptive military action.

We should all hope that the President does not fully exercise his authority under this resolution, and that he does



not abuse the imprecise language Congress may ultimately adopt. But I believe that Congress must do more than give the President a blank check and then stand aside and hope for the best. Congress must make clear that this resolution does not affect its constitutional power to declare war under Article I, section 8 of the Constitution; otherwise, this resolution may appear to delegate this important legislative function to the executive.

My amendment also clarifies the intent of this resolution is limited to authorizing a military response to the threat of an Iraqi attack upon the United States. Congress must ensure that the broad language of this resolution does not allow the President to use this authority to act outside the boundaries of his constitutional powers. This amendment affirms the constitutional requirement that the President must have congressional authorization before initiating military action for any purpose other than defending the United States against an imminent, sudden, and direct attack. We must not provide the temptation to this President, or any president, to unleash the dogs of war for reasons beyond those anticipated by the Congress.

The power of Congress to declare war is a political check on the President's ability to arbitrarily commit the United States to changing military doctrines, and the evolving nature of war and security threats does not change the language of the Constitution. The President cannot use the uncertainty of terrorist threats to confuse the clearly defined political processes required by the Constitution, and Congress should not rush to endorse a doctrine that will commit untold American resources to unknown military objectives.

The President admits in his National Security Strategy that "America's constitution has served us well." But his actions suggest that he feels this service is no longer needed. Congress should ensure that the Constitution continues to serve our national security interests by preventing the United States from plunging headlong into an ever-growing war in the Middle East. I urge my colleagues to support this amendment in order to preserve the constitutional system of checks and balances that the founders of this republic valued so highly.

Mr. REID. Madam President, I would like to be recognized on a unanimous consent request.

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

Mr. REID. Madam President, based on the conversation I had earlier today, with everybody—Senator BYRD—about what is not in the RECORD, one of the things we did not do is dispose of the other amendments. Reciting from the RECORD, I said we

will dispose—they will offer no other amendments tomorrow.

That is today, speaking for Senator DUBIN, Senator BOXER, and Senator LEVIN. So I ask unanimous consent that their other amendments at the desk be withdrawn from the desk.

Mr. BYRD. What is the request?

Mr. REID. I was reading from the RECORD that the amendments of DUBIN, BOXER, and LEVIN are not going to be offered. They are being withdrawn from the desk.

The PRESIDING OFFICER. Is the Senator asking the amendments be recalled?

Mr. REID. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Senator DAYTON would also ask his be recalled. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, the amendment is recalled.

The Senator from Arizona.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes 40 seconds.

Mr. MCCAIN. I would like to yield 3 minutes to the Senator from Delaware.

Mr. BIDEN. Madam President, the case that the Senator from West Virginia makes is a good case on the merits of whether or not we should, in fact, delegate this authority, but I am confused by the argument that constitutionally we are unable to delegate that authority.

Historically, the way in which the delegation of the authority under the constitutional separation of powers doctrine functions is there have to be some parameters to the delegation. For example, we could not delegate to the President the authority to pick and confirm any Supreme Court Justice he wanted to confirm.

The essence of the constitutional argument which my friend from West Virginia makes is, I assume, that there are no parameters to this delegation; therefore, the delegation per se is unconstitutional. I assume that is the rationale. But as I read this grant of authority, it is not so broad as to make it unconstitutional for us, under the war clause of the Constitution, to delegate to the President the power to use force if certain conditions exist. My time is about up, but I would argue that in section 4(a), subsections (1) and (2), the conjunctive "and" instead of "or" exists, which means that as a practical matter in reading this, the only circumstance the President could find, in my view, that the national security was being threatened would be as it relates to the resolutions relating to weapons of mass destruction. But I will speak to that later. I appreciate my friend yielding me the time.

But, again, constitutionally, this resolution meets the test of our ability to

delegate. It is not an overly broad delegation which would make it per se unconstitutional, in my view.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, according to the letter of the Byrd amendment, a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, et cetera, clearly would have, would absolutely deprive the President of the United States of what he is seeking today. It would deprive the President of the United States of the authority he has requested to compel Saddam Hussein to disarm, so let's have no doubt the impact of this amendment.

The President has spoken clearly of the threat Saddam Hussein's regime poses to America and the world today—even though Iraq today clearly does not meet the Byrd amendment's standard of threatening imminent, sudden, and direct attack upon the United States of our Armed Forces. To wait for Saddam Hussein to threaten imminent attack against America would be to acquiesce to his development of nuclear weapons, to ignore his record of aggression against his neighbors, and to disregard his continuing threats to destroy Israel.

Failure now to make the choice to remove Saddam Hussein from power will leave us with choices later, when Saddam's inevitable acquisition of nuclear weapons will make it much more dangerous to defend our friends and interests in the region. It will permit Saddam to control much of the region, and to wield its resources in ways that can only weaken America's position. It will put Israel's very survival at risk, with moral consequences no American can welcome.

Failure to end the danger posed by Saddam Hussein's Iraq makes it more likely that the interaction we believe to have occurred between members of al-Qaeda and Saddam's regime may increasingly take the form of active cooperation to target the United States.

We live in a world in which international terrorists continue to this day to plot mass murder in America. Saddam Hussein unquestionably has strong incentives to cooperate with al-Qaeda. Whatever they may or may not have in common, their overwhelming hostility to America and rejection of any moral code suggest that collaboration against us would be natural. It is all too imaginable. Whether or not it has yet happened, the odds favor it—and they are not odds the United States can accept.

Standing by while an odious regime with a history of support for terrorism develops weapons whose use by terrorists could literally kill millions of Americans is not a choice. It is an abdication. In this new era, preventive action to target rogue regimes is not only imaginable but necessary.

Who would not have attacked Osama bin Laden's network before September 11th had we realized that his intentions to bring harm to America were matched by the capability to do so? Who would not have heeded Churchill's call to stand up to Adolf Hitler in the 1930's, while Europe slept and appeasement fed the greatest threat to Western civilization the world had ever known? Who would not have supported Israel's bombing of Iraq's nuclear reactor in 1981 had we then known, as Israel knew, that Saddam was on the verge of developing the bomb?

In the new era we entered last September, warning of an attack before it happens is a luxury we cannot expect. Waiting for imminence of attack could be catastrophic. Many fear we will not know of an attack until it happens—and should our enemies use weapons of mass destruction in such an attack, the deaths of thousands or millions of Americans could occur with no warning—as happened last September. In this age, to wait for our enemies to come to us is suicidal.

In 1962, President Kennedy made the point that America cannot wait until we face the threat of open attack without gravely endangering our security. In President Kennedy's words, "Neither the United States of America, nor the world community of nations can tolerate deliberate deception and offensive threats on the part of any nation, large or small. We no longer live in a world where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril."

The Byrd amendment would overturn the doctrine announced by the President of the United States to guide his administration's conduct of American national security policy. The Byrd amendment would negate any Congressional resolution authorizing the President to use all means to protect America from the threat posed by Iraq. It would set such a high threshold for the use of military force as to render the Commander in Chief powerless to respond to the clear and present danger Saddam Hussein's regime poses to America and the world.

I urge my colleagues to reject the Byrd amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. MCCAIN. I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, this is one of the confusing aspects of this debate. I find myself supporting this resolution but worried that supporting this resolution will get us into real trouble.

We use Saddam, Hitler, and al-Qaeda all in the same verbiage and language.

Let me make the real distinction, as I see it, regarding preemption.

If we knew that al-Qaeda had particular weapons, knowing, as we did, what their stated objective was, and with the intelligence we had, we would be fully within our rights—not under any doctrine of preemption—because of the existence of a clear, present, and imminent danger to move against al-Qaeda.

Conversely, with Hitler in the 1930s, the rationale for moving against Hitler wasn't a doctrine of preemption because we knew he was a bad guy. It was because his country signed the Treaty of Versailles. He was violating the Treaty of Versailles. The Treaty of Versailles did not have an end date on it. It didn't say you cannot have forces for the first 2 or 3 years, or you cannot do the following things. We were fully within our rights as a world community to go after Hitler in 1934, 1935, 1936, or 1937. It was not based on the doctrine of preemption but a doctrine of enforcement of the Treaty of Versailles, and in a very limited time.

What we have here, I argue, as the rationale for going after Saddam, is that he signed a cease-fire agreement. The condition for his continuing in power was the elimination of his weapons of mass destruction, and the permission to have inspectors in to make sure he had eliminated them. He expelled those inspectors. So he violated the cease-fire; ergo, we have authority—not under a doctrine of preemption. This will not be a preemptive strike, if we go with the rest of the world. It will be an enforcement strike.

I hope we don't walk out of here with my voting for this final document and somebody 6 months from now or 6 years from now will say we have the right now to establish this new doctrine of preemption and go wherever we want anytime.

The part on which I do empathize with my friend from West Virginia is this is not a very clearly written piece of work. That is why I think Senator LUGAR and myself and others had a better way of doing this. But it does incorporate with the President's words the notion that we are operating relative to weapons of mass destruction and U.S. security interests and enforcement—not preemption.

I conclude by saying that the President started his speech explaining the reason why he wanted his resolution on Monday. I guess it was Monday. And he said at the very outset that this is based upon enforcing what was committed to in dealing with weapons of mass destruction.

I know my time is up. I will speak to this more later.

I am opposed to the Byrd amendment, but I hope we don't establish some totally new doctrine in our opposition to it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER. Three and one-half minutes.

Mr. MCCAIN. Madam President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I thank the Senator from Arizona. I appreciate what the Senator from Delaware just said. I think it makes a lot of sense.

I have many concerns about this amendment, but two stick out to me as I read it. My concern is that, under this rationale, if we were told we had good intelligence and we were convinced that within, let us say, 6 months we were going to be attacked, it would still not fit the definition of imminent and sudden.

As I read it, the threat must be an imminent, sudden, and direct attack upon the United States. A sudden attack of 6 months would not qualify. It might be imminent, but it certainly wouldn't be sudden. I don't think we can afford that luxury.

Second, our allies are totally excluded. Do we want to announce to the world that there must be only an imminent, sudden, direct attack upon the United States, its possessions, territories, and our Armed Forces, leaving our allies in that particular part of the world totally undefended by the United States? I don't think that is a message we want to send.

I respectfully oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, in summary, this amendment regarding the preservation of Congress's constitutional authority is unnecessary. A portion of the amendment that would limit the authority of the President to wage war is arguably unconstitutional. The Congress can declare war, but it cannot dictate to the President how to wage war. No law passed by Congress could alter the constitutional separation of powers.

I urge my colleagues to defeat this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4868.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 14, nays 86, as follows:

[Rollcall Vote No. 234 Leg.]

## YEAS—14

|          |          |           |
|----------|----------|-----------|
| Boxer    | Inouye   | Murray    |
| Byrd     | Jeffords | Sarbanes  |
| Dayton   | Kennedy  | Specter   |
| Durbin   | Leahy    | Wellstone |
| Feingold | Mikulski |           |

## NAYS—86

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Domenici   | Lugar       |
| Allard    | Dorgan     | McCain      |
| Allen     | Edwards    | McConnell   |
| Baucus    | Ensign     | Miller      |
| Bayh      | Enzi       | Murkowski   |
| Bennett   | Feinstein  | Nelson (FL) |
| Biden     | Fitzgerald | Nelson (NE) |
| Bingaman  | Frist      | Nickles     |
| Bond      | Graham     | Reed        |
| Breaux    | Gramm      | Reid        |
| Brownback | Grassley   | Roberts     |
| Bunning   | Gregg      | Rockefeller |
| Burns     | Hagel      | Santorum    |
| Campbell  | Harkin     | Schumer     |
| Cantwell  | Hatch      | Sessions    |
| Carnahan  | Helms      | Shelby      |
| Carper    | Hollings   | Smith (NH)  |
| Chafee    | Hutchinson | Smith (OR)  |
| Cleland   | Hutchison  | Snowe       |
| Clinton   | Inhofe     | Stabenow    |
| Cochran   | Johnson    | Stevens     |
| Collins   | Kerry      | Thomas      |
| Conrad    | Kohl       | Thompson    |
| Corzine   | Kyl        | Thurmond    |
| Craig     | Landrieu   | Torricelli  |
| Crapo     | Levin      | Voinovich   |
| Daschle   | Lieberman  | Warner      |
| DeWine    | Lincoln    | Wyden       |
| Dodd      | Lott       |             |

The amendment (No. 4868) was rejected.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is the intention of the Senate now to proceed to the Levin amendment No. 4862, with 50 minutes for the Senator from Michigan, 15 minutes for the Senator from Delaware, 15 minutes for the Senator from Arizona, Mr. MCCAIN, and 15 minutes for the Senator from Virginia. It is the intention of the Senator from Virginia to see that time is given to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

We are now awaiting the opening statement of our distinguished chairman of the Armed Services Committee. I advise Senators that at the completion of that time, it is the intention of the Senator from Virginia to move to table the amendment.

Mr. LEVIN. I wonder if the Senator will withhold for a moment.

## AMENDMENT NO. 4862

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider amendment No. 4862, the Levin amendment.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, in consultation with my colleagues, I with-

draw the comment at this time of the desire of the Senator from Virginia to table.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the short title of our amendment is "The Multilateral Use of Force Authorization Act of 2002." The very title of this alternative to the Lieberman-Warner amendment establishes both its similarity and its difference from the Lieberman amendment.

It is similar because both of our approaches authorize the use of U.S. Armed Forces. It is different because our resolution authorizes the use of force multilaterally pursuant to a U.N. resolution that the President has asked the Security Council to adopt for the purpose of destroying Saddam Hussein's weapons of mass destruction and prohibited missile delivery systems.

Our resolution also supports the President's call and urges the United Nations Security Council to promptly adopt a resolution that demands Iraq to provide unconditional access, unconditional destruction of all weapons of mass destruction and, in the same resolution, authorize U.N. member states to use military force to enforce that resolution.

Our resolution also affirms that the United States has at all times the inherent right to use military force in self-defense. There is no veto given the United Nations in this resolution of ours. Quite the opposite. We explicitly make it clear we maintain, of course, a right to use self-defense. And we provide that the Congress will not adjourn sine die this year, but will return to session to consider promptly proposals relative to Iraq if, in the judgment of the President, the United Nations fails to adopt or enforce the United Nations resolution for which he and we call.

The Lieberman resolution, like ours, authorizes the use of U.S. military force to enforce the Security Council resolution that is being sought by the President, as well as in the case of the Lieberman resolution, as well as earlier U.N. resolutions. But the Lieberman resolution also would authorize the use of force on a unilateral basis, not requiring that there be an imminent threat, which is essential to using force in self-defense preemptively under international law, but a lower threshold called a continuing threat.

That would be a departure from the requirement in international law that the use of force in self-defense be for imminent threats. That can have significant negative consequences for the world. If other nations adopt that precedent, if India and Pakistan adopt that precedent, two nuclear-armed nations, they can find continuing threats against each other, not imminent, just

continuing threats and, using our precedent, if we adopt the Lieberman resolution, say: That is the new standard in international law; it does not have to be an imminent threat; we can preemptively attack a neighbor and anybody else if, in our judgment, it is a continuing threat.

If China decided that Taiwan, which it labels a renegade province, is a threat to its security, then under this precedent it can attack Taiwan under the approach that "imminent" is no longer a requirement.

Acting multilaterally—multilaterally—as our alternative resolution does—in other words, with the backing of the United Nations—has a number of advantages. It will garner the most support from other nations and avoid the negative consequences of being deprived of airbases, supply bases, overflight rights, and command-and-control facilities that are needed for military action.

Saudi Arabia has already said explicitly: If you do not get a U.N. resolution, you cannot use our military bases. And other nations have said the same. If they are going to be involved with us in using force against Iraq, they want the authority of a U.N. resolution to do it.

Our resolution has a better chance of success in persuading Saddam Hussein to comply, to capitulate, to cooperate finally with the U.N. weapons inspectors and to disarm because it will have the world community looking at the other end of the barrel down at him.

Our multilateral resolution reduces the chances of losing support from other nations in the war on terrorism, and we need law enforcement, intelligence, and financial cooperation from other nations.

Our multilateral approach reduces the potential for instability in an already volatile region, and that instability can undermine Jordan, Pakistan, and possibly even end up with a radical regime in Pakistan, a nuclear weapon nation.

Our multilateral approach reduces the likelihood of Saddam Hussein or his military commanders using biological or chemical weapons against our forces, as he will be looking, again, down the barrel of a gun with the world at the other end rather than only at the United States.

Both General Shalikashvili and General Clark testified in front of our committee that there is a significant advantage to our troops by going multilaterally in terms of the likely response of Saddam Hussein to a unilateral attack by the United States and the likelier use of weapons of mass destruction by him in response to a unilateral attack.

Our multilateral approach will increase the number of nations that will be willing to participate in the fighting. It will increase the number of nations that will be willing to participate

in the long and costly effort in a post-Saddam Iraq, and we would be avoiding setting that precedent of using force preemptively without an imminent threat.

Mr. President, if we are serious about going to the U.N., as the President has said he is, we must focus our efforts there. We should not send an inconsistent message. We should not take the U.N. off the hook. We should not say: We really are interested in the U.N. acting, adopting a resolution, requiring an unconditional opening by Saddam, requiring the destruction of his weapons of mass destruction.

We are saying we really mean that; that is the kind of resolution we want. We are saying that. We also want that resolution to authorize member states to use military force to enforce it. That is what we are saying on the one hand, but if the Lieberman resolution passes, then we will be sending the exact opposite message: If you do not, we will anyway.

That takes the U.N. off the hook. That blurs the focus that we should be placing on the importance of multilateral action authorized by the United Nations.

I believe that Saddam Hussein must be forced to disarm. I think it is going to take force, or the threat of force, to get him to comply.

It seems to me there is a huge advantage if that force is multilateral, and going it alone is a very different calculus with very different risks.

If we fail at the U.N., then under our resolution, the President can come back at any time he determines that the U.N. is not acting to either adopt or enforce its resolution. He can then come back here under our resolution, call us back into session, and then urge us to authorize a going-it-alone, unilateral resolution.

I thank the Chair, and I yield 8 minutes to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to speak on the two resolutions that the Senator from Michigan has talked about in his comments because there are two resolutions before the Senate, both of which authorize the President to use force, if necessary, against Iraq.

Before I discuss those, let me just say a few words about the war on terrorism which has engaged the attention of this entire Nation during the last 13 months.

Before I discuss those, I congratulate the President on the way he was able to bring our country together after the attack of September 11 of last year. In cooperation with the President, Congress put aside other matters, put aside partisan issues, and acted quickly to appropriate necessary funds and to enact important legislation to help safeguard our country and its citizens. I think all of us in Congress joined in

meeting this challenge, and I am proud we were able to do so.

The President has come to us again, and this time he has focused attention on another threat—that is, the threat that Saddam Hussein, the leader of Iraq, will use weapons of mass destruction against us or our allies or that he will provide such weapons to terrorists for them to use.

The President has indicated his belief that regime change in Iraq is needed to deal with this threat, but he makes the point that at this time he has not made a decision about whether or when to commence any military action.

The United Nations, for many years, has agreed with our country's view that Saddam Hussein should not be permitted to possess weapons of mass destruction. An inspection regime was established by the United Nations in April of 1991, and inspections by UNSCOM continued until August of 1998 to ensure that weapons were not being developed or maintained.

In December of 1998, Iraq expelled those weapons inspectors, and since that time it is widely believed the likelihood of such weapons being developed in Iraq has increased.

So in response to this threat, the President has urged Congress to adopt a broadly worded resolution that authorizes him at any time in the future:

To use the Armed Forces of the United States as he determines to be necessary and appropriate, in order to defend the national security of the United States against the continuing threat posed by Iraq; and enforce the United Nations Security Council resolutions regarding Iraq.

Senator LEVIN, who is chairman of the Armed Services Committee, with whom I have been privileged to serve for the last 20 years, has urged us to adopt a different resolution that grants the President the authority to use military power, but Senator LEVIN's proposed resolution differs from the broad grant of authority the President has requested in two very significant ways.

First, it authorizes the use of force at this time only pursuant to a resolution of the U.N. Security Council. In this way, we would be ensuring our actions to eliminate Iraq's weapons of mass destruction continue to be taken in coordination with our allies.

Second, the Levin resolution authorizes the use of:

The Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

There is a specific objective we are saying the President is authorized to use military force to accomplish.

The Levin resolution does not authorize unilateral action at this time to accomplish so-called regime change. Rather, it would leave open the option

for the President to come back to seek and obtain that authority from Congress if and when he determines that military action against Iraq is required, even without U.N. sanction.

I strongly support giving the President authority to work with our allies in the United Nations, to inspect for, locate, and destroy weapons of mass destruction in Iraq. It may well prove necessary to use military force to accomplish that objective. In my view, the Levin resolution grants the President that authority. Unless that effort, which is already underway, fails, I believe it would be wrong for us to grant authority to the President to use U.S. Armed Forces in what is essentially a unilateral action to achieve goals that are, at best, vague and broad.

The President has made clear that in his view our goal should be regime change. The argument is Saddam Hussein has shown such a proclivity to lie, cheat, and evade that anything short of regime change will leave us vulnerable to a future attack by Iraq.

Depending on the success of our current efforts to reinstitute an inspection regime, the American people and our allies may well conclude the President is correct. We may have to conclude that finding and destroying weapons of mass destruction in Iraq cannot be achieved as long as Saddam Hussein is in power, and if that is the necessary conclusion we reach, then a major military action will likely be required, with all the casualties and consequences such an action entails.

Our allies have not reached that conclusion yet. They believe a new inspection regime can be made to work and that the threat can be dealt with short of going to war. At least they believe it is worthwhile for us to make that final effort.

The President's proposed resolution authorizes him:

To use the Armed Forces of the United States as he determines to be necessary and appropriate.

This is, in my view, a virtually open-ended grant of authority. It is not a proper action for Congress to take at this time. I do not believe it is wise at this point to be authorizing war without the support of the United Nations and our allies. If war must be waged, other countries should be there with us, sharing the costs, both the financial and human costs, and helping restore stability in what will almost certainly be the tumultuous aftermath of that military action.

I also do not favor an authorization for war unless and until the President is prepared to advise Congress that war is necessary, and he has explicitly said he is not prepared to advise us of that at this time.

For all these reasons, I will support the resolution put forth by Senator LEVIN and not support the much broader grant of authority urged by the President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, will my colleague yield for a question on my time and a response on his time? In other words, I will ask the question on the time allocated to me and the Senator can respond on the time allocated to him.

Mr. LEVIN. I am afraid my time is allocated totally, unless it can be a brief answer. I would be happy to answer briefly.

Mr. WARNER. Then I am going to have to narrow our ability to enter into a colloquy, which you and I have done so many times.

I will ask one question: As I read this amendment, I find it could be interpreted as precluding the ability to enforce the existing resolutions, namely 688, the no-fly zone. If the Senator wants a few minutes to study and reflect on that, I would like to have the Senator think this through. That is one very serious shortcoming. In other words, for 11 years we have been enforcing the no-fly zone, but as I read this, it could be construed as stopping that. I make that point.

Mr. LEVIN. I would be happy to answer that. It would be misconstrued if it were interpreted that way. This does not preclude the President from doing anything. This is an authorization. It is not a prohibition. It is an authorization to the President to use force. It does not preclude the President. It does not say the President may not use force. It says the President is authorized to use force. So there is no prohibition; there is no negative.

The President has sought our authority. This resolution would give the President that authority.

Mr. WARNER. I draw my colleague's attention to the fact it would require the United States to wait for the U.N. Security Council to act on a resolution before the President could take action to protect our national security interests.

Mr. LEVIN. Which is the WMD issue. It is only the WMD issue that is referred to.

Mr. WARNER. I will have to reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. I yield 5 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and I thank my friend from Virginia for yielding me the time.

Mr. SARBANES. Parliamentary inquiry: Will the Chair inform us what the time allocations are and how much time is remaining.

The PRESIDING OFFICER. Senator LEVIN began with 50 minutes and has 33

minutes remaining. Senator BIDEN has 15 minutes, Senator MCCAIN has 15 minutes, and Senator WARNER has used 2 of his 15 minutes.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by my friend, the Senator from Michigan. It seems to me, as I look at this amendment, that the difference we have—those of us who have sponsored the underlying resolution, and the Senator from Michigan and others sponsoring the amendment—is over tactics, not objectives. Perhaps we should acknowledge one to the other. We each have the objective, I believe, to compel Saddam Hussein to comply with the various U.N. Security Council resolutions, and in that sense, particularly, to disarm.

I suggest to my friend from Michigan, noting how he continues to refer to his amendment as the multilateral approach, that those who sponsored the underlying resolution consider ours to be a multilateral international approach as well. We believe our willingness not only to accept and urge and encourage the President to go to the United Nations and hope the United Nations will authorize use of force if Saddam Hussein does not comply with their resolutions but our willingness after that fact to say if that does not happen, the President has the right to utilize America's Armed Forces for that purpose, is probably the better way to achieve an international action against Iraq under Saddam Hussein. To show our willingness, our seriousness to use military force to lead an international coalition ourselves is the better way to convince the United Nations to take action on its own and therefore to have an international act.

There is a disagreement about tactics. The disagreement is whether we should do all this in one resolution, as we have, or, as the Senator from Michigan proposes in the amendment, to have two steps: First, go to the United Nations, only allow enforcement, particularly of the resolutions concerning Iraq's weapons of mass destruction, to be done by the United States with the permission of the United Nations. If that does not work, the President must come back for a separate resolution.

Last night in a colloquy with the Senator from Michigan, I suggested that his resolution does in fact give the Security Council a veto over the President's determination, the President's capacity, to use the American military to enforce certainly those resolutions having to do with weapons of mass destruction and ballistic missiles and related facilities.

It seems to me, notwithstanding the fact that the Senator's amendment affirms the President's inherent right to use military force in self-defense, sec-

tion 4(a) also makes clear the President of the United States can only do that if he wants to take action to destroy or remove or render harmless Iraq's weapons of mass destruction, nuclear weapons, fissile material, ballistics, et cetera, pursuant to a resolution of the U.N. Security Council.

That means any member of the Security Council—Russia, China, France, any temporary member—can veto action by the United States, by the Commander in Chief. I don't want that to happen.

The question is, Why assume, if the United Nations does not take action, the United States will have to go it alone? Having gone to the United Nations, having made our case, the fact is if military action is necessary, the United States will never have to go alone. We will have allies in Europe, allies in the Middle East, who see our seriousness of purpose, who share in our desire to protect themselves and the world from Saddam Hussein, who will come to our side. We will have what we called in the case of Kosovo a coalition of the willing.

The Kosovo case is instructive on several points raised in this debate. There was no United Nations resolution authorizing the United States to deploy forces in the case of Kosovo because everyone, including the Clinton administration, the President, determined we would possibly be subject to a Russian veto at the Security Council. The President was unwilling to accept that. There was no congressional resolution then organizing the deployment of our forces because there was controversy about that. There was clearly no imminent threat of a sudden direct attack against the United States, as in other amendments that have been before the Senate, because this was happening in the Balkans. But the President of the United States, President Clinton, clearly understood what was happening there was wrong. He wanted to take action not only to stop the genocide and prevent a wider war in Europe but in the most distant threat, to prevent a potential threat to the security of the United States, so he formed a coalition of willing nations.

Here the threat from Iraq under Saddam Hussein is much more imminent to the United States. So to subject our capacity to defend ourselves against that threat to a veto by the United Nations Security Council is inappropriate and wrong.

Again, I state a great phrase from the Bible: If the sound of the trumpet is uncertain, who will follow into battle?

If we sound a certain trumpet with this resolution, which this amendment would make uncertain, then many other nations will follow us into battle.

I oppose the amendment.

The PRESIDING OFFICER. The Senator from Virginia.



Mr. WARNER. I will take a few minutes under my time and give to this Chamber two quotations that frame the entire debate. The first quotation is from 40 years ago. It was the President of the United States, John F. Kennedy, in 1962:

This Nation is prepared to present its case against the Soviet threat to peace and our own proposals for a peaceful world at any time and in any form, in the Organization of American States, in the United Nations, or in any other meeting that could be useful, without limiting our freedom of action.

This is precisely what this amendment does. It is a total substitute for the work that has been done by the Senator from Connecticut, working with others, the leadership on both sides of the aisle, and the President's staff. That would all come down, and in its place would be this resolution which has provisions that could be interpreted as a veto, questions the authority of the President, and puts too much reliance that the United Nations is going to devise a resolution which would meet the criteria that our President and other nations deem essential for a new inspection regime.

That was a quote by President Kennedy.

Now, 40 years forward, a second quote:

This resolution gives the President the authority he needs to confront the threat posed by Iraq. It is fundamentally different and a better resolution than the one the President sent to us. It is neither a Democratic resolution nor a Republican resolution. It is now a statement of American resolve and values.

Continuing:

For me, the deciding factor is my belief that a united Congress will help the President unite the world, and by uniting the world we can increase the world's chances of succeeding in this effort and reduce both the risks and the cost.

That quote was made just over 40 minutes ago by the distinguished majority leader of the Senate.

The House of Representatives debated language identical in both Chambers. To achieve that united Congress, we must maintain the integrity of the amendment that is presently pending. That is the amendment by Senator LIEBERMAN and myself, Senator MCCAIN, and Senator BAYH.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 8 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I thank Senator CARL LEVIN for his amendment. I thank the State of Michigan for sending Senator LEVIN to the Senate. His independence, his courage, his clear thinking, his love of country are evident in the work he has put behind this important amendment. I believe his answer to Iraq's challenge is, indeed, the right course for this country.

To me, the issue of Iraq should be approached in the following way. Iraq

must be held to its word that it will submit to thorough inspections and dismantlement of weapons of mass destruction. Let me repeat that: Iraq must be held to its word that it will submit to thorough inspections and dismantlement of weapons of mass destruction.

The United Nations should pass an updated resolution ensuring unfettered inspections and disarmament, and that should take place or there will be dire consequences for Iraq. The weapons they have are a threat to the world. The world must respond. If we handle this matter correctly, the way Senator LEVIN is suggesting, I believe the world will respond. If we handle it wrong—and I think the underlying resolution is the wrong approach—if our allies believe we have not made the case, they believe somehow this is a grudge match, or if they believe they are being manipulated for domestic political reasons, that is going to hurt our Nation and that is going to isolate us.

Indeed, this rush to pass unilateral authority—I have never seen anything quite like what has happened in the Senate. The rush to pass unilateral authority, the rush to say to the President, go it alone, don't worry about anybody else, is hurting this debate, and this debate looks political. It looks political.

If there are those in the administration who believe this debate could hurt Democrats, they may be surprised. Democrats do not walk in lockstep. We are independent thinking. I believe the people want that.

Remember, this administration started out thumbing its nose at the Constitution and the role of Congress in terms of war and peace. This administration did not want to bring the debate on this war to Congress. We have many quotes I have already put in the RECORD on that subject. They did not want the President to go to the United Nations. Indeed, they said he did not have to go there; he did not have to come here; he did not have to do anything. Also, as the Presiding Officer knows, they wanted a resolution that gave the authority far beyond Iraq. They wanted to give the President authority to go anywhere in the world.

Now that idea is gone from the underlying Lieberman resolution. So checks and balances do work. I think what we ought to do is continue those checks and balances by passing the Levin amendment.

The Levin amendment puts America front and center in a way that will win over the civilized world. This is what it does.

No. 1, it urges the U.N. Security Council to quickly adopt a resolution for inspections of Iraq's weapons of mass destruction and the dismantlement of those weapons.

No. 2, this new U.N. Security Council resolution urges that we will back up

the resolution with the use of force, including the United States. And the President gets that authority in Senator LEVIN's resolution.

No. 3, it reaffirms that, under international law and the United Nations Charter, the United States has the inherent right to self-defense. So anybody who says, my God, we are giving everything over to the U.N., has not read the resolution.

Last, it states the Congress will not adjourn sine die so that in a moment's notice we can return if the President believes we need to go it alone.

Some have said that the Levin amendment, again, gives veto power to the U.N. Security Council. That is not true. Again, under the Levin amendment, if the President cannot secure a new U.N. resolution that will ensure disarmament of Iraq, he can come back, he can lay out the case and answer the questions that have not been answered.

I have looked back through history. I never have seen a situation where the President of the United States asked for the ability to go to war alone and yet has not told the American people what that would mean. How many troops would be involved? How many casualties might there be? Would the U.S. have to foot the entire cost of using force against Iraq? If not, which nations are ready to provide financial support? Troop support? What will the cost be to rebuild Iraq? How long would our troops have to stay there? What if our troops become a target for terrorists?

We have seen in Kuwait, a very secure place for our people; we have had terrorist incidents already against our young people there.

Will weapons of mass destruction be launched against our troops? Against Israel? If you read the CIA declassified report—declassified report—they are telling us that the chance that he will use them is greater if he feels his back is up against the wall. Everybody knows the underlying resolution implies regime change. It implies regime change. What I think is important about the Levin resolution is that it goes to the heart, the core of the matter, which is dismantlement of the weapons of mass destruction.

If Saddam knows his back is against the wall, he will use these.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. BOXER. I thank the President.

So let's be careful. Why not take the conservative approach, the two-step approach of the Levin resolution, when it comes to the life and death of our people? There are more questions that have not been answered, and I have put them in the RECORD. Yet the President wants the authority to go it alone and he has not answered even one of those questions to Members of this Senate, let alone to the American people.

I cannot vote for a blank check for unilateral action. I cannot vote for a go-it-alone approach before any of these fundamental questions have been answered. Twice in the past 4 years I voted to use force: once against Milosevic, once after September 11. So it is not that this Senator will never vote for force, but in this case, when the President is proposing to go it alone, I think we have the right on behalf of the people we represent to have the questions answered.

In closing, the Levin resolution gives us that two-step approach. It says to this President: If you want to go as part of a world force and make sure that we get the dismantlement of these weapons, we give you the authority and the blessing. If not, come back and ask us and we will debate then and we will vote then. I hope we will vote for the Levin resolution.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. MCCAIN. I understand I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, at the outset, let me state that I agree with the distinguished Chairman of the Armed Services Committee: U.S. policy would be stronger if we received the unequivocal support of the United Nations Security Council. Of that, there is no doubt.

But that does not mean that our country must delegate our national security decisionmaking to the United Nations. It is neither morally necessary nor wise to give the U.N. Security Council veto power over our security.

I am a supporter of the United Nations. I have supported efforts to pay U.S. arrears to the organization. The U.N. does many good deeds around the world.

However, we should not kid ourselves; the Security Council is not a repository of moral goodness. It is not some supranational authority on international law, world peace or transnational justice. It is a collection of nation-states, each of whom makes decisions based on their national interests. Five nations have veto power. Ten more can vote up or down, or abstain on a given matter. Individual states may cloak their decisions in grand rhetoric of global interest, but they are driven by cool calculations of self-interest.

As my friend from Michigan knows, the atmosphere before a Security Council vote often resembles a Middle Eastern bazaar more than it does a somber courtroom. Deals are cut, resolutions are watered down, and statements are made based on the national interests of the five permanent Security Council members. That is as it should be, but we should not fool our-

selves that there is some innate moral authority once 15 nations negotiate a deal.

Russia is engaged in vicious human rights abuses in Chechnya. Russia continues to undermine the sovereignty of the Republic of Georgia. Russia is owed billions of dollars from its ill-advised arms deals with Saddam Hussein's Iraq. Russia has long advocated easing and even lifting of sanctions against Iraq. Russia abstained on U.N. Security Council Resolution 1284 in December 1999, creating the current weapons inspections regime in Iraq—apparently because it believed the regime was too tough.

China also abstained from supporting U.N. Security Council Resolution 1284. China has good reason to be concerned about international opinion. China has engaged in serious proliferation activities. China severely represses its own people. Gaining the diplomatic acquiescence of the People's Republic of China may be desirable but it does not add any moral stature to our position.

And then there is France. France has armed Saddam Hussein for years. French President Chirac was Prime Minister when France sold a nuclear reactor to Iraq. In the words of the former head of Iraq's nuclear program, Khidhir Hamza, Saddam "knew Chirac would eat old tires from the Tigris if it got him our nuclear deal, worth hundreds of millions of dollars, along with the prospect of cheap oil."

For years, French businessmen have been regular visitors to Baghdad, seeking commercial advantage despite U.N. sanctions. No one in this body should be under any illusions about French motivations.

If President Bush and his team can gain French, Chinese and Russian support for a strong U.N. Security Council resolution, I applaud them. Recent signs are promising. Their support will help in the political and diplomatic realms. But their support will not make our case more just, or more right.

In fact, the U.S. position in making progress at the U.N. precisely because of our determination. If this body were to pass the Levin amendment, we would set our cause back in New York. We would send a signal of indecision that would embolden those who oppose a tough resolution. They would see that the U.S. Senate is deferring judgment to them, virtually inviting them to harden their opposition to the U.S. position.

Let me address some real concerns I have about the amendment offered by my distinguished colleague. It urges the U.N. Security Council to adopt a particular resolution—one limited solely to inspectors' access to Iraq's weapons of mass destruction programs. I don't think we should try to put the U.S. Senate in the role of drafting the parameters of U.N. Security Council

resolutions. Such a unilateral position by one legislative body in one U.N. member state seems a little bit out of keeping with his oft-stated desire for multilateralism.

The U.N. Security Council resolution urged by the Levin amendment is silent on the real issues facing the U.S. government in New York right now. Does the amendment accept or reject the U.N. Secretary General's 1998 deal with Saddam Hussein to leave huge swaths of Iraqi territory under separate rules? Does the amendment take a position on the need to interview Iraqi scientists outside of Saddam's control—and with their families so the regime cannot hold them hostage?

The Levin amendment is silent about many issues raised in U.N. Security Council resolutions—issues that the U.N. Security Council may see fit to address in the future as they have in the past: support for terrorism; threatening conventional military moves against Kuwait, and protection of the Iraqi people from Saddam's tyranny. Each of these has been addressed by U.N. Security Council resolutions in the past. Each of these has been addressed by the United States in the past. Why are they ignored in the Levin amendment.

Even more troubling is the narrow authorization for the use of force in the Levin amendment. Right now, American and British pilots are risking their lives enforcing the northern and southern no fly zones in Iraq. They are being shot at. They are defending themselves by attacking Iraqi radar and SAM sites that target them. These zones were erected to prevent Saddam from continuing to slaughter the Iraqi people—not to engage in search and destroy mission for weapons of mass destruction. They are authorized by U.N. Security Council Resolution 688, passed on April 5, 1991. By omitting any reference to the ongoing Operation Northern Watch and Operation Southern Watch, one could construe the Levin amendment to not authorizing no fly zone enforcement. I am sure that is not its intent, but it could be its effect.

The same is true of U.N. Security Council Resolution 949, passed on October 15, 1994, which prohibits Saddam from reinforcing his conventional forces in southern Iraq. This resolution was necessitated by Saddam's massing of thousands of troops—including at least two Republican Guard divisions—near the Iraq-Kuwait border. By limiting the authorization to only weapons of mass destruction, the Levin amendment's silence on the conventional threat to Kuwait could send the wrong signal to Iraq and undermine existing U.N. Security Council resolutions. Again, I am sure that is not its intent but it may be the effect.

Finally, there is the issue of what to do if the U.N. Security Council does not act. It may be, at the end of the

day, that the individual nations making decisions in the U.N. Security Council do not agree with the compelling case that President Bush has laid out. It may be that they will decide that U.N. Security Council resolutions are not to be enforced, that the worst violator of U.N. Security Council resolutions should not be confronted. It may be that other nations choose to appease, accommodate, or ignore the clear and present danger posed by Iraq. Under the Levin amendment, what is the United States to do if the U.N. proves to be as unable to deal with Iraq as it was to deal with genocide in Rwanda and mass murder in Bosnia committed under the nose of U.N. peacekeepers?

Under the Levin amendment, Congress would reconvene to "consider promptly proposals relative to Iraq if in the judgment of the President, the U.N. Security Council fails to adopt or enforce the resolution" called for in the amendment. It is not sufficient to claim the Levin amendment affirms the U.S. right of self-defense and, therefore, there is not U.N. veto. If the U.N. vetoes action on Iraq, Congress will come back to "consider proposals." Why? Why should we not decide now about the issue? Why should we wait and see?

Does the Senator believe the administration is pursuing the wrong resolution in New York? If he does, he should say so. Does the Senator believe the administration is not seriously committed to pursuing a resolution? If he does he should say so. But if he believes the U.S. is seriously pursuing a serious resolution in New York, there is no need for this amendment. Unless he wants to grant bargaining power to those who oppose the U.S. position in the U.N. or unless he disagrees with the U.S. position, there is not need for his amendment. The diplomatic process will continue. We may succeed. We may fail. But I believe we have enough information to act now. I believe we do not need to wait for the U.N. to act. I believe that even if the U.N. does not act, America should—as we did in Kosovo in 1999.

The case of NATO's preventive attack in Kosovo is instructive. I supported the NATO intervention. It was an intervention designed to stop ethnic cleansing and mass murder by a government against its own people. Milosevic had no weapons of mass destruction. The threat he posed was to citizens in his country, not his neighbors. In Kosovo, the U.N. Security Council could not pass a resolution because of Russian opposition. Yet NATO, under U.S. leadership acted. Indeed, in 1998, Senator LEVIN noted with approval the Administration's position "that the Security Council's authorization was desirable but not required for NATO action to intervene in Kosovo." Remarks on the Senate floor, July 8,

1998. This was 8 months before hostilities began. This was before any serious effort had been made at the U.N. This was before any veto was cast. It seems to me that if my distinguished colleague from Michigan could reach that kind of judgment that far in advance concerning the use of force against a far less threatening adversary, he should be able to do the same today.

In summary, the Levin amendment sends the wrong signal at the wrong time. It could give a green light to Saddam to repress his own people or use conventional forces to Kuwait while giving a red light to our diplomatic efforts at the U.N. This body should allow the executive branch the leeway to conduct diplomacy at the U.N.—not try to micromanage it from the Senate floor. I urge the rejection of the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Michigan.

Mr. LEVIN. Madam President, I will yield myself 30 seconds to, first of all, assure my good friend from Arizona that my amendment means what it says, that we reserve the right of self-defense at all times. There is no ceding of our security policy to the United Nations. We are very explicit on that.

If I could also point out to my friend from Arizona, back in the gulf war time—and I will yield myself 30 additional seconds—the exact authorization in the gulf war was: The President is authorized, subject to such and such section, to use the Armed Forces of the United States pursuant to United Nations Security Council resolutions.

And my friend from Arizona said at that time: I think we should get approval from the United Nations to use force, if necessary. And we should then, and if it could be done shortly, get approval from Congress to use force, if necessary.

I am not suggesting—I am not suggesting—nor did I suggest then that the Senator from Arizona was ceding the policy of the United States to the United Nations just because he wanted to go to the United Nations first before we voted to get authority from the United Nations. I never suggested that because it was not true. He would never cede authority over our security policy to the United Nations, nor would I, nor would any Member of this body, nor does the resolution on which we are going to vote.

I yield 3 minutes to our friend from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I commend again the able Senator from Michigan for this proposal that he has before us. The strength of the proposal, and the care with which it has been crafted, is made manifest by the tor-

tured argument of the Senators from Connecticut and Arizona against his resolution. They are in a convoluted posture to try to misinterpret this in order to try to make an argument against it. It is just incredible what has happened. We need some intellectual integrity here as we deal with this issue.

Let me ask the Senator from Michigan if he would answer a question or two.

The Senator from Connecticut said earlier that you were precluding the use of military force to exercise our inherent right of self-defense because we would have to have a United Nations resolution before, as I understand—before—we could exercise such force.

I read in your resolution a specific affirmation under international law of our inherent right to use military force; is that right?

Mr. LEVIN. The Senator is correct. It specifically "affirms that . . . the United States has at all times the inherent right to use military force in self-defense." It explicitly preserves that right.

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

Mr. SARBANES. On your time.

Mr. LIEBERMAN. Is there time remaining, I ask the Senator from Arizona—the Senator from Virginia?

Mr. WARNER. Yes. Madam President, may I inquire as to the remaining time of the Senator from Arizona?

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes remaining.

Mr. WARNER. Three minutes. And for the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 3 ½ minutes.

Mr. BIDEN. Parliamentary inquiry, Madam President: How much time is under my control?

The PRESIDING OFFICER. Fifteen minutes.

Mr. BIDEN. Madam President, I would be happy to yield time for the Senator to respond.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Senator from Delaware very much.

I want to ask my friend from Michigan or my friend from Maryland to explain how you relate two parts of the Levin amendment. One, yes, does say you affirm the right of the U.S. to self-defense, but then, two sections lower, it seems to me, you cut a very big exception, and you say "pursuant." And because you say "pursuant," I assume it means only pursuant to a U.N. Security Council resolution can the President authorize the use of "the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistics missiles . . . and related facilities. . . ."

So it is one thing to affirm the general right of self-defense, but then the amendment takes it away with regard to what we all acknowledge is the most serious threat that Iraq constitutes to the U.S., which is weapons of mass destruction.

Mr. SARBANES. The Senator did this last night, and he is doing it again today. He has inserted into the authorization to use force pursuant to a U.N. resolution the word "only." The word "only" is not there. These are two separate sections. One provides an authority under a U.N. resolution; the other preserves the inherent right of military—I want to say to my good friend from Connecticut, it is painful to me to see a former able and distinguished attorney general of the State of Connecticut twist and turn to try to do this, what he is trying to do, to the very well-crafted amendment of the Senator from Michigan. It is painful. It is painful to see this.

Mr. LIEBERMAN. Well, let me relieve you of your pain.

Mr. SARBANES. Will you withdraw the use of the word "only"?

Mr. LIEBERMAN. This comes directly from my experience as an attorney and attorney general. If you are saying "pursuant," how else—I ask the Senator from Michigan, do you believe, under your amendment, and if there is no resolution of the United Nations regarding destruction of weapons of mass destruction of Iraq, that the President could authorize the use of force?

Mr. SARBANES. Of course.

Mr. LEVIN. Of course he could. Pursuant to—

Mr. LIEBERMAN. Then why require that the President come back a second time to seek such authorization?

Mr. LEVIN. Because we are explicitly saying, pursuant to the right of self-defense, he may always, at any time, without authority from anybody. But the United Nations—

The PRESIDING OFFICER. The 3 minutes yielded to the Senator from Maryland has expired.

Mr. LEVIN. I wonder if the Senator from Delaware would yield a couple minutes for me to answer.

Mr. BIDEN. I am happy to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. This is a grant of authority. The word "only" is not in there. The Senator from Connecticut sought to add it last night.

Mr. SARBANES. And again here.

Mr. LIEBERMAN. And I am adding it—

Mr. LEVIN. If I could finish my answer, when the Senator from Connecticut, in 1991, introduced and supported a resolution, which passed this Congress in a close vote—and the Senator from Connecticut was a leader in that effort; and I commend him for it—the resolution relative to the gulf war said:

The President is authorized subject to this subsection to use U.S. Armed Forces pursuant to United Nations Security Council Resolution 678.

Did that mean because that grant of authority pursuant to a U.N. resolution was present, that the President could not operate in self-defense? Did you, somehow or other, by granting that right intend to eliminate the right of this Nation to act in self-defense? I know the answer is no. I know the answer is no.

Yet in our resolution, when we explicitly preserve that right, somehow or other the Senator from Connecticut is finding it inconsistent with the pursuant grant.

Mr. LIEBERMAN. Since the Senator from Maryland has questioned my legal capacity, I want to—

Mr. SARBANES. I said it just pained me to see it at work here on the floor.

Mr. LIEBERMAN. I want to assure the Senator from Maryland—

The PRESIDING OFFICER. Who yields time at this point?

Mr. BIDEN. Madam President, how much time is under the control of the Senator from Delaware?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. LIEBERMAN. I will bring this to a close.

Mr. BIDEN. Madam President, I will yield 2 more minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I want to assure the Senator from Maryland this is not a tactic. I am genuinely puzzled, for two reasons.

You give the grant of authority, and then you say "pursuant." It seems to me logical the grant of self-defense, and then you spell out that pursuant to only a U.N. resolution can the President use the Armed Forces. But then here is the second. Only—

Mr. LEVIN. Only?

Mr. SARBANES. Where is the word "only"?

If the Senator will yield to me, I think the Senator—

Mr. LIEBERMAN. No. I think I will just finish because I am taking Senator BIDEN's time.

I am reassured but still puzzled about why you then have the second part of your amendment, I say to Senator LEVIN. And it is this: If you believe you are not saying the "only" way the President can use America's military forces to disarm Iraq, then why do you require a return to the Congress for that authorization later?

It seems to me your affirmation of self-defense is very broad, and in spelling out the pursuant clause, you are limiting it. If you are not, then your language is effectively a nullity.

Mr. LEVIN. It is a very significant section. What it says is, if the President does not get the resolution and if

he cannot act in self-defense because the threat is not imminent, then he would come back to this Congress to seek unilateral authority. What the President has done is laid out a course of action which says even though the threat is not imminent, the President wants the authority to use unilateral action.

As a matter of fact, the amendment which will be offered later on today by Senator DURBIN will add the word "imminent." I am quite sure the administration and the sponsors of the underlying amendment are going to fight very hard against adding that word "imminent" which has always, under international law, been required in order to attack based on a theory of self-defense.

So all our language does is protect the opportunity for the President, in the absence of a threat which rises to self-defense, an imminent threat which would justify self-defense, in the absence of a U.N. resolution, it specifically says, we are not going to adjourn sine die. This is too important.

If there is no threat that is imminent, if the U.N. does not act pursuant to this resolution, we would say to the President, we will come back to consider a unilateral authority. You don't need it, if it is self-defense. You don't need it, if the U.N. acts. But if it is not an imminent threat and the U.N. does not act, then we will be here to consider that request.

Mr. LIEBERMAN. I thank my friend. This exchange has clarified for me the intentions of the amendment. If I may briefly state it, you are saying the President can only take—forgive me for using the word "only," but I will clarify it—action against, can only use the Armed Forces of the U.S. to take action against the weapons of mass destruction in Iraq without a U.N. resolution if he determines the threat from those weapons is imminent.

Mr. LEVIN. Is not imminent.

Mr. LIEBERMAN. If he determines the threat is not imminent, then he cannot take action against those weapons without the U.N. resolution, unless he returns to the Senate.

Mr. LEVIN. We are not saying what he cannot do here. This is an authority, if I may repeat.

I assume this is coming out of the time of the Senator from Delaware; is that correct?

The PRESIDING OFFICER. Yes.

Mr. BIDEN. Then I will not yield any more time. How much time do I have?

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. If I may, how much time remains under my control?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. BIDEN. I yield another 2 minutes to the Senator to finish his answer, but then I would want to speak briefly to this, if I may.

Mr. LEVIN. If I could complete that thought, this is a grant of authority. It is not a limitation of authority. That is a critical difference which, as lawyers, I think we understand. We are not saying what the President cannot do. We are saying nothing in here is in any way affecting the inherent right of self-defense. We are reiterating the inherent right of self-defense to avoid the kind of argument the Senator from Connecticut is now making, to preclude the argument. It has not worked. The Senator from Connecticut is still making the argument. But to make it clear that in no way are we affecting the inherent right of self-defense, we reiterated that right.

Secondly, there is a grant of authority to act pursuant to a U.N. resolution.

The PRESIDING OFFICER. The Senator has used an additional minute.

Mr. LEVIN. Could I have 30 seconds?

Mr. BIDEN. Sure.

Mr. LEVIN. If there is neither an imminent threat, which has been the traditional definition of self-defense, if there is neither a threat which is imminent, which would justify traditionally acting in self-defense, or if there is not a U.N. resolution authorizing member states to use force to go with those weapons of mass destruction, then we are saying we will be in session to consider a Presidential request.

The PRESIDING OFFICER. The additional time has been used.

Mr. SARBANES. Will the Senator yield me 10 seconds?

Mr. BIDEN. Madam President, I yield myself 3 minutes of the remaining 9 minutes I have, and I yield 10 seconds of that to my friend from Maryland.

Mr. SARBANES. I thank the Senator from Delaware.

I strongly commend the Senator from Michigan for how carefully thought-out and reasoned and constructive his amendment is, as was just reflected in the exchange which he had with the Senator from Connecticut.

Obviously, this amendment, which is before us and which I support, has been very carefully thought through to deal with all these eventualities. I commend the Senator from Michigan for it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I rise to explain why three brilliant lawyers can be all right at the same time—because they all started from a different premise, part of the confusion for the debate that listeners will find on the floor.

I join my friend from Arizona and my friend from Virginia in being opposed to this amendment, but for reasons different than theirs. Let me try to explain as briefly as I can.

The point about whether or not there needs to be an imminent threat to justify the President taking action is what is at stake. I am of the school

that suggests the President need not, if the underlying amendment passes, have to show there is an imminent threat. He is enforcing a peace agreement in effect. He is enforcing, not preempting. And he is not responding to imminent threat.

I do not believe there is an imminent threat in the next day or two or week or a month. The reason why I oppose my friend from the State of Michigan is because I believe there is an inevitable threat. We are either going to have to react, if not tomorrow, we will have to in the next 5 years. If this man is unfettered, with \$2 billion per year in revenues, on the course he is on, I guarantee you, we will be responding. I guarantee you, we will.

Is it imminent now? No. Is al-Qaeda involved now? No. Is all this talk about the likelihood of cooperation with terrorist groups a real immediate threat? No. I don't believe any of that now. But I do know we are going to have to address it. So the question is, do we address it now or do we wait a year or two or three.

The reason I oppose the amendment of my friend from Michigan is because the basic premise upon which I began is consistent with where my friend from Connecticut began, and that is the threat need not be imminent for us to take action. That is because we would be enforcing Security Council resolutions. That is authority we are about to delegate to the President.

I can understand why my friend from Maryland is upset about the way it is characterized by the Senator from Connecticut.

The bottom line is I believe if, in fact, we do not get a U.N. resolution, we are in a position we were in with regard to Kosovo. My friend from Arizona and I stood shoulder to shoulder on Kosovo trying to encourage the previous President of the United States to use force against the Serbs in Kosovo. I will submit for the RECORD at the appropriate time, after we had gone through an effort to get the U.N. to support it. The U.N. would not support it. And then we went.

The bottom line was, the Senator from Arizona and I felt strongly we had to go. We had to move. Were the Serbs an imminent threat to the United States of America? No. Was it a threat to our security interests? Yes. The stabilization of southeastern Europe. And so I think part of the thing that confuses people here—anyone listening to the debate, myself included, as part of the debate—is this notion of the place from which you began.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I rise to briefly comment on Senator LEVIN's alternative proposal relating to Iraq. Some of my colleagues for whom I have tremendous respect have tried to address the fact that the administration's proposal is simply not good enough by

emphasizing the desirability of a United Nations resolution, thus transforming this dangerous unilateral proposal into an internationally sanctioned multilateral mission. But while I recognize that international support is a crucial ingredient in any recipe for addressing the weapons of mass destruction threat in Iraq without undercutting the fight against terrorism, I will not and cannot support any effort to give the United Nations Security Council Congress's proxy in deciding whether or not to send American men and women into combat in Iraq. No Security Council vote can answer my questions about plans for securing WMD or American responsibilities in the wake of an invasion of Iraq. It is for this reason that I must oppose the proposal of the distinguished Senator from Michigan.

Mr. CORZINE. Mr. President, I rise in support of the Levin amendment to the underlying resolution and am proud to be counted as a cosponsor. I believe Senator LEVIN's legislation represents a rational and measured approach to military action against Iraq's tyrannical regime.

The Levin amendment emphasizes the importance of multilateralism and understands that the cooperation of the world community is an important component of American success in disarming Iraq and in Iraq's eventual reconstruction. As I said in my statement last night, if the world community is not with us when we take off, it will be hard to ask for their help when we land.

Although the administration at times appears to believe otherwise, multilateralism is not an unnecessary inconvenience, but an important precondition for success not just for actions to disarm Iraq but more importantly is prosecuting our war on terrorism. We rely on other countries for logistics, intelligence, and overflight rights. We have called on other countries to help cover the costs of previous military engagements. And we rely on other countries to provide peacekeepers to help restore law and order around the globe, including most recently in Afghanistan. And we most certainly depend on the 90-odd countries in our global coalition to combat terrorism at home in the post 9-11 government.

However, if we adopt a unilateral approach, we undermine cooperation of the world community we have so often enjoyed.

Furthermore, the Levin amendment wisely stops short of codifying the Bush preemption doctrine, a dangerous and reckless new development in American foreign policy.

Many countries have adversaries who they believe present continuing threats, maybe even imminent threats, to their security. If we establish a



precedent of preemption, how in the future can we criticize Russia for attacking Georgia, stop India from taking action against Pakistan, or oppose a Chinese invasion of Taiwan in the court of world public opinion.

Nothing in the Levin amendment precludes unilateral action by the United States in self-defense where imminent and immediate threats exist. And nothing in the Levin amendment prevents the Congress from authorizing force at a later date if the U.N. does not take action.

I urge my colleagues to support the Levin amendment. I believe that it presents an excellent balance between the desire to contain and eliminate potential threats to American interests while demonstrating leadership in the post-cold-war world, and the value of devising a multilateral approach.

Thank you and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I believe I have 3 minutes remaining. In all due respect to the Senator from Michigan, as Paul Harvey would say, "Let's hear the rest of the story." The reason I said in 1991 that the U.N. Security Council should approve it is because the U.N. Security Council had already acted and approved. Never, at any time in my entire history, would I believe we are dependent upon the good will or the approval or disapproval of the U.N. Security Council. So I resent, slightly, the Senator from Michigan taking me out of context there.

The fact is, in Kosovo, if we took the same course of action the Senator from Michigan is contemplating now, when butchery and genocide was going on there, we would have waited until the Security Council acted, or didn't act, and then we would have gone back into session to determine what we should do about Kosovo.

How many thousands of people would have been murdered, butchered, and ethnically cleansed had we taken the same route that the Senator from Michigan is advocating on this issue, as far as Iraq is concerned?

All I have to say about this amendment is—well, you can just read it:

... will not adjourn sine die and will return to session at any time before the next Congress convenes—

Et cetera, et cetera. If that isn't a dictate by the action of the U.N. Security Council, nothing is.

We have come a long way. John F. Kennedy, on October 22, 1962, said this:

This Nation is prepared to present its case against the Soviet threat to peace and our own proposals for a peaceful world at any time, and in any forum, in the Organization of American States, in the United Nations, or in any other meeting that could be useful, without limiting our freedom of action.

The Levin amendment limits our freedom of action and contradicts the words of John F. Kennedy at the time of the Cuban missile crisis.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Madam President, I yield 6 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to express my support for a resolution authorizing the use of force against Iraq. I do so with two cardinal prerequisites: first, that all possible means be exhausted short of war to enforce United Nations resolutions concerning Iraq and, second, that any attack against Iraq take place as part of an international coalition. That is why I am pleased to cosponsor the amendment offered by my colleague from Michigan, Mr. LEVIN, the Chairman of the Armed Services Committee.

Before the United States wages war against Iraq, President Bush and the Congress owe it to the young Americans who face death or injury in that conflict to ensure that every effort has been made to obtain our ends without endangering them. Every ounce of preparation must be taken to ensure a swift and efficient outcome should war become necessary. As another President, Herbert Hoover, once said, "Older men declare war. But it is youth that must fight and die." The burden is on our leaders to justify why young men and women need to risk their future now.

Defense analysts suggest that anywhere from 100,000 to 400,000 troops will be necessary for an attack. There are already approximately 75,000 Reservists and National Guard troops on active duty, and even more may be needed to deal with the conflict in Iraq and Afghanistan while not degrading military missions elsewhere in the world. An occupation force in Iraq might require at least 75,000 troops plus a civilian counterpart to the military presence. The Congressional Budget Office estimates that the war will cost between \$6 billion to \$9 billion a month on top of an initial deployment cost of \$9 billion to \$13 billion and that an occupation force would cost \$1 billion to \$4 billion per month. Remember in the first Persian Gulf War, it was our allies who paid for the war. The cost of the war this time will be borne largely by the American treasury, unless we are supported by an international coalition. With a battered economy, it will be difficult to fund two wars at once for an indefinite period of time. Already our funds are stretched. The head of the U.S. Special Operations Command has indicated that he requires an additional \$23 billion over the next 5 years to maintain his global responsibilities.

The need to justify such a course of action is particularly critical in the case of Iraq as President Bush is advocating a preemptive strike against a potential threat to the American homeland. Traditionally, America has

never sought war by striking first nor has America eagerly sought foreign entanglements. This would be a preemptive war and one in which we could have few allies. Not since the Spanish-American War would the United States be fighting a war so far from our borders with so few friends.

As we consider this war, we must also consider the implications of what we are doing. Saddam Hussein is not the only dictator who oppresses his people, attacks his neighbors, and is developing weapons of mass destruction (WMD). North Korea's Kim Jong Il, Libya's Muammar Qadhafi, Iran's Ayatollah Khamenei, Syria's Bashar al-Asad, and others, all pose threats or have posed threats to American interests. All are known for their human rights abuses.

American troops stand eye to eye with North Korean troops on the DMZ. Libyan agents blew up an American commercial aircraft; Iran has imprisoned American diplomats; and Syria has supported terrorist groups who have attacked and murdered Americans. All have or are developing weapons of mass destruction, including nuclear weapons and missiles to deliver them. Some of these countries may already have nuclear weapons. Some have attacked—directly or indirectly through support for terrorist groups—their neighbors. In the case of Iran, recent reports indicate that it is sheltering and assisting al-Qaeda leaders.

In the case of other countries, we are working diligently, through bilateral and multilateral diplomacy, to constrain their efforts to develop weapons of mass destruction. However, in regard to Iraq, the President argues that Saddam poses a unique threat. His argument is convincing concerning the extent of devastation that Saddam has wreaked on his own people and his neighbors. He is truly, as the President notes, a "homicidal dictator," but he is not the only dictator addicted to developing weapons of mass destruction. Nor is the policy solely a choice between invading Iraq or standing hopelessly by while Saddam becomes ever stronger. Since the Persian Gulf War, we and our allies have worked to make Saddam weaker and, according to all reports, including that of our own military, Saddam's military capability is much less now than it was in 1991.

Congressional testimony, reports by the intelligence community and outside analysts, state that Iraq's WMD capability is much less now than it was before the Gulf War. A recent CIA public report states that Iraq's chemical weapons capability "is probably more limited now than it was at the time of the Gulf war . . ." Although it is probable that Iraq's biological weapons program is more advanced than it was before the war, its delivery capability, according to the respected London-based International Institute for Strategic Studies, "appears limited."

I agree that we must neutralize Iraq's WMD threat. The question is how to do that most effectively while minimizing the loss in American lives. The argument that an inspection system cannot guarantee the elimination of Iraq's WMD program is certainly true but misses the point. There are few absolutes in this world. Defense Secretary Rumsfeld insists that we need American troops on the ground, rummaging through every Iraqi nook and cranny for evidence of WMD. Even with our troops doing so, there would be no guarantee that every item would be uncovered or how long it would take. We are still finding traces of chemical weapons left over from World War I in the backyards of homes in Washington, D.C. Nor have our troops in Afghanistan, despite heroic efforts, been able to eradicate every al-Qaeda operative.

But what aggressive inspections can do is destabilize the Iraqi WMD program, keep it bottled up, frustrate efforts at gaining new technologies and additional supplies, and force Iraqi technicians to hide and keep moving constantly. It will not be disarmament, but, if implemented effectively, it will be dismemberment of the Iraqi WMD program, splitting it in parts and preventing it from becoming whole.

A new inspection regime has to be very aggressive, receive considerable support from the United States and its allies, have a fixed set of dates for marking compliance, and be backed by the threat of war. Iraq's record of evading inspections is well documented. Benchmarks for compliance will remove wiggle room for countries who argue for a softening of sanctions provisions. Putting in place an aggressive new inspection regime is not an insubstantial achievement, and it does not undermine necessary preparations to develop an effective war-fighting strategy and strengthen international backing for a conflict.

Defense Secretary Rumsfeld and others in the administration tell us that time is not on our side. But we must make the time to ensure that we minimize American casualties. Time is not on Saddam Hussein's side either. Our patience has been exhausted and a new U.N. resolution must be firm in its deadlines. Some in the Administration believe Saddam's hold on those responsible for guarding him is so tenuous that in the event of an attack, they will turn on him and overthrow him.

The current discussion about Iraq has obscured the successes of American policy toward Iraq. A recent Congressional Research Service report by its distinguished Middle East expert, Kenneth Katzman, observes, the United States "has largely succeeded in preventing Iraq from reemerging as an immediate strategic threat to the region." A British Government intelligence report notes that the "success

of U.N. restrictions means the development of new longer-range missiles is likely to be a slow process."

If war becomes inevitable because Iraq refuses to give inspectors the liberty they need to perform their mission, then the United States must have an effective military strategy for fighting a war.

Great uncertainty surrounds the President's post-war strategy. Remember the day the war ends, Iraq becomes our responsibility, our problem. The United States lacks strategic planning for a post-conflict situation. Retired General George Joulwan recently said that the U.S. needs "to organize for the peace" and design now a strategy with "clear goals, milestones, objectives." General Joulwan argues we did not have such a plan for Bosnia and we are late to develop one in Afghanistan. Our objectives in Iraq have not yet been made clear: is it our goal to occupy Baghdad and if so, for how long? A rush to battle without a strategy to win the peace is folly.

General Hoar observed that "there has been scant discussion about what will take place after a successful military campaign against Iraq. The term 'regime change' does not adequately describe the concept of what we expect to achieve as a result of a military campaign in Iraq. One would ask the question, 'Are we willing to spend the time and treasure to rebuild Iraq and its institution after fighting, if we go it alone during a military campaign? Who will provide the troops, the policemen, the economists, the politicians, the judicial advisors to start Iraq on the road to democracy? Or are we going to turn the country over to another thug, who swears fealty to the United States?'"

As General Shalikashvili stated in testimony before the Armed Services Committee, "we were very fortunate in Afghanistan that in fact a government, interim government, emerged that seemed to have a modicum of support from its people. . . . We should not count on being lucky twice." Nor can we count on Iraq's oil funding reconstruction if wellheads are blown up as they were by retreating Iraqi forces in Kuwait.

Experts indicate that American troops will need to remain inside Iraq for many years in order to ensure stability. Iraq will require extensive economic assistance. As the current situation in Afghanistan indicates, the process of restoring viability to a nation—nation-building—after years of repression is a difficult one and made more difficult by the inability of other nations to sustain their support in the effort. Violent attacks are on the increase in Afghanistan. Afghan officials have received only about half of the \$1.8 billion in aid promised last January. A study by the Army's Center of Military History has concluded that we would need to commit 300,000 peace-

keeping troops in Afghanistan and 100,000 in Iraq if we are to have an impact comparable to that which we had in reconstructing Japan and Germany after the war.

The consequences of a long-term American occupation of Iraq needs to be carefully weighed. Anthony Cordesman, an analyst with the Center for Strategic and International Studies, has observed, "there has been a 'deafening silence' from the Administration about how Iraq will be run after Hussein." Historically, the United States has had a poor record in the Middle East. We supported Iraq in its war against Iran.

Nor does eliminating Saddam necessarily mean that the Iraqi people will welcome American occupiers or that they will have democratic leaders to govern. Secretary Rumsfeld asserts that he trusts the Iraqi people will be inspired to form a new government. But can we be assured that it would be a democratic government or a democratic government that is pro-American? Can we be assured that the new regime will be committed to getting rid of Iraq's weapons of mass destruction, especially as Iraq's traditional adversary, Iran, has an even more advanced program of weapons of mass destruction?

Even though our military forces may be equipped to fight a war in Iraq and a war on terrorism in Afghanistan, there is a significant price to be paid. In his testimony before the Senate Armed Services Committee, General Richard Myers, Chairman of the Joint Chiefs, noted that certain unique units, such as intelligence platforms, command and control assets, and Special Operations Forces would need to be prioritized if the war on terrorism expanded. Richard Solomon, former Assistant Secretary of State in the first Bush Administration, refers to the "danger of over-stretch" in which the United States assets are deployed in multiple nation-building enterprises and are not able to respond if another crisis erupts.

All of these concerns point to the importance of international support as a critical ingredient of both our war-fighting and our peace-making strategy. Without the imprimatur of the international community, the President's war will be seen as a private vendetta by the United States.

The President was right to frame his speech at the United Nations in the context of restoring credibility to the United Nations through enforcement of its resolutions. This is the essential context of this conflict but it can be validated as such only if the international community joins it. Regional support will provide an allied force with the forward basing needed to mount a large-scale attack. Right now no country in the region contiguous to Iraq is volunteering to host American

troops in a war. International support will help dampen hostility toward the United States by the peoples of the region and help build support among the Iraqi people. International support for the post-war, peace-making phase of the operation will reduce the American military's footprint and decrease the need for American financial resources. Secretary Rumsfeld has testified that the United Nations or an international coalition will run Iraq after Saddam. For that to be the case, the United Nations or some ad hoc international coalition will have to be formed before the war.

The President also must ensure our troops are properly prepared. Recently, the Pentagon's Deputy Assistant Secretary for Chemical and Biological Defense stated that American troops are not "fully equipped and prepared" against a bio-chem attack. Decontamination shelters are reported to be in short supply as is the decontaminant foam used to clean up following an attack. The General Accounting Office recently testified that 250,000 defective protective suits against a chemical or biological attack cannot be located and may remain in current Pentagon inventories.

We must take the threat of an Iraqi chemical or biological attack very seriously. According to the British Government's White Paper on Iraq, Iraq chemical weapons caused over 20,000 casualties in the Iran-Iraq War. Iraq used sprayers, bombs, artillery rockets, and artillery shells to deliver these weapons. Thousands of rockets and artillery shells filled with chemical weapons remain hidden in Iraq's arsenal.

Haste makes waste, affirms the adage, and in this case, haste means a waste of American lives. We may have an all-volunteer force but they are not mercenaries; they are citizen-soldiers and we owe it to each and every one of them and their families to proceed carefully when endangering their lives. Preparation is not the same as procrastination.

Constituent opinion in my home state is running strongly against any authorization of the use of force against Iraq. The President and his Administration need to make a clear and compelling case to the American people and to our allies abroad as to why this confrontation is necessary now.

For that reason, Mr. President, I support efforts to frame a multilateral approach to rid Iraq of its weapons of mass destruction. I support action by the United Nations in the form of a resolution calling for unconditional and unfettered inspections in Iraq. Only after we exhaust all of our alternative means should we engage in the use of force, and before then, the President must ensure we have a strategy and plans in place for winning the war and building the peace.

I yield the floor.

Mr. BIDEN. Madam President, how much time do I control?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BIDEN. Madam President, I yield myself the remainder of my time.

The reason to go to the U.N. Security Council does not relate to sovereignty, it relates to security, and the security of the United States based upon the notion the President of the United States has recognized when he said he thought it was necessary to go to the U.N. Security Council.

I think the arguments made against the first part of the Levin amendment are specious. Why did the President of the United States go to the Security Council? Was he yielding our sovereignty? No more than our friend from Michigan is "yielding our sovereignty."

The President went to the U.N. because, as one White House official said to me, he had to do so. Why? For our security interests. If we did not go to the U.N. Security Council and check off the blocks, the moment any force crossed into Iraq, we would find every U.S. embassy burned down in every Muslim country in the world. He went for security reasons.

My only disagreement with my friend from Michigan is I do not think we need a two-step process. We should go to the United Nations, and the President says we should go to the United Nations. We should seek the authority to enforce the inspectors in disarming weapons of mass destruction. And if he fails, my friend says come back and get authorization to proceed anyway. I am prepared to give him the authorization now. That is the only disagreement we have.

I would disagree with those who argue against my friend from Michigan saying that by his making this contingent of going to the United Nations first, he is in no way yielding to American sovereignty, any more than the President has.

In the underlying resolution, it requires the President, in effect, to go to the United Nations and exhaust all diplomacy.

Nobody has suggested the President of the United States has yielded our sovereignty. No one should suggest the Senator from Michigan is, either.

Mr. WARNER. Will the Senator yield for a brief question?

Mr. BIDEN. My time is up.

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. WARNER. The Senator raises a key point on which I was going to conclude, and that is, as we are debating, the Secretary of State is working before the U.N. Security Council.

Mr. BIDEN. Correct.

Mr. WARNER. He has made it clear to the Senator from Delaware, I am certain, as he has made it clear to me, that the two-step process will not

achieve the goals a coalition of nations now working—Great Britain and the United States—desire to achieve: am I not correct?

Mr. BIDEN. Yes, with one caveat. He has expressed to me his ability to achieve a tough resolution would be enhanced by our not making it a two-step process. But he personally has told me and my committee he would consider and the President would consider a U.N. two-step process if they had to. The reason for my saying not two steps now is it strengthens his hand, in my view, to say to all the members of the Security Council: I just want you to know, if you do not give me something strong, I am already authorized, if you fail to do that, to use force against this fellow.

Mr. WARNER. That is right. Were we to act now, we would substantially reduce his leverage and ability.

Mr. BIDEN. In response, I cannot honestly say substantially reduce it. I think it will reduce it some. This resolution, for example, reduces the possibility of getting a strong response compared to what Lugar-Biden would have done. The truth is it is marginal. Everyone has to make their own judgment. I think it would reduce his ability. I would be hard pressed to say it was substantial. He has a stronger hand having the authority granted to him after he exhausts the U.N. outcome to say to them: Look, if you do not give it to me, I now have the authority to move.

Mr. WARNER. I say, Madam President, the distinguished majority leader said Congress should speak with one voice. We have in our resolution—you recognize the problem of one body. This is a total substitute amendment. It strips out everything. As the Senator from Delaware knows, I say to the distinguished chairman, the Levin resolution just takes part of 687. It does not incorporate the previous resolutions, the 16 which we have time and again on this floor said Saddam Hussein has ignored.

I say to my friend, it is very important, as the leader said, that Congress speak with one voice, and the only way to do that is to retain our Lieberman-Warner-McCain-Bayh amendment and not have a substitute.

I yield the floor.

Mr. BIDEN. Madam President, I ask unanimous consent to proceed for 30 seconds.

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

Mr. BIDEN. Madam President, if the President attempts to take this Nation to war over Kuwaiti prisoners, I hope to God that is not what you all mean by this underlying provision. If this President attempts to take this Nation to war over return of Kuwaiti property, if this President attempts to take this Nation to war based on this authority for any reason—any reason—other than

weapons of mass destruction, I will be on this floor every day taking issue with this President attempting to stop the war. I cannot fathom anyone suggesting that Kuwaiti prisoners warrant us going to war. This is about weapons of mass destruction, in this Senator's view.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Madam President, I totally reject there has been any inference on this side of such a nature, but we do incorporate in the preamble the other resolutions, and I think it important they be incorporated.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 15 seconds. There may not be an inference in their rhetoric, but there is more than an inference in the resolution they support. It says resolutions of the U.N. It identifies them all, including the one on Kuwaiti prisoners. I am afraid while they may want to ignore the language in their own resolution, that is more than an inference that is there; that is authorized there.

It is amazing to me that language is inserted into my resolution, which is not there, by the opponents of my resolution, while ignoring the language in their own resolution which is there.

I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WARNER. Madam President, I should point out it also includes the return of an American prisoner, an accounting of him.

Mr. LEVIN. That part I support.

Mr. WARNER. Fine.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, the vote on the Levin substitute amendment is one of the most important votes we will cast in this process. I commend the Senator from Michigan for his fine work on this alternative. The Levin amendment urges the United Nations to take strong and immediate action to pass a resolution demanding unrestricted access for U.N. arms inspectors in Iraq. It also urges the United Nations to press for full enforcement of its prior resolutions on Iraq. The Levin substitute language makes it clear that the United States will stand behind the U.N. Security Council, even authorizing the use of U.S. military force to support the Security Council directives if necessary.

At the conclusion of World War II, the United States had a vision of a world body that would be a forum for resolving future disputes with means other than war. There were many important initiatives that needed multilateral coordination by an international body. For more than half a century, the United States has poured

diplomatic energy and considerable resources into the United Nations system. During the cold war years, the U.N. languished, weakened by the divisive United States-Soviet confrontation. But following the demise of the Soviet Union, the United Nations has regained considerable authority, and as the world's lone superpower, the United States is now finding that it has considerable use for the United Nations.

Our decade-long struggle with Saddam Hussein is one example of how working with the United Nations serves our interests. We partnered with the United Nations very effectively during the Persian Gulf War. Sanctions have prevented any significant rebuilding of Iraq's conventional military capabilities. We maintain U.N. no-fly zones over Iraq that have restricted military reprisals against the Iraqi Kurds and Shiites. United Nations inspectors on the ground in Iraq learned a great deal about Iraq's weapons of mass destruction program immediately following the gulf war. But things fell apart in subsequent years.

Once again, we need a strong United Nations to step up to Saddam Hussein. The United Nations must take the lead in enforcing its demands that Iraq give up its biological and chemical weapons stockpiles and production capabilities. The United Nations also demanded that Iraq dismantle its nuclear weapons program. I am pleased that last month, President Bush decided to take his case against Saddam Hussein to the United Nations. The U.N. Security Council has responded with vigorous debate, and is considering a strong U.S. proposal for enforcement of a strict U.N. inspections regime. I urge the Security Council to act now, and act decisively.

The Levin amendment puts us squarely behind this United Nations effort. It is the only language that does so. It is critical that we give the U.N. our full support at this time, and give the Security Council the opportunity to take bold action as proposed by the United States. If we undercut the United Nations here today, we are depriving ourselves of the best chance to peacefully achieve the most important goal of disarming Saddam Hussein.

As the world's lone super power, we need a partner in the United Nations. Many of the critical tasks before us are actually international tasks. For instance, degradation of the environment is a global problem and requires a global solution. The crisis of climate change can hardly be addressed by the United States alone. Improving the quality of our water and air requires internationally coordinated efforts. Economic, employment and health problems are increasingly becoming global issues, as people move across national boundaries in search of jobs and opportunity. We need a strong partner

in these efforts, and the United Nations system is our best hope.

We are becoming increasingly aware of the disparities in the economic wealth and use of resources around the globe. Addressing these problems will require a great deal of creative thinking and financial resources. While we are the world's strongest nation, we cannot solve these problems alone. Nor do we want to. We need a strong partner in this effort. A reinvigorated United Nations is the most likely venue for progress.

The spread of weapons of mass destruction has clearly become a threat to our national security. There is much more that the United States can do to stop this proliferation. But in order to have much success at these efforts, we must work in concert with the international community. We need a strong United Nations as a partner in this effort.

The effect of the Levin substitute is to give the United Nations a chance to prove it is up to the task. If we are to have a strong and effective partner in confronting the many problems facing the United States, then we must stand squarely behind the United Nations today. I urge my colleagues to support the Levin amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I rise in support of the Levin resolution. I salute my colleague from the State of Michigan because I think what he has captured in this resolution is, frankly, what the American people believe.

There is no one in this Senate Chamber making apologies for Saddam Hussein or his weapons of mass destruction. There is no one who wants to ignore the peril which that man could pose to the Middle East or to the United States of America. But what Senator LEVIN is suggesting is, frankly, to follow what the President is suggesting.

On September 12, President Bush went to the United Nations and he said to them, if their organization means anything, then they have to stand up to this man. We have to have unconditional inspections. For 5 years we have been standing by the sidelines, and we want to know what is happening in Iraq.

Senator LEVIN says that is the first place we should go, and I agree with him. And it is not as if the United Nations has ignored this. Secretary of State Colin Powell, a man I respect very much—one of the leaders in this administration—has been in New York working with the United Nations for this resolution. That is the best course of action. To have the United Nations

behind us, as President Bush's father had the United Nations behind him in the Persian Gulf war, to have a coalition of allies representing countries from all around the world; countries that have joined us in the war on terrorism would now join us in a meaningful inspection regime in Iraq. That is what Senator LEVIN suggests.

What a contrast it is from the President's own resolution. The President's resolution talks about continued discussion with the United Nations. But make no mistake, the President's resolution gives him unconditional, go-it-alone authority to launch a land invasion in Iraq with or without an ally. There is a world of difference between what Senator LEVIN and I support and what the President has asked for.

Doesn't it make more sense for us to work with the United Nations for unconditional inspections to make certain we have inspectors on the ground looking at every square inch of Iraq, and if there is resistance from Saddam Hussein, if he obstructs us, if he creates obstacles, we then have the force of the United Nations behind us in enforcement? We do not stand alone. We stand with other nations and with the United Nations. That is what President Bush's father did, and it was the right thing to do. That is what we should do because, frankly, bringing this force together is a validation of this organization, the United Nations, which the United States, as much as any other nation in the world, helped to create.

After World War II, we said: Let's come together in collective security to work together to solve the problems of the world and to deal with war and peace.

Time and again, in over 100 instances, the United Nations has risen to that challenge. We should give them that same opportunity and responsibility with the Levin resolution. That is the better course of action. As Senator LEVIN says clearly in his resolution, nothing in the resolution ever diminishes in any way whatsoever the power of the President of the United States to defend this country, its people, its territory, its Armed Forces, against any threat of aggression. That is part of what we expect of the Commander in Chief, the President, and Senator LEVIN preserves and protects that.

I urge my colleagues to support the Levin amendment. The Levin amendment is the best way for us to approach this challenge.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona has 1 minute.

Mr. MCCAIN. Madam President, I may be in the debate on the Durbin amendment. We can discuss the comparison between this situation and Kosovo. The United Nations Security Council never acted in Kosovo. The

United States of America was not imminently threatened—was not threatened—but genocide was going on in Kosovo where thousands of people were being ethnically cleansed. If we had passed the Levin amendment at the time of Kosovo, when those of us supported then-President Clinton, we would have waited to find out whether the Security Council acted or not and then we would have come back and considered whether Kosovo was a threat to the United States of America. Kosovo is not today, was not then, and will not be tomorrow a threat, but the United States of America had an obligation, and because the United Nations Security Council did not act did not hamstring us.

The reading of this amendment says the Congress will come back into session in case of certain Security Council actions. There is no other way to read it. This amendment should be resoundingly defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan controls the remaining 5 minutes.

Mr. LEVIN. Madam President, that Saddam Hussein is a threat, must agree to inspections and be disarmed is something on which I hope we all agree. The only question here is: What is the best way to do that? Do we do that by going to the world community, as the President has, and saying we want the world community to enforce its resolution relative to weapons of mass destruction? And do we mean it? Do we go there, and are we serious when we say to them: We want you to act because it makes a difference, when force is used, as to whether or not it has the credibility and strength of the United Nations and the world community behind it? It makes a difference.

It did not make a difference in Kosovo. It makes a difference here. The ramifications of going it alone here are major. In the short term, our troops are going to be more in danger if we go it alone without the U.N. authorization.

We have been told by the Saudis and other countries we are not going to have access to their bases, their airspace, their support, unless there is a U.N. resolution. We have been informed of that.

We know that the war against terrorism can be weakened unless we act as a world community. We cannot act unilaterally and expect that other nations are going to join us in a war on terrorism the way they would if there were a U.N. resolution supporting it.

If we go it alone, there are both short-term risks as well as long-term risks. The long-term risks in going it alone are that without an imminent threat—if there is one, we can move in self-defense. No U.N. resolution is ever needed to act in self-defense. But to act without an imminent threat, to attack

another nation, raises some significant precedent problems for other threatening parts of the world. India and Pakistan can easily say there is a continuing threat and use this kind of a precedent to justify attacking each other. That is not the kind of precedent we should set.

So there are real risks that we should recognize in using force unilaterally. We should see the advantage of doing this multilaterally with the support of the world community. We should go to the world community, focus all of our efforts there, and tell them we are serious.

We say we are. Let's mean it, not just say that we want them to be credible but mean it, and to tell them in advance: Oh, by the way, if you do not do it, we will anyway.

It takes them right off the hook. Instead of putting a focus on the need for world community action to authorize this action and the advantage of it, our focus becomes blurred. It is an inconsistent message to the world. Now it is a message of unilateralism. We say: We need you, but whether you do it or not, we are going it alone.

This resolution—and here I must say I agree with my friend from Arizona. He agrees with me that it would be better if we got authority from the U.N., and I am glad he does. And then when he says we must not delegate our security policy to the U.N., I agree with him. We never will; we never would. This resolution explicitly eliminates any such implication by the reiteration of the right to act in self-defense.

Mrs. BOXER. Will the Senator yield for a question?

Mr. LEVIN. I would be happy to yield for a question. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 50 seconds.

Mrs. BOXER. This is a quick question. Some of our colleagues on the other side have basically said the Senator is relying totally on the United Nations. I have read the Senator's resolution over and over. He is so clear on the point that at any time the President can take action in self-defense and, in addition, at any time the President can come back and make the case for unilateral action. Am I correct on that reading, that at any time he can come back and answer the questions he has yet to answer and lay out what it would mean to us to go it alone? Is that correct?

Mr. LEVIN. The Senator is very much correct. I thank the Senator for the support and for her kind words earlier this afternoon.

Madam President, is there any time remaining?

The PRESIDING OFFICER. The Senator has 3 seconds.

Mr. LEVIN. I yield back the entire length of my remaining time.

The PRESIDING OFFICER. The Senator from Nevada.



Mr. REID. Madam President, I ask unanimous consent that I be allowed to speak.

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

Mr. REID. Madam President, my good friend, the senior Senator from Pennsylvania, has questioned some of the things I have done today. I am disappointed he feels that way.

Last night we worked for a long period of time. It was not a matter of minutes; it took a long time. The Senator from Virginia, the Senator from Arizona, the Senator from Connecticut, and others, including the people offering these amendments—I personally spent time on the phone calling Senators who had amendments. The result, after a long period of time, was that Senators who have amendments—Senator BOXER, Senator DURBIN, Senator LEVIN, Senator BYRD—we worked out an arrangement where they could offer their amendments. Senator DAYTON always was going to offer his amendment and he withdrew it and decided not to offer it. His was nongermane.

In an effort to get this done, we allowed some amendments to be voted on today that were nongermane. That is how compromises are made in legislation. As part of the deal, the Senators who had other amendments would withdraw those amendments. There was clearly never any question about that. It is in the RECORD last night, "and they will offer no other amendments tomorrow."

In the rush of things, they were not withdrawn last night. They should have been. They were not. Just like the problem we had with Senator BYRD today, he understood there was a unanimous consent request that had never been made that was in the RECORD.

First, we did not need consent to withdraw this. Every Senator had the right on their own to withdraw this. That is a right. They did not need unanimous consent.

My good friend who understands the rules as well as anyone here had the right at any time to file a first-degree amendment. For reasons he knows, he decided not to do so. He indicated he had second-degree amendments that he wanted to pin to some of the amendments, that the arrangements were made to not be part of the proceedings today.

I also say to my friend, the senior Senator from Pennsylvania, he said: Well, I will not agree to any of your unanimous consent requests.

I don't make unanimous consent requests for me. Rarely. I bet out of 100 unanimous consent requests, there is not three-tenths of 1 percent that I make for myself. I will try during this vote and the rest of the evening to see if we can work something out for the Senator from Pennsylvania that will satisfy him. We always try to do that. Both the majority and the minority

floor staffs work very hard. We will try to do that. I don't want him upset and disappointed.

I want the RECORD to indicate that what they did last night was for the good of this body. We did our best. It may not have been a perfect arrangement, but I think it was fair. Senators were allowed to offer an amendment and in exchange for that they withdrew the others. Technically, they didn't do that last night. I didn't do it on their behalf. We did it this morning. It is done. That was the fair thing to do.

I repeat for the second time that I will be happy to work with the Senator from Pennsylvania to see if we can arrive at the conclusion he wants. We will see what we can do.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I would be happy to yield.

Mr. MCCAIN. Along with the Senator from Virginia, the Senator from West Virginia, and other Senators, negotiations were conducted in good faith, in fairness, with full consultation. Many, many Senators are unhappy that they were unable to perhaps propose more amendments or perhaps do other things.

I attest to the fact that the Senator from Nevada, fulfilling his duties of getting this legislation achieved with the consideration due every Senator, in my view, did a fair and unbiased job.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I associate myself with the—

Mr. SPECTER addressed the Chair.

Mr. WARNER. The leader is to be recognized.

The PRESIDING OFFICER. The Senator from Virginia is the manager and is recognized.

Mr. WARNER. I associate myself with the remarks of my colleague, Mr. MCCAIN. I attest to the accuracy of the statement the Senator made.

I further add that the distinguished Republican leader, Mr. LOTT, from time to time visited with the floor managers, so he, likewise, was very much aware of the procedures.

Mr. REID. I kept the majority leader advised of everything that we did.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to respond to the Senator from Nevada, over the Senator from Virginia, because what the Senator from Virginia has said and what the Senator from Arizona has said does not bear on this issue.

I am not upset. I think I have been treated unfairly. I did not offer a first-degree amendment to the so-called Biden-Lugar amendment because I had expected Senator BIDEN to offer that amendment. He did not do so up until 1 p.m. yesterday. Having found that out, I consulted with the Parliamentarian and found out that I could offer

a second-degree amendment to some seven pending first-degree amendments. I worked it out very carefully and elaborately with the Parliamentarian this morning. The word was out that I was offering the Biden-Lugar amendment.

Other Members of the Senate from the other side of the aisle approached me, liked the fact I was doing it, and wanted an opportunity to vote on it. I got a call from a ranking member of the State Department saying the White House was concerned that I offered the amendment. The word was out that I had moved ahead to offer the Biden-Lugar amendment as a second-degree amendment. I had done that because, after extensive conversations with Senator BIDEN last week, I had decided to cosponsor it. When it was not offered, I decided to offer it. I was under no illusion of its being successful. It seemed to me on a matter of this importance, going to war, that matter ought to be before the Senate. So I worked it out. When I walked off the floor, I was told by an aide that the Senator from Nevada had asked unanimous consent to withdraw not only the Levin amendment, the Durbin amendment, and the Boxer amendment, but also the Dayton amendment. That was done in my absence. I thought that was unfair. I approached the Senator from Nevada and said so. It seems to me that I ought to have an opportunity to offer that amendment.

Now, I read the RECORD from last night that is referred to with respect to three of the Senators, Senator LEVIN, Senator BOXER, and Senator DURBIN. Senator DAYTON is not mentioned. I know he has the right to withdraw the amendment. Senator DAYTON does not like the resolution. Perhaps he would not have. There is an issue as to whether Senator DAYTON's amendment was germane. I am advised by the Parliamentarian that my second-degree amendment being germane cures whatever infirmity there may be on the Dayton first-degree amendment.

I have been in this body for 22 years, and I do not think I have objected to any unanimous consent agreement. However, there are plenty of Senators who do. I am not talking about the percentage the Senator from Nevada offers on his own behalf. This is part of my objection to the way this entire debate is being run. There is cloture filed. I understand the rules. Seventh-five Senators voted against it. I have already heard comments from some who voted against it who are sorry they did so.

We are about to go to war and a Senator does not have a right to offer an amendment. A unanimous consent agreement is asked in my absence and I do not think that is fair.

I yield the floor.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan, Mr. LEVIN.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 75, as follows:

[Rollcall Vote No. 235 Leg.]

#### YEAS—24

|          |          |             |
|----------|----------|-------------|
| Akaka    | Durbin   | Levin       |
| Bingaman | Felstein | Mikulski    |
| Boxer    | Harkin   | Reed        |
| Byrd     | Inouye   | Rockefeller |
| Chafee   | Jeffords | Sarbanes    |
| Conrad   | Kennedy  | Stabenow    |
| Corzine  | Kohl     | Wellstone   |
| Dayton   | Leahy    | Wyden       |

#### NAYS—75

|           |            |             |
|-----------|------------|-------------|
| Allard    | Edwards    | McCain      |
| Allen     | Ensign     | McConnell   |
| Baucus    | Enzi       | Miller      |
| Bayh      | Feltingold | Murkowski   |
| Biden     | Fitzgerald | Murray      |
| Bond      | Frist      | Nelson (FL) |
| Breaux    | Graham     | Nelson (NE) |
| Brownback | Gramm      | Nickles     |
| Bunning   | Grassley   | Reid        |
| Burns     | Gregg      | Roberts     |
| Campbell  | Hagel      | Santorum    |
| Cantwell  | Hatch      | Schumer     |
| Carnahan  | Helms      | Sessions    |
| Carper    | Hollings   | Shelby      |
| Cleland   | Hutchinson | Smith (NH)  |
| Clinton   | Hutchison  | Smith (OR)  |
| Cochran   | Inhofe     | Snowe       |
| Collins   | Johnson    | Specter     |
| Craig     | Kerry      | Stevens     |
| Crapo     | Kyl        | Thomas      |
| Daschle   | Landrieu   | Thompson    |
| DeWine    | Lieberman  | Thurmond    |
| Dodd      | Lincoln    | Torricelli  |
| Domenici  | Lott       | Voinovich   |
| Dorgan    | Lugar      | Warner      |

#### NOT VOTING—1

Bennett

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry: It is the understanding of the Senator from Virginia that the Durbin amendment is next under the order.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And will the Chair state the allocation of time?

The PRESIDING OFFICER. The Senator from Illinois controls 40 minutes; the Senator from Delaware, Mr. BIDEN, controls 10 minutes; and Senators WARNER and MCCAIN share 15 minutes.

Mr. WARNER. Mr. President, we are ready to proceed. I would like to just address the Senate momentarily, and I say to my distinguished friend and floor leader, that on this side, the following Senators have indicated a desire for some time to speak: Senator DEWINE, Senator COLLINS, Senator SPECTER, Senator SESSIONS, Senator ENSIGN, Senator SMITH, Senator

MCCONNELL, Senator GRAMM, Senator FITZGERALD, and Senator SHELBY.

Now, we have progressed very well through this debate to allocate the speakers going from one side to the other. I would hope we could do that. And in due course we could work together, I say to my good friend, who has been so helpful to move this piece of legislation, to get a UC to put speakers in line so as to sequence the times so that Senators can go about their duties today on other matters more conveniently.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Virginia, we also have a list of people who want to speak. Under the rules, we have 30 hours postcloture. We have used some of that time today. We have 100 Senators. A number of Senators have already spoken. I have looked at our list. I heard the Senator briefly mention his list. I would hope those Senators who have already spoken would allow some who have not the opportunity to speak. But that is a personal choice they have to make.

During this next debate, I will be happy to direct our floor staff, as you will, to see if we can work out—I think if we do more than four at a time, it creates a problem. So we will work on that and see if we can come up with some speakers after we dispose of this next amendment.

Mr. WARNER. I thank the leader. So we shall work together.

Senator MCCAIN and I will require additional time on this side, both of us, to address various issues. Having managed the bill, there are areas of this debate we believe need to be put in the proper context in which questions arose and were answered.

Mr. REID. After the two leaders, you have the right of first recognition, so you would certainly be able to do that.

Mr. WARNER. If I understand, I say to my leader, following disposition of the Durbin amendment, the parliamentary situation is that we are now on the balance of the 30 hours remaining under cloture; am I correct?

Mr. REID. Since cloture was invoked this morning, I don't remember exactly when it was invoked.

Mr. WARNER. About 11:10 is my recollection.

Mr. REID. The 30 hours started running at that time.

The PRESIDING OFFICER. The time was 11:38 a.m.

Mr. WARNER. Just to inform Senators what the parliamentary situation is.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized to offer an amendment.

Mr. DURBIN. Mr. President, if I am not mistaken, the Senator from Mississippi was seeking unanimous con-

sent to speak at this time. I yield to him before I call up the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, over the last several years the Subcommittee on International Security, Proliferation and Federal Services has monitored weapons systems development in Iraq and elsewhere. We have held numerous public hearings on the threat these developments pose to our national security.

For the information of all Senators, I am putting in the RECORD an unclassified description of the subcommittee's findings from the testimony presented to us by the intelligence agencies at our hearings. I firmly believe we are confronted with a dangerous threat to our forces who are now deployed in that area of the world. I am also convinced the President has outlined a strategy for dealing with this threat and with the dangers faced by our homeland which involves the United Nations and the Congress in the decisionmaking process, and we should support him.

This support would be clearly illustrated by approval of the Lieberman-Warner-McCain amendment. We should let our friends and adversaries alike know that, as a nation, we are united in our resolve to do whatever is necessary to protect our national security and the safety of our citizens, including the use of military force.

I ask unanimous consent that the outline of findings from my subcommittee which I described be printed in the RECORD.

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

#### FACTS ABOUT IRAQ'S WEAPONS OF MASS DESTRUCTION

Iraq's program to develop weapons of mass destruction and the means to deliver them has been underway for over three decades. Although it suffered setbacks during and immediately after the Gulf War, the program has since been reconstituted and has achieved significant progress in recent years. The following key facts about Iraq's program to acquire and employ weapons of mass destruction are drawn from publications and testimony of intelligence officials.

In an October 2002 report entitled "Iraq's Weapons of Mass Destruction Programs," the Central Intelligence Agency reached these key judgments:

Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Iraq has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade.

Iraq hides large portions of its WMD efforts. Revelations after the Gulf War starkly demonstrate the extensive efforts undertaken by Iraq to deny the world information about its programs.

Since inspections ended in 1998, Iraq has maintained its chemical weapons efforts, energized its missile program, and invested more heavily in biological weapons; most analysts assess Iraq is reconstituting its nuclear weapons program.

Iraq's growing ability to sell oil illicitly increases Baghdad's capabilities to finance WMD programs; annual earnings in cash and goods have more than quadrupled.

Iraq largely has rebuilt missile and biological weapons facilities damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production.

Baghdad has exceeded UN range limits of 150 km with its ballistic missiles and is working with unmanned aerial vehicles (UAVs), which allow for a more lethal means to deliver biological and, less likely, chemical warfare agents.

Although Saddam probably does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them.

How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material.

If Baghdad acquires sufficient weapons-grade fissile material from abroad, it could make a nuclear weapon within a year.

Iraq has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX. Its capability was reduced during United Nations inspections and is probably more limited now than it was at the time of the Gulf War, although VX production and agent storage life probably have been improved.

Saddam probably has stocked a few hundred metric tons of chemical weapon (CW) agents.

The Iraqis have experience in manufacturing CW bombs, artillery rockets, and projectiles, and probably possess chemical agents for ballistic missile warheads, including for a limited number of covertly stored, extended-range Scuds.

All key aspects—R&D, production, and weaponization—of Iraq's offensive biological weapon (BW) program are active and most elements are larger and more advanced than they were before the Gulf War.

Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, Scud missiles, aerial sprayers, and covert operatives, including potentially against the U.S. Homeland.

Baghdad has established a large-scale, redundant, and concealed BW agent production capability, which includes mobile facilities; these facilities can evade detection, are highly survivable, and can exceed the production rates Iraq had prior to the Gulf War.

Iraq maintains a small missile force and several development programs, including for an Unmanned Aerial Vehicle (UAV) that most analysts believe probably is intended to deliver biological warfare agents.

Gaps in Iraqi accounting to UNSCOM suggests that Saddam retains a covert force of up to a few dozen Scud-variant missiles with ranges of 650 to 900 km.

Iraq is deploying its new al-Samoud and Ababil-100 short-range ballistic missiles, which are capable of flying beyond the U.N.-authorized 150-km range limit.

Iraq's UAVs, especially if used for delivery of chemical and biological warfare (CBW) agents, could threaten its neighbors, U.S. forces in the Persian Gulf, and the United States if brought close to, or into, the U.S. Homeland.

Iraq is developing medium-range ballistic missile capabilities, largely through foreign assistance in building specialized facilities.

Iraq's effort to extend the reach of its ballistic missile force is not limited to medium-

range missiles capable of striking its immediate neighbors. Iraq has pursued long-range ballistic missiles in the past and has even tested a rudimentary space launch vehicle (SLV).

In testimony before the Subcommittee on International Security, Proliferation and Federal Services, Robert Walpole, the National Intelligence Officer for Strategic and Nuclear Programs stated, "Iraq's goals of becoming the predominant regional power, and its hostile relations with many of its neighbors, are the key drivers behind Iraq's ballistic missile program."

According to the Department of Defense's report "Proliferation: Threat and Response," Iraq in December 1988 attempted to launch the Al Abid 3-stage space launch vehicle, which used 5 Scud missiles clustered together as a first stage.

The Intelligence Community's unclassified summary of the "National Intelligence Estimate on Foreign Missile Developments and the Ballistic Missile Threat Through 2015" states:

After observing North Korean missile development the past few years, Iraq would be likely to pursue a three-stage Taepo Dong-2 [TD-2] approach to a ICBM, or space-launched vehicle, which would be capable of delivering a nuclear weapon-sized payload to the United States.

Iraq could develop and test a Taepo Dong-2-type system within about ten years of a decision to do so.

If Iraq could buy a TD-2 from North Korea, it could have a launch capability within a year or two of a purchase.

It could develop and test a TD-1-type [Taepo Dong-1] system, within a few years.

Iraq could attempt before 2015 to test a rudimentary long-range missile based on its failed Al-Abid SLV . . .

If it acquired No Dong from North Korea, it could test an ICBM within a few years of acquisition by clustering and staging the No Dong—similar to the clustering of Scuds for the Al-Abid SLV.

Mr. COCHRAN. I thank the distinguished Senator from Illinois.

AMENDMENT NO. 4865 TO AMENDMENT NO. 4586

Mr. DURBIN. Mr. President, pursuant to the unanimous consent agreement, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 4865 to amendment No. 4586.

(Purpose: To amend the authorization for the use of the Armed Forces to cover an imminent threat posed by Iraq's weapons of mass destruction rather than the continuing threat posed by Iraq)

On page 7, line 20, strike "the continuing threat posed by Iraq" and insert "an imminent threat posed by Iraq's weapons of mass destruction".

Mr. DURBIN. Mr. President, I call up this amendment to the underlying resolution presented by the President and sponsored by Senator LIEBERMAN and others on the floor of the Senate.

In this Capitol Building, there are many historic rooms. There is one that is of great significance to me. It is only a few steps down the hall. It was in room 219 where I gathered with about a dozen of my colleagues among the Sen-

ate Democrats for a meeting on the morning of September 11, 2001. I can still recall the meeting vividly as we watched the television screen and its report, as we heard of the evacuation of the White House, as we jumped from our chairs and looked down The Mall to see the black smoke billowing from the Pentagon. And then we were told immediately to leave this great building and rushed down the steps and far away.

That is my image of September 11. Everyone who is following this debate has their own image of September 11. My world changed. America changed. Perhaps things changed all around the world on that day.

I came to work on that morning never believing that just a few days later, on September 14, I would stand on this floor and join every one of my colleagues in the Senate in a unanimous bipartisan vote of support for President Bush's request for war on terrorism. I am not a person who comes to that vote easily. I am one who grew up with the specter of war during our war in Vietnam. I am a person who served in the Congress and considered the momentous decision of the Persian Gulf war. I always took those votes extremely seriously. But there was no doubt in my mind on September 14, this was the right one. The war against terrorism was the right one. We were going to go after those parties responsible for what they had done to us on that day of infamy.

Now we gather in the Senate, a little over a year later, to face another historic vote. The President has asked Congress for the authority to wage another war, a war against Iraq. It is fair first to ask what progress we have made on the war against terrorism. Some things have happened for which we can be very proud.

The Taliban is out of power in Afghanistan. They no longer will be catering to the kind of extremist we saw with al-Qaida. Osama bin Laden is at least on the run, and that is certainly good news. Afghanistan is moving back toward a civilized state. Women are returning to the streets without the burkas. Girls are going to school. Positive things are happening. We saw an intelligence network created around the world to support the U.S. war on terrorism, an amazing display of unity and support for what we were doing.

But still, as I stand here today and make this assessment of the war on terrorism, the manhunt continues for Osama bin Laden and his top lieutenants. Afghanistan is still in its national infancy. Hamid Karzai, leader of Afghanistan, is a good man but barely escaped an assassination attempt a few weeks ago, an assassination that, had it resulted, would have thrown that nation into chaos. Al-Qaida is still known to be in 60 nations around the world, and this war is far from over.

Make no mistake, we cannot dedicate the resources, the manpower, the skills, and the weapons of war to a new war in Iraq without sacrifices in our war on terrorism. This will be a war on two fronts; sacrifices will be made.

Let's speak to the President's request for a war against Iraq. If you have followed the comments from the President since August until today, you will note that his approach has changed. In fact, this is the third version of the resolution before us.

In one respect it is a tribute to the President that he has worked with others to try to improve the resolution. We expect that. In another, it suggests a change in attitude and philosophy and perhaps an intent as this resolution develops.

The speech the President gave on Monday night I listened to, every single word of it. I wanted to hear everything he had to say. The speech the President gave to the American people was far different than the language of the resolution before us.

What has happened since August when the President first raised the specter of Iraq as a threat to the United States?

Initially the White House said: We don't need congressional approval. We can move forward. They went on to say: We can do it unilaterally. We don't need any allies. We can attack Iraq if necessary by ourselves. And the President said our goal is regime change. We want Saddam Hussein gone. We have had enough of him. And he went on to say—Vice President CHENEY backed him up—inspections by the U.N. are worthless. We tried that.

That was the first cut, the first position of the White House.

Last Monday, when the President gave a speech, it was a much different message. He is seeking congressional approval. That is why we are here today. He said that he is going to help lead a coalition of forces against Saddam Hussein, far different than what this resolution says, far different than what he said at the outset.

He is now working through the United Nations: something that had been dismissed early on in the debate has now become a big part of it. The President went on to say that he is now focusing on weapons of mass destruction and destroying them. There won't be any argument here. I have yet to meet a single Member of Congress who defends Saddam Hussein and his weapons of mass destruction.

The President said we need an inspection regime through the United Nations. That is a big departure from where he was. But that speech basically described a process the President suggested and endorsed, which many of us endorse as well.

In 8 weeks the administration has changed its rhetoric but the resolution we have before us has not. This resolu-

tion is important for many reasons. First, it is a war resolution. With this expression of authority from Congress, the President will have what he needs under our Constitution to move forward, to dispatch troops, mobilize reserves, move the men and women in uniform into harm's way, and be prepared for battle. That is, of course, the most important part of the resolution.

Another part rivals it in importance. This resolution is historically important because it marks a dramatic departure in the foreign policy of the United States of America. It is not simply a question of our policy toward Iraq or Saddam Hussein; it is a question of our policy toward the world.

This resolution still authorizes a unilateral, go-it-alone invasion of Iraq. This resolution contains no requirement to build a coalition of allies behind us. It has been said over and over again, isn't it better for the United States to have a coalition behind us than to have a coalition against us? This resolution does not specify that we are targeting weapons of mass destruction. This resolution represents a dramatic departure in foreign policy. That is why I have offered this amendment.

Senator LEVIN of Michigan was here earlier speaking about the role of the U.N. As much as any nation, the United States has guided and nurtured the U.N. We have gone through painful, frustrating moments when we have disagreed with their actions and could not agree with Security Council decisions, but by and large we have stood by the U.N. since its creation. In the words of Kofi Annan, "The U.N. is the international community at work for the rule of law."

That is as succinct a description of what the U.N. is all about as I have ever read. We have been with the U.N. through NATO, in the cold war, on questions of post-Soviet transatlantic order, and a variety of other issues. Now comes the President, on September 12 of this year, who visits the U.N. and issues a significant challenge. He says to the U.N. on September 12: If this organization has a backbone, it is going to stand up to Saddam Hussein, demand inspections for the weapons of mass destruction, and remove or destroy them. And if it does not, the President basically said that the U.N. is irrelevant; it has become the League of Nations.

Well, since then, progress has been made. A man whom I respect very much, Secretary of State Colin Powell, has been involved in shuttle diplomacy with the Security Council to put together U.N. support for just the very approach the President asked. It is the right approach—to really put our inspectors on the ground with no holds barred, nothing off limits, with no exemptions for Presidential palaces, so that we can go in and discover, with

the help of our intelligence community, which will provide information where we think the weapons can be found and, in finding them, be able to establish once and for all that Iraq is in violation of U.N. resolutions and destroy the weapons.

If Saddam Hussein and Iraq should resist or stop us, consider the position we are in. We can then turn to the U.N. and say: We gave you your opportunity. You know this man will not comply with orders. Now stand together in enforcing the U.N. inspection. What a strong position that is—for us to have a coalition of nations, through the U.N., working with us, rather than the Bush resolution, which says we will do it by ourselves.

I think we have seen progress, but this resolution would brush it all aside. This resolution would say to the U.N. and others around the world: Go ahead and finish your debate and engage yourself as much as you like, but in the final analysis this Nation, the United States of America, will do exactly what it wants to do.

I don't think that has been our approach historically. We have always said: If you attack us, expect an answer. That is what happened on September 14, when we voted on the resolution on the war on terrorism. But why, if the U.N. is making progress toward this goal, do we want to say we are going to ignore the progress you have made, ignore the fact that you have accepted this challenge, we are going to ignore the possibility of meaningful inspections to disarm Iraq, and we will go it alone, we will launch a land invasion?

I think that is a mistake. This U.N. coalition effort is very important. In October of last year, President Bush stated, with some pride, that we had launched our war on terrorism, and he said: "We are supported by the collective will of the world." And we were. The President has a right to be proud of that. The fact that we mobilized nations around the world to come behind us in the war against al-Qaida and the terrorists meant something in the war on terrorism.

Why, then, does it not mean something today? Why, then, when we are considering this war resolution, are we not committing to build a coalition of force to make sure we are successful? We know what the coalition means. It means strength in numbers. It means a sharing of the burden. Why should it only be American soldiers walking through the deserts on the way to Baghdad? Should we not have an international force? Because the threat Saddam Hussein poses is certainly to the Middle East and other countries before it threatens the United States. Why should other nations not defray the cost of this war? The fact that we would spend \$100 billion or \$200 billion when we are currently in deficit—why

should that not be shared? Certainly, when we fought in the Persian Gulf, that was what happened. There is nothing in the Bush resolution for a coalition of force to join us in this effort in Iraq.

Also, the creation of a coalition establishes vital cover for other nations to join us. Do you recall the comments made by Saudi Arabia a few days after the President's visit to the U.N.? They had been not only cold but antagonistic to the idea of the United States going it alone against Iraq. They announced, after his visit to the U.N., that if the U.N. took action, they would cooperate. Why is that significant? It is as significant today as it was in the Persian Gulf. President Bush's father realized that when you bring Arab States into the coalition, it is critically important as we consider action against an Arab nation, Iraq.

Think of this for a moment, too: If our coalition includes Arab States and countries from around the world, it minimizes the impact this will have on the fundamentalists and extremists who are trying to breed and educate and train the next generation of terrorists. A third of the people living in the Arab world today are under the age of 14.

If this is a coalition including Arab States, then we are in a much stronger position to argue that it is U.N. action, collective action, it is not the United States going it alone. This will help to defuse any terrorists who might come out and will help to establish stability after the attack.

Let me go to the particular reason to raise this amendment to this resolution. The House has passed the resolution we are considering. It tells you we are drawing that much closer to the possibility of war. It is a historic decision, one which now is in this Chamber. If this Chamber agrees to the same resolution and presents it on the President's desk, my guess is it will be signed very quickly. It is more than just war against Iraq. Just a few weeks ago, the administration released what they called "The National Security Strategy of the United States of America." It is a document which outlines what they consider to be the new parameters of foreign policy in our Nation. It is well worth the read.

You will find in this document, on page 15, a significant and historic departure from the foreign policy of the United States. The argument is made in this publication by the administration, by President Bush's White House, that the world has changed so significantly since September 11, 2001, that the principles and values and norms of conduct of our foreign policy must be changed dramatically in this respect. We have always said to the world: The United States is not an aggressor nation. We are not seeking to invade your country for territory or treasure. But if

you threaten us, you can expect that we will return with all the force and power we have. We are not trying to conquer you, but if you threaten our territory, our people, our allies, our Armed Forces, you can expect the worst. That is the way it should be.

We have said historically we are a defensive nation. Even at the height of the cold war, we did not endorse a first strike against the Soviet Union. No, we are a defensive nation. This new foreign policy reflected in the resolution before us is a dramatic departure from that.

The argument is made that we have no choice. Because we are now fighting terrorism, we can no longer wait for an imminent threat against the United States. We have to be able to move preemptively for what might be, as is said in this resolution, a continuing threat.

What does it mean? If you list the nations of the world that pose any threat to the United States, unfortunately the list is fairly long. It would not just be Iraq. The President's "axis of evil" includes North Korea and Iran. One would certainly put Syria, Libya, and maybe many other countries on that list.

What the President's foreign policy is calling for is the right of the United States to attack these countries without provocation, without imminent threat. That, I say to my friends in the Senate, is a dramatic departure in foreign policy. We are not just talking about how to deal with Saddam Hussein, how to deal with weapons of mass destruction in Iraq, what to do through the United Nations. The supporters of this resolution are calling for a dramatic departure in American foreign policy.

From my point of view, it is a departure which is unwarranted and unwise. This is why I believe it: For over 50 years, with nuclear Armageddon facing us, with nuclear missiles poised in the Soviet Union and in the United States, our position was one of deterrence. We said, as I mentioned before, we would not strike first. We held that position, with some rare exceptions. That was our position as a nation, and it prevailed. It prevailed to overcome the Soviet Union and, frankly, to bring the Russians closer to our position in the world and to bring the world closer to peace.

Look what has happened in the last 10 years in our relationship with Iraq. Since the Persian Gulf war, we have made it clear to Saddam Hussein and his leaders that if they make one bad move with a weapon of mass destruction, either through a terrorist organization or directly against the United States, its neighbors, or any of our allies, frankly, they will pay a heavy price. There has never been a doubt about that. There is no doubt about that today.

The establishment and maintenance of the no-fly zone is our way of keeping

an eye on Saddam Hussein from start to finish. There is not a tank or truck that moves in Iraq today we do not monitor. There is not a hole that is dug and filled up we do not monitor. We made that clear under existing foreign policy, but this resolution says it is time for us to change that policy. It is time for us to argue we can preemptively strike Iraq or any other country before they pose a threat to the United States. That is a dramatic change.

My amendment goes to this issue and says the President has the authority to use force. Let me read it specifically because I do not want to misstate it for my colleagues:

The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against an imminent threat posed by Iraq's weapons of mass destruction.

That is what my amendment says. It spells that out in terms of foreign policy that we have created, in many respects, and honored throughout our history. To state it as stated in this resolution is to endorse this new rewrite of American foreign policy and to say in the age of terrorism that preemption is the answer.

I asked Dr. Condoleezza Rice a question when she came before us a few weeks ago, as follows: If we are going to argue that we have the right as a nation to attack any nation we suspect may be a threat to us, how then can the United States play a role in the world supporting diplomacy and peace? How can we argue to countries that are in incendiary relationships, such as India and Pakistan over Kashmir, that they should not do preemptive attacks of their own? How do we make that argument?

Oh, she said, diplomacy is working in Kashmir. It depends on what day of the week that question is asked. I hope it works. I hope peace comes to that region. We really lose our right to argue and demand more diplomacy and more peacekeeping when we say the United States may preempt any perceived threat, but other nations in the world should negotiate. The same can be said of China and Taiwan and many other places in the world.

To my colleagues I say this: This resolution not only addresses Iraq, it marks a significant departure in foreign policy. I hope, even though we have not had hearings, even though we have not debated this at length, that this amendment which I offer, with just a handful of words, will call into question whether this is the wisest policy, whether this is a necessary policy.

Let me say this as well. I know the United States is in a fearful and anxious situation since the attacks of September 11, 2001. Though we have been heartened by the strength of this Nation and its unity, there is still a lingering question as to whether we will be struck again.



It is because of that anxiety, because of that fear, I think many of us are moving now to say, let's do what is necessary, let's make the changes, let's get on with it.

I caution and beg my colleagues to think twice about that. America has faced periods of fear in its past, some not from foreign threats but from domestic situations.

One of the most noteworthy in our history was the Great Depression which faced our country when then-President Franklin Roosevelt, in his Inaugural Address, said:

This great Nation will endure as it has endured, will revive and will prosper. So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself. Nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert, retreat, and advance. In every dark hour of our national life, a leadership of frankness and vigor is met with that understanding and support of the people themselves, which is essential to victory.

I have listened to speeches on this floor, speeches which have, frankly, touched the anxiety, concerns, and fear of America. I have heard people on this floor lionize Saddam's weapons of mass destruction as a threat. The President's own resolution said Saddam Hussein may launch a surprise attack against the United States, language which is almost, frankly, impossible to understand in the world in which we live.

I heard those same voices minimize the impact of weapons of mass destruction on the battlefields of Iraq if we launch a land invasion to try to force regime change.

As we know—it has been declassified this week—our intelligence community tells us the most likely scenario of weapons of mass destruction to be used against Americans is if we launch an invasion of Iraq. Saddam Hussein knows today if those weapons move or are used in any way against us and our allies, he will pay a terrible price.

Our foreign policy must not be driven by fear. We must be vigilant. We must be careful. But at this moment of national concern over our vulnerability of terrorism, we cannot lose sight of the course which guided our Nation for generations. As we search every corner of our Nation and every corner of the world for danger and threats, we can never lose our sight on true north, and that rock-solid reliable point is a commitment to a rule of law, a commitment to a foreign policy based on established values and established standards of international conduct.

We cannot now ignore the challenge of Saddam Hussein. We need to address it. We should push forward with inspections through the United Nations, and build a coalition of support to make sure he is kept under control. The Presidential resolution, which envisions the United States standing alone, is not the best course. The Presidential

resolution, which calls for a dramatic departure in our foreign policy, is not the best course.

Mr. President, I reserve the remainder of my time and yield the floor. How much time do I have remaining?

The PRESIDING OFFICER (Mr. CARPER). The Senator from Illinois has 15 minutes remaining.

The Senator from Virginia.

Mr. WARNER. Mr. President, my understanding is the Senator from Virginia and the Senator from Arizona have 15 minutes, equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. At this time, the Senator from Arizona wishes to allocate his time to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will speak for about 7 minutes. If any other Senator wishes to speak, they may certainly do so.

Mr. President, I want to address directly the Senator's amendment. He talked about everything but his amendment. His amendment is remarkable because instead of allowing the President to deal with the continuing threat posed by Iraq, this amendment would require the President to identify an imminent threat; that is to say, one that is immediate, pressing, upon us, imminent. I suggest, as a member of the Intelligence Committee for almost 8 years, that it is virtually impossible for us to know when a threat is imminent, a threat posed by a regime such as Saddam Hussein's, or a group of terrorists.

These people do not announce their threats in advance. They conceal their intentions, as well as their capabilities, and it is very difficult for us to know the precise moment at which the threat is imminent.

So this amendment is remarkable because it would literally force the President to wait until the last minute in order to take the action that is permitted by the amendment.

There is a saying in the intelligence community that we do not know what we do not know. We find out later what we did not know.

We did not know that Saddam Hussein, for example, had gone to the extent he had in the development of biological and chemical weapons until defectors came out of Iraq and told us what he had done. We did not find out about that through other intelligence. Then we sent inspectors, and before Saddam Hussein got it all hidden, they were able to find some of it, at which point he said: Oh, gosh I forgot about that—or words to that effect.

We did not realize the extent to which he had developed his nuclear capability until after the gulf war was over, when we learned that he was years closer to having a nuclear weapon than we had thought.

If Saddam Hussein had waited to attack Kuwait, had not attacked Kuwait, and gone ahead with his plans, he would have had a nuclear capability before the United States knew about it. By then, it would have been too late.

My point is this: We may have pretty good intelligence, but it is not good enough to calibrate as closely as the Senator's amendment would require, to wait until the moment when the President says now it is imminent. And that is the problem. Action has to be taken when the threat is clear, when it is known to be there, but we do not really know exactly when he is going to make his move.

As September 11 showed, if it showed us anything, our intelligence is not good enough to do that. We can know there is a threat. We can know it is growing, we can know it is continuing, but we cannot know that moment when it becomes imminent.

This amendment asks an impossibility of the President: To prove that the threat is imminent or at least to wait until it is clear to him that the threat is imminent. But we may never know until it is too late that Saddam Hussein has a nuclear weapon.

The Senator also complained about this new doctrine of preemption, but I would suggest that with respect to Iraq, we are not talking about preemption, we are talking about unfinished business called the gulf war.

Every day the United States and the United Kingdom fly airplanes, pursuant to United Nations resolutions, to enforce those resolutions—frankly, to engage in aerial inspection called reconnaissance—and they get shot at almost every day. When they get shot at, they either try to take out the radar site or SAM missile site that is firing at them after they have been shot at, or what they try to do is knock it out before they get shot at. Now, somebody may call that preemption. I call it self-defense and common sense.

This is not some new doctrine we are about to engage in that is going to threaten world peace. This is the unfinished business of the gulf war that is authorized by United Nations resolutions that we engage in every day and that requires us to act in our own self-defense.

It is also said that for the last 11 years, Saddam Hussein has not used his weapons of mass destruction. So why deal with this now? Why not wait until the threat is imminent? Is that it? We are supposed to put our trust in Saddam Hussein? I am unwilling to place the security of the United States of America in the hands of the likes of Saddam Hussein. I do not believe we can trust him.

Because our intelligence is not good enough to calibrate this threat to the action that would be authorized by the amendment, and because we cannot trust Saddam Hussein, I support the

resolution that is before us and oppose the amendment of the Senator from Illinois.

Finally, suggesting, as some have, although I did not hear these words from the Senator, that there has to be a smoking gun—that is the concept behind this notion of imminence—before we can take action, is extraordinarily misguided. Remember, a gun smokes after it has been fired.

When I think of a smoking gun, I think of the Pentagon and the World Trade Center. I believe that the amendment of the Senator from Illinois is dangerous, misguided, and I hope my colleagues will join me in defeating it.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Who yields time to the Senator from Texas?

Mr. KYL. Mr. President, on behalf of Senator WARNER, unless Senator LIEBERMAN wishes any time, I yield the remainder of the time to Senator GRAMM.

The PRESIDING OFFICER. Nine minutes.

Mr. GRAMM. Mr. President, this has been a great debate. I want to congratulate Senator WARNER and Senator LIEBERMAN, and I want to thank my dear friend JOHN MCCAIN for his leadership on this issue.

Even error has been presented on the floor of the Senate in a way that one could be proud of. I think these kinds of debates build the stature of the Senate, and when the American people listen to this debate they will realize that on this issue there is a lot of serious thinking, a lot of good thought, and I believe in the end we are going to make the right decision.

I have waited to speak—did the Senator want me to yield?

Mr. WARNER. Yes. I had to speak to the Republican leader. I had 7 minutes. I wish to allocate several of those minutes to our colleague from Connecticut.

Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes.

Mr. GRAMM. Mr. President, I ask unanimous consent that I have 5 minutes.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I regret to say to my good friend from Texas—

Mr. GRAMM. How about 4½ minutes?

Mr. WARNER. Why doesn't the Senator take an additional 2 minutes so we can complete the debate on this amendment?

Mr. GRAMM. Mr. President, I will wait until this amendment is completed and then I will speak.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my friend from Texas for his cooperation. I now yield the remaining time, with the exception of 1 minute for the Senator from Virginia, to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask that the Chair notify me when a minute remains so I may terminate my remarks.

The PRESIDING OFFICER. The Chair will do so.

Mr. LIEBERMAN. Mr. President, I rise to oppose, respectfully, the amendment introduced by the Senator from Illinois.

The underlying resolution, building on 11 years in which the world community has tried every way imaginable, except war, to get Saddam Hussein to keep the promises he made at the end of the gulf war to disarm, is a strong resolution. This amendment would diminish it, and in that sense it would also diminish its effectiveness to convince the United Nations to act so we do not have to form our own international coalition.

In two regards, it also diminishes the authority of the Commander in Chief, as granted by our resolution, and does so in a way that is far more restrictive than most any authorizing resolution for war or military action that I have seen before.

First, it introduces the word "imminent" in place of the words "continuing threat." We say in our resolution that the President may use the Armed Forces of the United States in order to defend the national security of our country against the continuing threat posed by Iraq. The Durbin amendment would change that to the imminent threat posed by Iraq's weapons of mass destruction.

In changing it to "imminent," which is a temporal term—it suggests time, that something is about to happen soon—it adds a qualification that I think is unwarranted. In the totality of Saddam Hussein's evil administration, weapons of mass destruction, ballistic missiles, unmanned aerial vehicles, there is a threat that is real to us, and I am convinced will be used against the American people unless we act, hopefully through the United Nations, to disarm him.

So while it might not be imminent in the sense that he is about to use it against us, in my opinion it is a ticking time bomb. We do not know exactly how many seconds or minutes or hours are left on that timer. I don't want the President to be limited to an imminent threat to use the power we are giving him here.

Second, it limits that authority for the President to act only in regard to an imminent threat of weapons of mass destruction.

The resolution we have introduced provides two conditions under which the President may use the Armed

Forces to defend the national security of the United States against the continuing threat posed by Iraq and to enforce all relevant U.N. Security Council resolutions regarding Iraq. This harkens back to a colloquy I had with Senator SPECTER of Pennsylvania yesterday.

It seems to me these two parts have to be read in totality as modifying each other. The resolutions that are relevant in the U.N. Security Council are to be enforced particularly in relationship to the extent to which they threaten the national security of the United States. In doing this, we are expressing our understanding that the President is unlikely to go to war to enforce a resolution of the United Nations that does not significantly affect the national security of the United States.

We want to do what the Constitution invites us to do. Congress is given the authority under article I to declare war. The President under article II is the Commander in Chief. There is a healthy tension there. It is up to Congress to authorize and to the President to act as Commander in Chief with the latitude that authority gives him but also with the accountability and responsibility that authority gives him.

I have spent time looking at authorizing resolutions for war or military action from the past. The one that we put together—although some of our colleagues have described it, I think, erroneously as a blank check—is quite limited compared to the declaration of war authorizing and directing the President to employ the entire naval and military forces of the United States and the resources of the Government to carry on war—this was in the case of World War I—and to bring the conflict to a successful termination, all the resources of the country are hereby pledged by the Congress of the United States.

We have only one Commander in Chief: 535 Members of Congress cannot effectively conduct a war. We set the parameters, as this resolution does. We authorize. But it is the President ultimately who carries out and serves as our Commander in Chief. That is what our resolution does. That purpose would be significantly altered and, I say respectfully, weakened by the language of the Senator from Illinois, which is why I respectfully oppose his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. My understanding is that the Senator from Delaware has 10 minutes. He is not here. I will ask unanimous consent I take 7 of his 10 minutes.

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

Mr. WARNER. Mr. President, I wish to retain 2 of those minutes for myself