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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 10, 2003, at 12 noon.

Senate

FRIDAY, MARCH 7, 2003

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Dear God, omnipresent Lord of all life, we do not presume to invite You into this Chamber or into the deliberations of this day; You are already here. This is Your Nation; this historic Chamber is the sanctuary for the sacred work of government. All the Senators are here by Your choice, and all of us who work to support their leadership are here by Your providence.

The one place You will not enter without our invitation is our souls. You have ordained that we must ask You to take up residence in our inner being and to guide our thinking, desires, vision, and plans. The latch string is on the inside. You stand at the door of each of our souls, persistently knocking. We open the door and receive You as absolute Sovereign of our lives. Just as You reign as Sovereign of this Nation and our ultimate Leader to whom we relinquish our own wills, may Your very best for our beloved Nation be accomplished through what is debated and decided today. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. WARNER. Mr. President, on behalf of the majority leader, I advise Members that the Senate will be in a period of morning business until the hour of 12:30 p.m. today, with time equally divided between the chairman of the Armed Services Committee and the Democratic leader or their designees. The Senate leadership—the majority and minority—recognizing that a number of Senators have desired to speak on the international situation, is making this period available for Senators to address the world scene relating to the war on terrorism, with emphasis on Iraq and North Korea.

As announced last night, there will be no rollcall votes during today's session. The next vote will occur at 6 p.m. on Monday. It will be on the nomination of Gregory Frost of Ohio to be United States District Judge for the Southern District of Ohio.

Also, a reminder: Under the consent agreement reached last night, the Senate will begin consideration of Calendar No. 19, S. 3, the partial-birth abortion bill, at 5 p.m. on Monday.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with time to be equally divided between the Senator from Virginia, Mr. WARNER, and the Democratic leader or their designees.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

Mr. WARNER. Mr. President, I yield such time as may be required to our distinguished colleague from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

WAR ON TERRORISM

Mr. GREGG. Mr. President, I thank the Senator from Virginia.

Mr. President, I appreciate the Senator from Virginia organizing this opportunity to discuss what is obviously one of the most serious issues which we as a nation are facing and which the world is facing; that is, the question of how we address terrorism, and specifically how we address terrorist states such as Iraq.

The leadership of the Senator from Virginia on this point has been long and strong and continuous. I admire the fact that he has given us that leadership, and I appreciate the fact that his service in the Senate and his expertise are brought to bear on this type of a very difficult question.

When we begin to address this issue of terrorism, I think we should start with the source. Let us turn to the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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words of the man who has basically orchestrated the attacks on the United States, Osama bin Laden, and his intentions and the intentions of the people he directs, and unfortunately encourages. Osama bin Laden, on the issue of weapons of mass destruction, in an interview in 1999 from Time magazine, said the following:

> Acquiring weapons for the defense of Muslims is a religious duty. If I have indeed acquired these weapons—

Weapons of mass destruction—

> —then I thank God for enabling me to do so. And if I seek to acquire these weapons, I am carrying out a duty. It would be a sin for Muslims not to try to possess the weapons that would prevent the infidels from inflicting harm on Muslims.

In a religious order he states:

> We, with Allah's help, call on every Muslim who believes in Allah and who wishes to be rewarded to comply with Allah's order to kill Americans and plunder their money wherever and whenever they find it. The ruling to kill the Americans and their allies, civilians and military, is an individual duty for every Muslim who can do it in any country in which it is possible to do it.

These are the words of a fanatic who has a purpose. We have seen the execution of his purpose in the attacks on Americans, with thousands dying in New York and others here in Washington, military men and women in Yemen, and in our Foreign Service personnel in Africa.

The question becomes: From whom would he obtain these weapons of destruction? It is clear that one of the core sources of weapons of mass destruction is terrorist states which are producing those weapons of mass destruction—states which act outside the responsibility of the civilized world.

The state which has most flagrantly pursued that course of action is, of course, Iraq. They have weapons of mass destruction. That has been confirmed beyond question—biological and chemical—and they clearly are trying to develop nuclear. More importantly, Saddam Hussein has used those weapons not only against what he perceives as an enemy—the Iranians—but against his own people. He has killed thousands of his own people and tens of thousands of Iranians using weapons of mass destruction—chemical weapons.

We know there are literally tons of Vx gas and pounds of anthrax which are unaccounted for and which cannot be found—and which are in the possession of Saddam Hussein. Should they fall into the hands of Osama bin Laden, it is very clear from his own words that they would be used against us here in the United States, and the implications are staggering. If they were to be dispersed in any number of ways, tens of thousands of Americans might be harmed and possibly even die.

The United Nations has equally recognized that Saddam Hussein is a threat to the civilized world, and a number of resolutions have been passed by the United Nations calling for action to be taken by Saddam Hussein and his regime to comply with international law.

In April 1991, almost 12 years ago, the U.N. Security Council decided in Security Council Resolution 687 that Iraq shall unconditionally accept, under international supervision, the destruction, removal, or rendering harmless of its weapons of mass destruction, and ballistic missiles with a range over 150 kilometers. It further required Iraq to make a declaration within 15 days of the location, amounts, and types of such items.

Twelve years ago that resolution was passed. It is uncomplied with. It has been ignored. It has been intentionally obfuscated by Saddam Hussein.

In August 1991, Security Council Resolution 707 demanded that Iraq provide, without further delay, full, final, and complete disclosure of its proscribed weapons and programs as required by the previous resolution.

That resolution has been ignored, obfuscated, undercut, and actively avoided by Saddam Hussein's regime.

In June 1996, Security Council Resolution 1060 deplored the refusal of the Iraqi authorities to allow access to sites designated by the Special Commission, which constituted a clear violation of three previous resolutions.

That resolution has been ignored, obfuscated, and undercut by Saddam Hussein, and intentionally undermined.

In June 1997, Security Council Resolution 1115 condemned Iraq's actions and demanded Iraq allow UNSCOM's team immediate, unconditional, and unrestricted access to any sites for inspections, and officials for interviews by UNSCOM. Again, the resolution has been ignored, undermined, and actively obfuscated and circumvented by Saddam Hussein.

In October 1997, Security Council Resolution 1134 demanded that Iraq cooperate fully with the Special Commission and demanded also that Iraq, without delay, allow the inspection teams immediate, unconditional, and unrestricted access to any and all areas, facilities, equipment, records, as well as to persons whom the inspectors wish to interview.

The resolution has been ignored, undermined, and actively obfuscated by Saddam Hussein.

In November 1997, Security Council Resolution 1137 condemned the continued violations by Iraq, its tampering with monitoring cameras of the Special Commission, and demanded that Iraq cooperate fully, and immediately.

That was in 1997. And there has been no immediate cooperation. In fact, there have been active—active—attempts to interfere with and undermine that resolution.

In March 1998, Security Council Resolution 1154 stressed that Iraq must accord immediate, unconditional, and unrestricted access to the Special Commission, and that any violation would result in the severest consequences for Iraq.

Again, Iraq has ignored the resolution and actively worked to undermine it.

In November 1998, Security Council Resolution 1205 condemned the decision by Iraq to cease cooperation with the Special Commission as a flagrant violation of Resolution 687 and other resolutions.

In November 2002, Security Council Resolution 1441, which was unanimously approved, decided that Iraq has been and remains in material breach of its obligations under relevant resolutions and decided to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under the relevant resolutions.

Resolution 1441 has been ignored, obfuscated, and actively—actively—undermined by Saddam Hussein and his regime.

There can be no question—absolutely no question—but that Saddam Hussein and his regime in Iraq continued to possess weapons of mass destruction, continued to hide those weapons from the inspectors, continued to violate resolution after resolution of the world community, as presented by the United Nations, and represents a clear and present and immediate threat not only to its neighbors, but more specifically to us, the United States.

There are some in the world community, obviously—mostly in Europe—some of our allies, who, for whatever their personal reasons or whatever their national interests, have decided Saddam Hussein does not represent the threat we know he is. I might even recall the words of Washington when I think of that. Washington advised us, of course: Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? There are interests there that are not ours. But in the end our purpose must be our national security and the security of our people.

It was not, of course, Berlin or France or Paris that was attacked. It was New York City that was attacked. As a result, it is America that is at risk.

Former President Clinton made it very clear he understood the threat of Saddam Hussein. He has described Iraq as a ''rogue state with weapons of mass destruction ready to use them or provide them to terrorists, drug traffickers or organized criminals who travel the world among us unnoticed.'' He went on to imagine: What if Saddam fails to comply with the U.N. resolutions and we fail to act, or we take some ambiguous third course, which gives him yet another opportunity to develop this program of weapons of mass destruction? Mr. Clinton answered his own question by saying:

> Well, [Saddam] will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And someday, some way, I guarantee you he'll use the arsenal. And I think every one of you who's worked on this for any length of time believes that, too.

That was President Clinton.

Last night, President Bush made it very clear that he understands his purpose as President, his responsibility as Commander in Chief, but more importantly, his responsibility as a leader of the free world, and the protector of the interests of the American people and the lives of Americans, must involve the disarmament of Iraq.

There can be no question about that. Iraq must be disarmed. We are engaged in a war. Some on the other side have said or implied there is no war and, therefore, we should not go to war. But when our buildings were attacked and our people died in New York, and when our people died in Washington, and when our sailors were killed in Yemen, and our Foreign Service people were killed in Africa, clearly, those were acts of war directed at us and at our people.

Were this the 19th century or well into the 20th century, when despots such as Saddam Hussein also existed—all through time there have been despots—then maybe we could take a more casual or leisurely approach to this, and maybe we could live by the code of some of our European allies: That we simply will do business with them and hope they go away. But those times no longer exist.

Today, when a rogue nation, led by a criminal individual, attains weapons of mass destruction, the death and destruction which they can level on people who they perceive as their enemies is overwhelming. The smoking gun is no longer a single bullet. The smoking gun may be a nuclear bomb or a biological weapon or a chemical attack which kills tens of thousands of Americans.

We cannot wait for the smoking gun. We know the weapons exist. We know the person who controls those weapons is fundamentally evil. And we know the people who want to attain those weapons have already killed thousands of Americans. We must take action.

So I congratulate and support our President as he moves forward to make it unquestionably clear we will not tolerate an Iraq that has weapons of mass destruction, and we will do what is necessary to protect our Nation and our people and the freedom which we enjoy.

Mr. President, I appreciate the Senator from Virginia granting me this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I very much appreciate the contribution of our distinguished colleague.

We have two speakers on our side ready to go forward, and we will rotate, as the case may be. But we now have the distinguished chairman of the Appropriations Committee, who is also the chairman of the Subcommittee on Defense within the larger committee, a man who has dedicated much of his lifetime to defense issues, beginning in World War II with his distinguished service in the Army Air Corps.

I would hope the chairman might make reference to the work that has been done in his committee with reference to the issues relating to international terrorism, Iraq, and North Korea, because there is some challenge to the Senate as an institution as to whether or not we are giving attention to these issues. Within the last day or so, I put into the RECORD a very long recitation of what the Committee on Armed Services of the Senate has been doing. I know the Committee on Appropriations, particularly the subcommittee, has been very active. We also are likely to hear from the chairman of the Foreign Relations Committee. His committee has also been doing a great deal of work.

We all recognize the value of debates in this historic Chamber, but there is much work going on within the committee structure by individual Senators in their town meetings. So, collectively, this institution has a good record of addressing the serious issues of our time.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Virginia is right. As a veteran of World War II and a child of the Depression, I harken back to the days before World War II when we had so much information coming our way concerning the scourge that was threatening and did threaten and almost destroyed Europe. We have tried to be vigilant in this country. We have had a series of debates not only on this occasion but at the time of the decision of the United States to fulfill the request of the United Nations to eject Saddam Hussein from Kuwait. We had similar divisions on the floor of the Senate then. I was sad to hear comments made before that action was initiated, but I was very proud of the Senate that after the decision was made to go to war against Iraq in order to eject them from Kuwait the Senate came together and supported President Bush in 1991 to achieve that objective.

Now we face a different circumstance. I like to harken back to the words that my good friend, the former Secretary of State, Henry Kissinger, said before the Senate Foreign Relations Committee last September. He said then:

> We must consider not only the result of action but the consequences of our inaction.

Secretary Kissinger presents the watchwords for this body to consider and think about, especially since this administration and I personally believe that Saddam Hussein represents a clear and present danger to the United States and to those who believe in freedom throughout the world.

As a consequence of the terrorist attacks on September 11, 2001, and the war on terrorism that ensued, Secretary Kissinger pointed out that a new geopolitical reality was born. The world must recognize that the potential connection between terrorists and weapons of mass destruction moved terrorism to a new level of threat. In fact, that nexus should be the overriding security issue of our Nation.

President Bush and his team of national advisers has determined that Saddam Hussein is in possession of weapons of mass destruction—chemical, biological, and possibly nuclear—which could be used by terrorists to threaten the world. There is a great deal of information collected by the United States in the past year concerning that fact.

In 2001, an Iraqi defector, Adnan Ihsan Saeed al-Haideri, said he had visited 20 secret facilities for chemical, biological, and nuclear weapons. Mr. Saeed, a civil engineer, supported his claims with Iraqi Government contracts complete with technical specifications. Mr. Saeed said Iraq used companies to purchase equipment with the blessing of the United Nations and then secretly used that equipment for their weapons programs.

Iraq admitted to producing biological agents and, after the 1995 defection of a senior Iraqi official, Iraq admitted to weaponization of thousands of liters of anthrax, botulinum toxin, and aflatoxin for use with Scud warheads, aerial bombs, and aircraft. Our Defense Department reported in 2001 that Iraq had continued to work its weapons programs, including converting an L–29 jet trainer aircraft for potential vehicles for delivery of chemical or biological weapons. Just think of that, weaponization of an airplane and using an airplane in a way entirely foreign to its original purpose. It reminds me of September 11.

This jet trainer is capable of delivering both of these systems, chemical and biological weapons. In fact, Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions, including Scud variant missile warheads. It has not accounted for at least 15,000 artillery rockets that in the past were its preferred vehicles for delivering nerve agents, nor has it accounted for almost 550 artillery shells filled with mustard agents.

Iraq is still purchasing chemical weapons agent precursors and applicable production equipment. It is making an effort to hide the activities at the Fallujah plant, which is one of Iraq's chemical weapons production facilities, which was one of those production facilities before the gulf war. At Fallujah and three other plants, Iraq has chlorine production capacity far higher than any civilian need for water treatment. Evidence indicates that some of its chlorine imports are being diverted for military purposes.

A report issued by the International Institute for Strategic Studies concluded that Saddam Hussein could build a nuclear bomb within months if he were able to obtain fissile material. In the last 14 months, Iraq has sought to buy thousands of specifically designed aluminum tubes which intelligence officials believe were intended

as components for centrifuges to enrich uranium. Iraq has withheld documentation relative to its past nuclear program, including data about enrichment techniques, foreign procurement, weapons designs, experimental data, and technical documents.

Saddam Hussein has repeatedly met with his nuclear scientists over the past 2 years, signaling his continued interest in developing a nuclear program.

Iraq is believed to be developing ballistic missiles with a greater range than 150 kilometers, as prohibited by U.N. Security Council Resolution 687. Iraq continues to work on the al-Samoud liquid propellant short-range missile which can fly beyond the 150 kilometers barred by the agreements into which it has entered. The al-Samoud and the solid propellant Ababil-100 appeared in a military parade in Baghdad on December 31, 2000, suggesting that both were nearing operational deployment. The al-Rafah-North facility is Iraq's principal site for testing liquid propellant missile engines, and it has been building a new larger test stand there that is clearly intended for testing prohibited long-range missile engines.

Each of these actions point to the creation of an environment that will permit Saddam Hussein to go after his enemies, whether they are in Iraq or any other region in the world. And we have seen time and time again Saddam Hussein has no regard for the ideals of freedom, equality, and justice for others. He lives in an empty echo chamber of evil.

What we must face is that the United Nations resolutions were systematically and brutally ignored and violated for the past 12 years. It was the U.N. inspectors who found it impossible to do their job and had to leave their work unfinished. They returned, and they have been at it again, trying to find the evidence to prove what we all believe is true.

Clearly, the Senator from New Hampshire has just stated Iraq has ignored now 17 resolutions and blatantly violated the agreement it made after defeat in 1991.

What we face is existence of a rogue state with weapons of mass destruction. I wonder if anyone here denies that. They have the willingness to use these weapons and have demonstrated in the past, both against the Kurds and Iran, that they have a hatred for the civilized world. It is a terrorist state now, in my opinion. If we were to go to war with Iraq again, we will not be ignoring our war on terrorism but trying to stamp out the source of it. Americans must face this responsibility and the realization that we are the one country in the world that can both eradicate this man, bring him to justice, and bring the seeds of democracy to a new nation.

I hope we will finally hear soon that all of the nations we believed were our partners in seeking freedom will support the objectives of the U.N. resolutions that have already passed. I think if we would enforce those, we would achieve a safe and lasting peace for Iraq and remove Saddam Hussein from power. In fact, I remind the Senate and the President of section 6 of the Iraqi Liberation Act of 1998, which urged then-President Clinton to call upon the U.N. to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials, including his sons Qusay and Uday, who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

Mr. President, I also awakened this morning to find the Washington Times. This story bothers me considerably. It is a story headlined ''Iraq Strengthens Air Force with French Parts.''

Mr. President, I ask unanimous consent that the full article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, this disturbs me greatly. For the last 20 years, 21 years, I have been privileged to attend the Paris Air Show, along with a substantial number of Americans and our American companies. I visited those companies in their chalets there. We tried to develop what was called a ''two-way street.'' We would buy some materials from them and they would buy some from us.

There is no need for France to sell equipment to Saddam Hussein. It is international treason, Mr. President. It is in violation of a U.N. resolution, and there should be no question about French officials—they should come forward quickly to deal with this story. As a pilot and former war pilot, it disturbs me greatly that the French would allow, in any way, parts for the Mirage to be exported so the Iraqis could continue to use those planes. They are good planes, Mr. President. The French make very good aircraft parts. But they should not be finding their way to Saddam Hussein at this time.

I share the concern of the writer of that article about the position of the French government, in view of this information now disclosed by our intelligence officials. As Senator WARNER stated, as chairman of the Defense Appropriations Subcommittee, I intend to get to the bottom of that. We intend to make inquiries today and find out what more we know about what is disclosed in the article regarding the shipment of military parts from either France or Germany into Iraq. I believe the American people need to know more about this. We need to know why these two countries, among the best of our allies, are standing on the sidelines as we prepare to try to destroy this regime that threatens the world. In my judgment, it is something the Senate must take very seriously if either of those governments has allowed the export of war materials to go to Iraq at this time.

I thank my friend for allowing me this time.

EXHIBIT 1

[From the Washington Times, Mar. 7, 2003]

IRAQ STRENGTHENS AIR FORCE WITH FRENCH PARTS

(By Bill Gertz)

A French company has been selling spare parts to Iraq for its fighter jets and military helicopters during the past several months, according to U.S. intelligence officials.

The unidentified company sold the parts to a trading company in the United Arab Emirates, which then shipped the parts through a third country into Iraq by truck.

The spare parts included goods for Iraq's French-made Mirage F–1 jets and Gazelle attack helicopters.

An intelligence official said the illegal spare-parts pipeline was discovered in the past two weeks and that sensitive intelligence about the transfers indicates that the parts were smuggled to Iraq as recently as January.

Other intelligence reports indicate that Iraq had succeeded in acquiring French weaponry illegally for years, the official said.

The parts appear to be included in an effort by the Iraqi military to build up materiel for its air forces before any U.S. military action, which could occur before the end of the month.

The officials identified the purchaser of the parts as the Al Tamoor Trading Co., based in Dubai, United Arab Emirates. A spokesman for the company could not be reached for comment.

The French military parts were then sent by truck into Iraq from a neighboring country the officials declined to identify.

Iraq has more than 50 Mirage F–1 jets and an unknown number of Gazelle attack helicopters, according to the London-based International Institute for Strategic Studies.

An administration official said the French parts transfers to Iraq may be one reason France has so vehemently opposed U.S. plans for military action against Iraq. ''No wonder the French are opposing us,'' this official said.

The official, however, said intelligence reports of the parts sale did not indicate that the activity was sanctioned by the French government or that Paris knows about the transfers.

The intelligence reports did not identify the French company involved in selling the aircraft parts or whether the parts were new or used.

The Mirage F–1 was made by France's Dassault Aviation. Gazelle helicopters were made by Aerospatiale, which later became a part of a consortium of European defense companies.

The importation of military goods by Iraq is banned under U.N. Security Council resolutions passed since the 1991 Persian Gulf war.

Nathalie Loiseau, press counselor at the French Embassy, said her government has no information about the spare-parts smuggling and has not been approached by the U.S. government about the matter.

''We fully comply with the U.N. sanctions, and there is no sale of any kind of military material or weapons to Iraq,'' she said.

A CIA spokesman had no comment.

A senior administration official declined to discuss Iraq's purchase of French warplane and helicopter parts. ''It is well known that the Iraqis use front companies to try to obtain a number of prohibited items,'' the official said.

The disclosure comes amid heightened anti-French sentiment in the United States over Paris' opposition to U.S. plans for using force to disarm Iraq.

A senior defense official said France undermined U.S. efforts to disarm Iraq last year by watering down language of U.N. Security Council Resolution 1441 that last fall required Iraq to disarm all its chemical, biological and nuclear weapons programs.

France, along with Russia, Germany and China, said yesterday that they would block a joint U.S.-British U.N. resolution on the use of force against Iraq.

French Foreign Minister Dominique de Villepin told reporters in Paris on Wednesday that France ''will not allow a resolution to pass that authorizes resorting to force.''

''Russia and France, as permanent members of the Security Council, will assume their full responsibilities on this point,'' he stated.

France has been Iraq's best friend in the West. French arms sales to Baghdad were boosted in the 1970s under Premier Jacques Chirac, the current president. Mr. Chirac once called Saddam Hussein a ''personal friend.''

During the 1980s, when Paris backed Iraq in its war against Iran, France sold Mirage fighter bombers and Super Entendard aircraft to Baghdad, along with Exocet antiship missiles.

French-Iraqi ties soured after the Iraqi invasion of Kuwait that led to the 1991 Persian Gulf war.

France now has an estimated $4 billion in debts owed to it by Iraq as a result of arms sales and infrastructure construction projects. The debt is another reason U.S. officials believe France is opposing military force to oust Saddam.

Henry Sokolski, director of the private Nonproliferation Policy Education Center, said French transfers of military equipment to Iraq would have ''an immediate and relevant military consequence, if this was done.''

''The United States with its allies are going to suppress the Iraqi air force and air defense very early on in any conflict, and it's regrettable that the French have let a company complicate that mission,'' Mr. Sokolski said.

Secretary of State Collin L. Powell last month released intelligence information showing videotape of an Iraqi F–1 Mirage that had been modified to spray anthrax spores.

A CIA report to Congress made public in January stated that Iraq has aggressively sought advanced conventional arms. ''A thriving gray-arms market and porous borders have allowed Baghdad to acquire smaller arms and components for larger arms, such as spare parts for aircraft, air defense systems, and armored vehicles,'' the CIA stated.

Iraq also has obtained some military goods through the U.N.-sponsored oil-for-food program.

A second CIA report in October on Iraq's weapons of mass destruction stated: ''Iraq imports goods using planes, trains, trucks, and ships without any type of international inspections—in violation of UN Security Council resolutions.''

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is always a great pleasure to listen to my distinguished colleague.

I wonder if I might just make reference to a point of history. Give or take a year or so, both of us lived through the World War II period. You were a distinguished aviator with the Air Corps. I was a mere sailor in the closing months. You got overseas and, fortunately, my generation didn't have to go because of the courage of Harry Truman.

Mr. STEVENS. I am always pleased to be with young men, Mr. President.

Mr. WARNER. I thank the Senator very much.

We have to use history as a rearview mirror to explain the complexity of the times. You will recall that period in 1937 when the war clouds were gathering in Europe, and Neville Chamberlain went over to see whether or not he could reconcile the situation involving Hitler and the extraordinary buildup of his forces. The world was apprehensive. Chamberlain emerged from the meeting and flew back to London with a piece of paper that said ''peace in our times.'' And then we know the tragic events that unfolded after that, with the invasion of Poland in 1939, and then down through and into France in 1940, and the entrapment of the British forces at Dunkerque. The whole world came in on top of us because we failed to heed what was absolutely manifest—that Hitler was a despotic dictator, with the then-current generation of weapons of destruction, and he unleashed them on the whole world as we stood by.

Mr. President, I fear the same consequences now. That is why I commend our President for his steadfastness, tenaciousness, courage, and wisdom in addressing these issues and not flinching or blinking, but staying the course and trying, as he said last night, to make diplomacy work, but recognizing that if diplomacy fails, we have to step into the breach and lead.

The Senator mentioned the only nation is the United States, but I know he wishes to include Great Britain.

Mr. STEVENS. Will the Senator yield?

Mr. WARNER. Yes.

Mr. STEVENS. Yes, that is why I amended my comment. I certainly do admire greatly the position of Great Britain and its leaders right now.

Regarding the comment of the Senator about my memories of 1937, I was 14 then. I recall listening to people who tried to explain to me what was going on in Europe. It wasn't until much later, really, that I learned, as I entered college and started studying about world policies, just really the sadness of that trip Chamberlain made.

I join the Senator from Virginia, Mr. President, because I have just total admiration for our President and his fortitude.

Would there had been leaders in Europe at the time we are discussing who had the courage to stand up to Hitler and try to put together coalitions to stop him from expanding. Once on the floor I compared Saddam Hussein to Hitler, and I was criticized for that. In my mind, a tyrant is a tyrant and evil is evil. From the days of my youth, Hitler was the epitome of evil. In the time we are now living, I believe Saddam Hussein is the epitome of evil, and the President is correct to talk about evil in relationship to this man and his intentions.

Above all, I admire the President for his courage to stand up despite all the criticism, all the apparent division that is developing in this country, and saying: We, as a nation, have declared ourselves to be the agents for freedom in the world, and we are going to pursue our goal of changing that regime so it cannot threaten the world.

I am involved, as the Senator knows, with the problems of the development of oil in my State. I shudder every day to think that as the delivery of oil from Alaska to what we call the south 48 States has declined, our purchase of Iraqi oil has increased. I wonder how many Americans realize we are sending daily to Iraq moneys that Saddam Hussein uses to buy this equipment, uses to buy these Mirage parts.

The problem of today is we compartmentalize information to the extent of saying: Yes, we know that, but on the other hand, some people say, we should not be disturbed by those facts.

I am disturbed, and I wonder, as we do go to war with Iraq, about the future of this country and what happens to that oil and what happens to our Nation as we now import about 55 percent of the oil we consume daily. We used to be self-sufficient in oil and gas. We are not today. It is because we have been lured into thinking perhaps if we traded with tyrants such as Iraq, they would recognize the bond of business rather than the bond of commitment to principle.

I hope we will find the day when the Nation as a whole will join President Bush and his advisers—what a wonderful array of advisers he has with Secretary Powell, Condoleezza Rice, and Secretary Rumsfeld. I cannot think of a generation of individuals who are better trained to guide this country through a period of crisis than the ones with whom the President has surrounded himself, with the approval of the Senate.

I have every confidence in what the President is trying to do. I think it will be a swift and decisive war. It will involve casualties—casualties that could be avoided if other nations of the world would join with us and the people of Iraq understood the world was joined together to condemn this man and his cohorts.

Right know, I believe it is time for us to realize, those who support the President, that we may have to do what he says: We may have to go it alone almost. We will have a coalition. The coalition will actually be bigger than 1991 but not the same partners.

I agree with the President, we do not need partners on this one. We do not need them. I believe we have right on our side and we have might on our side and we should use that might for the best interest of the world and the future.

I thank the Senator for the privilege of being with him this morning.

Mr. WARNER. Mr. President, I thank my colleague. I wish to associate myself with his comment about the great team of advisers the President has. They have time and again gone into the forums of the world to indicate the necessity for strong action and strong leadership at this time. We certainly have it in this President and his administration. I thank my colleague.

I see, Mr. President, the distinguished chairman of the Foreign Relations Committee. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, with the distinguished chairman of the Appropriations Committee still in the Chamber and likewise my colleague, Senator WARNER, chairman of the Armed Services Committee, I wish to say what a privilege it is to work with these two great Senators.

Senator WARNER, mentioned, as did Senator STEVENS, the great team the President has assembled with Secretary Rumsfeld, Secretary Powell, and Condoleezza Rice. We are very pleased in the Senate with the leadership of BILL FRIST as our majority leader, and committee chairmen are working together vigorously.

I congratulate the Senator from Virginia for his construction this morning of a very important opportunity for us to think together about the events of the present and likewise our possibilities for the future.

My hope is that the United States of America will continue to lead in forming a global coalition that will combat terrorism in a very effective way.

Terrorists, when armed with weapons of mass destruction, are in a position to create what philosophers would call existential events for countries. By that I mean that weapons of mass destruction in the hands of relatively few people—a rogue state, a sub-national group, or maybe even a small terrorist cell—are capable of obliterating large cities, killing hundreds of thousands of people, and creating panic in entire countries. One terrorist attack with a weapon of mass destruction has the potential to create such dislocations in the economy of a country that recovery could take decades. This existential threat from terrorism is a new condition for the world that requires changes in our policy priorities. All nations do not understand this with the same precision that the United States and our leadership does. All nations have not been attacked in the same manner we have been.

For some members of our body politic, the September 11 attacks were a wake-up call, but it was a call that has been heard. When President Bush and his strategists put forward a response, it was supported by the vast majority of the American people. We knew that the hijackers were from the al-Qaida group. We knew there were al-Qaida terrorists in Afghanistan who had been in training camps. We knew that the Afghanistan Government, under the Taliban regime, had been hospitable to terrorists.

We asked the Taliban regime in Afghanistan to turn over the terrorists. They were unwilling to do so. As a result, our country led an international effort in Afghanistan to root out the terrorists. As President Bush has pointed out, we pursued this mission in the most careful and humane way with regard to innocent civilians in that country. We sought to find one by one the individuals who were perpetrating not only deeds in the United States of America, but a long string of terrorist atrocities over the previous decade.

The military action that occurred there had the support of our NATO allies.

It had the support of many countries that understood immediately the problems terrorism in the world presents. For example, President Putin of Russia and President Bush were on the phone both voicing mutual support. I mention that particular call because in the past 2 days the Senate has had extensive debate on the Moscow Treaty. This debate had significance for our global position and for an important relationship that has been changing for the better, and which must continue to improve.

One reason for discussing the Moscow Treaty at this particular point in the life of the Senate was because the Senate is deeply engaged in world affairs, in foreign policy, in defense policy, and deeply concerned about our relationship with Russia. The participation of Russia in the war against terrorism is vital. Even at this moment, President Bush and Secretary of State Powell are working with the Russians to come to a somber understanding of what our mutual obligations are with regard to weapons of mass destruction in Iraq and in North Korea and, for that matter, everywhere.

These are important conversations. The President of the United States in his news conference last night, talked about this vigorous diplomacy. Our President has been reaching out to world leaders on the phone. He has been active in attempting to make certain that all nations understand the gravity of danger to each one of us and how much the community of nations depend upon the actions of the Security Council and those who take leadership in the United Nations. These are extremely important days for diplomacy. They are critical days for the success of the Security Council and the United Nations.

In the Senate, we have understood this in our committees. Chairman WARNER pointed out already the extraordinary number of hearings in the Armed Services Committee and the specific ways in which the problems of Iraq have been addressed by his committee. I congratulate the chairman and his committee.

Likewise, Senator STEVENS has mentioned this morning the extraordinary amount of work that occurs in all of the subcommittees on appropriations, but especially those that are dealing with our national security. In the Foreign Relations Committee we have had hearings almost daily on Iraq, on North Korea, on Afghanistan.

Last week, the President of Afghanistan, President Karzai, was before our committee making a personal appeal for the kind of support that he hopes will be forthcoming from not only the United States, but also from the European countries and from nations in his neighborhood. Democracy must succeed in Afghanistan, as we hope that it will in Iraq, and as we hope that it will in all countries of the Middle East. Aspirations for freedom can be fulfilled if democratic institutions are built.

This is what the coalition against terrorism is about. Clearly, we are concerned with the threats from Iraq, but we also want the coalition to understand the role of expanding freedom. The future is a great one for people who have freedom, but at this particular moment terrorists would deny all of us the opportunity to have freedom.

Last evening President Bush indicated that Saddam Hussein has the ability and opportunity to surrender the weapons of mass destruction that were cataloged by the United Nations in 1998 and 1999 and are still in Iraq. Resolution 1441, adopted unanimously by the Security Council of the United Nations, said to Saddam Hussein: This is your last chance. Disarm or show evidence you have disarmed.

Each of the succeeding reports from the inspectors have indicated that Iraq has minimally cooperated in allowing inspectors to go to various sites, but the Iraqi regime obviously has been very reluctant to show evidence of disarmament or, in fact, to disarm. Even the Iraqi missiles possessing an illegal range, which are an undisputed and tangible violation, are being surrendered only gradually in the most resistant manner possible.

There are reports in the American press of destruction of a few of these, but in the Iraqi press, or at least among people in that country, there is no word of this. In part, it is supposed that Saddam would be embarrassed by the disclosure that he has been found out and is disarming at all.

I mention all of this because these are fateful days in bringing together a coalition, hopefully of the Security Council—absent that, a coalition of the willing—that knows the war against terrorism can only be won if weapons of mass destruction in the hands of aggressive dictators are destroyed. Our President has said as the bottom line, Saddam will be disarmed. In the aftermath of that event, we will have a great deal of work to do in this body.

There are expenses involved in disarming Saddam. I think every one of us, as committee chairmen, as Senators, have been up front with our people. We know this is costly and we

know our Armed Forces are at risk. We know a lot of things are at risk. One thing that must not be at risk, however, is the movement to build a greater coalition in the war against terrorism.

I will now speak specifically about the fact that in the Foreign Relations Committee, starting March 25, we will be having hearings on ratification of the NATO treaty of enlargement. The occupant of the chair will recall that a fairly short time ago, seven nations were invited into NATO membership. They have been busy fulfilling the requirements that came with that invitation. They include the Baltic States, as well as Romania, Bulgaria, Slovenia and Slovakia. I will suggest that the hearings on NATO enlargement will, in fact, fulfill an even a greater purpose. We will have an opportunity to discuss the importance of each of the countries in NATO and the historical importance of America and Canada reaching across the Atlantic for over 50 years and working with European friends to guarantee peace on a continent which has known no peace in any 50-year period in the last millennium.

This is the reason that European countries have sought NATO membership. They have wanted to be in a Europe whole and free. They have talked freely about obligations out of area. They are eager to participate in the war against terrorism. They want to be strong friends of the United States of America and manifest that every day. That is something to celebrate. We will do so as we discuss NATO.

But as we discuss NATO, we will also discuss its future, which must be a very strong future. My prayer is that all of our NATO allies will be with us in the event Saddam Hussein does not disarm. I hope that in the event NATO allies are not with us on that particular day, they will get their soon. All of our friends are going to be needed as we think about the future of Iraq and work with the people of that country for the building of democratic institutions.

I hope we are all prepared for vigorous activity in Afghanistan to ensure the success of that state. I hope that we will sustain a partnership with Afghanistan that will inspire confidence throughout the world in our commitment to freedom.

I conclude simply by saying that the President is offering strong leadership and I support him. I am prepared to work with the President in pursuit of all the objectives he has in the days and months ahead. I know from the words of the President that he foresees a future that is filled with complexity, but one that also is filled with promise for our country and for others that share our vision.

Therefore, we should face this day with optimism because we have a plan for a future that looks brighter than the future did on September 11, 2001. On that date we discovered that the oceans did not guarantee our safety, that we were vulnerable, that Americans were dying, that our most cherished landmarks—including this Capitol—were at risk. And I suspect each of us prudently understands that this is still the case. But rather than going into a situation of panic, as resolute Americans, we found leadership with President Bush and new reservoirs of strength within ourselves. This is a place of resolute activity in each of our committees and on the floor of the Senate in discussing the most basic foreign policy and defense issues of our time, doing so with intelligence, with optimism, and likewise, with an ability to listen to each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am very grateful for the services of our distinguished colleague from Indiana and his long experience in the Senate and now having risen to new heights in his distinguished career as chairman of the Foreign Relations Committee.

I have also enjoyed a very warm and strong relationship with my colleague through the years. He is too modest to talk about it, but he served in the U.S. Navy in a position as adviser on foreign policy to the then-Chief of Naval Operations, Admiral Burke. He watched many of the key issues on the world scene unfold.

I made reference to the Chamberlain speech that we will have peace in our time. I addressed this colloquy to Senator STEVENS who, like me, lived through that era. I wonder if the Senator might have some comments on it. It is so appropriate that the world be reminded that there have been parallels in history where we have been faced with the rise of a dictator, and the dictator possessed vast arsenals of weapons and had a proven track record of having used the weapons against other people and other nations, and how this is the time for the strongest leadership, which I believe is being offered by our friend. It is being offered by the Prime Minister of Great Britain.

How severely we regret the leadership of France and Germany, certainly nations venerable in history, having lived through so many periods of turbulence on that continent, cannot recognize today the parallels of years past. I wonder if the Senator might have a viewpoint on that, particularly with reference to France.

Mr. LUGAR. I respond to the distinguished Senator from Virginia, who, likewise, distinguished himself as Secretary of the Navy at another time in his career. The Senator clearly has seen parallels at various times.

Historically the path for the United States, France, and Germany was not always easy during the Cold War period. The potential for hostilities with the old Soviet Union tested us many times. I can recall, as can the Senator, when Helmut Schmidt went to London in 1979, and came forward with a very bold statement. He said that if the Soviet Union did not withdraw medium-range missiles that were aimed at Europe, then NATO must put missiles on European soil to counteract them. The Russians perhaps predictably, moved their missiles forward and indicated in an intimidating way that they might be prepared to take action sooner, rather than later, against Europe.

There were rallies throughout Europe, with people saying, ''better red than dead.'' All the major capitals had frequent marches with people claiming peace is what they wanted, but also with some admitting that they would be prepared to live under communism as opposed to having the proper military preparation to combat and deter communism.

In those days the stepping forward of Prime Minister Kohl was critical. Germany came forward and said you can put Pershing missiles on our soil, and so did the Italians.

I cite that event because it was an important and courageous step in a time of great uncertainty and fear. It led, ultimately, to President Bush, the father of our current President, committing America to German unification well before Great Britain, well before France. And Germans understand that. That was the basis upon which the unification of the country came.

Now, from time to time, the French have been extraordinarily helpful, and I think we need to remember that they have participated in many critical NATO policies and operations. They have asked us to step forward specifically in Bosnia where they believed they had a history, as did Germany, that they simply could not overcome.

I mention all these things off the top of the head because they are important, as ways in which we have worked together when there were urgent mutual problems. NATO has not been a hollow alliance. It has been central to the security of Europe and our nation.

On this floor we debated the INF Treaty which provided that all intermediate-range missiles come down, every one of them, on both sides. This happened only because of the strength of the alliance and our mutual action. That is what we ask of our friends now, that they remember that fairly recent history of our solidarity against tyranny. And they understand that terrorism could hit them. The war against terrorism is not just the United States versus al-Qaida. Terrorists could just as well level the Brandenburg Gate or the Eiffel Tower or symbols that are important quite apart from the human losses of those who got in harm's way.

Mr. WARNER. Mr. President, I thank my colleague. If I might bring another issue to the forefront on which he has a great deal of experience? As this debate is taking place in the Senate Chamber this morning, Hans Blix presumably is addressing the Security Council. I, frankly, think that the inspection process under his leadership—they have tried and tried hard. What the world fails to realize is that Saddam Hussein, having observed the first

inspection process, has carefully made his infrastructure, which has gone on creating the weapons of mass destruction, be they biological, chemical, or indeed his vigorous efforts to acquire a nuclear capability. They have gone right on throughout this entire period of time. And they have been constructed in such a way that they are moveable. He did that recognizing that at some point in time another inspection regime could be imposed upon him by the United Nations, as was done with Resolution 1441.

I think the inspectors have tried. They have unearthed very little. They have not received the cooperation from Saddam Hussein that was the predicate on which Resolution 1441 was adopted. It simply said you are to cooperate, the inspectors to verify and destroy. But in reality the inspectors have been converted to a group trying to search out, given the failure of cooperation, where these weapons might be located.

I will discuss later this morning a letter I received yesterday from the Central Intelligence Agency, under the signature of George Tenet, responding to the cooperation that our country has given the inspection efforts of Hans Blix, by virtue of sharing the intelligence information we had with regard to the location of probable caches of these weapons.

In fact, it has not borne out to be very fruitful because of Saddam Hussein's skill of moving these caches, of moving the infrastructure of manufacturing in such a manner that they cannot be detected and discovered without his cooperation, which he has steadfastly refused to give. Our President addressed that issue last night.

I wonder if my colleague would comment a little bit on the inspection process. As we are speaking, Blix is giving his most recent report. As you know, there are statements to the effect, from other nations, that perhaps the period of time should be extended. The President last night, when confronted with those questions, simply said, as I think he should and very properly said: Time will tell.

I invite the Senator's observations.

Mr. LUGAR. I thank the Senator for his inquiry. The Senator is correct, times have changed with regard to inspection. Let me offer as an anecdote the Russian facility at Pokrov. This situation is not well known, but it is an agricultural chemical station. Pokrov is an example of the problems which confront Hans Blix and the inspectors.

As I and others went there at the invitation of Russians, we looked around at a rather desolate-looking place with run-down buildings. We were led to a room in which people were making shampoo. They were using stainless steel equipment. I would say, without two Russians at my side, I would have had no idea about the history of that room, quite apart from the facility. But they pointed out that just months before, anthrax was produced in the same machinery. This is dual use in a dramatic way. Equipment used for biological weapons had been easily converted to producing a commercial product. Likewise on this premise, but clearly not within view, were stores of anthrax. In fact, on the third floor of another building they had been making anthrax. In another building, they had been making dual-use materials for agricultural livestock. One was to produce antidotes so they could protect, they thought, the Russian livestock. The other use was to produce toxins, deadly toxins, out of 14 serums that were in vials in a room, in an icebox, that could kill all the livestock in the United States.

My point is that we would have been clueless without those who could give us a 25-year history of the activities at Pokrov. All of it could have been completely hidden. There was not a ghost of a chance an inspector would find anything there in years, quite apart from months.

These are old facilities. Saddam Hussein, and others, have gone to school on dual use. Therefore I simply say, as the chairman already knows, the production of chemical weapons is clearly enveloped in dual use. There is not a ghost of a chance you will find a scintilla of it unless Iraq wants you to find it.

Regarding the biological situation, as Secretary Powell already pointed out in his public address at the U.N., the Iraqis are able to break down all the equipment, put it in vans and cart it down the road 200 miles. Unless the inspector is clued in that this particular van out of all the vans in Iraq has a biological laboratory in it, there is not a chance, zero, of finding anything there.

This is the reason why the inspection business is at best a holding action. Those who argue in favor say: After all, with all those inspectors there, with all of the press following them out every day, surely Saddam Hussein cannot now be producing a whole lot.

But that doesn't solve the problem of what is there, detailed by the U.N., after all these years. Nor does it solve the problem of the intellectual inquiry of scientists who even as we speak are working on new formulations. They don't need huge factories and installations visible from the air. They need only the necessary scientific knowledge and, ultimately, fissile material from somewhere else to get the bomb. And each intelligence report that we have all seen—those now made public—say Iraq may be a year, 2 years, 3 years from making a nuclear weapon. But there is always the footnote: If they get the fissile material from somewhere else—it will take far less time.

That is the basis on which our President has to say the security of the American people is at stake. This is not a speculative business for we all know fissile material exists in the world, a lot of it in Russia. A lot of it is still not pinned down by the cooperative threat reduction program or anything else. That is a tremendous danger, and we all ought to recognize that. It is not going to go away with inspectors.

Mr. WARNER. I thank my distinguished colleague. I guess what both you and I find so perplexing is how responsible world leadership, most particularly France and Germany, which have seen the same facts, have access to basically the same intelligence, and cannot reach those logical conclusions which our President and the Prime Minister of Great Britain have reached.

Mr. LUGAR. We must continue to assist them in reaching those conclusions.

Mr. WARNER. I must say, if I could just ask the indulgence of my colleague, my father served in World War I as a doctor in the U.S. Army in the trenches in France. My most prized possession, I say to my good friend, is on the wall in my Senate office. For these 25 years that I have been here, on that wall hangs this Croix de Guerre awarded him by the French Government for his heroism in the trenches for administering healing to Americans, British, Frenchmen, and Germans. I sometimes thought myself, and when the French ambassador visited my office a few days ago, in a courteous way I pointed it out and I said, you know, I am thinking of taking it down, but perhaps better judgment will prevail in your leadership. And therefore for a while I am going to leave it up, in the hopes that reality can be brought to bear.

I thank my colleague for his time.

I recognize the order entered into at the direction of both the majority and minority leaders of the Senate was that the Senate would proceed this morning on the debate with regard to the worldwide situation on terrorism with an emphasis on Iraq, North Korea, and other areas, and the time under the control of the Senator from Virginia, the time having been equally divided, is rapidly approaching the 2-hour mark which is the halfway.

I see a colleague desiring recognition, but I remind that colleague, who courteously advised me that perhaps the subject matter was not that in the order, but I would have to say the time that he uses would have to be charged to the other side.

I have some maybe 15 minutes remaining under the control of the Senator from Virginia, which I will hold in reserve for such rebuttal as may be required on the issues specifically recited in the order before the Senate.

The PRESIDING OFFICER (Mrs. DOLE). The order before the Senate is for morning business. Those in control of time may choose to speak on any matter they so choose.

Mr. WARNER. I thank the Chair.

AIR POLLUTION AND GLOBAL WARMING

Mr. JEFFORDS. Mr. President, my subject is different but it is similar in

that it talks about loss of lives and possible threats, the apparent and real threats to the people in this country from a different angle but a much more serious one and one that is going to result in many more deaths. I wish to speak on the subject of the threat to lives in the United States of a different and more insidious nature, and in the long run much more costly in human lives as well as health conditions—air pollution and the administration's failure to recognize this threat through adequate pollution controls.

I rise today to draw Senators' attention to the administration's flawed plans on air pollution and global warming. I am pleased to see that the administration has finally revived an interest in dangerous public health and environmental threats like acid rain and smog. They have even acknowledged that climate change could have severe and damaging consequences.

Unfortunately, the administration's solution seems to be little more than a public relations distraction from what is really going on: corporate regulatory relief.

What Americans really need now is relief from air pollution, and swift and serious action to avert global warming. They have a right to breathe air that isn't contaminated by greed. They have a right to full and vigorous implementation of the Clean Air Act. Sadly, the administration has lost sight of these rights.

The devastation caused by dirty air is staggering. As many as 60,000 premature deaths each year are linked to air pollution, according to an American Cancer Society study and researchers at the Harvard School of Public Health.

A study by the respected Abt Associates says that 30,000 of these deaths are due to power plant pollution alone. That is an enormous loss of human potential, and a huge cost to society. There is no good reason to allow such a tragedy to continue unfolding.

This chart illustrates the magnitude of this terrible situation. More people are dying from power plant pollution every year than die from homicides or drunk driving accidents.

With real reductions in air pollution, such as those in S. 366, the Clean Power Act of 2003, which I introduced almost 3 weeks ago with Senators COLLINS, LIEBERMAN and 17 others, we can save two-thirds of those lives.

This benefit is reflected on the right side of the chart.

The Abt Associates report also says that power plants are responsible for the following statistics each year: 20,000 hospitalizations; 600,000 asthma attacks; 19,000 cases of chronic bronchitis; and 5 million lost work days due to illness.

Fine particulate matter is a serious form of air pollution that poses an especially severe health threat. Fine particles result from the interaction of water vapor with sulfur dioxide and nitrogen oxide emissions.

Most of these pollutants come from power plants. These tiny particles reach easily into the deepest depths of the human lungs.

A host of scientific studies have linked particulate matter with a barrage of health problems.

I ask unanimous consent that a representative list of such studies be printed in the RECORD.

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

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Mr. JEFFORDS. Mr. President, when these tiny particles get deep into the lungs, they can lead to premature death, as well as health problems like: heart and lung disease; aggravated asthma; acute respiratory symptoms; chronic bronchitis; decreased lung function; and even lung cancer.

There is even evidence that this pollution causes an increased incidence of low birth rate and infant mortality. Sensitive populations like children, asthmatics, and the elderly are at particular risk of health damage.

Power plant emissions of nitrogen oxides and emissions from mobile sources contribute to the formation of ground-level ozone as well. This is another serious threat that scientists increasingly believe to be a chronic health problem, not just one that poses acute risks.

Recently, respected scientists from the University of Southern California School of Medicine, and elsewhere published an important asthma study.

They found that children in communities with high average ozone levels who compete in three or more team sports have a three-to-four-times higher risk of developing asthma than nonathletic kids. They have three times the normal expectations of illness than nonathletic kids. This is because athletes get a higher dose of pollutants to the lung, and because they breathe rapidly and deeply.

We should listen to these and other scientific findings, and take to heart the suffering that many Americans experience due to air pollution. Power plants are a major culprit. It is our duty as lawmakers to do something now to curb these dangerous emissions and protect public health.

While the Clean Air Act has been successful in removing millions of tons of particulate-forming emissions from our air, it has not gone far enough, and these health problems remain. Plus, there are major signs that this administration is slowing down implementation and enforcement of the act. This delays its benefits and increases human health damage.

Air pollution causes significant harm to our natural environment as well. Sulfur dioxide and nitrogen oxides—emitted mainly from fossil fuel combustion—eventually fall to earth as acid.

Acid rain washes vital minerals out of the soil, weakens the health of trees, lowers the pH of water bodies, and leaches aluminum into lakes where fish slowly suffocate from the lack of oxygen. A stunning 41 percent of lakes in the Adirondacks are acidified.

A 1996 EPA report admitted that the Acid Rain Program of the present Clean Air Act could only slow the rate of ecosystem damage that, despite this program, more lakes would die. Acid rain scientist Dr. Gene Likens has said:

> We still have a very major problem with acid rain. That is scientific fact. In that regard, the 1990 Clean Air Act Amendments have not worked very well.

An important new study by researchers at the University of Vermont confirms that the acid rain problem is far worse than previously thought. Tightening sulfur emissions further—combined with strict, new controls in nitrogen emissions—would help restore our forests, lakes, and streams.

The Hubbard Brook Research Foundation knows what is required to ensure biological recovery from acid rain by mid-century in the northeastern U.S. They say we must reduce utility sulfur dioxide emissions by 80 percent beyond what is currently required in the year 2010. It is clearly time to act.

Current air pollution levels are also hindering visibility at our majestic National Parks. Chronic air pollution continues to envelop the Great Smoky Mountains, Acadia National Park, Shenandoah, and other sites in a blanket of haze.

This not only costs regions vital tourism dollars, but endangers the health of park visitors, plants, and wildlife.

Air emissions of mercury cause severe health effects as well. Mercury is a potent nervous system toxic. After being emitted into the air, it falls into lakes and streams. Mercury then bioaccumulates in fish and animal tissue, taking on a highly toxic form.

Eating contaminated fish can cause serious nervous system impairment, especially to a pregnant mother's developing fetus, or to a young child.

According to the Centers for Disease Control and Prevention, 1 in 12 women of childbearing age in the U.S. have mercury levels above those considered protective of newborns by the EPA. That means as many as 390,000 children are born each year at risk of developmental problems.

We have such a widespread mercury contamination problem in our country that 41 States currently post fish consumption warnings.

Power plants, especially coal-fired utilities, emit the bulk of uncontrolled mercury emissions in the U.S. Yet the technology exists today to save lives. As James Willis, Director of the UN Environment Programme 2003 Global Mercury Assessment, states:

> There are technologies available already which will reduce mercury emissions from power stations by about 80% . . . what we can do now is often cheap—and it can cut other pollutants as well.

I have highlighted some of the ways in which air emissions of sulfur dioxide, nitrogen oxides, and mercury—especially from power plants—threaten the health and safety of millions of Americans and the natural environment. But I am afraid to say that Americans may face an even greater long-term threat from greenhouse gas pollution.

Carbon dioxide is the most significant greenhouse gas emitted as a result of human activities. The National Academy of Sciences faults fossil fuel combustion with causing most of the global warming problem. In fact, fossil fuel-burning power plants are responsible for 37 percent of all U.S. carbon dioxide emissions.

The U.S. made a commitment under the United Nations Framework Convention on Climate Change to adopt voluntary measures to reduce greenhouse gas emissions to 1990 levels. But despite this goal, emissions from the power sector have grown steadily and are now 20 percent above those levels.

Our world has already seen about one degree of warming in the last century. The NAS and the Intergovernmental Panel on Climate Change generally agree that the Earth will warm another 2.5 to 10 degrees Fahrenheit over the next 100 years. This could cause significant, abrupt climate changes, as well as threaten our public health, the economic infrastructure, and many ecosystems.

The President's own Climate Action Report says, ''the best scientific information indicates that if greenhouse gas concentrations continue to increase, changes are likely to occur.''

Global warming is expected to have wide-reaching and mostly negative impacts on human health. We are likely to see direct impacts like death and illness due to heat stress and extreme weather. We are also likely to see indirect impacts from worsened air pollution and allergens, and increases in the occurrence and transmission of diseases like malaria and, perhaps, West Nile Virus.

We have already seen a dramatic number of heat-related deaths since the 1980s. A 1980 heat wave in the U.S. resulted in 1,700 deaths, while those in 1983 and 1988 killed around 500 people each. Also, we all remember the deadly heat wave of 1995 that killed 765 people in Chicago alone. That is what we are looking towards if we continue to allow the carbon to accumulate.

These numbers are much too high, and they are only going to get higher if the climate models are right. Experts predict that in cities such as New York, Philadelphia, Cleveland, and Los Angeles, heat-related deaths could increase 100 percent.

According to EPA and others, sea-level rise from global warming will bring on another set of consequences. Sea level is predicted to rise by one foot in the next 20 to 50 years. In the next 100 years, a two-foot rise is most likely, and a four-foot rise is possible.

To put this in perspective, the EPA says that simply raising existing bulkheads and sea walls along the Manhattan shoreline alone to help protect it from a one to three-foot rise would cost up to $140 million.

According to the Pew Center on Global Climate Change, a 20-inch sea level rise could have significant cumulative impacts on coastal property in the U.S.

These impacts could range from about $20 billion to about $150 billion by the year 2100.

The environmental impacts of sea level rise would be devastating as well. Nationwide, a two-foot rise in sea level could inundate 17 to 43 percent of U.S. wetlands, and could eliminate a total of 10,000 square miles of wet and dry land in our country. I do not want to see that happen.

Because of global warming, our forests will see dramatic changes as well. A 3.6 degree Fahrenheit warming could shift many North American forest species 200 miles north.

Given the likely time frame for this warming, these tree species would have to migrate about two miles every year to stay viable.

This poses a grave threat to my State's maple syrup industry, since about half of the hardwood species like maple will disappear. I do not want to see this happen either.

A recent article in the journal Nature shows there is strong new evidence of global warming impacts on animal and plant worlds. Researchers say that as many as 677 species are already reacting to global warming by adjusting their range northward in search of cooler temperatures, or breeding earlier in the spring in response to warmer temperatures.

A recent study by the American Bird Conservancy and the National Wildlife Federation reports that some birds like the Baltimore Oriole may completely disappear from their home States. The Nation's 63 million birdwatchers will likely be frustrated by the coming changes in bird habitat.

Also, the EPA has predicted that even a modest warming would eliminate nearly 90 percent of Idaho habitat for the majestic grizzly bear, which will likely have impacts on Yellowstone tourism income.

Even the Iditarod Trail Sled Dog Race is running into problems because of global warming. Unseasonably warm temperatures have meant that the race will have to take detours for the first time in its history. Much of the snow has melted. The Alaskan route is now marred by bare ground and open rivers.

Alaska's global warming problems made the news last year as well. As you can see in this poster, a New York Times news story from June illustrated that in Alaska, climate change is a stark reality, not an abstraction. I ask unanimous consent that the article be printed in the RECORD.

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

[From the New York Times, June 16, 2002]

ALASKA, NO LONGER SO FRIGID, STARTS TO CRACK, BURN AND SAG

(By Timothy Egan)

To live in Alaska when the average temperature has risen about seven degrees over the last 30 years means learning to cope with a landscape that can sink, catch fire or break apart in the turn of a season.

In the village of Shishmaref, on the Chukchi Sea just south of the Arctic Circle, it means high water eating away so many houses and buildings that people will vote next month on moving the entire village inland.

In the Barrow, the northernmost city of North America, it means coping with mosquitoes in a place where they once were nonexistent, and rescuing hunters trapped on breakaway ice at a time of year when such things once were unheard of.

From Fairbanks to the north, where wildfires have been burning off and on since mid-May, it means living with hydraulic jacks to keep houses from slouching and buckling on foundations that used to be frozen all year. Permafrost, they say, is no longer permanent.

Here on the Kenai Peninsula, a recreation wonderland a few hours' drive from Anchorage, it means living in a four-million-acre spruce forest that has been killed by beetles, the largest loss of trees to insects ever recorded in North America, federal officials say. Government scientists tied the event to rising temperatures, which allow the beetles to reproduce at twice their normal rate.

In Alaska, rising temperatures, whether caused by greenhouse gas emissions or nature in a prolonged mood swing, are not a topic of debate or an abstraction. Mean temperatures have risen by 5 degrees in summer and 10 degrees in winter since the 1970's, federal officials say.

While President Bush was dismissive of a report the government recently released on how global warming will affect the nation, the leading Republican in this state, Senator Ted Stevens, says that no place is experiencing more startling change from rising temperatures than Alaska.

Among the consequences, Senator Stevens says, are sagging roads, crumbling villages, dead forests, catastrophic fires and possible disruption of marine wildlife.

These problems will cost Alaska hundreds of millions of dollars, he said.

''Alaska is harder hit by global climate change than any place in the world,'' Senator Stevens said.

Scientists have been charting shrinking glaciers and warming seas in Alaska for some time. But only recently have experts started to focus on what the warming means to the people who live in Alaska.

The social costs of higher temperatures have been mostly negative, people here say. The Bush administration report, which was drafted by the Environmental Protection Agency, also found few positives to Alaska's thermal rise. But it said climate change would bring a longer growing season and open ice-free seas in the Arctic for shipping.

''There can no longer be any doubt that major changes in the climate have occurred in recent decades in the region, with visible and measurable consequences,'' the government concluded in the report to the United Nations last month.

It does not take much to find those consequences in a state with 40 percent of the nation's surface water and 63 percent of its wetlands.

Here on the Kenai Peninsula, a forest nearly twice the size of Yellowstone National Park is in the last phases of a graphic death. Century-old spruce trees stand silvered and cinnamon-colored as they bleed sap.

A sign at Anchor River Recreation Area near this little town poses a question many tourists have been asking, ''What's up with all the dead spruce trees on the Kenai Peninsula?'' The population of spruce bark beetles, which have long fed on these evergreen trees, exploded as temperatures rose, foresters now say.

Throughout the Kenai, people are clearing some of the 38 million dead trees, answering the call from officials to create a ''defensible

space'' around houses for fire protection. Last year, two major fires occurred on this peninsula, and this year, with temperatures in the 80's in mid-May, officials say fire is imminent. ''It's just a matter of time before we have a very large, possibly catastrophic forest fire,'' said Ed Holsten, a scientist with the Forest Service.

Joe Perletti, who lives in Kasilof in the Kenai Peninsula, has rented a bulldozer to clear dead trees from the 10 acres where he lives.

''It's scary what's going on,'' Mr. Perletti said. ''I never realized the extent of global warming, but we're living it now. I worry about how it will affect my children.''

Mr. Perletti, an insurance agent, said some insurers no longer sold fire policies to Kenai Peninsula homeowners in some areas surrounded by dead spruce.

Another homeowner, Larry Rude, has cut down a few trees but has decided to take his chances at the house he owns near Anchor Point. Mr. Rude says he no longer recognizes Alaska weather.

''This year, we had a real quick melt of the snow, and it seemed like it was just one week between snowmobiling in the mountains and riding around in the boat in shirtsleeve weather,'' Mr. Rude said.

Other forests, farther north, appear to be sinking or drowning as melting permafrost forces water up. Alaskans have taken to calling the phenomenon ''drunken trees.''

For villages that hug the shores of the Bering, Chukchi and Beaufort Seas, melting ice is the enemy. Sea ice off the Alaskan coast has retreated by 14 percent since 1978, and thinned by 40 percent since the mid-1960's, the federal report says. Climate models predict that Alaska temperatures will continue to rise over this century, by up to 18 degrees.

Kivalina, a town battered by sea storms that erode the ground beneath houses, will have to move soon, residents say. Senator Stevens said it would cost $102 million, or $250,000 for each of the 400 residents.

The communities of Shishmaref, Point Hope and Barrow face a similar fate. Scientists say the melting ice brings more wave action, which gnaws away at ground that used to be frozen for most of the year.

Shishmaref, on a barrier island near the Bering Strait, is fast losing the battle to rising seas and crumbling ground. As the July 19 vote on whether to move approaches, residents say they have no choice.

''I'm pretty sure the vote is going to be to move,'' Lucy Eningowuk of Shishmaref said. ''There's hardly any land left here anymore.''

Barrow, the biggest of the far northern native villages with 4,600 people, has not only had beach erosion, but early ice breakup. Hunters have been stranded at sea, and others have been forced to go far beyond the usual hunting grounds to find seals, walruses and other animals.

''To us living on the Arctic coastline, sea ice is our lifeline,'' Caleb Pungowigi testified recently before a Senate committee. ''The long-term trend is very scary.''

A 20-year resident of Barrow, Glenn Sheehan, says it seems to be on a fast-forward course of climate change.

''Mosquitoes, erosion, breakup of the sea ice, and our sewage and clean-water system, which is threatened by erosion as well,'' he said. ''We could be going from a $28 million dollar sewage system that was considered an engineering model to honey buckets—your basic portable outhouses.''

The people who manage the state's largest piece of infrastructure—the 800 mile-long Trans-Alaska Pipeline—have also had to adjust to rising temperatures. Engineers responsible for the pipeline, which carriers about a million barrels of oil a day and generates 17 percent of the nation's oil production, have grown increasingly concerned that melting permafrost could make unstable the 400 or so miles of pipeline above ground. As a result, new supports have been put in, some moored more than 70-feet underground.

''We're not going to let global warming sneak up on us,'' said Curtis Thomas, a spokesman for the Alyeska Pipeline Service Company, which runs the pipeline. ''If we see leaning and sagging, we move on it.''

North of Fairbanks, roads have buckled, telephone poles have started to tilt, and homeowners have learned to live in houses that are more than a few bubbles off plumb. Everyone, it seems, has a story.

''We've had so many strange events, things are so different than they used to be, that I think most Alaskans now believe something profound is going on,'' said Dr. Glenn Juday, an authority on climate change at the University of Alaska at Fairbanks. ''We're experiencing indisputable climate warming. The positive changes from this take a long time, but the negative changes are happening real fast.''

Mr. JEFFORDS. Cities in Alaska are having to cope with mosquitoes where they once did not exist. Hunters are being trapped on break-away ice. Houses are sinking due to slouching and buckling permafrost.

Mean temperatures in Alaska have risen by five degrees since the 1970s. That is an extremely rapid rate of change, and I am afraid Alaska is somewhat of a testing ground for what is yet to come around the globe.

These are just some of the environmental and economic consequences of global warming that may affect our country and our people. My colleagues can imagine the potential harm that less developed economies will face.

I have spoken now in some detail about the ways in which our serious air pollution and global warming problems threaten public and environmental health, as well as economic prosperity.

I have shown how millions of people suffer the ill effects of particulate pollution and mercury contamination. I have explained how acid rain continues to strip our beautiful forests of vegetation, leach nutrients out of our once-rich soils, and suffocates many of our lakes and streams.

It is time now to take a look at what our administration is doing to relieve Americans from these costly burdens.

Over the last few months, I have joined my colleagues from both sides of the aisle to speak out in defense of a vital Clean Air Act program called New Source Review, or NSR. NSR plays a crucial role in ridding our air of some of industry's most harmful air emissions, and it results in hundreds of millions of dollars in health-related benefits.

However, the administration has chosen to ignore public health concerns and side with industry. These new NSR rules will make it much easier for polluters to send even more poison into our air.

The administration tells us not to worry about these so-called NSR ''reforms''—that any holes left in clean air protections will be patched up by another proposal that was reintroduced in Congress last week, called Clear Skies. I am afraid Clear Skies will not provide such a safety net.

In fact, a look at the fine print shows that Clear Skies actually provides less protection—less protection—than existing law. More importantly, it will not do enough to address this country's already significant air pollution problem.

Unlike the new NSR changes, which affect all major sources of air pollution, Clear Skies only addresses some of the air pollution coming from one source—powerplants. So purging broad NSR protections while promoting a narrower proposal doesn't make any sense.

Plus, Clear Skies will eliminate important Clean Air Act programs that protect local air quality, not supplement them. For utilities, Clear Skies will strip the Clean Air Act of the Mercury Air Toxics Rule and the Regional Haze Rule.

And, while the administration's new NSR rule could allow 50 percent of all sources to avoid environmental review, Clear Skies will give powerplants even greater exemptions.

Clear Skies will also degrade the ability of States to pursue interstate air pollution problems, and will prevent evolution of tougher New Source Performance Standards.

As you can see from this chart beside me, the true result of Clear Skies will be less protection and more pollution than business as usual.

In the chart, blue, gray, and red bars represent the so-called Clear Skies reduction plan for sulfur, nitrogen, and mercury emissions, respectively. But take a look at the yellow bars. These yellow bars represent where we would already be headed with full and faithful implementation of the present, existing Clean Air Act. We are not even doing that under this administration.

In other words, the administration's plan allows more pollution. It is a serious weakening of current programs. In fact, Clear Skies will result in hundreds of thousands of tons more emissions than full implementation of these and other Clean Air Act programs.

According to EPA's own estimates, by the year 2010—Clear Skies would allow 125 percent more sulfur dioxide, 60 percent more nitrogen oxides, and 420 percent—420 percent—more mercury pollution than enforcement of current law. Total carbon dioxide emissions would continue to grow by leaps and bounds, despite the administration's goal of reduced emission intensity.

I ask my colleagues to be wary of the administration's proclamations about the benefits of Clear Skies. While they tout reductions of 70 percent for sulfur, nitrogen, and mercury emissions, they are actually using outdated information to arrive at these numbers. Real reductions in 2010 from the year 2000 would be only 60 percent for SO_X and NO_X, and 46 percent for mercury.

Clear Skies will also push compliance deadlines out further into the future

than present law, by as much as 10 years. Compared to the Clean Air Act, emission reductions would occur 8 years later for nitrogen, 6 years later for sulfur, and 10 years later for mercury.

This delay would result in thousands of additional asthma attacks, hospitalizations, and deaths.

To be more specific, EPA's own data shows that full implementation of the Clean Air Act will result in approximately 200,000 avoided deaths from air pollution. The Administration's Clear Skies rollback, on the other hand, will allow 100,000 of those lives to end prematurely—100,000 lives prematurely.

Approaches such as the Jeffords-Collins-Lieberman Clean Power Act are what we need to save these lives.

Our bill would surpass the Clean Air Act in saving as many as 250,000 lives—150,000 more lives saved than the Bush Clear Skies plan.

Our bill will also result in benefits of $100 billion more per year in health and visibility improvements than the Clear Skies plan.

I ask unanimous consent that a table illustrating the differences between these three approaches be printed in the RECORD.

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

COMPARING THE CLEAN AIR ACT, CLEAN POWER ACT, AND ''CLEAR SKIES''

	Clean Air Act [1]	Clean Power Act [2]	''Clear Skies''
SO_2:			
Total emissions (cap)	2 mil tons (2012)	2.2 mil tons (2009)	4.5 mil tons (2010)
Percent reduction from 2000	82%	81%	60%
NO_X:			
Total emissions (cap)	1.25 mil tons (2010)[3]	1.51 mil tons (2009)	2.1 mil tons (2008)
Percent reduction from 2000	76%	71%	60%
Hg:			
Total emissions (cap)	5 tons (2008)	5 tons (2008)	26 tons (2010)
Percent reduction from 1999	90%	90%	46%
CO_2:	Business as usual:		Business as usual:
Total emissions (cap)	3.5 bil tons (no cap)	2 bil tons (2009)	3.5 bil tons (no cap)
Percent change from 2000	46% increase in 2018	21% decrease	46% increase in 2018
Lives saved (from PM reductions):			
Total lives by 2020	190,000–238,000	210,000–250,000	74,000–102,000
Nonattainment areas:	prior to imp of new PM std:		
PM 2.5	2020: 100 (national)	2010: <23 (eastern)	2020: 46 (national)
Ozone (8-hour NAAQS)	2020: 41 (national)	2010: <28 (eastern)	2020: 33 (national)
Health and visibility benefits/yr:			
From SO_2 and NO_X cuts (incremental)	N/A	At least $184 billion/yr	$11–96 billion/yr
Costs/year (incremental)	N/A	$6–22 billion/yr	$4–6.5 billion/yr

[1] The Clean Air Act column assumes full implementation of current Clean Air Act programs, not including the Bush Administration's recent rulemakings.

[2] The Clean Power Act also assumes full implementation of current Clean Air Act programs, including vigorous enforcement of, and continued maintenance of, the New Source Review program, the NAAQS, Regional Haze Rule, Mercury Air Toxics Rule, and others. It would ensure achievement of reductions from those programs.

[3] Subject to stringent new rulemaking by the EPA.

Notes.—These are EPW Committee staff estimates, based on latest available data from EPA (2/12/2003).

NO_X and SO_2 2000 levels from 2000 EPA Air Trends report. See http://www.epa.gov/ttn/chief/trends/trends00/trends2000.

Mercury 1999 levels from EPA, ''Emissions of Mercury by State (1999).'' Data from coal-fired power plants only. See http://www.epa.gov/ttn/atw/combust/utiltox/stxstate2.pdf.

CO_2 2000 levels from EPA's ''Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2000,'' April, 2002. See http://yosemite.epa.gov/oar/globalwarming.nsf/content/ResourceCenterPublicationsGHGEmissions.html.

CAA caps: EPA, ''Discussion of Multi-Pollutant Strategy,'' meeting with the Edison Electric Institute, September 18, 2001. EPA's analysis compares the ''straw'' proposal for power plant cleanup with the level of cleanup that would occur if existing Clean Air Act programs were fully implemented.

Lives for CAA, CPA, and CSI: EPA modeling runs, July, 2002.

Nonattainment for CAA: ''Existing programs'' on the Clear Skies website. See http://www.epa.gov/air/clearskies/benefits.html.

Nonattainment for CPA: Upper bound represents EPA's Straw proposal in 2020, which CPA would surpass in nonattainment benefits, in 2009. No national-level estimates exist for Straw or CPA nonattainment.

Nonattainment for CSI: Clear Skies website, http://www.epa.gov/air/clearskies/benefits.html. Clear Skies nonattainment includes some existing programs (e.g., Title IV, NO_X SIP Call, some state NO_X reductions).

Benefits and costs for CAA: Not available. No up-to-date and reliable analysis of the benefits and costs of current and planned Clean Air Act programs exists.

Benefits and costs for CPA: EPA data for Straw proposal, representing a lower bound for Clean Power Act benefits.

Benefits and costs for CSI: EPA's Clear Skies website, http://www.epa.gov/air/clearskies/benefits.html. (2 scenarios.)

(Mrs. DOLE assumed the chair.)

Mr. JEFFORDS. Madam President, the choice seems easy to me. While the Clean Power Act would safeguard and surpass Clean Air Act emissions reductions, Clear Skies would be a ticket to pollute.

If Clear Skies legislation becomes law, we will all pay the price in hazy parks, smoggy cities, increased acid rain, and more trips to the emergency room. These are costs we cannot afford.

I hope this message reaches the American public. The public should be very concerned about this administration's efforts to free polluters from environmental regulation. Clear Skies may sound like a good thing, but it is a smokescreen.

In addition, Clear Skies does nothing to address global warming—nothing. As you can see from this chart, Clear Skies ignores our commitment under the U.N. Framework Convention to return to 1990 levels of carbon dioxide.

At a time when we should be adopting real measures to reduce CO_2 levels to around two billion tons, the administration is promoting a ''business as usual'' approach. This approach will result in around 3.5 billion tons of CO_2. That is no way to protect the American economy or the world from climate change.

The administration says we shouldn't worry, we should trust that their voluntary greenhouse gas reduction plan will help prevent climate change. I am not convinced.

I am deeply concerned because I know that voluntary plans to date have not done enough to keep U.S. carbon dioxide emissions from rising. The administration's newly announced proposal—the inappropriately named ''Climate Vision'' plan—is part of the President's goal to reduce emissions intensity by 18 percent during the next decade.

Emissions intensity is a term to describe emissions per dollar of GDP. It may sound like a respectable goal to reduce intensity by 18 percent, however, the truth is, that this approach will not reduce actual emissions of greenhouse gases. Even if emissions decline per dollar, overall emissions will grow—grow—by 16 percent.

We must not base our national strategy to prevent global warming and its harmful and costly impacts on a 16-percent increase in greenhouse gas emissions. Again, I find it very unfortunate that the administration appears to be promoting policies based on fuzzy math.

I am confident the American public would rather see legislation such as the Clean Power Act passed. Our bipartisan bill would require reductions of CO_2 by 21 percent, a return to our 1990 levels.

The Business Council for Sustainable Energy supports our approach. The organization's president, Michael Marvin, says:

> These ideas will encourage the deployment of clean, efficient, economical and secure energy resources for our nation.

Our clean power approach will reduce the risks of climate change. The Administration's voluntary plan will not.

In fact, Jim Connaughton, Chairman of the Council on Environmental Quality, has admitted to this failure. In a July 2002 Commerce Committee hearing, he confessed:

> Greenhouse gas emissions will rise under our approach, no question about that.

Does this sound like an administration concerned about improving our air quality and protecting our global climate from irreparable harm? No.

Or could this be an administration that puts the interests of polluters first?

I urge my colleagues to look at the fine print in the President's proposal and ask questions. If you're very lucky, you might just get a helpful and honest response.

Frankly, I doubt you will get a response. As Chairman of the Environment and Public Works Committee in the last Congress, I asked this administration, namely the Environmental

Protection Agency, the Council on Environmental Quality, and the Department of Energy, to respond to straightforward questions about their legislative proposals, their rulemaking proposals, and their testimony before our committee. These are hardly unusual inquiries.

In some instances, I have yet to receive a reply. When I have received a reply, it has been either incomplete or inadequate, and without fail, quite late.

Simply stated, the American public, through laws such as the Freedom of Information Act, and also through its elected officials, is entitled to know the basis of government decision-making. The Congress has a responsibility to oversee and understand the activities of the executive branch, particularly when it implements the laws we write.

It is apparent through my experience and that of other Members I have consulted, that the American public is being kept in the dark by this administration on important changes to vital environmental and public health policies. The Clear Skies proposal dims even further their hopes and right to expect a cleaner and brighter future.

I thank the Senate for allowing me this time. I want to point out we should not lose sight of the fact there are things that are costing thousands of lives in this country we could prevent that are not being looked at well enough to give us the security we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, we have, under the order that now is in effect, morning business until 12:30. I see four colleagues, at least I have been notified, two on this side, two on that side, who desire to continue the debate on matters of national security. I am wondering if I might suggest a framework and then see if we can have a mutual understanding.

Mr. DODD. Time is moving.

Mr. WARNER. Time is moving. On my side, the distinguished Senator from Utah and the distinguished Senator from Alabama desire 4 to 5 minutes each. They have been here for some period of time. If they were to take those periods, then the other side would allocate their time as they desire, and perhaps we would be willing to extend the time to accommodate such additional time as you might desire.

Mr. DODD. May I inquire, if my colleague will yield, how much time remains on both sides of this discussion?

The PRESIDING OFFICER. The majority side has 11 minutes and 30 seconds.

Mr. DODD. I am prepared to say, use your 11 minutes and then we will pick up our time here. We ought to not waste any more and get to it.

Mr. WARNER. I don't know that we are wasting any time. We are just trying to do our best. We have been here since 9:30. We have had the chairmen of the Appropriations and Foreign Relations Committees and this humble Senator.

Let us try the following. That would not leave the Senator from Virginia, who has control of this side of the debate, any time whatsoever to provide for some rebuttal.

Mr. DODD. If my colleague will yield, if you use your 11 minutes, Senator KENNEDY and I want to take some time. Others may come. Certainly we can engage in some discussion. I would say use the 11 minutes now.

Mr. WARNER. With that understanding, I thank my good friend from Connecticut and I thank my good friend from Massachusetts.

We will proceed to have the Senator from Utah, followed by the Senator from Alabama, for not to exceed 5 minutes each.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise to declare my support for the President and his administration as he prepares this country for the coming war with Iraq.

I do this sharing the President's reluctance to go to war. But I offer my support with admiration and respect for the President for facing this decision without reluctance or avoidance, for the forbearance he has demonstrated by pursuing all other reasonable options, for courage he has shown in making the decision, and for the honesty with which he has included the American public, and the world at large, in his administration's deliberations.

The President has not shirked from the problem of Iraq. Since coming to office his administration has recognized that the United States could not ignore a stale and festering policy that had devolved to inattention and a self-deluding hope. A war never concluded in 1991—for Saddam Hussein has never abided by the ceasefire terms of disarmament that the international community declared a condition of the end of the first Gulf War—had devolved to a collapsed inspections regime and a deteriorating sanctions regime. The international community could pass 16 resolutions declaring disarmament our goal and expectation—now 17—but the international community could not impose the inspectors to guarantee that disarmament, nor could it sustain the sanctions to force the regime to comply.

President Bush came to office recognizing the nature of Saddam Hussein's regime was not changing: Saddam was overtly intent to threaten the region, and he was covertly dedicated to amassing the terrible weapons necessary to achieving this goal. Years of inspections reports and defectors' stories confirmed, for all to see, that Saddam's behavior was not changing, and that, in fact, he was emboldened by over ten years of successfully deceiving and confronting the international community.

The administration could have looked the other way. They could have presented a rationale, heard from the streets protests today, that this was not a threat to the U.S., that Saddam was always brutal and dangerous, but that, after all, we'd never caught him plotting against us.

I wonder where the signs are saying: Saddam disarm; Saddam quit being the way you are.

I am amazed that those aren't the signs in the street demonstrations.

A previous administration looked the other way on another threat—the threat of Osama bin Laden. In 1996, I began warning that this man was a threat to the United States. Every time we acted against him, I applauded the President, but I urged us to do more. In 1998, after the attacks on our embassies in Africa, President Clinton responded by cruise missile attacks against Sudan and Afghanistan. A few people accused the President of ''wagging the dog,'' using force to distract from his other problems. I told the President two things: One, good job, Mr. President. Two, but don't let this be the only strikes. Finish the job.

Osama bin Laden lived to launch the attacks of September 11, 2001, and today he remains at large. But last weekend's capture of Khalid Shaikh Mohammed demonstrates that our war on terrorism continues relentlessly, and that the cooperation we have with foreign nations and our intelligence and law enforcement professionals will disrupt, capture and liquidate al-Qaida.

Osama bin Laden and Shaikh Khalid Mohammed launched an attack that changed the way America sees the world, and I am grateful that the Bush administration has changed American foreign policy in response. We recognize, finally, that the concept of imminence is not an abstract idea as we contemplate the preemptive use of force. Preemption is not a new concept in international law, as many of the President's critics suggest. It is as old as Grotius, the founder of modern international law. And contrary to critics' misinformed assertions, the U.S. has never forsworn the use of preemption. Not since the U.N. Charter, and not under either Democratic or Republican administrations.

Preemption has always been conditioned on the idea of imminent threat. In the pre-nuclear era, we could see the armies amassing on a border. In the nuclear era, the idea of imminence grew murkier. Was it the fueling of the ICBM? Was it the glare on the rocket as it left the launch pad? Was it the warhead's return through the atmosphere? These were the reasons why the U.S. did not adopt a no first-use policy during the era of strategic competition with the Soviet Union.

Imminence becomes murkier in an era of terrorism and weapons of mass destruction. When did the threat of al-Qaida become imminent? I know when it became manifest: Not, by the way, on September 11. Osama bin Laden had

struck many times before then. On September 11, the threat became catastrophic. It was well beyond imminent.

All Americans must be grateful to President Bush because he will never allow imminence to slip into catastrophic reality. None of us can read Saddam Hussein's intentions, Madam President. We don't know when, or if, he gives the command to pass his countless biological or chemical weapons to his numerous contacts in the international terrorist network.

We know, however, that Saddam has shown no intention of disarming.

And we know of Saddam's capabilities. As this administration has repeatedly stated to American and foreign audiences alike, there is a huge weapons gap in biological and chemical weapons. The evidence of this gap is not fabricated here; it has been meticulously collected, vetted and authenticated by the international community.

Our intelligence community, meanwhile, has asserted through the years that Saddam's Iraq is a safe harbor for international terrorism. This Congress has approved, through the last decade, these conclusions.

Association is not causation, every logic professor would say. And a cautious national security establishment would reiterate: Associating with terrorist groups, as we know Saddam Hussein has done, even training them, or giving them moral and financial support, is different than directing them. True enough. But the days of measuring imminent threat on this conservative notion are done. We will no longer confuse the reluctance to act with the self-deception that a threat is not there.

And I admire President Bush for plainly saying to the American people that the nexus of Saddam's regime of weapons of mass destruction and terrorist links is a threat we can no longer ignore. I admire the courage that says: American security cannot be held to a hope against reality but must eliminate a threat before it is too late.

I admire the President for pursuing all diplomatic options available to him. Last night he said he would submit another resolution before the Security Council, and I think that's a gutsy move. But the President has been clear, since he first took the case himself to the United Nations last September 12, that American national security would not be constrained by endless international resolutions without resolve. If the United Nations wishes to become a spineless debating society, that is its right. If it or anyone else believes that it can pervert international law to constrain the legitimate use of American force for the protection of our national security, then it will begin the 21st century on its self-imposed decline to irrelevance. I hope all members of the Security Council recognize this, as they recognize the diplomatic courage and honesty that the Bush Administration has demonstrated to that body.

Madam President, a war with Iraq will be the most serious exercise of American power in this century. We have reason to be optimistic: If we succeed militarily, and I believe without a doubt that we will, we will show the political commitment to ushering in a new era of stability and, I hope, democracy, for the people of Iraq.

At the beginning of the 20th century, colonial powers had their hand in shaping the Middle East. At the beginning of the 21st century, America is the lone superpower, but we are not a colonial power. The Administration has repeatedly stated that Iraq is for the Iraqi people, that their land, society, resources are for them to shape and mold. We will remove the oppression of Saddam and his Arab Stalinist Ba'athist dictatorship. And we in Congress, I hope, will provide the resources and support to sustain our commitment to a transition to a self-determining Iraqi society. We will work with the Iraqis, we will stay as long as we need, and we will not stay one day longer.

I admire President Bush for the candor he has shown the American people and the world. I admire him for facing difficult choices without reluctance, and I admire him for the courage he has shown in making the most difficult decisions a president can face. I join my prayers to those of countless other Americans as they pray for the success of our Armed Forces and for President Bush and his administration.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I, too, wish to join my distinguished colleague, Senator HATCH, in saluting President Bush for his courage and commitment to principle, his steadfastness, his integrity, and his moral approach to foreign policy. He believes the United States has a high calling in the world. We must meet high standards, and high standards mean that we try to work with our neighbors when possible, but we do not submit ourselves to requirements from other nations that keep us from doing what is the right thing. I am proud of what the President has done. I am proud of the way he has handled himself. I thought at his press conference last night, facing all the media in America and giving them his best shot, he handled it with great skill, dignity, integrity, and wisdom. So I am really proud of that.

We are now entering the final stages of diplomacy. There is still an opportunity for Saddam Hussein to take advantage of the days and hours he has been given by the President to change his ways, to totally disarm and abdicate his country in order to avoid a war. But the answer to what will happen is now in Saddam Hussein's hands.

This great Nation has committed itself to a course. This Senate has backed the President overwhelmingly. The House of Representatives has also done so. Last year, when this Senate was in the majority of the other party, we voted 77 to 23 to authorize this President to take action if need be. I have sensed no retreat from that support by any Member. In fact, if we voted today, the vote would probably be larger. I don't know precisely what Hans Blix will report today in the U.N., but I will tell you one thing he will not say. He will not say that Saddam Hussein is in compliance. He will not say that Saddam Hussein has taken advantage of the 15-to-0 vote on U.N. Resolution 1441 last fall to disarm his country. Had he done that, we would not be facing a military conflict today. He has not done it, and we should not, in my view, continue to give extra time to him and reward him for his failure.

If we have had any difficulty in this process, it is from nations that seem to be unwilling to send a clear message. Some people say: You are not respectful of the United Nations. I have spoken on this issue for quite a number of years in the Senate. I have expressed my concern that we are Gulliver on the world scene and that many nations seem to desire to tie us down with a thousand different strings so that our Nation is unable to act in our interest or the world's interest. We want to listen to other nations, but we cannot allow the American power to be tied down in that fashion.

We had an interesting hearing before the Armed Services Committee, and our distinguished chairman, JOHN WARNER, is here today. He is one of the wisest men on military affairs this country has ever produced. James Schlesinger, former Secretary of Defense and former Secretary of Energy, talked about the United Nations.

The problem with the U.N. is not that they are bad, not that we should not try to work with them; but they cannot be depended on. They are not capable of functioning rationally under stress. They are basically a dysfunctional organization when it comes to action. There are a lot of reasons for that. It is the way the U.N. is created. You have nations such as Russia and France permitted to veto any resolution. We have a resolution dependent now on countries that are not really engaged in the area: New Guinea, Angola, or Cameroon can cast key votes. They are not spending $3 billion a year, as we are, to keep Saddam Hussein in his box.

Secretary Schlesinger said this:

> . . . this is a test of whether the United Nations—in the face of perennial defiance by Saddam Hussein of its resolutions—indeed of his own resolutions . . .—will, like the League of Nations over half a century ago, turn out to be simply another institution given to talk.

He went on to say this:

> Will the United Nations prove as feckless as the League of Nations? Mr. Chairman, in 1935, Mussolini invaded Abyssinia. The League of Nations took note of this challenge to international order. Day after day, week after week, the League deliberated what to do. These sessions went on endlessly. After each session, there was a press conference. After some weeks, one of the reporters summarized the situation as follows: ''On

the surface, very little is happening—but beneath the surface, nothing is happening.''

I think we are in a situation where the U.N. may be incapable of acting. This Nation must act if we are to maintain the integrity of the resolution of the U.N.

Mr. WARNER. Mr. President, I thank my colleague from Alabama. I welcome the opportunity now to listen, and perhaps engage in colloquy with my two good friends, the Senator from Connecticut and the Senator from Massachusetts. We have been at this debate 2 hours 10 minutes. We are delighted to have them join us.

The PRESIDING OFFICER. The Senator from Connecticut.

WAR WITH IRAQ

Mr. DODD. Madam President, first, I say to my friend from Virginia, this is an opportunity for us to spend a few minutes talking about the issue of war with Iraq. We all listened last evening to the comments of the President during his press conference. We all have great respect, obviously, for the Presidency of the United States. I would not call the President's press conference a Churchillian moment, but certainly the President expressed his views on what he believes ought to be done.

On October 11, 2002, I voted for H.J. Res. 114, a resolution providing the President with the authority to use force against Iraq if proved necessary. The vote on that resolution was 77 to 23. I voted for the entire resolution including language which requires the President to first determine that ''reliance by the United States on further diplomatic or other peaceful means alone either will not adequately protect the national security of the United States against the continuing threat posed by Iraq or is not likely to lead to the enforcement of all relevant United Nations Security Resolutions.'' The particular requirement seems to have gotten lost in recent discussions about Iraq and deserves repeating in the context of our debate this morning.

My concern is that the Bush administration, at this juncture, has not made the case that we have reached the point that we can say that diplomacy has failed.

I do not know of anyone who disagrees with the notion that we would be far better off with Iraq disarmed. Every person I know supports that conclusion. The debate, if you will, is not over whether Iraq should be disarmed but whether there are means short of military conflict for doing so. Knowing all the hazards and dangers that will arise when we send American service men and women into combat to achieve that result, we must not take that decision precipitously, without first exhausting other options, particularly diplomatic options.

As I stated earlier, I voted for H.J. Res 114 last fall, and I would vote for it again because I believe force, coupled with with diplomacy, are needed in this circumstance. Threats of force alone without diplomacy can too often lead us to unnecessary armed conflict and costly destruction and loss of life.

We fail sometimes to recognize and understand the value of diplomacy and how well it has worked for us in times past. We saw diplomacy at work during the Kennedy administration when President Kennedy diffused the Cuban missile crisis. We saw it at work as well in the Carter administration when Sadat and Begin came together at Camp David to end conflict between Israel and Egypt. We saw it at work in 1993 when, through the efforts of former-President Carter in North Korea, we were able to diffuse a situation that was getting very serious. Diplomacy has successfully resolved many disputes large and small. On each occasion it requires our President to put his credibility on the line and work diligently day in and day out to bring those warring parties together to avoid the conflict that would have ensued.

I think too often we fail to appreciate the value of what can be done through diplomacy. There are countless examples throughout our history.

My plea this morning, is not that we renounce the use of force multilateral or unilateral—in the case of Iraq or any other circumstance where US national security interests are at stake. I would never support a resolution that would deprive our Nation of the opportunity to protect and defend its security and its sovereignty, including by the unilateral use of force. My only concern is that we ought not rush unnecessarily to that conclusion when other options still remain. Do we really want to unnecessarily put at risk the lives of innocent Iraqi people or more importantly the lives of our own young men and women in uniform who have been deployed to the Middle East and await the orders of the Commander in Chief?

My plea today is that the President seriously consider giving the U.N. effort the diplomatic track a bit more time. Obviously, there is a threat in Iraq. We all know that. But it is a threat at this moment that is being effectively contained by the presence of international inspectors and the threat of force. Yes, Iraq is a threat, but there are graver and more immediate threats confronting the United States. I believe that North Korea poses a far greater and far more immediate danger to the United States and the region. U.S./Korean experts across the political spectrum share that view.

I am concerned that our impatience over Iraq is doing great harm to our relationships with our long standing friends and allies. U.N. Security Council Resolution 1441 did not contain an end date by which the inspectors were to conclude their mission. However, from the very beginning, the administration showed very little patience for the inspections process. Almost before it began, members of the Bush Administration were ridiculing the process, suggesting it would never work anyway; why are we bothering with it?

One might ask the basic question: If we never thought it was going to work, why did we support U.N. Security Resolution 1441 in the first place?

The problem of Iraq and Saddam Hussein is not weeks old, it is years old. We all know that. Nonetheless, we drafted, worked, suggested, and supported the resolution that called for an inspections process. There is no certainty that an inspections process will necessarily succeed, given the size of the country and the difficulties involved, but we voted to send inspectors to Iraq and we supported the terms of their mission as spelled out in the text of the resolution.

Yet as the inspection mission was getting underway, the administration seemed to already have lost patience with it. Perhaps that is why other members of the Security Council began to question whether the United States was ever genuinely committed to an inspections regime.

U.N. weapons inspector Hans Blix spoke before the United Nations this morning. Let me share with my colleagues some of his conclusions—very significant conclusions in my view. Mr. Blix said that the inspectors were in a better position to carry out their work than they had been in the 1990s because of the existence of international pressure. The President should claim victory that his policy is succeeding—the combination of diplomacy and the threat of force is bearing fruit.

We ought to be celebrating the fact that the inspectors have made progress in disarming Iraq. I do not think that a call for inspections without a threat of force would have produced positive results. The combination of the threat of force and the inspections process is, according to those we have asked to perform these duties, producing far better results than we ever could have imagined.

Mr. Blix went on to say that there is no air surveillance over the entire country, and that inspectors can move freely anywhere in Iraq. Even with enhanced Iraqi cooperation, Mr. Blix stated that the mission would need some additional months not years to complete its work.

I am not interested in seeing the inspections process prolonged indefinitely. I do not think that is in anyone's interest. We have men and women in uniform deployed abroad, waiting for orders. We cannot keep them there indefinitely without having the necessary rotations. That poses some problems. I hope we never reach the conclusion that simply because we have deployed our forces to the Middle East, we see that action as putting our credibility on the line if we don't then take military action, even though diplomacy may be working.

American service men and women certainly understand that when they are called to duty, there may be times

they are asked to put their lives on the line. They also know there may be times when they are going to be asked to wait. Certainly, we need to understand the conduct of this particular delicate situation. Asking our men and women in uniform to be patient as we try to see if we cannot resolve this problem without putting them in harm's way is not an irresponsible way to proceed at all, given the fact we may get exactly what we are seeking as a result of the combined efforts of diplomacy and threat of force.

I believe this process is working and the President ought to claim victory, in a sense, because as a result of his efforts, we are getting the job done better than we might have imagined we could.

In a sense, I almost get the feeling we are trying to snatch defeat from the jaws of victory by moving away from a process that appears to be working despite all the difficulty surrounding it.

Obviously, if we want the multilateral support of our allies then we need to allow the U.N. effort some time. I can make a strong case that we probably do not need multilateral forces to win the military contest here. I am quite confident the United States military can more than adequately perform the challenges posed in Iraq militarily. But the problem becomes greater when you think of the aftermath, of how we manage that, how this event will affect other relationships we have where international cooperation is important.

I say this with a great deal of lament. Diplomacy has been suffering terribly here over the last few years. This is not just my conclusion. This is the conclusion of the responsible people who have watched, tragically over the last 24 months, where diplomacy has not been working as well as it could. I don't want to digress very much. I will keep focused on the discussion in front of us, but from the outset there was a notion that international cooperation was somehow a sign of weakness; that, in fact, the comments of our friend from Alabama suggesting a moment ago that international organizations and the United Nations could not perform duties when asked to act and asked to get a job done, I disagree with.

I have my difficulties with the performance of the U.N. from time to time, but I ask anyone to suggest what the world might look like if we did not have a U.N. system to respond all over the globe to every imaginable crisis that emerges. The idea of deriding and ridiculing and diminishing the role of the U.N. system is not in our interest, and I don't think it is in our interest to ridicule our allies in Europe and elsewhere. These are good friends. They have been and will continue to be. But we need to work at those relationships to keep them strong. Unfortunately, we have not been doing that. And, we are paying a price for that. That is why the American public and so many around the world are worried about unnecessarily taking unilateral action. Particularly a preemptive unilateral action.

Having said that, I applaud the President's decision last night to go to the U.N. and to put a resolution on the table. I feared he might abandon the U.N. effort without doing so because some of his advisors have recommended this course of action. I commend the President for still being willing to try and get that international support. I hope a resolution can be crafted which our allies and others will feel comfortable supporting, one that gives the inspections more time to see if they can succeed. If I didn't feel time might work for us here, or that there was an imminent threat to our nations, then I would stand with those who would say we have to go forward now and unilaterally respond to the threat. I don't believe that moment has arrived.

Last night the President said that the world has changed since September 11th. I agree with him. The administration's eyes obviously were opened to the fact we needed help and support from the nations in coping with the amorphous nature of the stateless and faceless terrorist organizations. We heard the great news in the last few days of the capture of some al-Qaida operatives. I would respectfully say that this would not have happened without international cooperation. So in this particular set of circumstances, we have seen the value of international cooperation.

While Bush administration officials have seen the wisdom of cooperating with our allies in combating terrorist organizations, key administration policymakers still hold—too many of them—the fundamental belief that as the world's only remaining superpower, the United States does not need to consult or build the support from other nations in the conduct of foreign policy. They believe that we can singlehandedly decide who are good guys and bad guys, the members of the axis of evil, in the Bush administration's lexicon. It is this tension that brings us where we are in Iraq and North Korea.

Now we have, of course, the paradox that the administration is in no particular hurry, it would appear, to resolve the North Korean problem which was precipitated in part, I argue, by our handling and engagement with Iraq. It has no patience in the case of Iraq to allow the inspections process to play out. I appreciate that the administration is trying to maintain the readiness of more than 200,000 American troops that are or will soon be in the region and that this cannot go on indefinitely without troop rotation. However, I strongly believe the American forces are carrying out an incredibly important mission, even if the order is never given to attack. Just being there has a tremendous value in terms of what we are trying to achieve in the Middle East.

Their presence signals a seriousness and resolve on the part of the United States that Iraq must disarm. Iraq is, in fact, beginning, as we see here, to respond—not as quickly as I would like, not in the ways some might prefer—but Hans Blix has reported progress. We should not yet draw the conclusion that in U.N. effort has failed.

I want to see Iraq disarm. Every American does. I believe as a way of doing this, at least a way worth trying to get this accomplished without resorting to force. The bellicose and public efforts by the administration to end the inspections process is going to have severe diplomatic costs in the months and years ahead. My hope is that we will be able to repair these relationships. The quick way we might do that is to allow this process to work a bit longer. If we do that, I think we can build the kind of support that is necessary to achieve not only the desired results in Iraq, but also to allow us to continue to build the relationships that are going to be critically important to deal with other pressing foreign policy concerns.

We live in a world that absolutely requires international cooperation, and the United States must be a leader in this effort. The great leaders in the post-World-War-II period understood this. The great people we revere and talk about often, people like Omar Bradley and George Marshall, the Dulles brothers and others, who understood the value and the importance of international organizations. They were the architects of these institutions. They were the ones who argued so vociferously to create a U.N. system, international courts of justice, to build a NATO system. They understood the importance of international cooperation. They understood that even a great power such as ours could not solve all the world's problems singlehandedly.

Too often, as we engage in this debate, many Americans and many people across the globe have the impression that the United States no longer believes that international cooperation is important in the conduct of our foreign policy. I disagree with that profoundly.

That worries this Senator very deeply. I will not take a backseat to anybody in my concern about Saddam Hussein. I would support the resolution which I voted for in October again today if it were the pending business of this body. I don't believe that the resolution calls upon the President to abandon diplomacy.

For those reasons I would urge and encourage the President to continue his efforts with the framework of the U.N. Again, I want to compliment him for indicating he is going to go back to the U.N. in the coming days to see if we can get a resolution that will build the kind of international cooperation that is necessary. But I have this nagging fear that there are some in the President's inner circle who believe this is all a waste of time and effort, that it is not in our interests to do it,

and the sooner we move away from seeking international cooperation the better off we are going to be.

That mentality seems to be gaining currency in the minds of far too many. That is a dangerous road to follow. It is one I hope and pray that the President does not take.

Mr. President, let me associate myself with what others have said in the course of this debate. If or when the President orders U.S. Service Members into combat, I and every other member of this body will support these brave men and women one hundred percent and we will pray that they return home to their families unharmed.

With those thoughts in mind, I thank my colleagues for the opportunity to express some views on this critical issue. I am certainly anxious to hear the thoughts of my colleagues as they express those during the remaining time of this debate.

Mr. WARNER. Mr. President, will the Senator allow me to have one or two questions, by way of a colloquy?

Mr. KENNEDY. Mr. President, I would like to do it. I understand the agreement goes to 12:30. I have not had an opportunity, and I have been here almost an hour. We extended the time shortly over on the other side.

I will be glad to yield if we can work that out, but I would like an opportunity.

Mr. WARNER. Why do we not just agree now to extend the time by 30 minutes, equally divided between the two of us? That will take us to the hour of 1 o'clock.

Mr. KENNEDY. That will be fine with me. I am glad if we agree the colloquy go maybe 5 or 6 minutes.

EXTENSION OF MORNING BUSINESS

Mr. WARNER. Certainly. The Senator from Massachusetts has been most patient.

I ask unanimous consent that morning business be extended to the hour of 1 o'clock, the time equally divided between myself and my colleagues on the other side.

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

Mr. WARNER. With reference to two points that you make, Senator, first—I copied in my notes—you questioned was the United States ever genuinely engaged in the inspection process, some words to that effect.

Mr. DODD. Before you put words in my mouth, my concern has been that the administration has not been terribly supportive of the inspections process. Numerous Administration officials have been very dismissive of the inspections effort. My colleague from Virginia may have a different one. But my impression is that the administration has never embraced the inspections process, endorsed it, or supported it with the kind of rhetoric that I would have assumed would have been the case since we certainly supported the resolution that established the inspections initiative.

Mr. WARNER. Mr. President, we are entitled to an honest difference of opinion. My colleague and I debated last night in a public forum on this very issue. But I believe our Government has been very thoroughly engaged in the inspection process, trying to support it.

I provide today some tangible evidence in the sense that I have a letter from the Director of the Central Intelligence Agency, addressed to me with a copy to my distinguished colleagues, Senator LEVIN and Senator ROBERTS, in which they set out for the record exactly what we have done by way of giving the U.S. intelligence regarding likely sites where weapons of mass destruction could be in the process of being manufactured, stored, or otherwise. We have cooperated mightily in this effort.

I think that corroborates the assertion of the Senator from Virginia that our Government is engaged. I just read one paragraph here, Tenet stating we, the United States:

> . . . have now provided detailed information on all of the high value and moderate value sites to UNMOVIC and the IAEA.

That is in rebuttal to your comment about genuine engagement. I think that shows good faith.

Second, this rush headlong?

As the Senator well knows, 1441 was adopted on November 8. Immediately thereafter the United Nations began to put in place and formalize work that Blix had been doing for some period of time.

As you well know, the United Nations contemplated that there could be a second inspection regime, and Blix was put in office and began his work some months before. Had he undertaken to go into Iraq as quickly as I think feasible from a logistics standpoint, and having with him trained individuals, and he has been there basically since the latter part of November, early December—am I not correct in that?

The reason there has not been greater productivity by Blix—I think he has tried diligently—is the absolute lack of cooperation of Iraq, to which my colleague from Connecticut has agreed.

Here we are now. Our President and the Prime Minister and other nations of the coalition of the willing, having called up their reserves, called up their guard, transported the forces and put them in place. I was visiting there with Senator LEVIN, Senator ROBERTS, and Senator ROCKEFELLER 10 days ago. We have placed them there. As the Senator from Connecticut I think quite properly said, in fairness, their presence has, indeed, supported the diplomatic efforts undertaken by the President and others in the United Nations, which is still going on.

Our President said last night that we will wait and see what the Blix report comes forth with. He has come forth again today. With due respect to Blix, he tends to be somewhat contradictory.

In previous reports he quite actively deplored the fact that Iraq has not been more cooperative and that lack of cooperation has hindered his efforts. As the Senator well knows, the concept of this inspection was not that Blix and his team had to find the weapons; it was that Iraq was to cooperate and show where the weapons are so Blix could supervise their destruction.

This thing got totally, as we say as sailors, off course because of the need for Blix to do both the destruction, which he is now supervising, of a modest cache of missiles, and at the same time trying to search, using U.S. intelligence and intelligence from other nations, for the sites.

I say to the Senator, I see no basis for saying that this President, the Prime Minister of Great Britain, or others are rushing, as you said, headlong to try to utilize force as the final solution. We have been at this thing 12 years. Blix has been in business since November.

Mr. DODD. Let me respond to your rather long question.

Mr. WARNER. Yes.

Mr. DODD. I presume there is a question there.

Mr. WARNER. Yes.

Mr. DODD. My response is the inspection teams were not at full strength until about the end of January.

Obviously, we didn't think Saddam Hussein was a wonderfully truthful, reliable head of state last fall when the U.S. voted for U.N. Security Council Resolution 1441. We have known Saddam Hussein for a long time, and it therefore comes as no great surprise that it has taken international pressure to get results.

It has only been about a month since the inspections team has been fully operational in Iraq. That is a fact. To expect somehow that within a month's period of time, or a little more than a month, an inspections team was going to be able to complete the job was naive.

This morning U.N. Weapons Inspections chief, Mr. Blix—whom I think most people respect as being an honorable person and certainly one who has dedicated much of his career to eliminating weapons of mass destruction—reported that the inspections are making progress, that today inspectors are getting a lot more done than they did in the 1990s. We should listen to Mr. Blix and give his remarks serious consideration as we decide the next steps.

My only point in taking the floor today is not to suggest, as some may, that we ought to under no circumstances in dealing with Iraq ever contemplate the use of force. I would disagree with that. I think having a threat of force is absolutely critical to achieving a desired result. The only point is that we ought not do this alone. I don't think it is necessary, and I think we ought to at least give this process time to work. I think the cost

of not doing that could be profoundly dangerous to our country. I hope I am wrong about that, but I am fearful I may be right. In waiting a few weeks to get this right, I don't think the dangers posed by Iraq are that imminent that a few weeks or a few months would necessarily cost us.

I would argue differently about North Korea. I don't think we have that much time. I think every day we lose in dealing with North Korea raises the risks to this country and the world profoundly. I don't disagree with my colleague from Virginia at all about this except to the extent that the impression is we really are not going to give this the kind of time to prove it can work and then have the kind of support that I think we ought to have internationally.

We only paid about 10 percent of the cost of the gulf war. The rest of the world which felt most threatened by Iraq contributed 90 percent of that cost.

As I shared with my colleagues last evening a conversation which I had with one of the major European Commissioners, a great ally of ours, the Commissioner said: We have been delighted to support the effort in Afghanistan. I think the European Community contributed about $1 billion. He said: I would not anticipate any financial support under the present circumstances in winning the peace in Iraq if this is a unilateral effort on the part of the United States.

That is a very troubling comment. This problem is a problem not just for us, it is a problem for the region, as my colleagues have said.

I believe Saddam Hussein poses a global threat, and that certainly needs to be addressed. But we need to understand that diplomacy has value. And I think there are those who today are in positions of making a difference who don't appreciate that enough. That is my concern as I take the floor today.

Mr. WARNER. Mr. President, I see the Senator from Massachusetts.

I ask unanimous consent that the time the Senator from Virginia consumed in this colloquy be charged to his allocation and the time consumed by the Senator from Connecticut be charged to the other side.

I thank my colleague. I hope to have more to say on this.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this morning we heard the most encouraging report so far on the recent developments in Iraq from the United Nations' chief weapons inspectors. Progress is clearly being made. Iraq is beginning to destroy its missiles. As a result of strong international pressure on Saddam, the inspectors are receiving greater cooperation from the Iraqi Government.

Hans Blix, the chief United Nations weapons inspector, reported this morning that the international pressure is working. He says the inspectors are encountering fewer difficulties than when inspections occurred there a decade ago. The inspectors have free access to the entire country, and they can now conduct air surveillance throughout Iraq. The question is, For how long? Hans Blix says it will not take years or weeks, but months. So we are not talking about an endless process. Saddam knows he is on the clock at the United Nations. The eyes of the world are on him, and he must disarm.

We all agree there is still much more to be done before full disarmament is achieved. But inspections are working and Saddam is being disarmed. Yet in its rush to war with Iraq, the Bush administration ignores this progress and rejects the wise words of caution from our allies.

President Bush deserves great credit for the progress so far—both in the war against al-Qaida terrorism, and in disarming Saddam. Al-Qaida is on the run, and Saddam is disarming.

But it is time for this President and this White House to pause before pushing aside the rest of the world and ordering an invasion of Iraq. Rash action will only place our troops in greater harm's way. As we unleash a firestorm of military might over Iraq, we could easily unleash a firestorm of hatred for America creating a far more dangerous world for Americans here at home and in many other countries.

We are squandering the immense good will and support for America following the tragedy of 9/11. We are shattering the coalition that is effectively fighting the war against terrorism, and that is pursuing Osama bin Laden at this very moment. War now will inflame the Arab and Muslim world against us as never before, and generate intense new support for anti-American terrorists who will stop at nothing to do us harm.

In recent days, Iraq has destroyed 34 of its 100 illegal missiles—a process which continues. Seven more scientists have been privately interviewed, and each day more come forward. The Iraqi government stepped up and revealed the location of previously destroyed biological weapons in order to enable the inspectors to verify their destruction.

Many of us wish that this cooperation had occurred earlier, and that Iraqi officials were more forthcoming. No one ever said it would be easy to disarm Iraq. Even South Africa, which agreed to unilaterally disarm its nuclear program, required two full years of inspections to confirm that its nuclear capability was destroyed.

Disarmament is a process—not a single simple event. Disarmament takes time. Progress comes step by step. But when progress does occur, it makes no sense to reject it out of hand. It makes no sense to start a war when we have a genuine chance to preserve the peace.

The wisest course for America is to give the inspectors more time and to maintain the pressure on Saddam by keeping our troops in the region. It is better to pay the price of keeping our troops there to pressure Saddam than to pay the far greater cost of going to war.

It is clear from the foreign ministers who spoke today at the Security Council that a majority of the world's governments still want to wait before pulling the trigger for war. Even the British are now asking for more time.

This is a delicate and dangerous situation. We need allies to help us meet our goals, and to provide for the security of the American people. But surely we can have effective relationships with other nations without adopting a chip-on-the-shoulder, my-way-or-the-highway policy that makes all our other goals in the world more difficult to achieve. We cannot be a bully in the world schoolyard and expect cooperation, friendship, and support from the rest of the world.

The threat of war may be tough talk that Saddam needs to hear. But continuing inspections is a tough-minded policy. It takes patience and perseverance. There is the chance that they will succeed in disarming Iraq. And inspections build international support if other steps are required.

The goal is the disarmament of Iraq by peaceful means—not to use every opportunity to justify a war, as the administration is doing.

All of us agree that Saddam is a despicable and deceitful dictator, but I am deeply concerned that such a war will make the world even more dangerous for Americans—not less dangerous. But as long as inspectors are on the ground and making progress, we must give peace a chance. War must always be a last resort.

The question now is whether the Bush Administration will view Iraqi cooperation as a glass half empty, or a glass half full.

At his press conference last night, President Bush still failed to offer adequate answers to the key questions on the minds of the American people about the issues at stake in this war and its aftermath. In his speech last week, he also painted a simplistic picture of the brightest possible future—with democracy flourishing in Iraq, peace emerging among all nations in the Middle East, and the terrorists with no place of support there. We have all heard of rosy scenarios, but that was ridiculous.

War with Iraq runs the very serious risk of inflaming the Middle East and provoking a massive new wave of anti-Americanism in other countries that may well strengthen the terrorists, especially if the Muslim world opposes us. What if al-Qaida were to time the next terrorist attack to the day we go to war?

A year ago, the Wall Street Journal quoted a dissident in Saudi Arabia who has turned his focus from his own government to the U.S. Government. He said the main enemy of the Muslims and the Arabs is America, and that they do not want us to impose on them.

He said many Arabs would rather tolerate dictatorship in their own countries than import reforms from America.

The burning of the U.S. flag has become a common ritual in Arab capitals. Calling someone an American is now regarded as an insult in parts of the Arab world.

What a tragic change in the support we had in the world after 9/11, let alone from the time when America stood as a beacon of hope and a model for freedom and democracy throughout the world.

In a desperate effort to justify its focus on Iraq, the administration has long asserted there are ties between Osama and Saddam—a theory with no proof, and widely doubted by the intelligence experts.

Two weeks after 9/11, Secretary Rumsfeld claimed we had ''bulletproof'' evidence of the link. But a year later, CIA Director Tenet conceded in a letter to the Senate Intelligence Committee that the administration's understanding of the link was still ''evolving'' and was based on sources of ''varying reliability.''

In fact, the link is so widely doubted that intelligence experts have expressed their concern that intelligence is being politicized to support the rush to war.

The Bush administration was wrong to allow the anti-Iraq zealots in its ranks to exploit the 9/11 tragedy by using it to make war against Iraq a higher priority than the war against terrorism.

Al-Qaida—not Iraq—is the most imminent threat to our national security. Our citizens are asked to protect themselves from Osama with plastic sheeting and duct tape, while the administration prepares to send our Armed Forces to war against Iraq. Those priorities are wrong.

There is also much more we need to do at every level of government to strengthen our defenses at home against terrorist attack, especially if we go to war alone against Iraq and inflame the Arab world. America is already on constant alert. There is no time to shortchange our security at home. Yet across the country the Bush administration is leaving local governments high and dry in the face of continuing threats at home. Despite promises of funding from Washington, our cities are not receiving the urgent help they need.

If there is any lesson from September 11, it is that we cannot afford to fail to meet this threat. The cost in lives at home is too great. The war with al-Qaida is far from over, and war with Iraq may well make it worse.

And what about the aftermath of war? We know a stable government will be essential in a postwar Iraq. But the administration refuses to discuss, in any real detail, how it will be achieved and how long our troops will need to stay. President Bush assumes everything will go perfectly.

But war and its consequences hold enormous risks and uncertainties.

As Retired General Anthony Zinni has asked, will we do what we did in Afghanistan in the 1970s—drive the old Soviet Union out and let something arguably worse emerge in its place?

The administration has also tried to convince us the war will not be costly to the Treasury. If our national security were at stake, we would spare no expense to protect American lives. But the administration still owes the Nation a more honest discussion about the war costs we are about to face, especially if America has to remain in Iraq for many years, with little support from others.

The vast majority of the Iraqi people may well want the end of Saddam's rule, but they may not welcome the United States to create a government in its own image. Regardless of their own internal disagreements, the Iraqi people still feel a strong sense of national identity and could quickly reject an American occupation force that tramples on local cultures.

We must recognize that the day we occupy Iraq, we shoulder the responsibility to protect and care for its citizens. We are accountable under the Geneva Convention for public safety in neighborhoods, for schools, and for meeting the basic necessities of life for 23 million Iraqi civilians.

This daunting challenge has received little attention from the administration. As the dust settles, the repressed tribal and religious differences of the past may come to the fore—as they did in the brutal civil wars in the former Yugoslavia, in Rwanda, and other countries. As our troops bypass Basra and other Iraqi cities on our way to Baghdad, how will we prevent the revenge bloodletting that occurred after the last gulf war in which thousands of civilians lost their lives? What do we do if the Kurds in northern Iraq claim an independent Kurdistan or the Shia in southern Iraq move toward an alliance with Iran, from which they have long drawn their inspiration?

We have told the Government of Turkey that we will not support an independent Kurdistan, despite the fact the Kurdish people already have a high degree of U.S.-supported independence and have even completed work on their own constitution. Do we send troops again to keep Iraq united? This administration's record in postwar Afghanistan is not exactly the best precedent for building democracy in Iraq.

Sixteen months after the fall of the Taliban government in Afghanistan, President Hamid Karzai is still referred to as the ''Mayor of Kabul'' because of the weak and fragile hold of his government on the rest of the nation. Warlords are in control of much of the countryside. The Afghan-Pakistan border is an area of anarchy and ominous al-Qaida cells.

If we have not been able to get it right in Afghanistan, where we went in with strong international support and involvement, how do we expect to go it alone in Iraq? Everyone talked about a Marshall Plan for Afghanistan where there is a clear need to rebuild and get it right so the Taliban and al-Qaida cannot take over again.

President Karzai was here last week at the Senate Foreign Relations Committee, begging for the adequate support and resources his new government needs to take hold. To get it right in Iraq, we need the international community and a long-term commitment on the part of the United States. That is less likely to happen if we do not have the international community with us from the start.

Depending on our welcome, it could take as many as 200,000 American troops, as General Shinseki told the Armed Services Committee just over a week ago, or even more, to stabilize Iraq. We already have 37,000 troops in South Korea, 8,000 in Afghanistan, 5,000 in the Balkans, and another 1,000 in the Philippines and Colombia. We need to know whether our Armed Forces are being spread too thin. We need to know how long they can keep up this pace.

The large-scale mobilization of the National Guard and Reserves for Iraq is already having an effect on police, firefighters, and others who are needed on the front lines at home, especially if there are new terrorist attacks on the United States. We have called up 167,000 Guard and Reserve personnel for active duty. We know the effect on their families who are left behind. What is the effect on the economy in lost productivity as these jobs go unfilled?

Can we meet all these obligations now, let alone shoulder the long-term costs of war with Iraq? These may well total hundreds of billions of dollars in the years ahead.

One of the highest and worst costs of the war may be the humanitarian costs. Sixty percent of the Iraqi people rely on the United Nations Oil-for-Food Program for their daily survival. Food is distributed through 46,000 government distributors supplied by a network of food storage barns. A war with Iraq will disrupt this network. Many Iraqis, especially low-income families, have no other source of food. Women and children will be the most vulnerable victims of war. According to recent reports, 500,000 Iraqi children already suffer from malnutrition.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an excellent article in this morning's Washington Post by Ken Bacon and George Rupp.

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

(See exhibit 1.)

Mr. KENNEDY. I will quote from the article.

. . . The U.N. High Commissioner for Refugees, the world's first responder when people flee their countries, lacks the resources to prepare for a flood of refugees. . . .

Although the United States has spent $2.4 billion to send troops to the Persian Gulf region, it has spent less than $1 million to position relief agencies in the region. An official at the U.N. Office for the Coordination

of Humanitarian Affairs recently told a conference that his biggest concern is the small number of private relief agencies ready to move quickly into Iraq.

We don't have the nongovernmental agencies that do humanitarian work in Iraq. We had them in Afghanistan. We have refused to permit them licenses to go in and set up some kind of system in the past months, although they have all desired to do so.

Listen to this:

Lack of preparedness by the [United Nations] and private relief agencies means the U.S. military will have to do most of the relief work, and this in turn could mean the suffering of the Iraqi people will be greater than necessary. Administration officials have done little to match the skills of relief agencies—some are specialists in medical care, others in water and sanitation projects, for instance—with projected needs.

It is talking about the nongovernmental agencies. It continues:

In modern warfare, precision bombs will limit civilian casualties during the conflict, so that most death and suffering occurs in the post-conflict period, when people are displaced, poorly fed or prone to disease because water sanitation and sewer systems have been disabled. This means that rapid humanitarian intervention is just as important to holding casualties and quick military victory.

The United States may be ready for war, but it is not yet ready to help Iraq recover from war.

This is Ken Bacon and the spokesman for the nongovernmental agencies that have worked so well historically on humanitarian needs. The U.S. military is far from equipped to handle the challenge. Our Government must have a plan in place to care for the population. Despite the immense need for help from relief organizations, we have had too few discussions with key nongovernmental agencies to provide the food, tents, medicines, and other supplies that will be needed. All we have to do is look in the newspaper and we find out where the preposition of every one of these aircraft carriers are, where the armored divisions are. Yet when you ask the Defense Department where are the prepositions on food, the tents, and medicines, we can't disclose those because those are secret.

Are all these possible consequences acceptable to the American people? Are they manageable? Does the administration really have a plan that considers how we will reap—in the international community, in the Arab street, and in American families—what we sow in a war with Iraq.

Finally, the President must explain why war with Iraq won't distract us from the more immediate and graver danger posed by North Korea. Something is gravely wrong at 1600 Pennsylvania Avenue if we rush to war with a country that poses no nuclear threat, but won't even talk to one that brandishes its nuclear power right now. Any nuclear threat from Iraq is at least five years into the future. But the threat from North Korea exists now—today. CIA Director George Tenet recently informed the Senate Armed Services Committee, North Korean missiles can now reach American soil with a nuclear warhead.

Look at this article from the Washington Post of March 4:

The United States and Asian countries have begun to accept the idea of a nuclear-armed North Korea.

I ask unanimous consent to print the article at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. KENNEDY. Continuing from the article:

''The administration has acquiesced in North Korea becoming a nuclear power,'' said a Senate source who was briefed last week on the administration's evolving policy.

''Our major fear is that North Korea would pass on fissile materials or other nuclear technology'' to ''rogue states'' or outlaw groups, Deputy Secretary of State Richard L. Armitage warned Congress last month. ''I don't think, given the poverty in North Korea, that it would be too long'' before such sales could take place, he said.

In other words, they are willing to accept North Korea as a nuclear power that has sold missiles to Iran, to Syria, to other countries that have supported terrorism and not give that the first priority when we are talking about the security of the United States.

This makes no sense.

''The total red line is the sale of nuclear weapons material,'' said [a spokesman for the administration] who follows the North Korea issue closely. ''Nuclear weapons transferred to the Iraqis would be tantamount to nuking Jerusalem.''

You can have them, as long as you don't sell them, for a country that has already sold the technology of making nuclear weapons to Iran, to Syria, and other nations and has that capability itself.

Experts—including professionals within our own government—have been ringing alarm bells for months about North Korea's pursuit of nuclear weapons. The views of the experts are brushed aside, despite the continually growing list of dangerous behavior by that government.

This is a country that celebrated the inauguration day of South Korea's new president by test firing a missile into the nearby sea. Yet, last night, President Bush did not even mention North Korea in his statement.

North Korea has long had advanced missiles which it sells to other countries. It has restarted its plutonium—producing reactor, kicked out the international inspectors, pulled out of the Nuclear Non-Proliferation Treaty, and threatened to break the Armistice agreement that has brought 50 years of peace to the Korean peninsula.

Desperate and strapped for cash, North Korea is the greatest current nuclear danger to the United States, and it is clearly taking advantage of the situation in Iraq. It is the country most likely to sell nuclear material to terrorists, and has missiles that can strike our soil. How long can the Administration continue to ignore North Korea? How will a war with Iraq affect our ability to deal with this escalating danger?

Just the other day, two North Korean Mig fighter jets tailed an American plane near the Korean Peninsula, in a further attempt to get the attention of President Bush.

But in his zeal on Iraq, the President has refused to call the situation on the Korean peninsula what it is—a genuine crisis. He has refused to even talk directly to the North Koreans to try to end its nuclear program.

The Administration may even have tried to conceal information about North Korea. Intelligence analysts at the Lawrence Livermore National Laboratory in California concluded in November 2001 that North Korea had begun construction of a plant to enrich uranium to use in nuclear weapons. Yet, the Administration did not reveal this information until eleven months later, in October 2002—after Congress had voted on the legislation authorizing the use of force in Iraq.

Only the Administration knows if the timing of the release of the information on North Korea was by design or coincidence. But if the Administration did conceal its knowledge of North Korea's dangerous nuclear weapons program until after the Congressional vote on Iraq, it would represent a breach of faith by our government not seen since the Vietnam War.

The very real danger is that the Administration is making it more likely that North Korea will provide nuclear material or even nuclear weapons to terrorists or nations supporting terrorists. Is war with Iraq worth that risk—not taking more time with inspectors?

We are poised at a moment of truth in the stewardship of the President. If President Bush commits our men and women to war, then all of us will close ranks behind them, and pray for their safety and a swift end to the conflict.

But with inspectors on the ground and stiff international pressure still possible, this is an unnecessary war. History will judge how well we meet the challenges of this new era and this new century. We should move forward as the great and honorable nation we are—with patience and perseverance—as we carry on the difficult work of build a better and more peaceful world for all its people.

EXHIBIT 1

[From the Washington Post, Mar. 7, 2003]

UNREADY FOR THE AFTERMATH

(By Kenneth H. Bacon and George Rupp)

Despite months of planning by the Bush administration to respond to the humanitarian challenges that could follow an attack against Iraq, preparations for dealing with displacement, injury, illness and food shortages remain inadequate. If current problems continue, the suffering caused by war could be amplified by lack of aid resources and coordination.

The most urgent need could be food. The United States boasts that it has shipped 3 million humanitarian daily rations to the region to help feed Iraqis. But individual meal

packets will feed only a tiny portion of Iraq's 24 million people, and for just a few days. A United Nations official recently called U.S. and U.N. preparations to feed the Iraqi people ''grossly inadequate.'' The official said that ''they need to be sending ships of wheat to the Persian Gulf, along with ships of soldiers.''

More than a decade of U.N. sanctions has left approximately 16 million Iraqis dependent on government rations for their entire food supply under the U.N. Oil-for-Food program; most of the remaining 8 million Iraqis rely on government rations for a portion of their daily food basket. The U.N. Children's Fund estimates that more than 2 million Iraqi children will require therapeutic feeding in the event of a conflict.

A break in the U.N. food pipeline could cause ''extremely grave'' conditions, Ramiro Lopes da Silva, director of the U.N. World Food Program office in Baghdad, told The Post. He estimates that 10 million people could run out of food within six weeks of the start of a war. ''After that we will have to feed 10 million people. Eventually, we'll have to feed the entire population,'' Lopes da Silva said. The World Food Program currently has enough food in the region to feed 900,000 people for 10 weeks.

Preparations to deal with refugees and displace people also are behind schedule. The United Nations estimates that in the ''medium impact scenario''—a two- to three-month conflict involving ground troops—1.45 million refugees and asylum seekers would try to reach neighboring countries, and 900,000 people would be newly displaced within Iraq. Yet Ruud Lubbers says that his agency, the U.N. High Commissioner for Refugees, the world's first responder when people flee their countries, lacks the resources to prepare for a flood of refugees.

So far the U.N. refugee office has raised less than $20 million of the $60 million it is seeking for tents, stoves, blankets and other materials for refugee camps. Most of that money came from the United States. As a result, the agency has positioned only about 20 percent of the equipment it needs in the region.

In a flurry of news conferences last week, administration officials admitted that the military may have to provide food and medical assistance during and immediately after a conflict, but they say humanitarian tasks would quickly be turned over to the United Nations and private relief agencies. Sadly, private relief agencies, most of which depend on government funding, aren't yet well prepared for the task.

Although the United States has spent $2.4 billion to send troops to the Persian Gulf region, it has spent less than $1 million to position relief agencies in the region. An official at the U.N. Office for the Coordination of Humanitarian Affairs recently told a conference that his biggest concern is the small number of private relief agencies ready to move quickly into Iraq.

Lack of preparedness by U.N. and private relief agencies means the U.S. military will have to do most of the relief work, and this in turn could mean that the suffering of the Iraqi people will be greater than necessary. Administration officials have done little to match the skills of relief agencies—some are specialists in medical care, others in water and sanitation projects, for instance—with projected needs. One urgent unanswered question is: Who will care for Iraqis exposed to weapons of mass destruction? Humanitarian organizations lack the skills and equipment to handle this challenge.

In modern warfare, precision bombs limit civilian casualties during the conflict, so that most death and suffering occurs in the post-conflict period, when people are displaced, poorly fed or prone to disease because water sanitation and sewage systems have been disabled. This means that rapid humanitarian intervention is just as important to holding casualties down as quick military victory.

The United States may be ready for war, but it not yet ready to help Iraq recover from war.

EXHIBIT 2

[From the Washington Post, Mar. 5, 2003]

FOES GIVING IN TO N. KOREA'S NUCLEAR AIMS

(By Doug Struck and Glenn Kessler)

TOKYO, March 4.—The United States and Asian countries have begun to accept the idea of a nuclear-armed North Korea, according to officials and analysts here and in Washington. Increasingly, the Bush administration is turning its attention to preventing the Communist government in Pyongyang from selling nuclear material to the highest bidder.

Envoys for the new South Korean president, Roh Moo Hyun, shocked Bush advisers in Washington recently when they said they would rather have a nuclear North Korea than a chaotic collapse of the government there, according to sources in Seoul.

And in Japan, located within missile range of North Korea, officials feel their neighbor cannot be stopped from producing a bomb. ''We need to be debating how to live with North Korea, with or without nuclear weapons,'' Taro Kono, a lawmaker from the ruling party, said in an interview.

Washington had issued repeated warnings to North Korea not to begin reprocessing materials that could become fuel for a nuclear bomb, but administration officials have become resigned to North Korea taking that step sometime within the next two to four weeks. ''The administration has acquiesced in North Korea becoming a nuclear power,'' said a Senate source who was briefed last week on the administration's evolving policy.

U.S. officials have begun to contend that a decision by North Korea to begin reprocessing spent nuclear fuel rods into weapons-grade plutonium will represent a diplomatic opportunity to swing international opinion to its side in the impasse over North Korea's nuclear ambitions, administration and congressional officials said today.

The administration thinks the shock of a decision by Pyongyang to export nuclear materials would force Russia, China, South Korea and other nations to drop their reluctance to confront the Communist state. According to that view, they would go along with the United States in mounting a tough campaign to further isolate the North and possibly to try to interdict suspected shipments of nuclear materials.

Production of plutonium that could flow abroad in clandestine sales ''fundamentally changes the equation,'' contends an administration official. ''Literally every city on the planet would be threatened.''

During the last crisis over North Korea's nuclear ambitions, in 1994, the Clinton administration warned Pyongyang that reprocessing materials for a nuclear bomb could prompt a military strike. Many officials in Asia believe that Washington will now set new ''red lines'' that it will not tolerate North Korea crossing. But Bush and his senior advisers have refused to do that, publicly at least, saying it would only encourage North Korea to charge past them.

North Korean already is a major source of missile technology, and an Iranian resistance group recently said that North Korean experts are assisting Iran in its pursuit of nuclear weapons. Now officials worry about a new kind of export.

Even the Administration says North Korea's nuclear weapons are dangerous. ''Our major fear is that North Korea would pass on fissile material or other nuclear techology'' to ''rogue states'' or outlaw groups, Deputy Secretary of State Richard L. Armitage warned Congress last month. ''I don't think, given the poverty of North Korea, that it would be too long'' before such sales took place, he said.

''The total red line is the sale of nuclear weapons material,'' said Rep. Mark S. Kirk (R–Ill.), who follows the North Korea issue closely. ''Nuclear weapons transferred to the Iraqis would be tantamount to nuking Jerusalem.'' You can have them, as long as you don't sell them?

The Senate source said the administration was playing ''a very dangerous game'' in not acting to stop reprocessing before it starts, because the resulting materials could be hidden in the country's network of caves awaiting export.

But administration officials argue they have no good military options for eliminating North Korea's nuclear capability. A surgical strike might neutralize the plutonium plant, but the country's effort to enrich uranium is proceeding at another, unknown site.

President Bush told reporters this week that he was still seeking a diplomatic solution and that a ''military option is our last choice.'' He also said that he would seek to ''accelerate the development of an anti-ballistic missile system'' to counter a potential threat from North Korean missiles.

U.S. officials quietly dropped the phrase that the United States has ''no hostile intent'' toward North Korea in their talking points about a month ago, an official said ''It's clear North Korea has hostile intent to us,'' he said.

''I wouldn't rule out use of military coercion if North Korea crosses . . . red lines,'' said Michael A. McDevitt, a retired rear admiral and director of the Center for Strategic Studies in Washington. ''The one I am most worried about is if they produce enough plutonium to start hawking it on the open market.''

An administration official said Chinese officials have told North Korea that China would consider any attempt to produce nuclear weapons a ''direct threat to Chinese national security.'' While the Chinese told U.S. officials that they made it clear to North Korea they would not accept such a step, the Chinese statement did not address reprocessing or foreign sales of the resulting materials.

Many strategists have long asserted that the United States, China and Russia would not allow a nuclear-armed North Korea because it could dramatically alter the power structure in northeastern Asia and lead to an arms race as both Seoul and Tokyo demanded nuclear weapons.

Increasingly, however, it appears that North Korea is determined to defy those wishes. ''In a way we are wasting our time to talk about dialogue with North Korea,'' said Masashi Nishihara, president of Japan's National Defense Academy. ''Only after they develop a nuclear program will they come to the table.

Mr. KENNEDY. I see my friend and colleague, the chairman of the Armed Services Committee. I would like to maybe ask him a question.

Mr. WARNER. Of course.

Mr. KENNEDY. If I could ask unanimous consent to ask him a question and retain the right to the floor.

I was interested in what our rules of engagement will be for our men and

women in Iraq. I am concerned, as are many of the nongovernmental agencies, that if we go past Basra, if we let it alone for a period of 48 hours—this is a community that is largely Shia, ruled by the Sunnis—I have heard estimates of up to 10,000 people being slaughtered there in bloodletting unless there is an immediate kind of police action and force presence which would keep these parties apart.

I am wondering, in those circumstances, what will be the rules of engagement of American servicemen. Are they going to be called upon in terms of separating these blood feuds, which have been so much a part of these revolutions in Iraq? I want to know whether American servicemen are going to be instructed that they are to fire on the Iraqi people who are involved in these kinds of acts of violence. I am interested in what the rules of engagement will be for northern Iraq, if there should be a rush by the Kurds to go back to their old homes where, in many instances, families have lived for centuries and have been separated by Saddam Hussein. What are American troops going to be told to do when the Iraqi forces collapse and the Kurds make a rush to Kirkuk, for example, one of the great oil-producing areas? What are American service men and women going to be told to do? What will be the rules of engagement outside of just engaging with the Iraqi Army? What are going to be the rules of engagement in terms of maintaining civilian control?

Mr. WARNER. Mr. President, I welcome the question from my colleague. He is a very valued member of the Armed Services Committee.

We had briefings this week by the Department of Defense, and indeed a representative from the Department of State, on the plans now being formulated by the Bush administration, should force be necessary, as to exactly what we would do with respect to the questions raised by my colleague.

First and foremost, our forces, as they would move in, are responsible for the objective of trying to keep Iraq together and constituted as a nation, as it is today. It is the elimination of weapons of mass destruction and the consequent regime change that are the goals. Now, they are to provide first protection for the nongovernmental organizations which stand ready to assist our country. In other words, we will be making an effort to feed and care for the people of Iraq, as well as outsiders. That is the highest priority. So we are to provide a secure framework in which the people of Iraq can be cared for as best they can under wartime conditions.

With respect to factions in Iraq and their desire to fight among each other, we are going to do our best to contain that. Our goal is to have Iraq as a nation, with its present boundaries, remaining intact. We are bringing in experts to put out any fires Saddam Hussein may set at the oil wells. We are bringing in people to establish, as quickly as possible, a secure framework in which the people of Iraq can begin to select their own leadership and government in due course. So there has been a lot of planning.

As to the exact rules of engagement that commanders, as the Senator and I understand, will issue to their troops, at the moment I do not have those orders. But I assure the Senator that we are contemplating the challenge to maintain the integrity of Iraq as a nation. That could well involve stopping the civil strife between factions. But a lot of planning has been done.

I think the administration has been subjected to undue criticism because the planning as yet has not been fully made public. But it is there, I say to the Senator.

Mr. KENNEDY. I appreciate the Senator's response. This is enormously important because we have seen in Kosovo and other areas where servicemen did not protect local populations because they did not have what they call the ''orders'' and the appropriate rules of engagement to provide those protections.

We are on notice about what is going to happen now in northern Iraq, with the desire of Kurd families returning to many of their home communities. We are on notice about the southern part of Iraq, where many of the Shia who have been denied their cities and communities want to reclaim them. It seems to me we ought to have some understanding about what our servicemen are going to be asked to do during those periods. I don't understand, for the life of me, why we cannot know that information and cannot have that information.

One more word. Why can we not say, if we are going to have these circumstances, these are going to be the rules of engagement? At least we need to have some awareness and understanding that we are going to meet our responsibilities under the Geneva Convention. We have an international responsibility, obviously, in terms of protecting civilian populations. We have seen, in Kosovo and Serbia, where those populations were not protected in a number of instances because the rules of engagement were not proper.

I say to the chairman of the committee, I hope prior to the time we go to war, we will have at least some understanding about what these instructions are. There is no reason they need to be kept secure. If we are interested in avoiding large bloodletting in that region of the country, we ought to know exactly what we are expecting of our service men and women. They are the best in the world, and they are trained to overcome any military force.

Mr. WARNER. Mr. President, I assure my colleague that we are greatly concerned about the safety of our service personnel as they undertake this mission, if it has to be done. I visited with them, together with Senators LEVIN, ROCKEFELLER, and ROBERTS. They are ready.

The Senator raises, quit properly, the record we had first in Kosovo. I happen to have visited there during the early part of that securing of it by the United States and other forces. I assure the Senator that the rules of engagement were spelled out. I remember American servicemen guarding the Serbian churches from destruction. I remember instances where they would carefully respond to protect the Serbs, who were at that point in time in minority status, so to speak. So we performed that mission, and we did it admirably, together with a coalition of nations.

We will have other nations assisting us in this engagement. Then you bring about Afghanistan. That is a country, historically, that has been fought over by factions. We visited there a week or 10 days ago. There is relative quietude there. There is no severe amount of factional strife today; that is, outbursts of actual casualties and the like. Tensions are present. We are trying to reconstitute an armed forces under the Government of Afghanistan now. So we have a good track record on that.

Mr. KENNEDY. Does the Senator want to explain, on the reconstituting of the armed forces, how successful that has been?

Mr. WARNER. Yes. We met with President Karzai. I assume you saw him when he visited here. Incidentally, the French are very active in the training of those forces, and the Germans are taking an active role in the training of those forces. It is coming together, I say to the Senator.

Mr. KENNEDY. Well, my information is somewhat different from the Senator's, in terms of the recruitment and the ability to hold these individuals into any kind of a national army.

I want to finish with this point. We are facing a variety of security challenges in this country. My belief is the No. 1, which is continuing, is al-Qaida and the dangers of terrorism. We have to look at everything. We know Saddam Hussein is a despot. We know progress is being made. We also have on the scene the danger of North Korea and the imminent threat they present. We ought to be making a judgment about our national security interests, our overall security—the security of the American people within the construct of the dangers of al-Qaida, the threat that is posed in North Korea, and whatever the current situation is with the inspectors in Iraq.

On that kind of a situation, I draw the conclusion that we should give more time to the inspectors and work to try to galvanize the international community to support us in that effort.

Mr. WARNER. Mr. President, I would like to also—if I may, on my time—address points raised by my colleague from Massachusetts. Quite properly, the Senator raises the issue of North Korea. The President addressed that last night.

I ask unanimous consent to have printed in the RECORD his comments.

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

The PRESIDENT. We, of course, are consulting with our allies at the United Nations. But I meant what I said, this is the last phase of diplomacy. A little bit more time? Saddam Hussein has had 12 years to disarm. He is deceiving people. This is what's important for our fellow citizens to realize; that if he really intended to disarm, like the world has asked him to do, we would know whether he was disarming. He's trying to buy time. I can understand why—he's been successful with these tactics for 12 years.

Saddam Hussein is a threat to our nation. September the 11th changed the strategic thinking, at least, as far as I was concerned, for how to protect our country. My job is to protect the American people. It used to be that we could think that you could contain a person like Saddam Hussein, that oceans would protect us from his type of terror. September 11th should say to the American people that we're now a battlefield, that weapons of mass destruction in the hands of a terrorist organization could be deployed here at home.

So, therefore, I think the threat is real. And so do a lot of other people in my government. And since I believe the threat is real, and since my most important job is to protect the security of the American people, that's precisely what we'll do.

Mr. WARNER. These are in strong rebuttal of my colleague's comments. I will read what the President said with reference to North Korea:

Well, I think it is an issue. Obviously, I am concerned about North Korea developing nuclear weapons, not only for their own use, but perhaps choose to proliferate them, sell them.

The President is working in a national multilateral forum to try to address this problem because it is regional in that Russia, Japan, South Korea and, indeed, China have a heavy stake in seeing that the Korean peninsula does not become nuclearized.

It is clear as that, I say to my friend, and I think the President, in a very responsible way, the initial approach to this, a multilateral approach, the approach my colleague is urging on the President with regard to Iraq, is applying in the Korean peninsula situation. It does not preclude possibly bilateral discussions at some later date and time.

Second, on the issue of Iraq, the question is time, months. Time is not on our side. The President addressed this very explicitly last night in his remarks. He simply said that his concern—and I will put the text in the Record—his concern is, again, the question of proliferation.

No one in this Chamber thus far, in the weeks and the months we have debated this issue, has denied Saddam Hussein has enormous caches of weapons of mass destruction which he has failed to declare and which the inspectors have failed to destroy because of the inability to locate them through lack of cooperation from Iraq.

What is to prevent Saddam Hussein, if he has not already done it, from taking small amounts of these weapons and allowing an international terrorist organization, be it al-Qaida or others, to take this material and begin to carry it to places throughout the world, whether it be Europe or the United States, and dissemble it?

I bring back the tragic aftermath of the discovery of anthrax sent to Members of this body. Postal employees lost their lives. One of our Senate office buildings was shut down. We suffered a severe blow as a consequence of an unopened envelope which contained but a few ounces, if that, of this material. And Saddam Hussein, it is documented, has tons of it, undeclared, not found, and all of this could have been achieved if he had cooperated with the inspection regime which was initiated in November of last year.

Time is not on our side. The failure of the United States and the coalition of willing nations, principally Great Britain, not to act is not in our interest. The price of inaction is far greater than the price of action.

As I listened to my colleague from Massachusetts—and he has spoken very eloquently on these subjects over the past several days. I admire his courage to get out and lead in this debate. It is an important debate. It is taking place across the Nation. But I cannot find in my colleague's comments where he specifically has a program whereby to force Iraq to cooperate. Why is it that he has not emphasized the need for Iraq to cooperate and what steps should our country, Great Britain, or others do to force that cooperation, other than the steps we have taken thus far, which have not proved fruitful?

Yes, here and there Saddam Hussein steps up and does some little thing to buy time, but he would not have needed that time if he had cooperated and began that cooperation when the inspection regime began last November. Mr. President, wherein does the Senator lay out a program to compel Iraq to cooperate?

Mr. KENNEDY. Let me answer, if I may, in this way. First of all, the administration was strongly opposed to inspections. I heard the exchange with my friend and colleague from Connecticut. That is very clear. Secretary Rumsfeld said it. They never believed in inspections, No. 1.

Then they agreed to the inspection process at the United Nations. It is only today, evidently, when the CIA is giving the inspectors all the information we have.

The Senator from Virginia attended the Armed Services Committee hearings that I attended where our colleague and friend from Michigan, Senator LEVIN, pointed out time and again that the administration and the CIA had still not provided all of the material on intelligence to the inspectors. But all during this time, the administration was saying: Let's go to war; let's go to war; let's go to war; Saddam isn't complying.

Now the Senator—and I have not had a chance to look at the document—says the record is clear, and he put the document in the RECORD an hour ago, that finally we are giving everything to the inspectors. Today, we had the leader of the inspection team say he believes they can do the job not in weeks, not in years but in some months. The international community says: We will be with you if you can do that in a period of months.

My position is, it is better to work the international community to try and do it in weeks—if we cannot, do it in months. It is cheaper in terms of treasure and human life to keep the necessary military force there to make sure it is done.

That is my position, I say to the Senator. I know we differ on some aspects, but we do not differ on the willingness to give to the inspectors the intelligence information.

Mr. WARNER. Mr. President, I say to my good friend, a couple of letters are about to be handed to him. They are in the RECORD. He is mistaken in the facts. The letters cite what we have done over an extensive period of time—over the last 3 or 4 months. I personally, together with the former chairman, Senator LEVIN, now ranking member of the Armed Services Committee, have consulted with Director Tenet on this matter. We have been in a room with the actual person entrusted to convey on a daily basis to Hans Blix this information. It has been going on for months. It did not just start.

Let me read one paragraph, and then I will yield.

Statement for the record: The American intelligence community has—

That is past tense—

has provided extensive intelligence and other support to the United Nations on Iraq and WMD, and potential inspection sites for over 10 years. There is, therefore, a very strong common understanding of sites of potential interest to the inspectors, whether UNSCOM inspectors or UNMOVIC inspectors or IAEA inspectors. When the current round of inspections began, the Intelligence Community assembled several lists of suspect sites, which we combined into a common list in early January. This list consisted of high, moderate, and low value sites, depending on our assessment of recent activities suggesting ongoing WMD association or other intelligence information that the sites were worth inspecting.

We have now provided detailed information on all of the high value and moderate value sites to UNMOVIC and IAEA.

The letter continues to detail what has been done over a period of months, I say to the Senator. It just did not start yesterday.

Mr. KENNEDY. Will the Senator yield on this point? First of all, I will put in the RECORD—and the Senator was there—the exchange between Senator LEVIN and Secretary Rumsfeld. The Senator from Virginia was at the Armed Services Committee meeting. I remember this meeting—it was 2½ weeks ago—when Senator LEVIN said the briefing he had and the answers he

had from the intelligence community were not consistent with Secretary Rumsfeld.

I am going to put that exchange in the RECORD, and that will stand in terms of 3 weeks ago.

I want to draw attention to this letter. ''The American intelligence community has provided extensive intelligence''—extensive intelligence. It does not say ''all'' or ''complete intelligence.'' It says ''extensive intelligence.'' That is what my letter says.

Mr. WARNER. Go on to the second paragraph.

Mr. KENNEDY. I know, but why do they say—I will be glad to read this and go through it, Mr. President, but I want to stick with the facts I know about. The facts I know about are the testimony of the Secretary of Defense and the exchange that he had with Senator LEVIN in open session in the Armed Services Committee where Senator LEVIN had been told the evening before, and it was represented that a complete list of these sites had been provided, and he had the materials that demonstrated it had not been complete. Those are security matters, as the Senator well knows. That was 2½ weeks ago.

The point is, as to the intelligence given to the inspector, whatever has been given, is it the Senator's statement now as chairman of the Armed Services Committee that all of the information the intelligence agency has in terms of weapons has been given to the inspectors? Is that what the Senator is telling us?

Mr. WARNER. Mr. President, I think this letter answers Senator KENNEDY's first statement: We have just begun to provide information.

Mr. KENNEDY. I did not say ''just begun.'' No, the Senator is not correct. There was a provision, there was a filtering out of this material.

It was very slow in January. We are getting close to classified. I remember the briefing we had from the deputy of the CIA at that time. It was clear they were cooperating. It was also clear there were a limited number of inspectors and they were going to provide more, and it would be soon. I think the Senator would remember that briefing. I remember it clearly. This has been a process of filtering out.

The authority I have, I sat right next to Carl Levin, 2½ weeks ago, when he looked in the eyes of the Secretary of Defense and they reviewed documents, and the Secretary of Defense leaned over and shared various documents. At the end of that, he had to agree with the position Senator LEVIN had, that all of the information had not been provided. I will put that in the RECORD.

My point is, if we still, 2½ weeks ago, had a ways to go with intelligence information that would be advantageous to the inspectors, it strengthens those who believe we should make sure our inspectors have all of the relevant material that will help them do the job which we all agree should be done.

Mr. WARNER. Mr. President, in fairness, this letter is part of a very complex and long dialog between Senator LEVIN and various members of the administration. Were he here today, he would say he is still not satisfied with regard to this issue.

At one point I recognized that one member of the administration said to him, Senator, I gave you incorrect numbers at one time and I am now correcting them. I think a good-faith effort has been made by the administration to resolve such differences as Senator LEVIN has had.

Having been in most, if not all, of the discussions with Senator LEVIN at the time he raised these important questions, the preponderance of the facts shows unequivocally our Nation has cooperated fully on the matters of intelligence. I stand by that. I heard the National Security Adviser state that, the Director of Central Intelligence state that, and others. We have cooperated.

Have there been some disjoints of timing and perhaps numbers? I cannot say it is perfect, but there has been overall sincere cooperation.

We have had an excellent debate today. I thank my colleagues for joining me on the floor, both on my side of the aisle and the other side of the aisle. We have met the test of the Senate addressing this question.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

IRAQ

Mr. FRIST. Mr. President, on this day in the halls of the United Nations Security Council and in the distant lands of the Middle East, the United States is making a stand for the causes of freedom and democracy, for order and peace.

The President and the Congress have made clear that we will no longer tolerate Saddam Hussein's production or possession of weapons of mass destruction. Further, it is our solemn belief that the people of Iraq deserve to live in freedom. They have suffered long enough under the tyranny and the oppression of the day.

As is so often the case, challenging the status quo is not easy even if that status quo is a dictator pursuing and possessing weapons of mass destruction that are explicitly prohibited by the United Nations Security Council.

We are fast approaching that moment of reckoning with Saddam Hussein. If he were to voluntarily disarm, it would be welcomed. But he will not. If he flees his country, the chances for peace are much better. But he will never flee unless he is absolutely convinced that there are no other options for his survival.

If individuals within Saddam's regime rise up and overthrow him, there will be an opportunity for a new beginning in Iraq. But none will take this brave step if they doubt the fortitude of the United States and the international community.

Let there be no mistake about our Nation's purpose in confronting Iraq. Saddam Hussein's regime poses a clear threat to the security of the United States, its friends and its allies. And it is a threat that we must address, and we must address now.

Recall that in 1991 we were concerned Saddam would use weapons of mass destruction to further his expansionist desires in the Middle East. Now, a decade later, we live with the reality—the reality—that terrorists may acquire and use such weapons on our soil.

I have no doubts that terrorists seek such weapons to use against this Nation. I am equally certain that Saddam Hussein possesses such weapons and would provide them to terrorists, if he has not already. And it is this nexus of a tyrannical dictator, those weapons of mass destruction, and terrorists who seek to inflict harm—grievous harm—upon the American people that compels us to act now.

The Senate—this body—and the House of Representatives voted overwhelmingly last fall to authorize the President to use force, if necessary, against Iraq if Saddam Hussein did not disarm. In those votes, the Congress stated unambiguously that the United States will not tolerate the pursuit and possession of weapons of mass destruction by Saddam Hussein.

Nothing has fundamentally changed. I guess one could say the possible exception to that statement would be we have even further evidence, because of the passage of time, that Saddam Hussein will not voluntarily disarm.

Last fall, to reaffirm the broad international commitment to disarm Iraq, President Bush successfully pursued a United Nations resolution that offered Saddam Hussein a final chance to meet the demands of the world community or face the consequences. Saddam has missed his final chance.

Now we are told the United States must pursue a second resolution before Iraq can be disarmed. The United Nations Security Council, on 17 separate occasions, over a 12-year period, demanded the disarmament of Iraq. For the record, this will not be a second resolution, but this will be an 18th resolution over this 12-year period. Nothing in history has been made more meaningful by repeating it 18 different times.

In the end, it is not a multilateral approach our opponents seek—for the

United States is already joined by a multitude of others who share our commitment to disarm Saddam. No, it is the false comfort of unanimity to which they aspire. When everyone is responsible, no one is accountable.

My friends, the hour has arrived for democratically elected leaders to stand up and be counted. Will the free world tolerate Saddam Hussein's continued brutality, his possession of weapons of mass destruction, and his continued defiance of the international community, or will we act to stop it now?

To those who would suggest we are acting in isolation to confront Saddam's evil, I remind you we are not alone in the conviction. In the past month, the leaders of 18 European countries have publicly endorsed the U.S. call for final action, including force, if necessary, to disarm Saddam Hussein.

Over two dozen countries are providing basing for our troops, access for our aircraft, and material support in preparation for a possible conflict with Iraq. And if it comes to that, with allies such as the United Kingdom, Australia, Spain, Italy, Denmark, as well as many of the new democracies of Eastern Europe all on our side, we will not carry this burden alone.

America is at its strongest when it is standing in common cause with our friends and allies. The inverse, of course, is that America's allies are at their strongest when they are standing with the United States.

To those leaders who have spoken out with us against the threat posed by Saddam Hussein, I commend your courage. As America has risen to challenge the threats posed and supported by Saddam Hussein, you chose to stand by her side. And such loyalty and such leadership will not soon be forgotten.

Some of our erstwhile allies would be well advised to recall their own freedom was regained by such courage and conviction. I remind them their own liberation in World War II was a less popular undertaking than a possible war in Iraq.

What about popular opinion at the time? If one goes back and looks at surveys and polls from the time, in October 1939, when asked whether the U.S. should enter the war in Europe, only 16.8 percent of Americans responded yes. And 17.2 percent said yes in December 1939. In July 1940, 26.9 percent said yes.

After winning reelection in 1940, President Roosevelt tried to move public opinion toward greater U.S. involvement, while offering significant material support to the allied war effort. Yet asked again in January of 1941 whether they would support a declaration of war, only 14 percent of the American people responded yes.

And as late as October 1941, President Roosevelt commented that 70 percent of Americans wanted us to stay out of the war in Europe.

Sadly, at that time, many around the world recoiled at the thought of confronting Nazi Germany head on. After all, it was Europe's war, not ours, and Hitler was killing foreign Jews, not Americans. Many leaders of the day demanded we look after America first. They called for our country to stay within its borders, protected by the false security of two oceans. But then, as now—on December 7, 1941, and September 11, 2001—we were reminded that America is most vulnerable to attack when it is in retreat.

President Roosevelt demonstrated then, as President Bush does today, that the essential measure of a world leader is not in his ability to chase public opinion—no—but, rather, his courage to make the country safer by leading public opinion.

President Bush deserves much credit for confronting the grave and growing threat posed by the mad pursuit of a ruthless tyrant for the world's most deadly weapons. The President is right when he says that neither more time nor more inspections will stop Saddam.

The consequences of war with Iraq cannot be certain and those feelings of uncertainty we felt as the issues surrounding Iraq and the future have been discussed on the floor today. But our goals and our motives must be understood for what they are. We seek to defend our own people. We seek the liberation of the Iraqi people. We seek the foundation of a democratic government in Baghdad, and we seek the spread of peace in the Middle East. These are worthy goals of a great nation, and they are goals worth fighting for.

ADDITIONAL STATEMENTS

MR. HENRI LANDWIRTH

● Mr. NELSON of Florida. Mr. President, I rise today to acknowledge the accomplishments of Mr. Henri Landwirth, a great philanthropist from my home State of Florida. Mr. Landwirth, a Holocaust survivor born in Belgium in 1927, has beaten the odds to live the true American dream. In addition to his success in the hotel industry, Mr. Landwirth has founded several charitable organizations. His countless acts of charity continue to affect tens of thousands of lives. Mr. Landwirth has received numerous honors for his contributions to society, and today I rise to show my appreciation for all that he has done for the state of Florida and for people in need.

Henri Landwirth spend most of his teenage years during World War II in death camps and labor camps in Nazi Germany. He narrowly escaped with his life after a Nazi firing squad marched him into the woods to be shot and decided at the last minute to spare his life. After the war, Mr. Landwirth immigrated to the United States in 1950 with only $20 to his name. He was drafted into the United States Army within three years. After serving in the military and learning English, he enrolled in a course in hotel management and found entry-level employment in a New York hotel, quickly mastering his job and learning every job in the hotel.

Mr. Landwirth moved to Florida in 1954, and became Manager of the 100-room Starlite Motel in Cocoa Beach near Cape Canaveral, home of the National Aeronautics and Space Administration, NASA, Kennedy Space Center. The original seven astronauts, referred to as the ''Mercury Seven''—M. Scott Carpenter, L. Gordon Cooper, Jr., John Glenn, Jr.; Virgil ''Gus'' Grissom; Walter Schirra, Jr.; Alan Shepard, Jr.; and Donald ''Deke'' Slayton—chose the Starlite Motel as their temporary residence. During this period, Mr. Landwirth developed strong friendships with these astronauts, which still bind them together.

Mr. Landwirth is now a partner in a successful Central Florida hotel company, with John Glenn and others, and he has spearheaded several initiatives to help those in need. He and the Mercury Seven astronauts founded the Mercury Seven Foundation, now known as the Astronaut Scholarship Foundation, which provides scholarships to young science students. In the 1970's, Mr. Landwirth founded an organization in honor of his mother, the Fanny Landwirth Foundation, through which he built a school and a center for senior citizens in Orlando, Florida. He also created a scholarship program, which allowed underprivileged Israeli students to come to the United States as visiting scholars.

In 1986, Mr. Landwirth founded Give Kids the World, a non-profit resort in Kissimmee, Florida, that provides terminally ill children and their families an all-expenses paid week-long vacation to central Florida and its popular attractions. Give Kids the World has served over 55,000 children throughout the United States and worldwide. The organization has grown from serving 329 children in its first year to a 51-acre resort that can accommodate 7,000 families a year.

In 1999, Mr. Landwirth founded Dignity U Wear, a Jacksonville-based foundation that provides new clothing to children and families who are homeless, abused, abandoned, or neglected. The operation donates new clothing, shoes and personal hygiene items to 98 shelters in 16 states, and is currently working to expand into 30 states across the nation.

In 2001, Mr. Landwirth founded Building for Life based in Jacksonville, which works in collaboration with other organizations, Operation Hope and FreshMinisters, an interfaith organization, of which Mr. Landwirth serves on the Board of Trustees. This most recent charitable organization aims to refurbish neglected homes while providing an opportunity for the homeless to learn new job skills.

I am proud to have Henri Landwirth as a citizen of the great state of Florida. On behalf of all Floridians, I offer him thanks and appreciation for all that he has done to help those in need.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 26, 2003 in Charlottesville, VA. Daisy Lundy was assaulted on the University of Virginia campus by an unknown man. Lundy, a 19 year-old of African American and Korean descent, left a friend's room just before 2 a.m. to retrieve a cell phone. When she got to her car, the assailant, described only as a ''heavy-set'' white man, attacked her, slamming her head into the steering wheel. The attacker referred to Lundy's candidacy for student council, and used a racial epithet during the assault.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HONORING THE 2003 JCC MACCABI GAMES

● Mr. LAUTENBERG. Mr. President, this August the Jewish Community Center Maccabi Games will be held in Tenafly, NJ. Along with 300 local athletes, there will be 1,300 athletes from elsewhere in the United States, Canada, Israel, Europe, South America, Mexico, and Australia.

It is quite an honor to be the host for this event and quite a responsibility. The benefit of the Maccabi Games lies not only in the sporting events themselves, but because the Games bring together young Jewish people from all over the world.

Along with the athletic competitions, there will be social activities that bring together people from all over the world who nonetheless share the same history, values, and pride. The Games will also feature cultural programs and community service projects. When the Games conclude, these teenagers will take with them memories and friendships to last a lifetime.

I ask my colleagues to join me in honoring the participants of the 2003 JCC Maccabi Games. The Games are a great avenue for Jewish teenagers to meet other Jewish teens from around the world and make lifetime friendships and memories.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO MARY PAT ANGELINI, ALICE J. GUTTLER, THE HONORABLE SUSAN D. WIGENTON AND THERESA I. SEITZ

● Mr. LAUTENBERG. Mr. President, it is with great pride that I today pay special tribute to four incredible women from New Jersey. On March 13 the Monmouth Council of Girl Scouts will honor Mary Pat Angelini, Alice Guttler, Esq., Theresa Seitz, and Judge Susan Wigenton at its Annual Women of Distinction Dinner.

Mary Pat Angelini is receiving the Community Service Award and is currently the Executive Director of Prevention First, which works to provide leadership and develop leaders to prevent substance abuse. She has been with the organization since 1992 and has helped to increase its annual budget from $125,000 to multi-million dollar status.

Mary Pat Angelini has been involved with substance abuse prevention for many years. She is the immediate past president of the New Jersey Prevention Network and she was a member of the Leadership Council for the Community Anti Drug Coalitions of America.

Since 2000 she has served on the Governor's Council on Alcoholism and Drug Abuse. Ms. Angelini coordinated 38 local coalitions to prevent substance abuse with the Monmouth County's Division of Alcohol and Drug Abuse Services. She also sits on the Robert Wood Johnson Foundation's New Jersey Health Initiative Advisory Committee.

Alice J. Guttler, Esq., is receiving the Professionalism Excellence Award. She currently is corporate counsel with Centrastate Healthcare System. Centrastate runs a 241-bed acute care community hospital, a continuous care retirement community and a 120-bed skilled nursing home.

Previously she was a New Jersey Deputy Attorney General in the Department of Law & Public Safety. She served as counsel to the University of Medicine and Dentistry of New Jersey and conducted labor, employment, and commercial litigation.

Judge Susan Wigenton is also receiving the Professionalism Excellence Award. Currently, Judge Wigenton serves as a United States Magistrate Judge in U.S. District Court. She previously served as a part-time United States Magistrate Judge. Prior to that, Judge Wigenton practiced in Middletown, NJ with the law firm of Giordano, Halleran & Ciesla, P.C.

Judge Wigenton has also served as a Public Defender in Asbury Park, New Jersey. She was Chair, Monmouth County District Ethics Committee. She currently serves as the Chair of the Civil Justice Reform Act Committee for the Federal Courts in the District of New Jersey.

Theresa I. Seitz is also receiving the Community Service Award. Since 1961 she has served on the Recreation Commission of Freehold, New Jersey and has directed Christmas plays for the Parent Teacher Association or St. Rose of Lima School.

Since 1982 Ms. Seitz has been a member of the Board of Trustees for ''180, Turning Lives Around.'' This organization offers services to all family members affected by domestic violence and sexual abuse. She currently runs 180's ''Puttin' on the Ritz Resale Boutique,'' which is a non-profit clothing shop that benefits the organization.

I ask my colleagues to join me and the Monmouth Council of Girl Scouts in honoring Mary Pat Angelini, Alice J. Guttler, Esq., Theresa I. Seitz and Judge Susan Wigenton for their great service to the residents of New Jersey.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO THE ''FOUR CHAPLAINS'' OF WORLD WAR II

● Mr. LAUTENBERG. Mr. President, I pay tribute to the heroic ''Four Chaplains'' of World War II. In February, the Jewish War Veterans of Monmouth County and the Marlboro Jewish Center hosted the Monmouth County Interfaith Memorial Commemoration. These organizations honored four chaplains who bravely gave their life during World War II.

On February 3, 1943 the U.S. Troopship S.S. *Dorchester* was in the Atlantic Ocean when it was torpedoed by a German U-boat submarine 150 miles from Greenland. On board the ship were four chaplains. Protestant Ministers George L. Fox and Clark V. Poling, Roman Catholic Priest John P. Washington and Rabbi Alexander D. Goode. All went down with the *Dorchester*.

Two hundred and twenty-nine of the 902 Army GIs on board were rescued. Indications are that not as many would have made it safely to the rescue ships if not for the bravery of these four men. They helped soldiers to the rescue ships and when life vests ran out they gave up theirs so four soldiers could live. According to some eyewitnesses, the four men were last seen with their arms linked and their heads bowed in prayer.

I ask my colleagues to join me and the Jewish War Veterans of New Jersey in paying tribute to these four brave souls who died with dignity and gave their lives so others could live.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HONORING EPHRAIM AND JOANNE ZAYAT, DR. PAUL AND ESTHER LERER, MICHAEL AND SHARON GLASS AND RABBI YA'AKOV NEUBURGER

● Mr. LAUTENBERG. Mr. President, it is with great pride that I honor a few outstanding residents of the State of New Jersey. In March the SINAI Special Needs Institute is honoring these New Jerseyans for their dedication to the community. The Institute works to meet the needs of learning disabled children throughout the State.

Ephraim and Joanne Zayat received the Pillars of SINAI award. Mr. Zayat is the executive chair and CEO of Heineken, Egypt and was named a Global Leader for Tomorrow by the World Economic Forum. He also serves on the Bush-Mubarak Presidents Council. Mr. Zayat is a member of the board of directors of the Academic Egyptian Arts & Sciences Foundation.

Mrs. Zayat is on the board of directors at Yavneh Academy and she was a board member of Congregation Bnai Yeshurun. She is also an active member of Amit and Emunah.

Dr. Paul and Esther Lerer were the Institute's guests of honor at this annual dinner. Dr. Lerer is a board member of Moriah School and a member of the religious services and tzedakah committees of Congregation Ahavath Torah.

Esther Lerer is on the board of trustees at Congregation Ahavath Torah where she was also president. She is also a member of the board at Ma'ayanot High School, Shaare Zedek Medical Center, and the UJA Federation of Bergen County and North Hudson. Dr. and Esther Lerer are involved in Bar Ilan University and they have been honored by Yeshivat Shalvim.

Michael and Sharon Glass were the Kesser Shem Tov awardees. Michael Glass is an original member of Dof Yomi. He also helps set up the Shalosh Seudos every Shabbat and is a member of the monthly shomer program. Michael Glass is the vice president of Global Scientific Affairs for the Adams division of Pfizer. In that capacity he works for kosher certification of Adams confectionary products.

Sharon Glass is director of the Jewish Center of Teaneck's Nursery School and used to be a teacher in the Leah Sokoloff Nursery School at Congregation Shomrei Torah. She is also the shul's co-vice president of sisterhood.

Rabbi Ya'akov Neuburger was the recipient of the Rabbinic Leadership award. Rabbi Neuburger is the spiritual leader for Congregation Beth Abraham. He was also one of the first rabbis to receive Yadin Yadin ordination from the Rabbi Isaac Eichanan Theological Seminary.

I ask my colleagues to join me and the SINAI Special Needs Institute in honoring these very dedicated residents of New Jersey who have contributed so much to their communities.●

ANOTHER UNPRECEDENTED STEP BY THE JUSTICE DEPARTMENT

● Mr. LEVIN. Mr. President, I raise an issue that has come to my attention regarding the Justice Department's reported attempt to restrict the use of the National Instant Criminal Background Check System by local law enforcement. According to the Brady Campaign to Prevent Gun Violence and the Associated Press, a Department of Justice attorney recently threatened to bring charges against a top firearm official in California. The charges stem from California's practice of conducting National Instant Criminal Background Check System or NICS background checks.

According to reports, the dispute involves the use of the NICS database by law enforcement to determine if guns seized in criminal investigations should be returned to their owners. California officials need access to the NICS database because it includes data from across the country and therefore more accurately determines whether a person is prohibited from possessing a firearm. Local law enforcement in California performs these checks thousands of times per year.

An example from the Brady Campaign to Prevent Gun Violence illustrates the problem. When responding to a domestic violence complaint, law enforcement in California ask if there are any firearms present in the home and take temporary custody of any guns they find. Before returning the guns, law enforcement asks the California Department of Justice to run a NICS background check to determine whether the gun owner is prohibited from purchasing or possessing a firearm. The U.S. Department of Justice is challenging this practice, claiming that it is a misuse of the NICS background check system. The U.S. Justice Department wants law enforcement to stop performing these checks and immediately return guns to their owner.

The Brady Law contains nine categories of individuals prohibited from purchasing and possessing a firearm including felons and illegal immigrants. I believe that law enforcement in all 50 states and the District of Columbia should do everything within the law to insure that these potentially dangerous individuals do not gain access to firearms. The State of California is carrying out a common sense application of the law. As the Los Angeles Times said in a recent editorial, the Justice Department's threatened actions are reckless, and are contrary to both public safety and sensible public policy.

I ask unanimous consent that a copy of the Los Angeles Times editorial be included in the RECORD.

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

ASHCROFT'S RUSSIAN ROULETTE

Last year, Atty. Gen. John Ashcroft tried but failed to get the U.S. Supreme Court to buy his theory that the 2nd Amendment allows pretty much anyone to buy pretty much any gun, a view the court has consistently if infrequently rejected.

Now Ashcroft has threatened California's top firearms control official with criminal charges if the state continues to use a federal databank to hunt down those making illegal gun purchases, as it has done for years. Ashcroft's latest decree is reckless and could emasculate this nation's gun laws, hamstring police and put the public at risk.

Since 1998, firearms dealers across the country have used the Department of Justice's National Instant Criminal Background Check System, or NICS, to check, supposedly within 30 seconds, whether a customer is prohibited from owning a gun because of, for example, a felony or a history of mental illness.

California also has used the system to check whether someone recently found by doctors to be mentally unstable—and therefore barred from purchasing a weapon—had earlier bought a firearm.

In addition, state law enforcement officials use this background check to determine whether police should return a weapon confiscated from an arrested person. The police are required to withhold a gun if, for example, they learn that the suspect had committed a crime in another state since he bought it.

These have been standard law enforcement practices in California for years.

Ashcroft wants to stop such practices, believing that a gun owner's right to privacy trumps public safety.

The federal Brady law, requiring the background check for handgun buyers, requires gun dealers to take one peek at an individual's criminal record. A buyer with a clean record takes the gun home. But if that same individual later commits a crime, is slapped with a restraining order or becomes mentally unstable, Ashcroft has decreed no one should know.

Ashcroft would force California law enforcement officials to play Russian roulette 7,000 times a year when they release a suspect for lack of evidence, spring a parolee from prison or discover that a judge has put a restraining order on a wife beater who has a firearm. Only, in this game, the bullets will be aimed at law-abiding citizens.

For the moment, California Atty. Gen. Bill Lockyer and his firearms division chief, Randy Rossi, are standing firm, as they should, vowing to continue using the NICS database to protect Californians despite Ashcroft's vague threats of prosecution. Pressure from Sen. Dianne Feinstein's (D-Calif.) office may have prompted staffers from Ashcroft's and Lockyer's offices to agree to talk Thursday by telephone in an effort to end this impasse.

A large part of Ashcroft's responsibility is protecting the public, not undercutting laws that would help him do that job.●

TRIBUTE TO GREENUP COUNTY HIGH SCHOOL VARSITY CHEERLEADING SQUAD

● Mr. BUNNING. Mr. President, I pay tribute to the Greenup County High School Varsity Cheerleading Squad. On February 9, the Greenup County High School Varsity Cheerleading Squad won the Universal Cheerleading Association's National Championship in Orlando, FL.

Greenup County High School has a long standing tradition of bringing home the national title. Over the years, Greenup County has been named National Champions 11 times, a feat that no other high school cheerleading program in the country has accomplished.

For the young women on this squad this is not just an trophy, it is an affirmation that with hard work and determination, anything is possible. To accomplish this goal the members not only have to juggle long practices and games, but they continue to achieve academic excellence. Not only are these young women excellent athletes and students but they pride themselves in giving back to their community for

support they have received by doing community service, fundraising, and public relations for their school system. The citizens of Greenup County, KY are fortunate to have the 2003 National Champions living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I am very proud of the accomplishments these young women have made. I would like to congratulate the members of the Greenup County High School Varsity Cheerleading Squad for their success. But also, I want to congratulate their peers, coaches, teachers, administrators, and parents for their support and sacrifices they've made to help the Greenup County High School Varsity Cheerleading Squad make their dreams a reality.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1446. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal System, transmitting, pursuant to law, the report of a rule entitled ''Equal Credit Opportunity; Regulation B (Doc. No. r–1008)'' received on March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1447. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the 2002 Wassenaar Arrangement List of Dual-Use Items: Revisions to Categories 2, 3, 4, 5, 6, 7, 8 and 9 of the Commerce Control List, General Software Note, and Reporting Requirements (0694–AC65)'' received on March 3, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1448. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation and Nondesignations of Critical Habitat for 42 Plant Species From the Island of Molokai, Hawaii; Final Rule (RIN 1018–AH08)'' received on March 3, 2003; to the Committee on Environment and Public Works.

EC–1449. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Textile Rules, 16 C.F.R. Part 303 (RIN 3084–0101)'' received on March 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1450. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Aliens and Nationality; Homeland Security; Reorganization of Regulations (1125–AA42)'' received on March 5, 2003; to the Committee on the Judiciary.

EC–1451. A communication from the Chief, Regulations Unit, Internal Revenue Unit, Department for the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax Shelter Regulations (RIN 1545–AX81, 1545–BB49, 1545–BB50, 1545–48, 1545–BB53, 1545–BB51, 1545–BB52, 1545–AW26, 1545–AX79)'' received on March 3, 2003; to the Committee on Finance.

EC–1452. A communication from the Chief, Regulations Unit, Internal Revenue Unit, Department for the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transaction w/Significant Book-Tax Difference, Exceptions (RP–105734–03)'' received on March 5, 2003; to the Committee on Finance.

EC–1453. A communication from the Chief, Regulations Unit, Internal Revenue Unit, Department for the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exceptions from Loss Transactions (Rp–105737–03) (Rev. Proc. 2003–24)'' received on March 3, 2003; to the Committee on Finance.

EC–1454. A communication from the Assistant Secretary for Fish & Wildlife & Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Gulf Sturgeon (1018–AI23)'' received on March 3, 2003; to the Committee on Environment and Public Works.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CAMPBELL for the Committee on Indian Affairs.

*Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself and Mrs. MURRAY):

S. 574. A bill to amend part A of title IV of the Social Security Act to toll the 5-year limit for assistance under the temporary assistance to needy families program for recipients who live in a State that is experiencing significant increases in unemployment; to the Committee on Finance.

By Mr. INOUYE:

S. 575. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

By Mr. CONRAD (for himself, Mr. NICKLES, Mr. BREAUX, Mr. HATCH, Mr. DORGAN, Mr. KYL, Mrs. LINCOLN, Mr. COCHRAN, Ms. STABENOW, Mr. FITZGERALD, Mrs. CLINTON, Mr. REID, and Mr. SUNUNU):

S. 576. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU):

S. 577. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. CAMPBELL, Mr. AKAKA, and Ms. CANTWELL):

S. 578. A bill to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. ROCKEFELLER, and Mrs. HUTCHISON):

S. 579. A bill to reauthorize the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3, a bill to prohibit the procedure commonly known as partial-birth abortion.

S. 4

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 4, a bill to improve access to a quality education for all students.

S. 128

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 128, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes.

S. 270

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 270, a bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced unemployment benefits, and for other purposes.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 480

At the request of Mr. HARKIN, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 480, a bill to

provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. JEFFORDS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. WYDEN), the Senator from North Dakota (Mr. DORGAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Delaware (Mr. BIDEN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. BAUCUS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 488

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind.

S. 491

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 539

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 539, a bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes.

S. 560

At the request of Mr. CRAIG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 48, a resolution designating April 2003 as ''Financial Literacy for Youth Month''.

S. RES. 52

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mrs. MURRAY):

S. 574. A bill to amend part A of title IV of the Social Security Act to toll the 5-year limit for assistance under the temporary assistance to needy families program for recipients who live in a State that is experiencing significant increases in unemployment; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to reintroduce legislation, the Unemployment Protection for Low-Income Families on TANF Act, or UPLIFT Act, that will protect low-income families who are transitioning from welfare to work from losing their welfare benefits during periods of high unemployment. I want to thank my colleague, Senator MURRAY, for joining me in cosponsoring this important legislation.

Forcing families off welfare during a recession because they cannot find a job lacks commonsense. In fact, during an economic downturn, which we are in right now, low-skilled workers and recently employed workers are more likely to lose their jobs, and unfortunately, only 30 to 40 percent of former welfare recipients who become unemployed qualify for Unemployment Insurance. Furthermore, there are 1.5 million fewer jobs today than there were a year ago, when the economic downturn began, making it increasingly difficult for these individuals to find employment, particularly full-time employment.

A single parent receiving welfare assistance while working 30 hours a week who loses her job during a recession should not be penalized. For families like this, welfare is the only unemployment insurance they have. But, under current law, federal welfare time limits and work requirements continue to apply during periods of high-unemployment.

The Unemployment Protection for Low-Income Families through TANF Act, or UPLIFT Act, would require states to disregard federal TANF assistance for all recipients when the national unemployment rate reaches or exceeds 6.5 percent or when a state unemployment rises by 1.5 percentage points over a three-month period.

Every percentage point increase in unemployment results in a welfare caseload increase of 5 percent. In addition to enacting a strong contingency fund for states experiencing high unemployment and increased caseloads, Congress must act to ensure that welfare recipients are not time-limited off of welfare when the economy is weak and jobs are in short supply. In addition to promoting self-sufficiency, TANF programs should be a safety net for low-income families who are unable to find work or meet their needs.

My legislation will help parents who are trying to transition from welfare to work, but are unable to find work during a weak economy, to provide for their families without the fear of losing cash assistance. The TANF program is not only about moving people from welfare to work, it is also about reducing poverty and helping families in need.

While welfare reform has succeeded at moving thousands of people into work, its success has come in strong economic times. As people reach their 5-year time limits, we can only hope they will be able to find jobs in what is now a more difficult economy. The reality is that many states are experiencing high unemployment right now, making it extremely difficult for welfare recipients to find good paying full-time jobs. We shouldn't penalize people who are trying to transition from welfare to work just because the economy is bad. We need to continue to help these families build their skills and find employment when times are tough.

As Congress acts to reauthorize the TANF program I ask my colleagues to support legislation that will protect families transitioning from welfare to work from losing their benefits during a recession.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 574

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 ''Unemployment Protection for Low-Income Families on TANF Act of 2003'' or the ''UPLIFT Act of 2003''.

SEC. 2. DISREGARD OF MONTHS OF ASSISTANCE RECEIVED DURING PERIODS OF HIGH UNEMPLOYMENT.

(a) IN GENERAL.—Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

''(H) DISREGARD OF ASSISTANCE RECEIVED DURING PERIODS OF HIGH UNEMPLOYMENT.—

''(i) IN GENERAL.—In determining the number of months for which an adult has received assistance under a State or tribal program funded under this part, the State or tribe shall disregard any month in which the State is determined to be a high unemployment State for that month.

''(ii) DEFINITION OF HIGH UNEMPLOYMENT STATE.—For purposes of clause (i), a State shall be considered to be a high unemployment State for a month if it satisfies either of the following criteria:

''(I) STATE RATE OF UNEMPLOYMENT.—The average—

''(aa) rate of total unemployment (seasonally adjusted) in the State for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in either of the 2 most recent preceding fiscal years; or

''(bb) insured unemployment rate (seasonally adjusted) in the State for the most recent 3 months for which data are available has increased by 1 percentage point over the corresponding 3-month period in either of the 2 most recent preceding fiscal years.

''(II) NATIONAL RATE OF UNEMPLOYMENT.—The average rate of total unemployment (seasonally adjusted) for all States for the period consisting of the most recent 3 months for which data for all States are published equals or exceeds 6.5 percent.

''(iii) DURATION.—A State that is considered to be a high unemployment State under clause (ii) for a month shall continue to be considered such a State until the rate that was used to meet the definition as a high unemployment State under that clause for the most recently concluded 3-month period for which data are available, falls below the level attained in the 3-month period in which the State first qualified as a high unemployment State under that clause.''.

By Mr. INOUYE:

S. 575. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to amend the Native American Languages Act to provide authorization for the establishment of Native American Language Survival Schools. I am pleased to be joined in the co-sponsorship of this measure by the Chairman of the Senate Committee on Indian Affairs, Senator BEN NIGHTHORSE CAMPBELL.

As part of the United States' forced assimilation policies towards Native Americans in the 1880s, the Federal Government initiated a system of off-reservation boarding schools. Native American Children were forcibly taken from their families and transported hundreds of miles to schools were they were subjected to efforts to eradicate all vestiges of their cultural background: their hair was cut notwithstanding the religious importance of hair length in most native cultures; their clothes were replaced with military-style uniforms; they were forbidden to practice their native religions; and they were punished for speaking their native languages. This effort to eradicate Indian culture was unsuccessful and the United States eventually abandoned this policy. However, the long-lasting impacts have separated generations of Native Americans from their native languages.

The Native American Languages Act of 1990 officially repudiated the policies of the past and declared that ''it is the policy of the United States to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.'' The Native American Languages Act Amendments of 1992 amended the Native American Programs Act of 1974 to establish a grant program to support Native American language projects which would be administered by the Administration for Native Americans, Department of Health and Human Services. This bill would bring the Nation one step closer to assuring the preservation and revitalization of Native American languages by supporting the development of Native American Language Survival Schools.

The purpose of this bill is to address the effects of past discrimination against Native American language speakers and to support revitalization of such languages through the development of Native American Language Survival Schools and Native American language Nests. In addition, the bill seeks to demonstrate the positive effects of Native American Language Survival Schools on the academic success of Native American students and their mastery of standard English. An important component in language revitalization is family involvement with the Native American Language Survival Schools, as well as educational exchanges among Native American Language Survival Schools. Furthermore, the bill provides support for Native American Language Survival School facilities and endowments, the development of local and national teaching models, and the creation of a university-level support center system for Native American Language Survival Schools.

By Mr. CONRAD (for himself, Mr. NICKLES, Mr. BREAUX, Mr. HATCH, Mr. DORGAN, Mr. KYL, Mrs. LINCOLN, Mr. COCHRAN, Ms. STABENOW, Mr. FITZGERALD, Mrs. CLINTON, Mr. REID, and Mr. SUNUNU):

S. 576. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements, to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today, joined again by my colleague Mr. NICKLES and many others, to introduce important legislation to provide a 10-year depreciation life for leasehold improvements. Leasehold improvements are the alterations to leased space made by a building owner as part of the lease agreement with a tenant.

This is a common sense move that will help bring economic development to cities and towns around the country that want to revitalize their business districts. It will allow owners of commercial property to remodel their buildings to better meet the business needs of their communities—whether for new computer ports and data lines for high-tech entrepreneurs, or better lighting and sales space for retailers.

In actual commercial use, leasehold improvements typically last as long as the lease—an average of 5 to 10 years. However, the Internal Revenue Code requires leasehold improvements to be depreciated over 39 years—the life of the building itself.

Economically, this makes no sense. The owner receives taxable income over the life of the lease, yet can only recover the costs of the improvements associated with that lease over 39 years—a rate nearly four times slower. This preposterous mismatch of income and expenses causes the owner to incur an artificially high tax cost on these improvements.

The bill we are introducing today will correct this irrational and uneconomic tax treatment by shortening the cost recovery period for certain leasehold improvements from 39 years to a more realistic 10 years. The proposal being offered today would apply to property placed in service after September 10, 2004, in order to provide a smooth transition from the temporary bonus depreciation system enacted as part of the Job Creation and Worker Assistance Act of 2002.

This legislation would more closely align the expenses incurred to construct improvements with the income they generate over the term of the lease. By reducing the cost recovery period, the expense of making these improvements could fall more into line with the economics of a commercial lease transaction, and more building owners would be able to adapt their buildings to fit the needs of today's business tenant.

It is good for the economy to keep existing buildings commercially viable. When older buildings can serve tenants who need modern, efficient commercial space, there is less pressure for developing greenfields in outlying areas. Americans are concerned about preserving open space, natural resources, and a sense of neighborhood. The current law 39-year cost recovery period for leasehold improvements is an impediment to reinvesting in existing properties and communities.

Shortening the recovery period will make renovation and revitalization of business properties more attractive. That will be good not just for property owners, but also for the economic development professionals who are working hard every day to attract new businesses to empty downtown storefronts or aging strip malls. And it will be good for the architects and contractors who carry out the renovations.

I urge all Senators to join us in supporting this legislation to provide rational depreciation treatment for leasehold improvements.

Mr. NICKLES. Mr. President, today I am joining my colleague from North Dakota, Mr. CONRAD, in introducing legislation to provide that leasehold improvements are depreciated over 10 years instead of the current-law 39 years. Leasehold improvements are modifications to the interior of rental space, either office or retail space, not residential real estate, made by a building owner as part of a lease agreement with a tenant. These improvements include electrical and communications outlets, data ports, floor coverings, fire and security systems, and internal walls.

Under the current depreciation system, leasehold improvements to rental property are depreciated over the same time period as the building itself—39 years. However, this 39 year depreciable life does not reflect the actual

life of these improvements. Lease terms average 7 to 10 years for office space and 3 to 5 years for retail space. Building owners typically must remove any leasehold improvements they have made to a property at the end of the lease term. Or, in the case of a lease renewal, tenants frequently demand that owners make improvements to the property as a condition of renewing the lease. Requiring business owners to depreciate these improvements over 39 years leads to a mismatch of income and expenses, thereby increasing the tax consequence of making such improvements. The long depreciation period simply makes no economic sense.

I believe that our tax laws should be updated to treat leasehold improvements in a more rational manner. That is why my colleague and I are introducing legislation to reduce the depreciable life of these improvements from 39 years to 10 years. By reducing the time period over which leasehold improvements are depreciated, our bill will more accurately align income and expenses related to rental property, and will mitigate the tax disincentives to modernizing commercial buildings.

In last year's economic stimulus bill Congress provided some relief to owners of rental property by allowing a 30 percent depreciation bonus for qualified leasehold improvements. However, this relief is only partial and is temporary. I look forward to working with my colleagues to enact my legislation that will provide more rational tax-treatment of leasehold improvements on a permanent basis. By so doing, we will take an incremental step toward modernizing the tax code's outdated depreciation rules.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU):

S. 577. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, I rise to introduce legislation to establish the Freedom's Way National Heritage Area in New Hampshire and Massachusetts. The bill is cosponsored by Senator KENNEDY, Senator GREGG and Senator SUNUNU.

The bill proposes to establish a national heritage area including 36 communities in Massachusetts and six communities in New Hampshire. The area has important cultural and natural legacies that are important to New England and the entire Nation. I want to highlight just a few of the reasons I believe this designation makes sense.

The Freedom's Way is an ideal candidate because it is rich in historic sties, trails, landscapes and views. The land and the area's resources are pieces of American history and culture. The entire region, and especially places like Lexington and Concord, is important to our country's founding and our political and philosophical principles. Within the 42 communities are truly special places. These include the Minuteman National Historic Park, more than 40 National Register Districts and National Historic Landmarks, the Great Meadows National Wildlife Refuge, Walden Pond State Reservation, Gardener State Park, Harvard Shaker Village and the Shirley Shaker Village.

In addition, there is strong grassroots support for this designation. The people of these communities organized themselves in this effort and have now turned to us for assistance. I hope we can provide it. Supporters include elected officials, people dedicated to preserving a small piece of American and New England history, and local business leaders. It is an honor to help their cause.

Finally, I am very pleased that Senators from both Massachusetts and New Hampshire have embraced this proposal. I thank Senators KENNEDY, GREGG, and SUNUNU.

By Mr. INOUYE (for himself, Mr. CAMPBELL, Mr. AKAKA, and Ms. CANTWELL):

S. 578. A bill to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes; to the Committee on Government Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill that would amend the Homeland Security Act of 2002 to include Indian tribal governments amongst the governmental entities that are consulted with respect to activities carried out by the Secretary of the Department of Homeland Security. This bill is entitled the ''Tribal Government Amendments to the Homeland Security Act of 2002'', and I am pleased to be joined in the sponsorship of this measure by the Chairman of the Senate Committee on Indian Affairs, Senator BEN NIGHTHORSE CAMPBELL, as well as our colleagues Senator DANIEL AKAKA, and Senator MARIA CANTWELL.

The amendments proposed in this measure were developed in consultation with the Senate Government Affairs Committee in the last session of the Congress but were not included in the final version of the Act because of the procedural posture of the bill as it came to the Senate from the House of Representatives.

There are 260 miles of tribal lands which form our northern and southern borders with Canada and Mexico, and along those border lands, tribal governments are the principal and frequently the only law enforcement presence with the capacity to protect those borders and to assure the safety of our homeland. In addition, there are hundreds of miles of tribal lands that border the waters surrounding the United States, and there too, tribal law enforcement is the first line of defense for purposes of homeland security.

In the Homeland Security Act of 2002, tribal governments are included in the definition of ''local governments''. As we all know, local governments are political subdivisions of the States. In contrast, tribal governments are recognized as separate sovereigns under the United States Constitution that do not derive their sovereign status from the States, and accordingly, we believe that Federal law should continue to reflect the legal distinction between local governments that are political subdivisions of the States and tribal governments.

Accordingly, these amendments would remove tribal governments from the definition of ''local governments'' as currently set forth in the Act, and insert tribal governments in the appropriate and relevant sections of the Act.

There can be no doubt that tribal governments have a critical role to play in our Nation's homeland security efforts and the protection of our land and water borders. Thus, this measure also makes clear that for purposes of homeland security, the United States recognizes the inherent authority of tribal governments to exercise jurisdiction currently with the Federal government to assure that applicable criminal, civil and regulatory laws are enforced on tribal lands.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. ROCKEFELLER, and Mrs. HUTCHISON).

S. 579. A bill to reauthorize the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 579

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 Transportation Safety Board Reauthorization Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEARS 2003–2006.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking ''and''; and

(2) by striking ''such sums to'' and inserting the following: ''$73,325,000 for fiscal year 2003, $78,757,000 for fiscal year 2004, $83,011,000 for fiscal year 2005, and $87,539,000 for fiscal year 2006. Such sums shall''.

(b) EMERGENCY FUND.—Section 1118(b) of such title is amended by striking the second sentence and inserting the following: ''In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level not to exceed $3,000,000.''.

(c) NTSB ACADEMY.—Section 1118 of such title is amended by adding at the end the following:

''(c) ACADEMY.—

''(1) AUTHORIZATION.—There are authorized to be appropriated to the Board for necessary expenses of the National Transportation

Safety Board Academy, not otherwise provided for, $3,347,000 for fiscal year 2003, $4,896,000 for fiscal year 2004, $4,995,000 for fiscal year 2005, and $5,200,000 for fiscal year 2006. Such sums shall remain available until expended.

''(2) FEES.—The Board may impose and collect such fees as it determines to be appropriate for services provided by or through the Academy.

''(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this paragraph—

''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(C) shall remain available until expended.

''(4) REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required.''.

(c) REPORT ON ACADEMY OPERATIONS.—The National Transportation Safety Board shall transmit an annual report to the Congress on the activities and operations of the National Transportation Safety Board Academy.

SEC. 3. ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—Section 1136 of title 49, United States Code, is amended by adding at the end the following:

''(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

''(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

''(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.''.

(b) REVISION OF MOU.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section and shall submit a copy of the revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 4. RELIEF FROM CONTRACTING REQUIREMENTS FOR INVESTIGATIONS SERVICES.

Section 1113(b) of title 49, United States Code, is amended—

(1) by striking ''Statutes;'' in paragraph (1)(B) and inserting ''Statutes, and, for investigations conducted under section 1131, enter into such agreements or contracts without regard to any other provision of law requiring competition if necessary to expedite the investigation;''; and

(2) by adding at the end the following:

''(3) The Board, as a component of its annual report under section 1117, shall include an enumeration of each contract for $25,000 or more executed under this section during the preceding calendar year.''.

AUTHORITY FOR COMMITTEES TO MEET

JOINT ECONOMIC COMMITTEE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Friday, March 7, 2003, from 9:30 a.m. to 12:30 p.m.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, appoints the following Members to the President's Export Council:

The Senator from Texas (Mr. CORNYN).

The Senator from Missouri (Mr. TALENT).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 50, 51, 57, 58, and 59.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

Eugene James Corcoran, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

DEPARTMENT OF DEFENSE

Stephen A. Cambone, of Virginia, to be Under Secretary of Defense for Intelligence.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D.W. Corley, 9553

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and to be a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., section 711:

To be lieutenant general

Maj. Gen. Walter L. Sharp, 4862

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, MARCH 10, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m., Monday, March 10. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume executive session for the consideration of the nomination of Miguel Estrada.

I further ask unanimous consent that when the Senate proceeds to the consideration of Calendar No. 19, S. 3, the partial-birth abortion bill, under the order entered into yesterday, the time from 5 to 6 p.m. be equally divided between Senator SANTORUM or his designee and the minority leader or his designee.

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

PROGRAM

Mr. FRIST. For the information of all Senators, on Monday, the Senate will once again resume consideration of the Estrada nomination. We will continue to pursue an agreement to allow for an up-or-down vote which is the end point for this nomination. At 5 o'clock on Monday, the Senate will begin consideration of S. 3, the partial-birth abortion bill. A number of Senators have indicated they will be available to make their opening statements on that bill during Monday's session. As a reminder, the first rollcall vote of Monday's session will occur at 6 p.m. on the nomination of Gregory Frost to be a U.S. District Judge for the Southern District of Ohio.

I thank all Members for their attention.

Mr. REID. Mr. Leader, Monday afternoon from 2 until 5 we will be on the Estrada nomination again. We have had a long, thorough debate on this matter. There has been some difficult dialog, but it has all been for the advocacy that should be present in the Senate. What this is leading up to is everything has gone so well at this point, we would hope—and I will be here virtually all the time that afternoon—that there would be no effort to try to sneak in a vote when somebody is not on the floor or anything like that. I think it would really take away from what has happened here. I continue to ask that question.

I am not sure that there will be people from the Judiciary Committee available all that afternoon. That means I will have to cover that. There are times when I am indisposed for various reasons.

Mr. FRIST. Mr. President, we can assure the other side that we will be engaged just in discussion on the Estrada nomination and have no intention to

be voting during that period. We will be continuing the very important discussion on the nomination itself.

My goal in that discussion next week is to begin to talk, not to extend what has been a very good debate, but have a discussion on this nomination in terms of the constitutional significance of advice and consent. Monday, hopefully in the afternoon, some of that discussion will begin, and then also continue that through Tuesday.

I do thank the assistant minority leader and really the whole other side of the aisle. We have had a productive week. We made real progress to complete the treaty yesterday, a very important initiative. I look forward to next week being a productive week.

Mr. REID. Mr. President, if the Senator will yield, the other question I have is, I learned yesterday that there may be an effort on Tuesday morning from 11 to 12:30 to get back on Estrada, talking about some constitutional issues people think are there. That is fine. I was just wondering if that, in fact, is the case because the Judiciary Committee members want to plan their schedules if in fact that were the case.

Mr. FRIST. That is the time that has been set aside, similar to today. There had been a request from both sides of the aisle today to spend time talking about the issue that has been discussed; that is, Iraq and the events there. Similarly, people have asked, well, we have been on Estrada, but why don't we take a period of time to give focus to the big issues that affect the institution in terms of advice and consent and balance of power. In response to that, we have set aside this period between 11 o'clock and 12:30 on Tuesday. It is my hope that we have many Senators here to participate in that debate because I look forward to it. The whole purpose is to set that period aside. We will discuss the best way to construct that between both sides.

Mr. REID. Mr. President, through you to the leader, I extend my appreciation for his courtesy, as usual.

ADJOURNMENT UNTIL 2 P.M., MONDAY, MARCH 10, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:47 p.m., adjourned until Monday, March 10, 2003, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 2003:

DEPARTMENT OF DEFENSE

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

EUGENE JAMES CORCORAN, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

HUMBERTO S. GARCIA, OF PUERTO RICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

Maj. Gen. John D.W. Corley

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

Maj. Gen. Walter L. Sharp

EXTENSIONS OF REMARKS

IDEA FUNDING

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, today I want to address an issue that is of great concern to my home state of Oregon, and to states around the country.

When Congress enacted the predecessor legislation to the Individuals with Disabilities in Education Act (IDEA) in 1975, we made a commitment to provide children with disabilities access to a quality public education. The assumption was that education for children with disabilities was, on average, twice as costly as education for nondisabled children. As a result, Congress authorized the federal government to pay up to 40 percent (sometimes termed the IDEA ''full-funding'' amount) of each state's excess cost of educating children with disabilities. Not once in the past 28 years has Congress lived up to its obligation and states have had to shoulder the brunt of this unfunded mandate.

The state and school districts are forced to pick up the additional costs, putting additional strain on our education funding. The FY 2003 appropriation for Part B of IDEA was $8.9 billion or 17.6 percent of the ''excess cost,'' leaving states and local school districts with an unfunded federal mandate of over $10 billion. That is $10 billion that our states and school districts could be spending to alleviate state budget crises, reduce class sizes, build and modernize schools and implement technology into education.

States across the Nation are dealing with an economic crisis, facing large state budget deficits and making deep cuts to services. In my home state of Oregon, the latest round of budget cuts have hit essential services such as education, and Oregon school districts are facing many tough decisions including shutting down early.

Make no mistakes about what this legislation is about: it is about keeping the promise of funding the mandate the federal government has put on the states and relieving the school funding crises that states across the Nation are facing. In Oregon, this legislation would provide about $100 million that the federal government is obligated to fund for education, each and every year. With state's budget crisis, threats of a shortened school year and significant layoffs, this money is very important.

It is high time we renew our commitment to our Nation's children and pay the federal government's share of the cost of IDEA. That is why Congresswoman Nancy Johnson and I are introducing legislation that would appropriate money to bring the federal government's share of IDEA funding to the full 40 percent by FY 2008 and I urge my colleagues to join me in this effort.

THE PRESIDENT'S STEEL PROGRAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. NEY. Mr. Speaker, for years our jobs have been washing away in a flood of cheap, dumped foreign steel. Until the Bush Administration, these calls for help fell on deaf ears. On March 5, 2002, the President imposed tariff relief for a period of three years. One year later, the proof is irrefutable—the President's steel program is working. It is critical to the continuous success of the President's plan that tariff relief remain in effect for its full term.

U.S. steel companies, such as Wheeling-Pittsburgh Steel Corporation and Weirton Steel Corporation, have made tremendous efforts to remain competitive in the world market. Labor and management have worked together to make brutal decisions. Wages have been cut; the number of workers and managers has been reduced; new efficiencies and technologies have been pursued; bonds have been restructured to reduce interest expense and avoid bankruptcy. Despite these sacrifices and improvements, these steel companies were still suffering from illegally dumped foreign steel.

Since implementation of Section 201 tariff relief, the industry has made significant progress toward restructuring and consolidation, and these efforts will continue. The international talks on overcapacity and subsidies are making real progress. In addition, domestic producers have enjoyed improvements in revenues, operating income, and capacity utilization. A number of companies have returned to profitability, while others have shown significant improvement even though they have not yet become profitable.

There have however been significant surges of imports from certain excluded countries, and, to the extent there is any concern about the program, it is that too many imports could be undermining relief. In fact, imports of flat-rolled steel increased substantially after imposition of Section 201 measures in 2002, as compared to the same period in 2001. Therefore, the Section 201 tariff measures must be fully enforced if our industry is to arrive at a successful conclusion. While recovery will take time, the President's plan has allowed the industry to make a real start.

THE OLD GRANITE LADY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today to discuss S. 168, the San Francisco Old Mint Commemorative Coin Act, introduced by Senator FEINSTEIN and Senator BOXER of California. The proposal would create commemorative coins to help pay for the restoration of the San Francisco Mint known widely as the ''Old Granite Lady.'' I commend Senators FEINSTEIN and BOXER for undertaking this commendable effort.

The San Francisco Mint was in service from 1870 to 1937, survived the San Francisco earthquake of 1906, and was utilized until a few years ago as federal offices. Today, modern building codes require that it be reinforced before it can safely be used in an area that is still prone to earthquakes.

I recently read an article in the February 11, 2003 edition of the Numismatic News, which I ask to be placed in the CONGRESSIONAL RECORD following my remarks, written by Bergen County Freeholder and my hometown Fair Lawn, New Jersey Mayor David L. Ganz, proposing modifications to S. 168 to further stimulate interest on the issuance of this coin. His proposals are worthy of consideration. Specifically, Mayor Ganz proposes to have commemorative coinage re-issued using historic coin designs that were widely used in the 19th century, are associated with the San Francisco Mint, and which would offer to coin collectors the affordable opportunity to receive proof specimens—a means to boost sales, increase the surcharge that will be used to help restore the Mint, and provide an exciting collector's opportunity as well.

For example, coin collectors know the tale of the 1870 three dollar gold piece with the ''S'' for San Francisco Mint mark on the reverse. The coin is unique and was formerly in the Louis Eliasberg collection. It is valued in the millions. There are other proof or uncirculated three dollar gold pieces that are quoted in Numismedia, a coin pricing guide, that sell for thousands of dollars.

The 20-cent piece also has a long history associated with the San Francisco Mint, including the 1875–S coin produced more than a century ago. An uncirculated example of this coin would cost hundreds of dollars. The same is true for the Liberty head nickel and the Barber dime—where the 1894–S, one of only 24 specimens known, is a six-figure rarity and a regular design is hundreds of dollars in pristine, uncirculated condition.

Mr. Ganz calls for special collector coins not intended for circulation, but bearing original designs of a century ago utilizing a contemporary date. They would be produced in proof, as uncirculated pieces, and offered to collectors with a modest surcharge that could raise $123 million, if the coins sold out, to help restore the Old Granite Lady.

Mr. Ganz's comments merit consideration for many reasons, not the least of which is that he is a respected numismatist. A former member of the Citizens Commemorative Coin Advisory Committee, he is one of the people credited by former Mint director Philip Diehl as being the source and inspiration for America's state quarters—which have given $5 billion back to the American taxpayer. I have known Mayor Ganz for many years and believe that his ideas merit consideration, and I hope that

they may be incorporated into this meritorious effort to restore the San Francisco Mint.

[From the Numismatic News, Feb. 11, 2003]

SAN FRANCISCO $3 WOULD SELL BETTER THAN $5

(By David L. Ganz)

True to her word, Sen. Dianne Feinstein, D-Calif., for herself and Sen. Barbara Boxer, D-Calif., introduced S. 168 on Jan. 15, a bill entitled the ''San Francisco Old Mint Commemorative Coin Act,'' which is a traditional revenue-raising measure containing a silver dollar and a half eagle ($5) gold piece.

Like many dozens of other bills proposed over the course of the last decade that have been designed to raise funds for a noble purpose, it follows a template that has been approved by the Treasury, the Mint, Congress itself, and even the Citizens Commemorative Coin Advisory Committee.

That means that the coins are legal tender; have moderately low mintages of 100,000 for the gold coins and 500,000 for the silver—sales for which will never be achieved—and surcharges designed to raise in the aggregate $3.5 million if the gold coins sold out, and another $5 million if the silver dollar version hit it big, for a possible total of $8.5 million.

Unfortunately, it will do neither and will most likely have disappointing sales in the 25,000–50,000 coin range for gold and in the 100,000–250,000 range for the silver dollar, from which the Mint will take expenses, leaving the San Francisco Museum and Historical Society a giant goose egg to help pay for the restoration of the Old Granite Lady.

Mint accounting is not for knaves. Neither is it in accordance with what most would refer to as generally accepted accounting principles. The result is that an exorbitant amount of overhead is charged against commemorative coin production—it's a legitimate way to look at it, but on a per-coin basis adds absurd amounts to cost that would otherwise never be tolerated for purposes of analysis or compensation.

One need only look at several recent commemorative results and fork-overs to see just how difficult the present system is. That's problematical where, as here, the goal is to raise funds to help restore the San Francisco Mint to the grandeur of yesteryear, when it was the proudest building in the old financial district of the downtown.

Just by simple example, on the population Buffalo nickel silver dollar commemorative for the Smithsonian, budget documents submitted show an initial $3 million loss. Congress authorized 500,000 of those coins—and they sold out in two weeks—yet in the budget scoring of Jan. 25, 2001 (before sales began), the outflow was $3 million down. (There would eventually be $13.9 million in gross sales registered in the fourth quarter of 2001.)

The San Francisco ''S'' mintmark has had a special allure for more than 130 years. To those who were collecting coins earlier than 1955, when production was suspended, the ''S'' mintmarked coins traditionally had lower and hence scarcer mintages—and higher values.

The Old Granite Lady, which functioned from 1870 to 1937—and made it through the San Francisco earthquake of 1906 virtually unscathed—has a long history involving coinage, which the legislation that Sen. Feinstein introduced recites at least in part.

''The San Francisco Old Mint is famous for many rare, legendary issues, such as the 1870–S $3 coin, which is valued today at well over $1 million,'' the precatory portion of the bill begins—and then goes nowhere else.

Commemorative coinage should serve a purpose, none of which is essentially important for funding, all of which is integral to the integrity of the coinage process, the history of American money and telling the story of American numismatics in its larger sense.

There's nothing magical about the template that is being utilized right now to create commemorative coinage. In an earlier time in its 1980s, a different model was utilized—and I participated quite actively in seeing to it that that model was not only broken, but for purpose. Significantly, I suggested it should be done again.

In 1982, modern commemorative coin issues began anew with the introduction of a silver commemorative for the 250th anniversary of George Washington's birth. There was no surcharge; there was no beneficiary. The coin was produced, it was sold and there as great success: 2.2 million uncirculated pieces were manufactured and 4.8 million proofs.

The Olympic program came and went, but in 1984–1985, the Statute of Liberty centennial commission had its chance, and I had the opportunity to consult with them. Lee Iacocca, that colorful personality who was then the chairman of Chrysler corporation headed the commission. Dr. Stephen Brigandi was the executive director.

The mold in those days was a dollar coin or two, plus a gold piece. The Olympics used a $10 gold peace to disastrous results, in part because it contained nearly a half ounce of gold (resulting in too high an issue price) and also because when enough coins weren't sold, the Mint produced more, adding mintmarks as the distinguishing factor.

Two suggestions came from me: first, change the denomination of the gold coin to a $5 gold piece—to lower the price substantially—and second, introduce a copper-nickel half dollar that could be produced as a circulating commemorative coin with an uncirculated and proof counterpart sold at a very modest mark-up to collectors.

They didn't buy into the circulating commemorative concept—it took a dozen more years before the state quarter program that I similarly proposed became reality—but whether to go with a copper nickel low-value, low-cost coin came down to a question of how many might be sold, and what the proceeds would be from the surcharge. After all, the Statue of Liberty needed to be refurbished for its centennial.

I made a bet with Brigandi—$100 as I recall it, though that's a lot for a guy who usually bets a cent or a nickel—and I predicted that such a coin would sell into the millions and be a true partner and participant in a three-coin program.

Ultimately, it became the most successful non-circulating legal tender coin in history, with more than 900,000 struck in uncirculated and over 6.9 million as proofs. No other coin, before or since, has come close.

Here's why: it was a different coin, different denomination, unusual, modest in price and distinctive. Collectors were encouraged to buy into a concept that played right into what they do: collect.

Those of us who are even casual about our hobby know that we collect after a particular fashion. Some will try to obtain all silver dollars, others all issues. Still others go for a type set. But when it comes to new and unusual or even different, it affords a rare opportunity, which is something that I think S. 168 simply misses.

It's not too late to change it; the bill has merely been introduced and is months away from action in the Senate, no less the House of Representatives.

Here's what I would do to change the focus of the bill, and to simultaneously increase its chance for economic and commercial success—and at the same time, offer a boost to several different areas of the hobby.

Capitalize on the history of the Mint and the coins that have come from it.

One obvious way of doing that is to create a new $3 gold piece—a play on the 1870–S that is unique (formerly in the Eliasberg collection)—which was produced in the very year that the Old Granite Lady opened for business.

To buy any $3 gold piece today, be prepared to plunk down thousands of dollars for an uncirculated specimen, and multiples of that for a proof. For the Mint to begin a new commemorative series—or even a single one-year San Francisco Mint coin in that denomination—would be a boost to the secondary market, a promotion for $3 gold pieces of other dates and denominations, and produce the possibility of a sellout success at levels far above 100,000 pieces.

Where a half eagle or $5 gold piece contains .2420 troy ounces of gold, the $3 gold pieces of regulation weight is .1452 troy ounces. At $360 an ounce (more or less current prices), the hard cost changes from $87 in gold to $52.27.

Lower the gold content, lower the price. The surcharge doesn't have to change. What does change is the number of people making a purchase. That should go way up—just as it did for the Statute of Liberty half dollar. Net result: more surcharge for the Old Granite Lady's restoration.

On the same basis, I'd probably think about adding a minor coin—such as the nickel—or a subsidiary coin such as the dime to the mix. There's a long history there, too, for each. The first ''S'' mint on a nickel was 1912. The ''S'' dime could be the 1894–S Barber design—a powerbroker concept. But what is key is that it is different, unusual and likely to have high sales—even with a surcharge—if the price is simply not made obscene.

A third (or fourth) choice: a 20-cent piece (the 1875–S was struck there, of course)—and for all of the same reasoning. Add these and watch orders and dollars come flying in. Prediction if authorities follow my suggestions: a sellout.

Here's how to do it: substitute language for the existing bill in the Senate, or introduce a new one in the House, and go to town for the benefit of the Old Granite Lady—and give the San Francisco Mint a new historic life on the centennial of its survival of the San Francisco earthquake of 1906.

108th Congress, 1st Session

H.R. ____

To require the Secretary of the Treasury to mint coins in commemoration of the Old Granite Lady (the old Mint at San Francisco)

In the House of Representatives of the United States, _____, 2003, Mr. _____ introduced the following bill; which was read twice and referred to the Committee on Financial Affairs.

A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Granite Lady (the old Mint at San Francisco).

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 ''Old Mint at San Francisco Commemorative Coin Act.''

SEC. 2. FINDINGS.

Congress finds that—

(1) the Old Granite Lady played an important role in the history of the Nation;

(2) the San Francisco Old Mint was established to convert miners' gold from the California Gold Rush into coins;

(3) the San Francisco Old Mint Building was designed by architect A.B. Mullett, who also designed the United States Treasury Building and the Old Executive Office Building;

(4) the solid construction of the Old Granite Lady enabled it to survive the 1906 San Francisco earthquake and fire, making it the only financial institution that was able to operate immediately after the earthquake and the treasury for disaster relief funds for the city of San Francisco;

(5) coins struck at the San Francisco Old Mint are distinguished by the ''S'' mintmark;

(6) the San Francisco Old Mint is famous for many rare, legendary issues, such as the 1870-S $3 coin, which is valued today at well over $1 million; and

(7) the San Francisco Old Mint Commemorative Coin will be the first commemorative coin to honor a mint.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the San Francisco Old Mint, the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $3 gold coins—Not more than 500,000 $3 coins, each of which shall—

(A) weigh 5.015 grams;

(B) have a diameter of 20.5 mm; and

(C) contain 90 percent gold and 10 percent alloy.

(2) 20 cent piece—Not more than 3,500,000 twenty-cent pieces, each of which shall—

(A) weigh 5 grams;

(B) have a diameter of 22mm; and

(C) contain 90 percent silver and 10 percent alloy.

(3) 10 cent piece—Not more than 5,000,000 ten-cent pieces, each of which shall—

(A) weigh 2.5 grams;

(B) have a diameter of 17.9mm; and

(C) contain 90 percent silver and 10 percent alloy.

(4) 5 cent piece—Not more than 7,500,000 five-cent pieces, each of which shall—

(A) weigh 5 grams;

(B) have a diameter of 21.2mm; and

(C) contain .750 copper and .250 nickel alloy

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—All coins minted under this Act shall be considered to be numismatic items for purposes of section 5134 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain gold and silver for mining coins under this Act from any available source.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—(a) The reverse design of the coins minted under this Act shall be emblematic of the San Francisco Old Mint Building, its importance to California and the history of the United States, and its role in rebuilding San Francisco after the 1906 earthquake and fire.

(B) The obverse designs shall be as follows: (1) on the $3 gold piece, the ''Princess'' design utilized by the Mint in 1870; (2) on the 20 cent piece, the ''Princess'' design utilized by the Mint in 1870; (2) on the 20 cent piece, the Liberty Seated design in use by the Mint in 1875; (3) on the dime, the Barber head design utilized in 1894, and (4) on the nickel, the Barber head (Liberty head) design utilized in 1912.

Notwithstanding the foregoing, the Secretary may decide to use the same designs, obverse and reverse, as the specified designs, with an ''S'' mint-mark, as were heretofore utilized on the $3 gold piece, 20-, 10-, and 5-cent coins during the time period specified.

(2) DESIGNATION AND INSCRIPTIONS.—Each coin minted under this Act shall contain—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2006,'' and

(C) inscription of the words—

(i) ''Liberty;''

(ii) ''In God We Trust,''

(iii) ''United States of America;'' and

(iv) ''E Pluribus Unum.''

(b) SELECTION.—THE DESIGN FOR THE COINS MINTED UNDER THIS ACT SHALL BE—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts and the Board of the San Francisco Museum and Historical Society;

(2) reviewed by the Citizens Commemorative Coin Advisory Committee; and

(3) reviewed by the Board of the San Francisco Museum and Historical Society.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2006, and ending on December 31, 2006

(c) MINT FACILITY.—The coins authorized under this Section shall be struck at the San Francisco Mint to the greatest extent possible and shall all bear the ''S'' mintmark regardless of the mint of manufacture.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) a surcharge in an amount equal to—

(A) $35 per coin for the $3 coin; and

(B) $9.80 per coin for the 20-cent coin; and

(C) $9.90. for the 10-cent coin

(D) $2.95 for each 5-cent coin.

(3) the per capita cost of designing and issuing the coins (including labor materials, dies use of machinery, over-head expenses, marketing, and shipping) for the gold coin, and the face value and surcharge for the 20-cent piece, 10-cent and 5-cent coin.

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS—

(1) IN GENERAL.—THE SECRETARY SHALL ACCEPT PREPAID ORDERS FOR THE COINS MINTED UNDER THIS ACT BEFORE THE ISSUANCE OF SUCH COINS.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

Sec. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to Section 5134(f) of title 31, United States Code, all proceeds received by the Secretary from any surcharge imposed on the sale of coins issued under this Act shall be paid by the Secretary to the San Francisco Museum and Historical Society.

(b) AUDITS.—As a condition of receiving payments under subsection (a), the San Francisco Museum, and Historical Society shall be subject to the audit requirements of Section 5134(f)(2) of title 31, United States Code.

TRIBUTE TO ANDREW ESPINOZA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor the life of Andrew ''Gato'' Espinoza of San Luis, Colorado. Mr. Espinoza tragically died in a house fire after heroically rescuing his fifteen year-old son, Daniel. At this unique time in history, we have all become more aware of the heroes among us; people like Andrew Espinoza who display uncommon courage in the face of great danger.

Andrew's heroic act is a reflection of the selfless nature he has demonstrated throughout his life serving others. The fire, which started early in the morning, awoke Andrew who then quickly roused his son and sent him to safety. However, he was unable to escape the fire himself. Andrew displayed the true courageous acts of a hero, and as a father, when he gave his life in order to insure his son's survival.

In the community, he was dedicated to preserving the heritage and natural way of living in San Luis. He played an instrumental role in the struggle over the rights of locals to use the Mountain Tract. He helped to free the land for public use.

Andrew also was a loving father of two daughters and a son. According to his daughter, Andrea of Tierra Amarilla, NM, ''He wanted to pass his love of the land on from generation to generation; it was his gift to us.'' Andrew's love of his children, and for life, was demonstrated in everything he did.

Mr. Speaker, it is with great respect that I stand today and pay tribute to the life of Andrew ''Gato'' Espinoza before this body of Congress and this great nation. Through his sacrifice and courage, Andrew displayed true heroism. His life will be remembered and missed by his many friends, family and colleagues.

TRIBUTE TO SEAN A. WOOD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sean A. Wood, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and in earning the most prestigious Award of Eagle Scout.

Sean has been very active with his troop, participating in such scout activities as Camp Geiger. Over the five years he has been involved in scouting, he has held numerous leadership positions, serving as Assistant Senior Patrol Leader, Patrol Leader, Assistant Patrol Leader, Troop Guide, and Den Chief. Sean also has been honored for his numerous scouting achievements with such awards as Warrior in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say and Fire Builder in the Tribe of Mic-O-Say. Additionally, Sean has earned 31 Merit Badges.

For his Eagle Scout project, Sean removed an existing concrete sidewalk outside of the Gallatin Fire Station and replaced it with a concrete ramp, two handicap parking spaces, a steel ramp for the railing, a new door and two handicapped signs.

Mr. Speaker, I proudly ask you to join me in commending Sean A. Wood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLT. Mr. Speaker, on April 26, 2003, more than 1,200 students from across the country will compete in the national finals of the We the People: The Citizen and the Constitution program in Washington, DC. This program is the most extensive educational program in the country, developed specifically to educate young students about the Constitution and the Bill of Rights. The We the People program, administered by the Center for Civic Education, is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the class from East Brunswick High School will represent the state of New Jersey in the program's finals. These students have worked conscientiously to reach the national finals by participating at local and statewide competitions. In the past fifteen years, these young scholars have won the state competition fourteen times, an accomplishment that should not go unnoticed. Through their experience, they have gained a deep knowledge and understanding of fundamental principles and values of our constitutional democracy. It is a great honor that students from the 12th District in New Jersey have shown such dedication and interest in our nation's government.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of challenging questions by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle and high school levels. The curriculum not only enhances students' appreciation of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary to become active, responsible citizens.

The class from East Brunswick High School is currently preparing for their participation in the national competition in Washington, DC. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand the values and principles fundamental to our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young ''constitutional experts'' the best of luck at the We the People national finals and continued success in their endeavors.

SOCIAL SECURITY PROTECTION ACT OF 2003

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. PAUL. Mr. Speaker, I rise in reluctant opposition to H.R. 743, the Social Security Protection Act. While this bill contains many provisions worthy of support, it also removes the only means by which many widowed Texas public school teachers can receive the same spousal social security benefits as every other American. As I am sure my colleagues are aware, widowed public school employees in Texas, like public employees throughout the nation, have their spousal social security reduced if they receive a government pension. The Government Pension Offset even applies if the public employee in question worked all the quarters necessary to qualify for full social security benefits either before or after working in the public school system!

The effect of the Government Pension Offset is to punish people for teaching in public schools! However, current law provides widowed Texas public school teachers a means of collecting the full social security spousal benefits. Unfortunately, this bill removes that option from Texas teachers. Since I believe the Congress should repeal the Government Pension Offset by passing H.R. 524, which repeals both the Government Pension Offset and the Windfall Elimination Provision, another provision that denies public employees full social security benefits, I must oppose this bill.

Instead of punishing public school teachers, Congress should be encouraging good people to enter the education profession by passing my Teacher Tax Cut Act (H.R. 613) which provides every teacher with a $1,000 tax credit, as well as my Professional Educators Tax Credit Act (H.R. 614), which provides a $1,000 tax credit to counselors, librarians, and all school personnel. Congress should also act to protect the integrity of the Social Security Trust Fund by passing my Social Security Preservation Act (H.R. 219), which ensures that Social Security monies are not spent on other programs. Congress should also pass my Social Security for American Citizens Only Act (H.R. 489), which ensures that noncitizens who have not worked the required number of quarters and illegal immigrants do not receive social security benefits.

FOR SYBIL CROOKHAM

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor Sybil N. Crookham. Mrs. Crookharn was born on an Indian reservation on November 12, 1911. She moved to Merced County and enrolled in Winton School. She graduated from Merced High School in 1930, and received her Bachelor of Arts in education from San Francisco State in 1934.

Mrs. Crookham received a teaching job upon returning to Winton, California in 1934. However, she had to leave her job after marrying Mr. Paul Crookham in 1937, as the school district had a policy against employing married teachers. Mrs. Crookham then went to work at the Bloss Hospital Sunshine School to teach children suffering from rheumatic fever.

In 1943, the Winton School Board revised its policy on married teachers, and reinstated Mrs. Crookham. Soon after, she began serving as a teacher-principal, and then as principal-superintendent. After receiving an administrative credential from Fresno State University, she served as the district's full-time superintendent until her retirement in 1974.

Even after her retirement in 1974, Mrs. Crookham stayed very active in the local community. She was elected to the Merced County Board of Education on which she served seven terms. Mrs. Crookham was instrumental in the Virginia Smith Scholarship Program, and was involved with well over fifty organizations in Merced County. When the Bloss House, a historical landmark in Atwater, California, was threatened, Mrs. Crookham helped to found the Atwater Historical Society to save and preserve the home. She remained on the Historical Society board until 2001.

In 1986, the first elementary school she attended was renamed ''Sybil N. Crookham Elementary School.'' Mrs. Crookham's main priority was to ensure every student in Merced County receive a quality education. She played a vital role in locating the tenth University of California campus to be built in Merced. Her friends and coworkers described Mrs. Crookham as a tireless worker, and a champion of the youth.

Our community has been greatly strengthened by the efforts of Paul and Sybil Crookham. She never ceased to work on behalf of the children even after her retirement. Sybil was always called upon by community leaders for advice and counsel. Sybil set an example for others to follow. I am honored to have called Sybil Crookham my friend and am saddened for our community's loss. May God Bless Paul and the entire Crookham family.

TRIBUTE TO BUD GORDON—IRA D. CALVERT DISTINGUISHED SERVICE AWARD RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication contributions to the community of Corona, California are exceptional. Corona, and surrounding communities, has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Bud Gordon is one of these individuals. On March 22, 2003, Bud will be honored at the annual YMCA Ira D ''Cal'' Calvert Distinguished Service Awards Dinner.

For the past several years, Bud has volunteered and supported many of our most recognizable civic projects in Corona. He has served as the Executive Chairman of the Happy Hairston Youth Foundation and with late Happy Hairston, chaired the golf tournament for many years. Over the past seven years, Bud also has raised over one million

dollars for local charities while serving as the Chairman for numerous golf tournaments that benefited local groups such as the Fender Museum Foundation, the Boy Scouts, the ARC Angel Foundation and the Happy Hairston Youth Foundation. He has also served as a committee member on several other charity golf tournaments such as the American Cancer Societies, The Boys and Girls Club of Temecula, and the Corona Regional Medical Center.

In addition to his service on established charitable organizations, Bud initiated a new program called ''The Cool Down Corona Program''. During the hot summer months, senior citizens without air conditioning were suffering needlessly. Bud decided to go down to the local hardware store and purchase 30 window air conditioners. He then contacted the Corona Police Department, the Corona Fire Department and the Corona Senior Center and obtained the names of seniors in our community that did not have air conditioners. Over the past few years the program has grown and every year more seniors are helped during the summer months with much needed relief.

Bud also co-founded the At Risk Children Foundation, or ARC Angel Foundation and has raised and given back to the community over half a million dollars in goods and services. One of the first activities organized by ARC Angel was to take 700 children from low†income families to an Anaheim Angels ballgame at Edison Field, many of whom had never been out outside the city of Corona. Bud personally ftmded the tickets, food, souvenirs, and a mobile disc jockey.

One of the defining moments in Bud's charitable record, was his involvement after September 11, 2001. On the weekend following the tragedy, Bud gave away United States flags to anyone who came into his car dealership requesting a flag. He also offered to donate $100 to the New York Relief Fund for each car that was sold in the name of that customer. On the week anniversary of September 11th, Bud closed the dealership at noon to have a brief program in remembrance of the victims. Local firefighters and police were honored and Bud announced he would match funds for anyone who would like to donate money to the relief efforts.

Bud has set a standard of excellence and commitment in his work with charity. His tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. His involvement in the community makes me proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives the ''Ira D. Calvert Distinguished Service Award''.

HONORING KEN GOODWIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Ken Goodwin for exemplary service on the occasion of his retirement from Otero Junior College. Ken served in the college's technology department for thirty-two years, taking over as Director of Computer Services in 1979. His leadership has kept OJC on the cutting edge of technology for over three decades.

Ken was born and raised in the Arkansas Valley. He graduated from Otero Junior College with an Associate's degree and completed his Bachelor's degree at Southern Colorado State College, now the University of Southern Colorado in Pueblo. He returned to OJC as a computer operator in 1971.

In his thirty-two years at OJC, Ken oversaw tremendous changes, watching his computers shrink from the size of a room to the size of his hand. Ken helped to connect OJC's computer network to the Colorado Community College System and expand the role played by technology in the daily life of the campus and its students. He also took the lead on technology issues on a region-wide basis. In 1998, the Colorado legislature established the Connect Colorado project to develop technology in rural Colorado by networking schools and nonprofit organizations. Originally serving as a representative of OJC to the larger project, Ken eventually agreed to take over as project manager himself.

Mr. Speaker, it is a great privilege to recognize Ken Goodwin for his service to Otero Junior College and southeastern Colorado. Ken's efforts have provided the foundation for the continuing expansion of technology to students and citizens in rural Colorado. I wish him well in his retirement.

TRIBUTE TO WASHINGTON REDSKINS CORNERBACK DARRELL GREEN

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HINOJOSA. Mr Speaker, it is with great pleasure that I rise today to honor Darrell Green. Mr. Green recently retired after 20 years, as a star cornerback, with the Washington Redskins. During that time he became one of the National Football League's all-time best, and most honored, players.

As a native of Houston, Texas, Darrell Green began his athletic career at Jones High School. From 1978–1983, he attended Texas A&I University, which is now Texas A&M Kingsville and is located in the 15th district. There he was an Associated Press Little All-America and American Football Coaches Association All-America first-team honoree. Mr. Green was on the All-Lone Star Conference first team as a junior and senior and was selected as the Lone Star Conference's most valuable player in 1982. He was selected to the Lone Star Conference Team of the Decade for the 1980s.

Much of Darrell Green's collegiate stardom came from his accomplishments not on the football field, but on the track, where his phenomenal speed as a sprinter made him one of the world's fastest runners. His mark in the 100-meter dash still stands as the all-time best in the Lone Star Conference. Mr. Green was named to the NCAA Division I All-America roster in 1981 and 1982, was on the NCAA Division II All-America team in five events in 1981 and 1982, was NAIA All-America in 1981 and 1982 in four events, and was named the most valuable track performer at the 1982 and 1983 Lone Star Conference Championships. He has been inducted into the Lone Star Conference Hall of Honor and the Javelina Hall of Fame.

In the spring of 1983, Darrell Green was a first-round draft choice of the Washington Redskins. During his first regular-season game with the Redskins, he electrified football fans everywhere when he crossed the field to chase down and tackle the legendary Dallas Cowboy running back, Tony Dorsett, preventing a sure touchdown. Similar exploits on the field that year earned him the title of NFL Rookie of the Year. Since then, he has been a seven-time All-Pro defensive back, four-time NFL Fastest Man honoree and two-time Super Bowl championship team member. Mr. Green holds a remarkable number of NFL and Redskins records, including first NFL player to make at least one interception in 19 consecutive seasons; first NFL player to return an interception for a touchdown at age 37; first NFL player to play cornerback at the age of 42; first Redskin to play 20 consecutive seasons, start in 254 games and play 279 games; first Redskin to have 54 interceptions; first Redskin to return a fumble 78 yards for a touchdown—the longest in Redskin history; and the first Redskin to return six interceptions for touchdowns in a season.

Darrell Green has also been a shining star off the field through his dedicated efforts to help at-risk youth. In 1988, he founded the Darrell Green Youth Life Foundation, which opens doors of opportunity for neglected children living in unsafe environments. The mission was accomplished through community-based, value-driven learning centers operating in urban, suburban and rural neighborhoods throughout America. The first Darrell Green Youth Life Learning Center was established in 1993 and has grown to six operating centers in three states. For his extraordinary humanitarian endeavors, Green has received an honorary doctorate from Marymount University. He has also received honorary doctorate degrees from George Washington University and American University. Darrell currently serves on the board for the Baltimore-Washington 2012 Olympic Games bid, NFL/NFLPA Sept. 11 Relief Fund and the Loudon Education Foundation. He has received numerous awards and was recently inducted into the Texas Sports Hall of Fame in 2001.

Mr. Speaker, I call upon my colleagues to join me in honoring my fellow Texan, Darrel Green, for his extraordinary accomplishments both on and off the football field. His alma mater, Texas A&M Kingsville, and I are justifiably proud not only of his fabulous football career, but of his long-standing commitment to help at-risk children reach their fullest potential and achieve their dreams.

TRIBUTE TO MAJOR JOSE RAMON BACA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. BACA. Mr. Speaker, I would like to pay tribute to Major Jose Ramon Baca, who is a very special individual to me. He was truly appreciated and loved by all who were fortunate enough to know him.

Jose ''Ray'' Baca was born in Las Nutrias, New Mexico, to Alberto and Josefita Peralta

Baca on March 19, 1940, and grew up in Albuquerque's South Broadway neighborhood. Ray graduated Albuquerque High School in 1958, and continued his education at the University of New Mexico. He graduated from the University in 1962 with a B.S. in chemical engineering and was a member of the Tau Beta Pi National Engineering Honor Society. After graduating, Ray married Victoria Morales in San Antonio, Texas on July 16, 1966. Together they raised their two sons, Rafael and Arthur.

Once joining the Air Force, Ray's ambition, brilliance, and passion poised him for success. During his 20-year career in the Air Force, he worked as a launch officer for the Atlas Missile Project in Roswell and in Turkey. He received a Masters of Science degree in 1968 in nuclear engineering from the Air Force Institute of Technology (AFIT) at Wright Patterson Air Force Base, Ohio. He also worked as a staff scientist at McClellan Air Force Base in California and later at the Air Force Missile Command in Washington, D.C.

His yearning for knowledge led him to return to the University of New Mexico. In 1987 he received a M.A. in History and Southwestern Studies and was a doctoral candidate in history. His dream was to continue to research and write about his native state.

Ray passed away on June 6, 2002 surrounded by his loving family. He was preceded in death by his father, Alberto Baca and sister, Viola Baca, and is survived by his wife of 35 years Victoria Baca; sons Rafael and Arthur; mother Josefita Baca; and sisters Dolores Padilla, Priscilla and Anna Mae Baca. His family, innumerable friends and community will miss him greatly.

He will be remembered as a loving and generous husband, father, son, brother, and friend. He valued his family above all things, and supported and encouraged them in all stages of their lives. He instilled in his children a strong sense of family, love, and respect, and he encouraged them to excel in their education. He was an exceptional, compassionate and motivating individual.

And so Mr. Speaker, I submit this loving memorial to be included in the archives of the history of this great nation.

THE MEDICAL MALPRACTICE INSURANCE AND LITIGATION REFORM ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Medical Malpractice Insurance and Litigation Reform Act of 2003. This legislation responds to the real problems in the medical malpractice insurance market—namely, higher prices driven by lack of competition and investment losses by insurers leading to a boom bust cycle. To respond to these problems, Title I of the bill insures that the antitrust laws apply to medical malpractice insurers, price comparisons can be easily obtained, and procedural checks are in place to insure that premium increases are warranted and can be challenged by health care providers.

Above and beyond these requirements, the bill responds to concerns that medical malpractice is not available in parts of the country. As a result, Title II would create a Federal medical malpractice insurance association, housed within the Department of Health and Human Services, to provide medical malpractice insurance where it is not available at reasonable terms.

In addition, the bill responds to the complaint that medical malpractice insurance premiums are being driven higher as a result of frivolous complaints. Title III of the bill provides for a series of measures designed to insure that the lawsuit itself is not frivolous and that the pleadings filed in connection with the suit are accurate and meritorious. Title III also provides for alternative dispute resolution designed to encourage resolution of medical malpractice actions outside of court. The following is a more detailed description of the legislation.

SECTION-BY-SECTION ANALYSIS MEDICAL MALPRACTICE INSURANCE AND LITIGATION REFORM ACT

TITLE I—MEDICAL MALPRACTICE INSURANCE REFORM

This Title constitutes an effort to respond to some of the flaws apparent in the medical malpractice insurance marketplace and the regulation of that market. Among other things, the title insures that the antitrust laws apply to medical malpractice insurers, price comparisons can be easily obtained, and procedural checks are in place to insure that premium increases are warranted.

Section 101. Prohibition on Anticompetitive Activities by Medical Malpractice Insurers. Repeals McCarran-Ferguson to ensure that insurers don't engage in price fixing. The Act, enacted in 1945, exempts from the Federal antitrust laws all anticompetitive insurance industry practices except boycotts. Over the years, uneven oversight of the insurance industry by the States, coupled with no possibility of Federal antitrust enforcement, has created an environment that fosters a wide range of anticompetitive practices.

Section 102. Medical Malpractice Insurance Price Comparison. Creates an Internet site at which health care providers could obtain the price charged for the type of coverage the provider seeks from any malpractice insurer licensed in the doctor's state. This section specifies the availability of online forms and that all information will remain confidential.

Section 103. Procedural Requirements for Medical Malpractice Insurers' Proposed Rate Increases. Gives doctors standing in any state administrative proceeding to challenge proposed rate increases and requires insurance companies to provide justification for any rate increase prior to implementing such increase. Only a handful of states (Alabama, Arizona, Illinois, New York, Oklahoma, and possibly a few others) require that rates be filed and approved by the state insurance department before they can be used.

TITLE II—FEDERAL MEDICAL MALPRACTICE INSURANCE ASSOCIATION

There have been isolated reports that physicians are unable to obtain medical malpractice insurance at any rate and this title is designed to deal with that problem by providing a federal backstop. The title also provides for disclosure of information by private insurers so that more information can be obtained on the reasons for any problems in the malpractice insurance marketplace.

Section 201. Establishment; Purpose. Establishes an Association within the Department of Health and Human Services to provide medical malpractice insurance where it is not available at reasonable terms.

Section 202. Board of Directors. Creates a board of directors for the Association. The board has authority to run the Association and to act like a governing body of a private insurance carrier. This section sets out specifics as to the number of appointments, eligibility, and vacancies.

Section 203. Administration. An administrator is appointed to act as the Association's chief executive officer, in charge of day-to-day operations and management of the Association. The Association shall be fully operational no later than 180 days after the date of enactment of the Act.

Section 204. Rates. Gives the board authority to establish rates to be charged by the Association. The board will use an actuary to recommend rates, and rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet reasonable expenses of conducting the business of the Association and maintain reasonable surplus. The insurance program shall be neither more nor less than self-supporting. The Association is authorized to purchase reinsurance.

Section 205. Investment Policy. Provides that the board of directors shall formulate and adopt an investment policy and supervise investment activities of the Association. Gives the Association the ability to retain independent investment counsel and requires the board to periodically review and appraise the investment strategy.

Section 206. Medical Malpractice Risk Management Program. Requires the administrator to develop a risk management program for all policyholders and to solicit input from the National Association of Insurance Commissioners in developing the program. Insurance may be refused or terminated if any insured disregards the plan and the administrator may consider compliance with the plan in determining premiums of the insured.

Section 207. Seed Money to be Funded by Treasury Department Loan. Provides for the funding of the Association by the Secretary of Treasury through one or more 5 year term loans in an amount not to exceed $100,000,000 for start-up funding.

Section 208. Disclosure of Data by Medical Malpractice Insurers. This section requires each insurance provider to file a copy of its annual statement with the Chairperson of the Association. The insurer shall also provide information regarding (1) closed claims; (2) verdicts, payment, and severity of injury in connection with verdicts; (3) rate changes; (4) premiums and losses by medical speciality; (5) premiums and losses by experience of the insured; (6) performance of the investments of the insurer.

Section 209. Annual Report by Chairperson. Requires the Chairperson to file an annual report with the President and Congress that includes: (1) a statement of the Association's accounts, funds, and securities; (2) copies of reports required by the National Association of Insurance Carriers; (3) any requests for additional loans; (4) an assessment of the medical malpractice insurance marketplace; (5) an assessment as to why health care providers have been unable to obtain insurance at reasonable prices; and (6) a report summarizing the information disclosed pursuant to Section 208 and attaching the disclosed information.

Section 210. Financial Matters. Requires the administrator to submit to the board an estimated budget of the expenses of administering the Association. If assets exceed liabilities, necessary reserves and reasonable surplus, the Association shall declare a cash dividend or allow a credit to any health care provider that has complied with the risk management program.

Section 211. Definitions.

TITLE III—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

The complaint is frequently heard that medical malpractice insurance premiums are being driven higher as a result of frivolous complaints. This title responds to that charge with a series of measures designed to insure that the lawsuit itself is not frivolous and the pleadings filed in connection with the suit are accurate and meritorious. The title also provides for alternative dispute resolution designed to encourage resolution of medical malpractice actions outside of court.

Section 301. Health Care Specialist Affidavit. This section requires an affidavit by a qualified specialist before any medical malpractice lawsuit may be filed. ''Qualified specialist'' is defined as a health care professional with knowledge of the relevant facts of the case, expertise in the specific area of practice at issue in the case, and board certified in a speciality relating to the area of practice.

Section 302. Sanctions for Frivolous Actions and Pleadings. Sets out sanctions for filing improper pleadings in medical malpractice actions violations, such as those which are designed to harass, are frivolous, or are factually inaccurate. For first time violators, the court shall require the attorney to pay costs and attorneys fees and may also strike pleadings, dismiss the lawsuit, or administer other appropriate sanctions. For second time violators, the court shall also require the attorney to pay a monetary fine. For third time violators, the court shall also refer the attorney to the appropriate State bar association for disciplinary proceedings.

Section 303. Mandatory Mediation. This section establishes an alternative dispute resolution system for medical malpractice cases. Participation in mediation shall be in lieu of any other ADR method required by law or by contractual arrangements by the parties. A similar approach is recommended by the Committee for Economic Development, which suggests that defendants make and victims accept ''early offers.'' The effect of the ''early offer'' program, according to the CED, is that defendants will reduce the likelihood of incurring costs of litigation and having to pay large and uncertain punitive and noneconomic damages, and victims would obtain fair compensation without delay, expense and trauma of litigation.

Section 304. Applicability. Specifies that the title applies to any medical malpractice liability action brought in state or federal court, except for claims arising from vaccine-related injuries.

Section 305. Definitions.

TRIBUTE TO CODY SCOTT BATTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor a young hero, six-year-old Cody Scott Batty of Montrose, Colorado. Cody displayed quick thinking and uncommon courage when he saved his father, Scott, from a life threatening situation. I would like to commend Cody's actions and courage before this body of Congress and this nation.

On December 22, 2003, Cody and his parents were on their way to California to see family. As anyone who has made this trip knows, it is a long and arduous drive, so the family decided to take a little break from the trip in Mesquite, Nevada. Cody and his father were outside a bowling alley in Mesquite when his father collapsed as a result of a blood clot that had formed on his skull. Despite the situation, Cody remained calm. He called out for help, but no one came to their aid. Thinking quickly, Cody ran into the bowling alley, borrowed a phone and called 911. He then returned to his father's side and remained there until the paramedics arrived.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Cody Batty before this body of Congress and this nation. Cody has said that he would like to become a police officer or paramedic someday with the bravery that this young man has shown, he is well on his way. Cody's quick actions saved his father's life, and his courage should be an inspiration to us all. It is a great honor to represent such a fine young American in this Congress.

COMMENDING THE ACHIEVEMENTS OF THE WIND SYMPHONY AND JAZZ KNIGHTS AT SACRED HEART SENIOR HIGH SCHOOL

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MORAN of Kansas. Mr. Speaker, congratulations to the fifty-four students from Sacred Heart Senior High School in Salina, Kansas for their upcoming participation in ''The Red Road Travel/Study Tour.'' This experience will include performances at a series of Native American reservation schools in South Dakota from March 16–19, 2003. I commend each of these students for their hard work and success: James Andrewson, David Arpin, Sarah Arpin, Matthew Bachofer, Shannon Bechard, Kyle Berens, Stephanie Bieker, Hillary Blue, Kelly Breckunitch, Matt Broberg, Danielle Budreau, Jennifer Budreau, Jason Bulliegh, Katey Clark, Jason Curran, Kyle Davis, Alan Deneault, Courtney Ducharme, Lauren Ducharme, Christina Fekas, Shandra Francis, Vanessa Greene, Carissa Helvey, Emily Henke, Jessica Herbic, Alex Hernandez, Adria Jerkovich, Anne Kelly, Jessica Kelly, Andy Kinard, Matt Kienda, Jeff Koetting, Abby Luetters, James McKee, Mary Kate McKee, J.J. Neubauer, Ashley O'Brien, Jessica Polich, Michael Ratcliff, Susan Riordan, Lindsey Sandquist, Raquel Santiago, Emily Schmidt, Alisha Schoel, Tine Schoel, Kristen St. John, Marisol Sternke, Janell Straub, Jennifer Suelter, Raul Vasquez, Sarah Vermillion, Tyler Vishnefske, Megan Wells, Lauren Zey.

''The Red Road Travel/Study Tour'' is the latest event in a series which provides performance and educational opportunities for students. Paramount to this tour is the opportunity for these young people to experience a unique and different culture, while expressing good will through their musical talents.

I would also like to recognize their director, Milt Allen, for helping prepare these young musicians. Mr. Allen's commitment and dedication to nurture and encourage our youth shines through the accomplishments of his students. The First Congressional district is proud to be represented by Sacred Heart Senior High School in this meaningful program. I commend Mr. Allen for his excellent job promoting education and the arts among the youth of Kansas.

It is an honor to recognize such a meritorious group.

TRIBUTE TO DANIEL WILLIAM PIERCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GRAVES. Mr. Speaker, I Proudly pause to recognize Daniel William Pierce, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop. Over the five years, he has been involved in scouting, he has held numerous leadership positions, serving as patrol leader, assistant senior patrol leader, senior patrol leader, troop quartermaster, troop historian and troop guide. Daniel also has been honored for his numerous scouting achievements with such awards as the Tribe of Mic-0-Say Award. Additionally, Daniel has earned 39 merit badges.

For his Eagle Scout project, Daniel organized and designed a circle driveway through a park and also put wood posts around the drive and poured 3 concrete pads for picnic tables.

Mr. Speaker, I proudly ask you to join me in commending Daniel William Pierce for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SUPPORT FOR THE VIOLENCE AGAINST WOMEN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLT. Mr. Speaker, I rise today in support of full funding of the Violence Against Women Act. This law has fostered countless initiatives that have brought millions of dollars to shelters, increased resources for law enforcement, expanded the National Domestic Violence Hotline, and bolstered the prosecution of child abuse, sexual assault, and domestic violence cases.

These programs and services are invaluable. U.S. Department of Justice statistics indicate that domestic violence has decreased by 49% since VAWA went into effect. They also reaffirm that full funding for VAWA is well worth the investment. It is estimated that the $1.6 billion spent on VAWA programs during the first six years after its enactment saved government coffers $14.8 billion in medical, legal, workplace and other social costs, not to mention saving many lives.

Unfortunately, state budget crises and decreases in federal funding are threatening these vital programs and services. President Bush's budget request for FY 2004 would cut funding for VAWA programs and services by $141.6 million in FY 2004 from the previously authorized level of $692.5 million.

Our nation must renew our commitment to ending all forms of domestic violence. I urge

my colleagues to appropriate full funding to fulfill the mission of the Violence Against Women Act.

TRIBUTE TO NANCY REDING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, it is with great honor that I rise today to recognize Nancy Reding of Colorado City, Colorado. Nancy is one those great Americans who teaches our kids as a profession and it is my pleasure to represent her in this Congress. Recently, her colleagues at Pueblo Community College named Nancy the faculty member of the year and I could not miss this opportunity to acknowledge her dedication and commitment to education before this body of Congress.

For the past 30 years, Nancy has given her life to teaching math to students in her Colorado community. We should all be humbled by this generous contribution to society and the sacrifice Nancy has made as an educator. Just think of the countless number of lives Nancy has touched. Nancy not only has lent her talents but her heart as well and, by so doing, she has given her students an awesome gift—the opportunity to succeed.

Mr. Speaker, I am proud to stand today and express my gratitude for Nancy Reding before this Congress and our nation. It is a chance for us to remind our fellow citizens that when you find a good teacher, thank him or her from the bottom of your heart for doing one of the toughest jobs in the country. Teaching is truly a noble calling and Nancy Reding has answered that call.

AMERICAN SERVICEMEMBER AND CIVILIAN PROTECTION ACT OF 2003

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. PAUL. Mr. Speaker, I rise today to introduce the ''American Servicemember and Civilian Protection Act of 2003.''

This bill prohibits funds made available by the United States Government from being used for the establishment or operation of the Court.

Perhaps the most significant part of the bill makes clear that any action taken by or on behalf of the Court against members of the United States Armed Forces shall be considered an act of aggression against the United States; and that any action taken by or on behalf of the Court against a United States citizen or national shall be considered an offense against the law of nations.

Mr. Speaker, on May 6, 2002, President George W. Bush took the commendable step of repudiating the signature of the United States on the Statute of the International Criminal Court, stating that the United States ''can no longer be a party'' to the International Criminal Court. He also requested that those states choosing membership in the Court respect the decision of the United States in this matter.

Mr. Speaker, the Court is an illegitimate body even by the United Nations' own standards. The Statute of the International Criminal Court was enacted by a Conference of Diplomats convened by the United Nations General Assembly, whereas according to the UN Charter, the authority to create such a body lies only in the UN Security Council.

The International Criminal Court was established contrary to the American Declaration of Independence and the Constitution of the United States. It puts United States citizens in jeopardy of unlawful and unconstitutional criminal prosecution.

The International Criminal Court does not provide many of the Constitutional protections guaranteed every American citizen, including the right to trial by jury, the right to face your accuser, and the presumption of innocence, and the protection against double jeopardy.

Members of the United States Armed Forces are particularly at risk for politically motivated arrests, prosecutions, fines, and imprisonment for acts engaged in for the protection of the United States. These are the same brave men and women who place their lives on the line to protect and defend our Constitution. Do they not deserve the full protections of that same Constitution?

Last year Congress passed the American Servicemembers' Protection Act within the Defense Authorization bill. Commendable as that effort was, the fact of the matter is that because of the numerous loopholes and exemptions in that legislation, our servicemembers are still not protected from the probing arms of the International Criminal Court. American citizens have absolutely no protection under last year's legislation. This is simply unacceptable. That is why I am introducing this legislation that makes the position of the United States clear: we will protect our servicemembers and citizens from this illegal court.

Mr. Speaker, I hope all members of this body will join me in opposing this illegitimate and illegal court by cosponsoring the ''American Servicemember and Civilian Protection Act of 2003.''

TRIBUTE TO RETIRED LT. COLONEL JOHN V. AZEVEDO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to pay tribute to Retired Lt. Colonel John V. Azevedo for his service to our Nation and to his community.

John was born in Patterson, California to Joe and Maria Faustino Azevedo on December 21, 1919. He attended school in Patterson, then attended college in Modesto and Salinas. He then completed his education in Tokyo, Japan at Sophia University.

John joined the Army in May 1941, where he held the rank of Sergeant in the Infantry. In 1942, he was promoted to Second Lieutenant and served in England. John was in Normandy, France, crossing the beach 20 days after the first landings. While in France, John crossed Cherbourg, LeMans and Paris. He also served in Belgium as well as Holland. Following World War II, John was assigned to the Occupation Forces in Japan where he became Special Staff to General Douglas MacArthur.

During the Korean War, John served in both North and South Korea. Following his assignment in Korea, John served Stateside where he was stationed as an instructor at the Adjutant General's School in Indiana. When that assignment was up, John was sent once again to Japan for 3 years. He returned to the United States where his assignment landed him at the Pentagon with promotion to Major. When his assignment was complete at the Pentagon, John was sent back overseas where he was stationed in Heidelberg, Germany. John again returned to the United States and spent time in San Francisco where he served at the Reserve Forces Headquarters. John was promoted to the rank of Lieutenant Colonel and returned to the Pentagon where he served as Director of the Army and Air Force Postal Service.

John served his country admirably for 25 years. John retired as a Lieutenant Colonel from the Army in 1966 and returned to his roots once again in Patterson, California. Once back in Patterson, he was elected to serve on the Patterson City Council where he also served as Vice Mayor.

John has served his community well. He is one of the founding members of the Patterson Historical Society where he served as a volunteer curator for over 20 years. The Patterson Apricot Festival honored John in 1997 by naming him Grand Marshal to preside over the Festival that year. John organized the Patterson Beautification Committee.

John has not only been honored by his community, but by his state as well. John was introduced on the California State Assembly floor where he was presented with an Assembly Resolution recognizing his volunteer work for the City of Patterson as well as Stanislaus County.

It is my pleasure to join the Patterson community in recognizing John V. Azevedo for his commitment to his community. It is an honor to call John my friend and represent him in the 18th Congressional District.

TRIBUTE TO MARY HELEN YBARRA—IRA D. CALVERT DISTINGUISHED SERVICE AWARD RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Mary Ybarra is one of these individuals. On March 22, 2003, Mary will be honored at the annual YMCA Ira D ''Cal'' Calvert Distinguished Service Awards Dinner.

Mary was born in Yuma, Arizona but has resided in Corona for many years. She began service to the community at a very young age and as a teenager Mary was constantly busy organizing food drives for the needy in her local community. This drive and special gift of

helping others would stay with her into adulthood. When her children began elementary school she quickly became involved in her local PTA. This involvement paved the way for her never-ending community interest and desire to serve. Many city events and organizations have greatly benefited from her presence.

Some of the organizations that Mary has worked with include: ARC Angels, El Protector, Relay for Life, Day of the Young Child, A Day for Nicole, Little League Baseball, and Corona High Football Boosters. Mary has also chaired or co-chaired the following city events: the Health and Safety Fair, the Community Red Ribbon Week Celebration, the Community Blood Drive, and the fundraiser for Corona Regional Medical Center, ''An Evening to Remember''. Mary has also served as a YMCA Board Member, a member of several school site councils and has been involved in various school district committees.

Throughout her years of involvement Mary has been instrumental in organizing numerous community events to help the needy and the underprivileged. Mary's crowing achievement was using her connections and undeniable powers of persuasion to organize two critical blood and marrow drives. Community participation in these events was overwhelming. Mary's experience, positive attitude, humor, wisdom, and determination led to the perfect bone marrow match for two wonderful and well deserving children of our community.

Mary's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives the ''Ira D. Calvert Distinguished Service Award''.

TRIBUTE TO CHUCK SHUPE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor Chuck Shupe of Riverside, Colorado for his dedication to the youth of his community. Chuck has selflessly given 28 years to the educational needs of children in the area, and as he celebrates 28 years of service, I would like to recognize his accomplishments before this body of Congress and this nation.

Chuck began his career as a teacher and a coach in a small rural Illinois school. Like so many other successful individuals, he decided to further his education. After graduating from the University of Illinois with a Master's degree in Education and Administration, Chuck was offered a job as the principal of a large inner-city school. At the age of twenty-five, Chuck became the youngest principal in Illinois. Yet, despite his age, he met the challenges and responsibilities he faced.

Needing a change, Chuck moved to Colorado where he worked both in Leadville and Basalt. Eventually, he became the principal of Riverside School. Chuck takes a hands-on approach and finds interaction with the students to be very important, and the highlight of his day. He pours his heart and soul into the lives of his students, even creating a student ambassador program called ''Shupe's Troops,'' which allows students the opportunity to improve their school.

Mr. Speaker, I am honored to rise today before this body of Congress and this great nation to recognize the dedication of Chuck Shupe, a true public servant. His generous attitude and love of the job have inspired many and have truly made a difference in his community. We should all emulate the selfless example of Americans like Chuck.

HONORING MUJERES UNIDAS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HINOJOSA. Mr. Speaker, I rise today to bring to the attention of my colleagues a remarkable organization in the 15th district of Texas that helps victims of domestic violence. In recognition of ''Stop Domestic Violence Week'', I would like to highlight the accomplishments of the organization ''Mujeres Unidas''—Women Together.

Mujeres Unidas is a non-profit agency that is tirelessly dedicated to helping women overcome domestic violence. Through community education, housing assistance, legal advocacy, and other outreach programs, Mujeres Unidas is offering hope and an improved quality of life to women in South Texas who have suffered violence and abuse in their own homes. For many women, a program like Mujeres Unidas is the difference between a dangerous living environment that can result in serious injury or death, and a future filled with personal growth and independence.

I would like to commend this extraordinary organization and thank them for their strong commitment to helping victims of domestic violence and for their Superior service to my district.

TRIBUTE TO WILLIE BENSON GARRETT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. BACA. Speaker, it is with deep affection that I pay tribute to the life of Willie Benson Garrett, longtime San Bernardino community and political leader and dear friend. Willie passed away in the comfort of his own home at the age of 75 on February 28, 2003.

Willie was born in San Augustine, Texas. He graduated from San Augustine Colored High School and from H. M. Morgan Barber College. He later moved to San Francisco where he graduated from Marinella Beauty College. He then enlisted and served in the Merchant Marines for two years, after which he was honorably discharged.

In 1957, Willie moved to San Bernardino where he has resided for the past 46 years and where he began his lifelong commitment to public service. Garrett's Barbershop earned recognition as one of the most successful barber businesses in the area and was the catalyst for Willie's commitment to the betterment of his community. Garrett's Barbershop became the central point within the community where many local leaders discussed political, economic, social and other issues.

As a community and political activist, Willie was President of the NAACP, supported the League of Mothers, helped establish WAG, was a member of The Black Democratic Club, was the Best Yet Promotions Political Campaign Advisor, and managed the Westside Drop-In Center in the City of San Bernardino. For his many contributions, Willie received the ''Man of the Year'' award for San Bernardino, received the 2001 NAACP Community Activist Award and received the ''Role Model of the Year'' award by WAG.

Willie did not let his retirement stop him from making sure the well being of his community continued to be a priority. Willie was a member of the New Hope Baptist Church and more recently the impetus behind seminars and workshops on prostate cancer, diabetes, and other health issues relevant to women and men through support garnered from Kaiser, Community Hospital, The VA and Loma Linda Hospitals. He also provided leadership to the camping program of the local 4–H youth program for a number of years and helped pave the way for Native Americans to help teach to the 4Her's.

Willie credited his success to the grace of God and to the support of his loving wife, Constance Garrett, of over 20 years. His 2 daughters, Bertha Hilburn and Patricia Scott, 2 sons, Shelley Garrett and Craig Garrett Cramer, 7 grandchildren, 3 great-grandchildren, 3 sisters, Erma Jean Stafford, Ruth Stewart and Freddie Bivins and 2 brothers, Earnest and Leonard Garrett, also survive him.

Willie Benson Garrett has left behind a wonderful legacy of community and political activism. The many nieces, nephews, cousins, relatives and friends who loved him dearly will miss him. Willie touched us all with his kind deeds and leadership in our community. Barbara and I extend our deepest condolences to Willie's family. May God bestow his comfort upon them at this time.

INTRODUCTION OF THE HEALTH CARE IMPROVEMENT ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CONYERS. Mr. Speaker, I am pleased to introduce, along with Congressman BACHUS, the Health Care Improvement Act of 2003. This is the successor legislation to the Campbell/Conyers bill from 107th, which passed the House by an overwhelming 276–136 vote. The legislation responds to two alarming anti-consumer trends—the ever increasing level of concentration among health insurers and exclusionary contracting practices by health insurance companies. The last five years have seen a massive consolidation in the health insurance and managed care market as more than a dozen health insurance competitors have been eliminated through mergers and acquisitions.

The dangers posed by this ever increasing market concentration are exacerbated by the

practice of health insurers engaging in heavy-handed negotiating tactics and requiring exclusionary contractual commitments from health care providers. Such restrictive contractual terms are frequently proffered on a ''take it or leave it'' basis to health care providers, under the threat of the loss of the provider's patients or exclusion from their access to other patients.

Our legislation responds to the problem by allowing physicians or other health care professional to collectively negotiate with a health plan over contractual terms or plan policies. Presently, joint negotiations with a health plan by physicians or other health care professionals who are not financially integrated are illegal per se under the federal antitrust laws if they involve fees or prices. Under this legislation, such activities would be subject to review based on a more liberal ''rule of reason'' analysis, which could take quality of health care into account.

I have taken a particular interest in this legislation because of the unfairness of the current market situation on African American doctors. I am aware of a number of incidents in Detroit and around the country of minority physicians being threatened that they will lose all of their business unless they enter into one-sided service contracts. This bill gives physicians the ability to respond to these abuses on a collective basis.

The legislation is strongly supported by a wide array of health care professional and trade organizations.

HONORING THE TELLURIDE ADAPTIVE SKI PROGRAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the Telluride Adaptive Ski Program for its creativity in expanding participation in winter sports. TASP organizes programs that give disabled people from all over the country the opportunity to experience skiing and snowboarding in Colorado's beautiful mountains.

TASP helps to make skiing accessible to diverse groups of people by using adaptive teaching techniques and equipment to accommodate new skiers with disabilities, both physical and mental. TASP also builds bridges between disabled and non-disabled participants with innovative partnering programs. TASP's programs build independence, confidence, and self-esteem by introducing disabled citizens to the freedom and fun that skiing can provide. More Coloradoans and Americans each year benefit from TASP's lessons, camps, and volunteer programs.

Mr. Speaker, it is a great privilege to recognize the Telluride Adaptive Ski Program for its outreach to the disabled community. On the slopes and off, TASP participants feel capable, empowered, independent, and healthy. Everyone deserves the opportunity to experience Colorado's natural beauty, and I am proud to salute a program that expands access to the best recreational opportunities Colorado has to offer.

TRIBUTE TO MR. MILTON LLOYD MORRISON OF SALINA, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MORAN of Kansas. Mr. Speaker, I rise today to pay tribute to a man who affected the lives of many people in Kansas and across the country. This month we mourn the death of Mr. Milton Lloyd Morrison of Salina, Kansas. Milton Morrison was a quiet giant.

A life-long Kansan, Milton was always true to his roots. He lived a life guided by the morals and values we hold dear: abiding faith, faithful service and absolute integrity.

Milton's dedication to his community is renowned. Throughout his life, Milton took a lead role in making certain his community was progressive in pursuits of quality of life issues. His leadership and commitment to his church, college alma mater and professional trade associations were inspired by a favorite quote, ''Service is the rent we pay for the space we occupy in this world.''

Milton was by every account a successful businessman. With a disciplined approach he directed Morrison Ventures, a leading grain storage and farmland investment operation. His management style was always marked with trademark methodical thinking and a keen emphasis on patience and perseverance.

Most important to Milton was his family. Over the course of 65 years he and his wife Becky raised two sons, Roger and Richard, and devoted endless love and attention to six grandchildren and 12 great-grandchildren.

Milton Morrison made his community, state and nation a better place. I join his many friends and admirers in extending my deepest sympathies to Becky and her family during their time of loss.

TRIBUTE TO JACOB AUSTIN GARDNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jacob Austin Gardner, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and in earning the most prestigious award of Eagle Scout.

Jake has been very active with his troop, participating in such Scout activities as Camp Geiger. Over the 8 years he has been involved in Scouting, he has held numerous leadership positions, serving as Assistant Senior Patrol Leader, Patrol Leader, Senior Patrol Leader, Quartermaster, and Junior Scout Master. Jake also has been honored for his numerous Scouting achievements with such awards as Warrior in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say and Fire Builder in the Tribe of Mic-O-Say. Additionally, Jake has earned 32 merit badges.

For his Eagle Scout project, Jake cleaned up and built a new fence around Mitchell Cemetery, which is one of the oldest cemeteries. The cemetery dates back to 1840 and contains the graves of slaves, Abraham Lincoln's aunt and more than 30 Civil War veterans, both Union and Confederate.

Mr. Speaker, I proudly ask you to join me in commending Jacob Austin Gardner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EAST BRUNSWICK HIGH SCHOOL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLT. Mr. Speaker, on April 26, 2003, more than 1200 students from across the country will compete in the national finals of the We the People: The Citizen and the Constitution program in Washington, D.C. This program is the most extensive educational program in the country, developed specifically to educate young students about the Constitution and the Bill of Rights. The We the People program, administered by the Center for Civic Education, is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the class from East Brunswick High School will represent the state of New Jersey in the program's finals. These students have worked conscientiously to reach the national finals by participating at local and statewide competitions. In the past fifteen years, these young scholars have won the state competition fourteen times, an accomplishment that should not go unnoticed. Through their experience, they have gained a deep knowledge and understanding of fundamental principles and values of our constitutional democracy. It is a great honor that students from the 12th District in New Jersey have shown such dedication and interest in our nation's government.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of challenging questions by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle and high school levels. The curriculum not only enhances students' appreciation of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary to become active, responsible citizens.

The class from East Brunswick High School is currently preparing for their participation in the national competition in Washington, D.C. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand

the values and principles fundamental to our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young ''constitutional experts'' the best of luck at the We the People national finals and continued success in their endeavors.

HONORING THE NEIGHBOR-TO-NEIGHBOR FUND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an organization dedicated to providing quality healthcare to the citizens of San Miguel County. The Uncompahgre Medical Center in Norwood, Colorado has developed the Neighbor-to-Neighbor fund, an innovative approach to funding the unexpected medical needs of the surrounding communities.

While the Medical Center's sliding fee and indigent care programs already assist the forty-percent of patients who are not insured, the fund, consisting entirely of individual contributions, covers one-time, small-scale medical and emergency needs otherwise out of reach for patients. Operating with no administrative costs, one hundred percent of contributions to the Neighbor-to-Neighbor Fund go to help San Miguel County residents in medical need. Only doctors and physician's assistants write checks on the fund, ensuring that the money serves as an instant tool for filling gaps in medical care. The fund, while usually holding less than $1000, can cover numerous essentials, from a simple brace to fixing a serious dental problem.

Mr. Speaker, it is a great privilege to recognize the Uncompahgre Medical Center for its creativity in addressing difficult health care problems before this body of Congress and this nation. The Neighbor-to-Neighbor Fund is making a big difference in community health care with a small amount of money.

AMERICAN SOVEREIGNTY RESTORATION ACT OF 2003

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. PAUL. Mr. Speaker, I rise today to reintroduce the American Sovereignty Restoration Act. I submitted this bill, which would end United States membership in the United Nations, in the 107th Congress and the 106th Congress and since then conditions have made its relevance and importance more evident now than ever. The United Nations assault on the sovereignty of the United States proceeds apace; it shows no signs of slowing. Mr. Speaker, since I last introduced this measure, the United Nations has convened its International Criminal Court, which claims jurisdiction even over citizens of countries that have not elected to join the court. This means that Americans—both civilians and members of our armed services—are subject to a court that even its supporters admit does not offer all the protections guaranteed by the Constitution of the United States.

The United States continues to pay the lion's share of the U.N. budget, yet it is routinely kicked off committees like the Human Rights Committee by some of the most egregious of human rights abusing countries. This is absurd and we shouldn't have to pay for it.

As the United States faces another undeclared war for the United Nations—as is specified in the authorization for the use of force against Iraq (Public Law 107–243)—it is past time that we return to the principles of our founding fathers.

This legislation would represent a comprehensive and complete U.S. withdrawal from the United Nations. It repeals the United Nations Participation Act of 1945 and other related laws. It directs the President to terminate U.S. participation in the United Nations, including any organ, specialized agency, commission, or other affiliated body. It requires closure of the U.S. Mission to the U.N.

The legislation also prohibits the authorization of funds for the U.S. assessed or voluntary contribution to the U.N.; the authorization of funds for any U.S. contribution to any U.N. military operation; and the expenditure of funds to support the participation of U.S. armed forces as part of any U.N. military or peacekeeping operation. Finally, this legislation bars U.S. armed forces from serving under U.N. command.

The U.S. Congress, by passing H.R. 1146, and the U.S. president, by signing H.R. 1146, will heed the wise counsel of our first president, George Washington, when he advised his countrymen to ''steer clear of permanent alliances with any portion of the foreign world,'' lest the nation's security and liberties be compromised by endless and overriding international commitments. I urge my colleagues to support this measure and I hope for its quick consideration.

In considering the recent United Nations meetings and the United States' relation to that organization and its affront to U.S. sovereignty, we would all do well to again read carefully Professor Herbert W. Titus' paper on the United Nations from which I have provided this excerpt:

It is commonly assumed that the Charter of the United Nations is a treaty. It is not. Instead, the Charter of the United Nations is a constitution. As such, it is illegitimate, having created a supranational government, deriving its powers not from the consent of the governed (the people of the United States of America and peoples of other member nations) but from the consent of the peoples' government officials who have no authority to bind either the American people nor any other nation's people to any terms of the Charter of the United Nations.

By definition, a treaty is a contract between or among independent and sovereign nations, obligatory on the signatories only when by competent governing authorities in accordance with the powers constitutionally conferred upon them. I Kent, Commentaries on American Law 163 (1826); Burdick, The Law of the American Constitution section 34 (1922) Even the United Nations Treaty Collection states that a treaty is (1) a binding instrument creating legal rights and duties (2) concluded by states or international organizations with treaty-making powers (3) governed by international law.

By contrast, a charter is a constitution creating a civil government for a unified nation or nations and establishing the authority of that government. Although the United Nations Treaty Collection defines a 'charter' as a 'constituent treaty,' leading international political authorities state that '[t]he use of the word 'Charter' [in reference to the founding document of the United Nations] . . . emphasizes the constitutional nature of this instrument.' Thus, the preamble to the Charter of the United Nations declares 'that the Peoples of the United Nations have resolved to combine their efforts to accomplish certain aims by certain means.' The Charter of the United Nations: A Commentary 46 (B. Simma, ed.) (Oxford Univ. Press, NY: 1995) (Hereinafter U.N. Charter Commentary). Consistent with this view, leading international legal authorities declare that the law of the Charter of the United Nations which governs the authority of the United Nations General Assembly and the United Nations Security Council is 'similar . . . to national constitutional law,' proclaiming that 'because of its status as a constitution for the world community,' the Charter of the United Nations must be construed broadly, making way for 'implied powers' to carry out the United Nations' 'comprehensive scope of duties, especially the maintenance of international peace and security and its orientation towards international public welfare.' Id. at 27.

The United Nations Treaty Collection confirms the appropriateness of this 'constitutional interpretive' approach to the Charter of the United Nations with its statement that the charter may be traced 'back to the Magna Carta (the Great Charter) of 1215,' a national constitutional document. As a constitutional document, the Magna Carta not only bound the original signatories,, the English barons and the king, but all subsequent English rulers, including Parliament, conferring upon all Englishmen certain rights that five hundred years later were claimed and exercised by the English people who had colonized America.

A charter, then, is a covenant of the people and the civil rulers of a nation in perpetuity. Sources of Our Liberties 1–10 (R. Perry, ed.) (American Bar Foundation: 1978) As Article I of Magna Carta, puts it:

We have granted moreover to all free men of our kingdom for us and our heirs forever all liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

In like manner, the Charter of the United Nations is considered to be a permanent 'constitution for the universal society,' and consequently, to be construed in accordance with its broad and unchanging ends but in such a way as to meet changing times and changing relations among the nations and peoples of the world. U.N. Charter Commentary at 28–44.

According to the American political and legal tradition and the universal principles of constitution making, a perpetual civil covenant or constitution, obligatory on the people and their rulers throughout the generations, must, first, be proposed in the name of the people and, thereafter, ratified by the people's representatives elected and assembled for the sole purpose of passing on the terms of a proposed covenant. See 4 The Founders' Constitution 647–58 (P. Kurland and R. Lerner, eds.) (Univ. Chicago. Press: 1985). Thus, the preamble of the Constitution of the United States of America begins with 'We the People of the United States' and Article VII provides for ratification by state conventions composed of representatives of the people elected solely for that purpose. Sources of Our Liberties 408, 416, 418–21 (R. Perry, ed.) (ABA Foundation, Chicago: 1978).

Taking advantage of the universal appeal of the American constitutional tradition, the preamble of the Charter of the United Nations opens with 'We the peoples of the United Nations.' But, unlike the Constitution of the United States of America, the

Charter of the United Nations does not call for ratification by conventions of the elected representatives of the people of the signatory nations. Rather, Article 110 of the Charter of the United Nations provides for ratification 'by the signatory states in accordance with their respective constitutional processes.' Such a ratification process would have been politically and legally appropriate if the charter were a mere treaty. But the Charter of the United Nations is not a treaty; it is a constitution.

First of all, Charter of the United Nations, executed as an agreement in the name of the people, legally and politically displaced previously binding agreements upon the signatory nations. Article 103 provides that '[i]n the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.' Because the 1787 Constitution of the United States of America would displace the previously adopted Articles of Confederation under which the United States was being governed, the drafters recognized that only if the elected representatives of the people at a constitutional convention ratified the proposed constitution, could it be lawfully adopted as a constitution. Otherwise, the Constitution of the United States of America would be, legally and politically, a treaty which could be altered by any state's legislature as it saw fit. The Founders' Constitution, supra, at 648–52.

Second, an agreement made in the name of the people creates a perpetual union, subject to dissolution only upon proof of breach of covenant by the governing authorities whereupon the people are entitled to reconstitute a new government on such terms and for such duration as the people see fit. By contrast, an agreement made in the name of nations creates only a contractual obligation, subject to change when any signatory nation decides that the obligation is no longer advantageous or suitable. Thus, a treaty may be altered by valid statute enacted by a signatory nation, but a constitution may be altered only by a special amendatory process provided for in that document. Id. at 652.

Article V of the Constitution of the United States of America spells out that amendment process, providing two methods for adopting constitutional changes, neither of which requires unanimous consent of the states of the Union. Had the Constitution of the United States of America been a treaty, such unanimous consent would have been required. Similarly, the Charter of the United Nations may be amended without the unanimous consent of its member states. According to Article 108 of the Charter of the United Nations, amendments may be proposed by a vote of two-thirds of the United Nations General Assembly and may become effective upon ratification by a vote of two–thirds of the members of the United Nations, including all the permanent members of the United Nations Security Council. According to Article 109 of the Charter of the United Nations, a special conference of members of the United Nations may be called 'for the purpose of reviewing the present Charter' and any changes proposed by the conference may 'take effect when ratified by two–thirds of the Members of the United Nations including all the permanent members of the Security Council.' Once an amendment to the Charter of the United Nations is adopted then that amendment 'shall come into force for all Members of the United Nations,' even those nations who did not ratify the amendment, just as an amendment to the Constitution of the United States of America is effective in all of the states, even though the legislature of a state or a convention of a state refused to ratify. Such an amendment process is totally foreign to a treaty. See Id., at 575–84.

Third, the authority to enter into an agreement made in the name of the people cannot be politically or legally limited by any preexisting constitution, treaty, alliance, or instructions. An agreement made in the name of a nation, however, may not contradict the authority granted to the governing powers and, thus, is so limited. For example, the people ratified the Constitution of the United States of America notwithstanding the fact that the constitutional proposal had been made in disregard to specific instructions to amend the Articles of Confederation, not to displace them. See Sources of Our Liberties 399–403 (R. Perry ed.) (American Bar Foundation: 1972). As George Mason observed at the Constitutional Convention in 1787, 'Legislatures have no power to ratify' a plan changing the form of government, only 'the people' have such power. 4 The Founders' Constitution, supra, at 651.

As a direct consequence of this original power of the people to constitute a new government, the Congress under the new constitution was authorized to admit new states to join the original 13 states without submitting the admission of each state to the 13 original states. In like manner, the Charter of the United Nations, forged in the name of the 'peoples' of those nations, established a new international government with independent powers to admit to membership whichever nations the United Nations governing authorities chose without submitting such admissions to each individual member nation for ratification. See Charter of the United Nations, Article 4, Section 2. No treaty could legitimately confer upon the United Nations General Assembly such powers and remain within the legal and political definition of a treaty.

By invoking the name of the 'peoples of the United Nations,' then, the Charter of the United Nations envisioned a new constitution creating a new civil order capable of not only imposing obligations upon the subscribing nations, but also imposing obligations directly upon the peoples of those nations. In his special contribution to the United Nations Human Development Report 2000, United Nations Secretary-General Annan made this claim crystal clear:

Even though we are an organization of Member States, the rights and ideals the United Nations exists to protect are those of the peoples. No government has the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its peoples. Human Development Report 2000 31 (July 2000) [Emphasis added.]

While no previous United Nations' secretary general has been so bold, Annan's proclamation of universal jurisdiction over 'human rights and fundamental freedoms' simply reflects the preamble of the Charter of the United Nations which contemplated a future in which the United Nations operates in perpetuity 'to save succeeding generations from the scourge of war . . . to reaffirm faith in fundamental human rights . . . to establish conditions under which justice . . . can be maintained, and to promote social progress and between standards of life in larger freedom.' Such lofty goals and objectives are comparable to those found in the preamble to the Constitution of the United States of America: 'to . . . establish Justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the Blessings of liberty to ourselves and our posterity . . .'

There is, however, one difference that must not be overlooked. The Constitution of the United States of America is a legitimate constitution, having been submitted directly to the people for ratification by their representatives elected and assembled solely for the purpose of passing on the terms of that document. The Charter of the United Nations, on the other hand, is an illegitimate constitution, having only been submitted to the Untied States Senate for ratification as a treaty. Thus, the Charter of the United Nations, not being a treaty, cannot be made the supreme law of our land by compliance with Article II, Section 2 of Constitution of the United States of America. Therefore, the Charter of the United Nations is neither politically nor legally binding upon the United States of America or upon its people.

INTRODUCTION OF H.R. 906

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. QUINN. Mr. Speaker, on behalf of the gentleman from West Virginia, Mr. RAHALL, I would like to describe legislation we recently introduced, H.R. 906, the ''Surface Transportation Safety Act of 2003.''

Each year more than 42,000 people are killed and over three million people are injured on our nation's highways. Not only is the loss of human life tragic, but the $230 billion annual cost to our economy is staggering. Our bill expedites the use of proven solutions to reduce the likelihood of crashes, injuries, and fatalities on our roads and bridges.

H.R. 906 accomplishes these goals without requiring additional federal funding. It is designed to utilize funds already set aside for the Section 130 Rail-Highway Grade Crossing Program and the Section 152 Hazard Elimination Program. Since their inception, these programs have allocated money to the States to reduce accidents. This legislation is designed to reallocate precious tax dollars within the current programs to make them more effective. The bill clarifies and expands project eligibility and provides funding for improved State data collection, analysis and reporting.

In 1996, the U.S. Secretary of Transportation issued a report to Congress stating that the Section 130 Rail-Highway Grade Crossing Program prevented over 8,500 fatalities and close to 39,000 injuries since 1974. This report also stated that as a result of the Section 130 program, fatal accident rates have been reduced by 87 percent. Our legislation makes two major changes to existing law that will enhance the effectiveness of this program. It changes the funding for protective devices at rail-highway grade crossings to a fixed $150 million per year and it provides for the maintenance of protective devices at grade crossings.

H.R. 906 also makes several improvements to the Section 152 Hazard Elimination Program. First, it clarifies that these programmatic funds are to be used to produce real safety benefits by requiring that projects reduce the likelihood of crashes resulting from road departures, intersections, pedestrians, bicycles, older drivers, and construction work zones. In addition, our legislation makes fluorescent yellow-green signs in school zones, pedestrian walkways and bicycle paths eligible for funding as a safety improvement. Also added to the eligible funding list are police assistance for

traffic and speed management in construction work zones and the installation of barriers between construction work zones and traffic lanes for the safety of motorists and workers.

Mr. Speaker, roadway construction, maintenance and repair are readily apparent on our highways and in our neighborhoods. Construction work zone crashes killed 1,079 people in 2001. This is a 20 percent increase since 1995, not to mention the thousands of injuries that occur each year. These deaths and injuries will continue to escalate if we do not address this problem now. In this regard, H.R. 906 directs the Secretary of Transportation to issue a rule requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments.

To judge the effectiveness of these two safety programs, our bill requires a new biennial report to Congress without creating an unfunded mandate. States can use these funds to fulfill all data compilation, analysis, and reporting requirements. Finally, this bill maintains the flexibility States currently have to transfer funds from the two safety set-aside programs to the Interstate Maintenance, Congestion Mitigation and Air Quality, National Highway System, Bridge Replacement and Rehabilitation and Recreational Trails programs.

I urge my colleagues to cosponsor and support this important safety legislation.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GALLEGLY. Mr. Speaker, on February 27, 2003, I was unable to vote on the Greenwood Substitute to H.R. 534, the Human Cloning Act of 2003 (rollcall 37). Had I been present I would have voted ''no.'' Similarly, I was not present to vote on the motion to recommit H.R. 534 (rollcall 38) but I would have voted ''no.'' On final passage of H.R. 534, I was not present, but would have voted ''yea'' (rollcall vote 39).

HONORING SONJA MARIA MONTANO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the achievements of Sonja Maria Montano, a resident of La Junta, Colorado, before this body of Congress and this nation.

Over the past year, Sonja has received wide acclaim and numerous awards from Poetry.com, which first published her work, as well as the International Society of Poetry and Symposiums. Sonja was one of only thirty poets in the world invited to present her work to the ISPS spring convention in 2002. Now, Sonja's work has earned one of thirty-five nominations for the society's grand prize, presented by Pulitzer Prize winning poet W.D. Snodgrass.

Sonja, a promising writer as a teenager, gave up opportunities in creative writing to stay close to home and eventually raise a family. She found her voice again at the age of thirty-one when she began writing poetry on a bet with her nine-year-old son. After years of apprehension and reservations about her writing, Sonja has decided to become a poet.

Mr. Speaker, it is a great privilege to recognize Sonja Maria Montano before this body of Congress and this nation for her courage and creativity in pursuing her dreams. I wish her every success in her new career.

DARIEN'S 2003 CITIZEN OF THE YEAR

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today in honor of Father Gavin Quinn, the 2003 Citizen of the Year for Darien, Illinois.

The City of Darien lies within Illinois' 13th Congressional District. Because of residents like Father Quinn, Darien easily lives up to its motto—''a nice place to live.''

If you happen to find yourself in Darien, there is a good chance that you will hear Father Quinn's name mentioned, not only by members of his church community, but also among the many other residents of Darien. He seeks out anyone who can use a helping hand or a friend. He is especially valued for his work with teenagers, single parents and the sick and dying. Regularly visiting hospitals, he works to lift the human spirit or offer a willing ear.

Father Gavin is best described by one of his fellow citizens, who said: ''He is an extraordinary man who knows how to identify people in need and find a way of ministering to them. Father Gavin is a very compassionate man who reaches out to people of all faiths and in all walks of life. In short, I can think of no one who has made Darien a better place to live than Father Gavin Quinn.''

I could not agree more. Father Quinn is the kind of person who transforms a city into a community. Congratulations to Father Gavin Quinn, Darien's 2003 Citizen of the Year.

RECOGNIZING NATIONAL PEACE CORPS DAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. UDALL of Colorado. Mr. Speaker, last Friday, February 28th, we celebrated National Peace Corps Day, honoring the 168,000 Americans who have served as volunteers since the creation of the Peace Corps in 1961. These amazing men and women have served our nation in 136 countries. Peace Corps volunteers have made enormous contributions in the areas of agriculture, business development, education, health, and the environment, and in so doing have improved the lives of individuals and communities around the world. The Peace Corps has become an enduring symbol of out nation's commitment to encourage progress and create opportunity in the developing world.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national and community service. But I also have strong connections to the Peace Corps through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important Peace Corps connection for me is my mother, who served as a volunteer in Nepal decades ago.

Because of these connections I have a special interest in advancing the ability of the Peace Corps to play an important role in these new times. I believe we must work to continue to promote world peace and friendship through the people-to-people approach of the Peace Corps. That's why I worked with my colleague Rep. SAM FARR in the last Congress to introduce legislation known as the Peace Corps Charter for the 21st Century Act. We have reintroduced the bill again in this Congress as H.R. 250.

The ''Peace Corps Charter'' strengthens the Peace Corps in a number of ways. It restates and further promotes its goals—to provide technical assistance to those in need around the world, to promote better understanding of Americans on the part of the peoples served, and to bring the world home to America. It authorizes funding to allow for a Peace Corps expansion to 15,000 volunteers in five years. It reaffirms the independence of the Peace Corps. It authorizes a number of reports, such as one on host country security. It spells out a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations. It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS. It streamlines and empowers the Peace Corps Advisory Council, with an added focus of making use of the expertise of Returned Peace Corps Volunteers. Finally, the bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

The Peace Corps is one of the most admired and successful initiatives ever put in place. I'm proud that the following young people from the 2nd Congressional District are presently serving in countries all over the world: Vanessa Adams, Ben Armitage, Shaun Cosgrove, Amy Ellerman, Thomas Fleming, Megan Haldy, Rebecca Knerl, Lydia Labelle, Lynell Lacey, Benjamin Liu, Erica Manteuffel, Kelly Oberg, Stephanie Ogden, Kelly O'Rourke, Johanna Patrick, Matthew Rice, Kathleen Shannon, Mary Simonson, and Robert Sweetman.

A pebble tossed into a still pond creates ripples that begin small and grow larger. Peace Corps volunteers have had this same effect on the people they have touched. The Peace Corps experience exemplifies how individuals can make a tremendous difference in the lives and perceptions of people in developing countries as well as people right here at home.

National Peace Corps Day honors the volunteers, past and present, and reaffirms our

country's commitment to helping people help themselves throughout the world. Today I honor all of the men and women who have selflessly and generously served our country in the Peace Corps.

TO CLARIFY THE TREATMENT FOR FOREIGN TAX CREDIT LIMITATION PURPOSES OF CERTAIN TRANSFER OF INTANGIBLE PROPERTY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. SHAW. Mr. Speaker, along with my colleague, MARK FOLEY, I am introducing a bill that would eliminate a trap for the unwary that was inadvertently created with the Taxpayer Act of 1997. The bill would clarify the treatment for foreign tax credit limitation purposes of the income inclusions that arise upon a transfer of intangible property to a foreign corporation.

Section 367(d) of the Internal Revenue Code provides for income inclusions in the form of deemed royalties upon the transfer of intangible property by a U.S. person to a foreign corporation. Prior to the 1997 Act, these income inclusions under section 367(d) were deemed to be U.S.-source income and thus were not eligible for foreign tax credits. The international joint venture reforms included in the 1997 Act eliminated this special source rule and provided that deemed royalties under section 367(d) are treated as foreign source income for foreign tax credit purposes to the same extent as an actual royalty payment.

The amendments made by the 1997 Act were intended to eliminate the penalty that was provided by the prior-law deemed U.S. source rule and that had operated to discourage taxpayers from transferring intangible property in a transaction that would be covered by section 367(d). Prior to the 1997 Act, in order to avoid this penalty, taxpayers licensed intangible property to foreign corporations instead of transferring such property in a transaction that would be subject to section 367(d). The 1997 Act's elimination of the penalty source rule of section 367(d) was intended to allow taxpayers to transfer intangible property to a foreign corporation in a transaction that gives rise to deemed royalty payments under section 367(d) instead of having to structure the transaction with the foreign corporation as a license in exchange for actual royalty payments.

However, the intended goal of the 1997 Act provision is achieved only if the deemed royalty payments under section 367(d) not only are sourced for foreign tax credit purposes in the same manner as actual royalty payments, but also are characterized for foreign tax credit limitation purposes in the same manner as actual royalty payments. Without a clarification that deemed royalty payments are characterized for foreign tax credit limitation purposes in the same manner as an actual royalty payment, there is a risk in many cases that such deemed royalties would be characterized in a manner that leads to a foreign tax credit result that is equally as disadvantageous as the result that arose under the penalty source rule that was intended to be eliminated by the 1997 Act.

The bill I am introducing today provides the needed clarification that deemed royalties under section 367(d) are treated for foreign tax credit limitation purposes in the same manner as an actual royalty, ensuring that the penalty that was intended to be eliminated with the 1997 Act is in fact eliminated. Without this clarification, a taxpayer that transfers intangible property in reliance on the 1997 Act will find that its transfer is in fact effectively subject to the penalty that the taxpayer believed had been eliminated. Without the clarification, those taxpayers that have structured their transactions in reliance on the 1997 Act provision will be worse off than they would have been if the purported repeal of the penalty source rule had never occurred and they had continued to structure their transactions to avoid that penalty. This bill will achieve the intended goals of the 1997 Act and prevent a terrible trap for the unwary that has been inadvertently created.

HONORING MARY HAINING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize a family truly dedicated to developing leadership skills in the young people of their community. Mary Haining, and her family, of Delta, Colorado have shown exemplary dedication to the 4–H program through three generations of their family.

The 4–H program promotes leadership, citizenship, and community involvement in America's youth, qualities that the Haining clan personifies. Mary Haining began working with 4–H as a girl in Grand Junction, exploring her interests in entomology and rabbits. As a mother, she has served as a 4–H volunteer leader for thirty-eight years. Each of the Haining children was involved in 4–H for at least ten years. Mary Haining's daughter Joyce and son Ron are still active parent leaders of 4–H in Delta. Three of Mrs. Haining's grandchildren are studying sheep, beef, entomology, poultry, gardening, and archery through 4–H programs.

Mr. Speaker, it is a great privilege to recognize the Haining family for their long-time dedication to the 4–H cause. The Hainings, and the 4–H program which they have served devotedly, represent American ideals and the family values that make our communities strong.

TO REVOKE THE FEDERAL CHARTER GRANTED TO TREA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. KLECZKA. Mr. Speaker, today I am reintroducing a bill to revoke the federal charter that was to the Retired Enlisted Association (TREA) in 1992. TREA is an organization that has repeatedly targeted seniors with ''notch'' mailings that are deceptive, false, and designed to extort money from elderly persons, many of whom live on limited incomes.

The term ''notch'' refers to the difference in Social Security benefits paid to individuals born before 1917 versus those born between 1917 and 1921. This discrepancy arose because of a law enacted in 1972 providing automatic cost-of-living adjustments for Social Security recipients. However, the formula used to compute these annual increases was significantly flawed, causing benefits to rise faster than the rate of inflation.

In 1977, Congress corrected this defective formula (thereby reducing benefit levels) in order to prevent Social Security payments from skyrocketing. Had such revision not been made, many future beneficiaries would have received Social Security checks that were larger than their pre-retirement earnings. Moreover, the entire system would have become insolvent within 3 or 4 years.

The National Academy of Social Insurance, the General Accounting Office, the Social Security Administration, and the Congressionally-appointed Social Security Notch Commission have since concluded that the 1977 benefit changes were urgently needed and that Social Security beneficiaries born during the notch period are receiving correct benefit amounts. They also found that increasing benefits for ''notch babies'' would not only be unjustified, but would unnecessarily jeopardize the financial stability of the Social Security system.

Yet, despite these conclusive findings, TREA currently operates a multi-million dollar fundraising scheme based on the notch issue. This group tells seniors it is working hard to correct a notch ''problem'' that doesn't exist in an attempt to scam seniors out of their hard-earned money. Under the guise of advocating for legislative reform, TREA collected over $46 million from seniors over four years (1997 to 2000), and its moneymaking campaign continues.

In addition, the tactics used by TREA to solicit money from elderly individuals are deplorable. Included among TREA's numerous deceptive mailings are official-looking notch identification cards and registration forms that give the mistaken impression that this group has the authority to handle the distribution of Social Security benefits, TREA also sends solicitations containing replicas of Social Security checks, thereby reinforcing this image. Perhaps the most disturbing, the group's fundraising efforts have even included mailings that ask seniors to redraft their wills to make TREA a beneficiary.

In order to stop the exploitation of America's seniors, I am reintroducing a bill that would revoke the federal charter granted to TREA in 1992. While Congress rarely revisits a former charter decision, this group's persistent pattern of fleecing seniors clearly warrants such a step.

Federal charters are prestigious distinctions awarded to organizations with a patriotic, charitable, or educational purpose. Although intended as an honorific title, a federal charter implies government support for such organizations. Misleading America's seniors clearly violates the high standards held for chartered groups. Moreover, allowing TREA to maintain its charter would send a signal to the American public that Congress condones such behavior.

Six bipartisan members of the House Ways and Means Social Security Subcommittee have joined me today in support of this legislation-including Chairman SHAW and Ranking

Member MATSUI. I urge my colleagues to cosponsor this measure.

PURSUE A MULTI NATIONAL STRATEGY TO DISARM IRAQ

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. BOUCHER. Mr. Speaker, I rise today to urge in the strongest terms that the administration pursue a multi national strategy as it takes the necessary steps to disarm Iraq.

I share the administration's view that Saddam Hussein's weapons of mass destruction must be removed. In his present armed condition, he poses a significant threat to our Nation and to all peace loving nations around the world. I have no doubt that he possesses highly dangerous weapons, and based upon his past conduct, I also harbor no doubt that he would use those weapons against us or against our allied nations whenever he believes that doing so serves his interests.

It is clear that Saddam Hussein must be disarmed.

However, it is essential that the disarmament take place in the proper manner. The best opportunity for obtaining the disarmament of Iraq without the necessity of armed conflict lies in the assemblage of a large group of nations who collectively will insist that the disarmament occur. If, under the auspices of the United Nations, most nations of the world are facing Saddam Hussein united in the determination to remove his arms peacefully if possible but by force if necessary, the best chance is achieved for a peaceful disarmament to occur.

Then, if conflict is necessary, a broad assemblage of nations will share responsibility for taking the necessary steps. Moreover, that same large assembly of nations with United Nations participation, can then share both the cost and the responsibility for the administration and reconstruction of post-war Iraq.

Ten years ago, under a United Nations resolution, Iraq was expelled from Kuwait. The diplomatic offices of this nation were put to good use in persuading our allies to participate with us in the exercise.

That same course must be followed again, and I urge the administration in the strongest possible terms to take the time which is necessary to assure that broad international support underlies our efforts to ensure our security and the security of other nations through the disarmament of Iraq.

TRIBUTE TO JACLYN SOBOCIENSKI

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. OBEY. Mr. Speaker, I would like to take this opportunity to recognize the outstanding efforts made by Ms. Jaclyn Sobocienski who is leaving the House Appropriations Committee this week.

Jaclyn is a native of New York. She is a Magna Cum Laude graduate of Siena College, possessing a Bachelor of Arts degree in political science and a Bachelor of Science degree in finance. That alone made her a natural for the Appropriations Committee. She served as an intern in the New York State Assembly, and also worked for the New York Mets during summers between school years. On those few occasions where we gave her some time off, Jaclyn was active in dance, Italian language study, and travel.

She has been an administrative aide to the minority staff of the House Appropriations Committee since October 5, 2001. Just after she joined the Committee, the anthrax incident in the Longworth House Office Building occurred. Jaclyn not only was instrumental in getting our temporary alternate office up and running for the period that our Longworth office was closed, but also she reacted to the stress in a very professional and helpful manner that allowed the Members and the staff to get on with conducting the nation's business.

Jaclyn put in many long evenings in behalf of the Members of the Appropriations Committee, with direct support to the Democratic professional staff of the Committee. She tirelessly served as the liaison between the Committee and all Democratic House offices, the press, and the public. She succeeded in every task she was given.

I want to take this opportunity to publicly thank her for her outstanding efforts to me and to the Committee, and to wish her well in her new career. We will miss her, and wish her nothing but success and happiness.

INTRODUCTION OF THE FAMILY TIME FLEXIBILITY ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce The Family Time Flexibility Act, which allows employers to offer American workers the option of voluntarily taking compensatory time off in lieu of receiving overtime pay. I am pleased that 67 of my colleagues have joined me as original cosponsors of this pro-family, pro-worker, pro-women legislation.

One would think that providing working men and women with more control over their work schedules is a ''no brainer'', but private sector employees and employers alike are bound by the Fair Labor Standards Act of FLSA, which does not permit such flexibility. I think it's fair to say that this law, enacted during the depression, was designed for a very different workforce with very different needs.

Over the past 60-plus years, the American workplace has undergone a dramatic change in composition, character, and demands. What once was a static, agriculture- and manufacturing-based economy with a primarily male workforce has evolved into a fast-paced working environment based on global services and high technology with nearly equal numbers of women and men in the workforce.

Workers today, more than ever before, face a difficult dilemma: how to balance the demands of a job while having adequate time for family, friends and outside commitments. This situation has become even more pronounced because many American families now rely on two incomes to survive. And while this conflict weighs most heavily on women, all workers—regardless of gender—experience conflict between work and family, between watching their child's baseball game or going through that stack of papers on their desk.

The Family Time Flexibility Act will help to ease these pressures by providing the flexibility that working parents need to spend quality time with their families. This legislation amends the FLSA to allow private sector employees to access something that their colleagues working in federal, state and local governments have had for many years—the option of choosing either cash wages or paid time off as compensation for working overtime hours.

Before I go any further, I want to stress that nothing in this legislation would require employees to take comp time instead of overtime pay. Nor could employers force employees to take comp time. Rather they now can be given the choice of compensatory time or overtime. This bill does not relieve employers of any obligation to pay overtime.

As a matter of fact, my bill contains explicit penalties if an employer ''directly or indirectly intimidates, threatens or coerces'' an employee into taking comp time in lieu of overtime, and the penalties are more severe than under current law. Employers who engage in such behavior will be liable for double damages plus attorney's fees and costs. In addition, the other remedies included under the FLSA—including civil and criminal penalties and injunctive relief—still will apply. The employee may respond through a private right of action, or the Labor Department may sue on behalf of the employee. I also want to stress that this bill in no way affects or changes the standard 40-hour workweek.

Here's how the bill works. If the employer and the employee agree—or in union shops, the union and the employer agree through their collective bargaining agreement—to allow the employee to start accruing overtime hours as compensatory or family time, the employee may bank overtime hours and use them at a later time as paid time off.

As is currently the case with overtime pay, comp time hours would accrue at a rate of one and one-half hours of comp time for each hour of overtime worked. Employees could accrue up to 160 hours of comp time within a 12-month period.

This legislation contains numerous safeguards to protect employees. Let me reiterate that employers are explicitly prohibited, under threat of civil and criminal penalties, from attempting to directly or indirectly intimidate, threaten, or coerce any employee to take comp-time instead of cash pay as pay for overtime.

In addition, employers must obtain prior written approval from each employee who chooses comp-time in lieu of cash pay for overtime. And employees can withdraw their request to receive comp-time and go back to receiving cash pay at any time.

The legislation requires an employer to annually pay cash wages for any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cash-out of any or all of his or her accrued, unused comp time. The employer has 30 days in which to comply with the request. The legislation also requires an employer to provide the employee with at least 30 days notice prior to cashing out any accrued time in excess of 80 hours or prior to discontinuing a policy of offering comp time.

Employees are able to use their accrued comp time at any time, so long as its use does not unduly disrupt the operations of the business—this is the same standard used in the public sector and under the Family and Medical Leave Act. Employers also would be prohibited from requiring employees to take accrued time solely at the convenience of the employer.

Again, I want to reiterate that this legislation has no effect on the traditional 40-hour workweek or the way in which overtime is calculated.

Mr. Speaker, comp time makes for good policy and it also has another benefit—it makes employees happy. There always will be working men and women who want and need the extra pay that comes from working overtime hours. But for many workers, having the additional time off is a far more attractive option, and that's an option they should have.

Comp time also is good for business because smart companies know how flexibility can help efforts to recruit and retain top-notch employees. Concerns over the well-being of the family often force parents to leave jobs that do not fit their family needs or forego jobs that would put stress on home lives.

In sum, Mr. Speaker, The Family Time Flexibility Act is good for workers, it is good for women, and it is especially good for families. The bill updates an outdated law designed for the 1930s workplace and makes it relevant for today's workforce.

Today's working men and women want increased flexibility and choices regarding scheduling and compensation, yet federal law prevents them from having such options. I trust my colleagues agree that employees and employers should not be prevented from making mutually agreeable arrangements that meet both personal and business needs.

I think the time and circumstances are right for us to pass this much-needed legislation. I urge my colleagues to join this effort to pass a strong ''family time'' bill that will be good for workers, businesses, the economy, and America's families.

In closing, let me take a moment to recognize Congressman CASS BALLENGER for his dedicated and untiring work on the comp time issue and to the Chairman of the House Subcommittee on Workforce Protections, Representative CHARLIE NORWOOD, for his strong commitment to this issue. Finally, let me thank the Chairman of the full Committee on Education and the Workforce, JOHN BOEHNER, for his support of America's working men and women.

I urge my colleagues to join us in cosponsoring the Family Time Flexibility Act.

COMMENDING MEMBERS OF UNITED STATES ARMED FORCES AND THEIR FAMILIES FOR SELFLESS SERVICE DURING GLOBAL-WAR ON TERRORISM

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. J. Res 27. It is a privilege to take a few minutes to pay tribute to the men and women responsible for our national defense.

More than 1.4 million men and women make up America's active and reserve forces. I join my colleagues on both sides of the aisle in acknowledging the soldiers and sailors, airmen and marines in both the active and reserve components, who distinguish themselves daily in selfless service to this nation and bring great pride to us all.

Last month, I had an opportunity to recognize the accomplishments of nineteen members of our armed forces. In observance of African American history month, I chose to acknowledge African Americans who have served with distinction in the U.S. Armed Forces. Each day of the month, I distributed brief biographies to my colleagues, which honored the accomplishments of generals and privates, paratroopers, cooks, and nurses, who have contributed to our rich history. Many fought for freedoms they did not fully enjoy themselves.

It was interesting to learn that despite a diversity of ethnicity and culture, today's military men and women are not very different from the doughboys that fought in World War I, or the GIs who stormed the beaches in Normandy, or the troops who fought in Korea and Vietnam. From generation to generation, they continue to embody the qualities we respect in all walks of life and in all fields of endeavor; a commitment to excellence, a vision of a better future, and a dedication to selfless service.

It is both fitting and timely that we commend the members of the United States Armed Services today. However, I'd like to add two things to this tribute. First, I'd like to acknowledge our nation's military veterans. Their sacrifices have helped make America the world's best hope for freedom and lasting peace. And second, I'd like to acknowledge the families of those who serve our nation. It is a sacrifice to send your son or daughter, your husband or wife, into harms way. Your contribution to our nation's freedom is deeply appreciated.

TARIFF RELIEF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. KUCINICH. Mr. Speaker, on the one-year anniversary of the President's decision to impose temporary tariff relief on behalf of the domestic steel industry under Section 201 of the Trade Act, I speak in strong support of the tariffs and their continuation for the full three-year period ordered by the President.

Between 1997 and 2002, America's steel industry was under attack by foreign companies illegally dumping steel into the American economy, sending 35 steel companies into bankruptcy and costing 54,000 industry employees their jobs.

After a seven-month analysis, the International Trade Commission made a unanimous determination that the steel industry had suffered serious injury as a result of the surge of imports and voted to recommend a remedy.

One year later, this remedy is working and must be continued. Since the Section 201 relief was implemented, the industry is beginning to see signs of a recovery: domestic producers have experienced incremental improvements in revenues, operating income, and capacity utilization.

The tariffs have also caused a modest price recovery in the industry. Prices for hot rolled steel rose from historic lows of only $210 per ton in December 2001 to around $300 per ton today. But even so, prices for all major flat rolled products are still below 20-year historical averages.

Additionally, the industry has made significant progress toward restructuring and consolidation. The International Steel Group (ISG), which came into existence following its purchase of LTV, has agreed to acquire the assets of Bethlehem Steel. US Steel announced plans to purchase National Steel. Section 201 relief, if allowed to run its course, will result in a more competitive domestic industry.

The tariffs were a good start, and they must be allowed to continue. The United States has finally made clear that it is no longer willing to serve as the World's Steel Dumping Ground. The United States has also made clear that the national security of our country requires a strong and viable domestic steel supplier base. Only the continuation of the 201 tariffs will mitigate the harm of unfairly traded imports and assist the industry in a critical recovery. Keep the steel tariffs working!

HONORING THE 50TH ANNIVERSARY OF THE MYRTLE GROVE VOLUNTEER FIRE DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the 50th Anniversary of the Myrtle Grove Volunteer Fire Department. The Myrtle Grove Volunteer Fire Department, consisting of about two dozen men and women, made it first fire run on March 6, 1953.

The station was originally a single-bay building at the corner of 69th Avenue and Lillian Highway. The present building, at Lillian and 72nd Avenue, was completed in 1978. The community and volunteer firefighters raised the money together by knocking on doors.

Over 1,200 calls were taken last year by firefighters, both paid and volunteer, who work from the station to guard the Myrtle Grove area. This responsiveness has given the volunteer firefighters the credibility of professionals.

The Myrtle Grove company is a family-oriented group. Assistant Fire Chief Robert Jordan is the successor and grandson of the original fire chief John ''Pap'' Rolfs Sr. Carl Jordan, father of Robert, served as Assistant Chief for thirty years. Everyone, who serves in the station, is known to have close relationships with one another.

On behalf of the United States Congress and the people of Myrtle Grove, I would like to recognize this group of people for the standard of excellence and bravery that they have shown in their community. I offer my sincere thanks for all that they have done for Northwest Florida and this great Nation.

TRIBUTE TO JOHN PERNA AND SAGINAW HABITAT FOR HUMANITY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the outgoing director of Saginaw Habitat for Humanity, John Perna. Mr. Perna is leaving his position as director of the organization after six years in that post. He will be honored at a dinner on March 8th in Saginaw, Michigan.

John Perna's background as a student of theology at the University of Notre Dame and his work in church music ministry helped him to expand the Saginaw Habitat for Humanity. He started working for Saginaw Habitat for Humanity in 1996. At that time he was the only paid staff person. Four houses were built that year by the organization. Today, the staff includes seven full time employees, one part time employee and three Americorps members. The group anticipates completing sixteen houses in the Saginaw community this year including the Blitz 2003 when eight houses will be built in two weeks.

Saginaw Habitat for Humanity holds the principles of being an ecumenical, Christian housing ministry foremost in all its †endeavors. Committed to eliminating substandard shelter and homelessness from the area, Saginaw Habitat for Humanity has partnered with several area churches and organizations to make affordable, respectable housing available to all. Reflecting on the teachings of Jesus Christ, the members, volunteers and staff of Saginaw Habitat for Humanity have put their faith into action. A cornerstone of this action is the ''economics of Jesus,'' or volunteers responding to those in need. Together the homeowners, the construction volunteers, partner organizations like the Home Builders Association, the Michigan Prison Build Program, the Michigan National Guard and area High School building trades students contributed the sweat equity that made the dream of a new home a reality for several families.

Mr. Speaker, I ask the House of Representatives to join me in congratulating John Perna and Saginaw Habitat for Humanity for the work they have accomplished thus far. I wish Mr. Perna the best as he starts a new phase of his life, and I wish the best for the incoming director, Paul Warriner, along with the entire Saginaw Habitat for Humanity organization. May they continue in their work until every person has a decent place to live.

DOMESTIC VIOLENCE WEEK

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. OSE. Mr. Speaker, I rise today to offer my strong support for this week's campaign, ''Uniting Our Voices: Speaking Together to Speak Out,'' against domestic violence sponsored by Lifetime Television and the National Coalition Against Domestic Violence in coordination with the Congressional Caucus on Women's Issues.

I would like to commend these organizations for their hard work and continued efforts to raise awareness of domestic violence issues.

Domestic violence is a serious problem in this country. Nearly one third of American women (31 percent) report being physically or sexually abused by a husband or boyfriend at some point in their lives.

In my home state of California, it is reported that almost 6 percent of California's women suffer physical injuries as a result of domestic violence every year. In 2001, there were more than 52,000 domestic violence arrests, and ' law enforcement received 198,000 domestic violence calls.

Although domestic violence has traditionally been considered a problem primarily afflicting women, it does not just affect women and is not just a ''women's issue.'' It affects men, women and children; it affects American families and our communities.

Each year, an estimated 3.3 million children are exposed to violence in their homes, and statistics provided by the Department of Justice show that a child's exposure to domestic violence is one of the strongest factors in transmitting violent behavior from one generation to the next, increasing the likelihood of that that child will commit a violent act, continuing the cycle of violence.

Domestic violence is a problem that Americans must confront head-on in order to stop the cycle of violence occurring within our communities and throughout our country.

I support the Violence Against Women Act, it is an important bill whose effects have been far-reaching in all aspects of helping victims of domestic violence, but there is still much more to be done. We must continue to provide funding to domestic violence programs and work to close the loopholes in existing legislation.

VAWA and this week's campaign against domestic violence are just the first of many steps that must be taken in order to end domestic violence. I encourage my colleagues to work with me to further address issues of domestic violence so that we may work towards developing solutions, both locally and nationally, to end the cycle of violence in our communities and to put a stop to the problem of domestic violence.

ON THE OCCASION OF THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF THE NATIONAL WILDLIFE REFUGE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MORAN of Virginia. Mr. Speaker, one hundred years ago this month President Teddy Roosevelt set forth a vision and created a program to preserve unique and endangered species and the critical habitat they needed to survive. Pelican Island National Wildlife Refuge was the first of what are now 540 refuges and thousands of small prairie wetlands managed by the Fish and Wildlife Service. From that first refuge, there are now more than 95 million acres of protected habitat across the United States.

Looking back over the past 100 years, much has changed. The United States has transformed from an agrarian to a predominately urban, and now suburban society. Today, many of these refuges have become islands surrounded by human development and infrastructure. The wildlife they preserve, the species they protect have truly become refugees from an outside world, dominated by human interaction and presence.

Will they survive the next 100 years? I would like to think so. As we move forward, we are developing a stronger appreciation of what we have already lost and what more we must preserve. The Mason Neck National Wildlife Refuge, which was once in my congressional district, is relatively new. It was established in response to the near extinction of America's most prized symbol of freedom and independence, the American bald eagle. The return of the bald eagles and their subsequent recovery is a great success.

I am proud of my support for the National Wildlife Refuge system and particularly proud of the collaborative efforts I and my colleagues in Congress and at the local level made to protect more than 800 acres of environmentally sensitive land at Meadowood Farms that is adjacent to Mason Neck Refuge from development.

We are still at the early stages of learning how conservation and preservation must work over the long term to ensure a species survival. Conservation measures must be practiced not just on the refuges but outside the refuges as well. Biological corridors linking protected areas and critical habitat must be expanded; environmental hazards controlled; and a better understanding of how human interaction affects wildlife must be appreciated.

As time marches forward, I am optimistic that this same ethic that led to the creation of the first refuge multiplies with each new generation to ensure that the refuges of tomorrow and the year 2103 succeed at preserving what we hold dear today.

THE U.S. STEEL INDUSTRY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. ENGLISH. Mr. Speaker, Yesterday marked the one year anniversary of President Bush's historic stand against unfair steel imports. The President's decision to implement safeguard relief for steel products exemplifies the perfect case in which this type of trade law remedy was created for. Implementing a safeguard action on steel products was necessary, appropriate and permissible under both domestic law and our obligations within the World Trade Organization context.

The American steel industry was seriously injured as a result of repeated surges of low-priced steel imports that suppressed domestic steel prices to unsustainable 20 year lows. The impact of these import surges includes 35 American steel companies entering bankruptcy and the elimination of over 50,000 American steelworker jobs.

And yet, the bold safeguard action taken by the Bush Administration alone can not rectify the underlying practices leading to the import surges which placed the American steel industry in such peril. Make no mistake, the domestic steel industry is still very much threatened by enormous global market distortions. Massive foreign steel overcapacity continues to

disrupt the global steel trading system—foreign excess raw steelmaking capacity has averaged more than twice the level of average domestic steel consumption. Foreign governments and steel manufacturers have shown little interest in implementing meaningful capacity reduction programs. And the inefficient excess foreign steel capacity will continue to impose serious pricing pressures in the U.S. market as foreign producers attempt to unload their excess capacity whenever an opportunity presents itself.

This is precisely why I applaud President Bush for having the vision to implement such a broad and ambitious agenda for correcting the distortions in the steel marketplace which have made this threat as cyclical as the seasons themselves. Further, I applaud the Administration for actively implementing its three-part steel program and engaging all steel producing nations at the negotiating table. Specifically, the President's three-part plan will: seek the near-term elimination of inefficient excess capacity in the steel industry worldwide; eliminate the underlying market-distorting subsidies that led to the current conditions in the first place; and implementing the safeguard action for three years to allow for domestic steel industry restructuring and recovery.

All parts of the President's plan must be implemented in order to place our domestic steel producers on a level playing field. The domestic steel industry is a national asset and is inseparable from our nation's economic, political and military development. But while no one disagrees that the American steel industry is an integral component of our nation's economic base and critical to our national security, only a few voices speak loudly to decry the remedy as unfair to steel consumers. Mr. Speaker, I emphatically disagree.

The tariffs implemented under section 201 resulted from a thorough investigation of the facts. The U.S. International Trade Commission (ITC) conducted the most exhaustive investigation of its type in history. Foreign steel producers employed over thirty-four law firms and participated in more than three weeks of public hearings, submitting over 85 feet of legal briefs and arguments. Foreign and domestic interest groups., including domestic steel consumers, who were opposed to any form of relief for the domestic steel industry were given every possible opportunity to participate—and they did.

After this exhaustive investigation, the ITC unanimously found that the American steel industry had been seriously injured as a result of high levels of low-priced steel imports. Following the unanimous decision of injury by the ITC, the President reviewed the Commission's findings, considered if a safeguard action would have a greater positive effect on the economy than it would negative, and then imposed a reasonable set of tariff and tariff-rate-quota measures.

Mr. Speaker, up to this point I have detailed two separate mechanisms which facilitate the specific input of domestic steel consumers. It is evident that the facts in this case provide the merit for the President's safeguard action, that all interested parties had ample opportunity to participate in the investigation, and that, as part of a broader plan to reform trade distorting practices in this sector, the safeguard action is working without serious negative consequences to downstream industries.

Since the safeguard action was implemented one year ago, there has been a modest price recovery on steel products. Keep in mind, however, that the price of steel was at unsustainable levels prior to and had absolutely no where else to go but up. In fact, even after one year with the tariffs in place hot rolled steel prices are still below the twenty year average.

Steel supplies have also been robust since the safeguard action has been in place. Contrary to predictions, there is no evidence that the safeguard measure has unduly hampered import supply. Indeed, imports of flat-rolled steel increased substantially after the imposition of section 201 measures in 2002, as compared to the same period in 2001.

One goal of the safeguard statute is to achieve a period of breathing room from unfairly traded imports which allows the affected industry time to restructure. Since the safeguard action was implemented, domestic producers have enjoyed improvements in revenues, operating income, and capacity utilization. A number of companies have returned to profitability, while other companies have shown significant improvements even though they have not yet become profitable. The industry has made significant progress toward restructuring and consolidation. While recovery and restructuring will take time, the President's plan has allowed the industry to make a real start.

The crisis in steel is not yet over. It is not enough for Congress to look back on the actions already taken by the ITC and the President. Instead, Congress must continue to take an active roll, along with the President, and look toward completing the initiatives we have already begun. The safeguard action was put in place by President Bush for three years, declining each year it is in effect. The safeguard action must not be cut short and must run its full course. Further, great strides must be taken to facilitate a comprehensive and meaningful conclusion to the OECD high-level talks on steel.

Finally, the United States must also maintain and utilize strong trade laws which encourage free and fair trade. Over the long term, strong and full enforcement of U.S. anti-dumping and countervailing duty laws is the only means to encourage market behavior and deter the unfair trade practices that initially led to the steel crisis. These laws are critical to the long-term survival of the domestic steel industry. It is essential that our trade laws are fully enforced and that the Administration defend the integrity of this last line of defense against unfairly traded imports in negotiations for new international trade agreements.

THE U.S. STEEL INDUSTRY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the one-year Anniversary of President Bush's decision to impose temporary tariff relief on behalf of the domestic steel industry.

Since 1998, our domestic steel industry has been in crisis, with the worst year coming in 2001. The fundamental cause of this crisis was massive foreign overcapacity, which had caused the United States to become the dumping ground for world excess steel products. As a result of this, 35 steel companies have filed for bankruptcy, and over 50,000 American steel workers have lost their jobs.

In my home state of Illinois, the crisis has resulted in four steel companies filing for bankruptcy, including Laclede Steel and the parent company for Granite City Steel, which are in the Congressional District I represent. Approximately 5,000 steel workers have lost their jobs in Illinois alone.

In 2000, I joined my colleagues on the Congressional Steel Caucus in urging the President to implement a Section 201 investigation by the International Trade Commission to determine if our domestic markets had been harmed by illegal dumping. I also testified before the ITC to express my concerns regarding the steel crisis. The ITC ruled unanimously that the steel industry had indeed been harmed.

While the ITC's decision was welcome, it didn't guarantee relief for the domestic steel industry. That decision was left to the President to determine what type of remedy should be afforded to the industry. I was pleased that the President decided to impose the tariffs, rather than quotas, which would not have been as helpful to the industry.

Mr. Speaker, we have seen the positive results of the President's decision to impose tariffs. The steel industry is beginning to show signs of recovery. Prices are stabilizing and steel companies are returning to profitability. The industry is restructuring and consolidating. All of this has happened without hampering the availability of competitively priced steel products. In fact, steel imports were higher in 2002 than they were in 2001.

However, for the industry to continue its recovery, it is imperative that as the Section 201 tariff measures are reviewed, they remain fully enforced for at least three years as ordered by the President, and that exemptions to the tariffs are limited.

I urge my colleagues to join me in supporting our domestic steel industry by supporting the existing tariffs on foreign steel. This support will allow for the continued recovery of this nation's domestic steel industry.

INTRODUCTION OF THE INSTALLMENT SALE PRODUCTION ACT OF 2003

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HERGER. Mr. Speaker, I am today introducing legislation that would restore effective use of the installment method of accounting to long-term service business owners who sell their business interests.

The installment method of accounting allows a seller to pay tax on the gain from a sale as the seller receives the sale proceeds. This tax treatment matches the time for paying the tax to when the seller has the cash with which to pay that tax.

As many Members are aware, in the 106th Congress, we acted on a recommendation from the Clinton Administration to repeal the installment method of accounting for accrual

basis taxpayers. Only after such change became law did we discover that we had effectively eliminated the installment method of accounting for many small business owners and, as a result, made it much more difficult for those business owners to sell their businesses. These business owners were forced to pay the entire federal income tax due on the sale of their business in the year of sale, even though the proceeds of the sale would be received over several years. This up-front demand by the government forced business owners to borrow to pay the tax or to accept lower sale prices in order to induce buyers to pay enough up-front to cover the seller's tax. To its credit, the Congress admitted its mistake and retroactively restored the installment method to accrual basis taxpayers in the Installment Tax Correction Act of 2000 (P.L. 106–573), which was enacted on December 28, 2000.

While restoring the installment method for accrual method taxpayers in 2000 was the right thing to do, it did not go far enough in remedying the installment sale problems of business owners. Despite the clear policy decision by Congress in 2000 to permit sellers of businesses to use the installment method, some long-term business owners continue to be required to pay a significant portion of total taxes upon entering into an installment sale of their business, even though they have not yet received any significant part of the sale proceeds.

An exception to the installment sale method of accounting requires taxpayers to pay all tax attributable to depreciation recapture in the year of a sale. This depreciation recapture rule was adopted in 1984 in order to prevent taxpayers from engaging in ''churning'' transactions, sale/leasebacks, and other tax shelter transactions involving real estate and equipment. However, the recapture provision was expanded well beyond its original purpose in 1993 in connection with legislation relating to the treatment of intangibles. Unfortunately, Congress may not have fully appreciated the consequences to sellers of business interests.

In 1993, the Congress adopted rules to clarify the amortization of acquired intangibles (e.g., goodwill, going concern value). The 1993 change required intangibles to be written off over a 15-year period, but specified that any gain on the sale of the intangibles attributable to previous amortization deductions would be treated as depreciation recapture. As a result, tax on this gain must be paid immediately in the year of sale. Because these new rules generally applied to intangibles acquired after August, 1993, business owners are now only just beginning to feel the effects of the recapture rule. This rule is having a particularly adverse effect on service businesses, because intangibles such as goodwill and going concern value represent a major portion of the value of those businesses.

For a simplified example, take the case of a business owner who purchased an interest in an architectural firm for $100 in 1993, substantially all of the value of which was attributable to going concern value. The owner, who has actively participated in the business, retires in 2009 and sells the business for $200, payable in ten equal annual installments. This sale would produce $100 of capital gain (at an assumed tax rate of 20%) and $100 of ordinary income (at an assumed tax rate of 33%), generating a total tax of $53. Because of the intangibles recapture rule, the seller will have to pay $35, or 66% of the total tax, in the first year, despite having received only 10% of the sale proceeds in that year. This result is clearly inequitable and defeats the purpose of allowing business owners to use the installment method of reporting gain from the sale of the business. Moreover, the result is especially harsh in cases where a business owner is retiring and selling the business.

My bill would allow a long-term active participant in a service business to report intangibles recapture gain on the installment basis along with other gain from the sale. The legislation would not change the character of any gain. As such, intangibles recapture gain would continue to be ordinary income to reflect the fact that it previously gave rise to an ordinary deduction. The bill is limited to long-term participants because they are the individuals who would otherwise be likely to suffer the greatest hardship under the recapture rule and who are most likely to be relying on installment sale payments to supplement their retirement income.

Specifically, my bill would allow an individual who has been an active participant for five of the prior seven years in a business in which capital is not a material income-producing factor (i.e., a service business) to report on the installment basis any intangibles recapture income resulting from the disposition of an interest in the business.

Because this proposal does not apply to depreciation recapture from tangible property, the proposal does not conflict with the original goals of Congress in adopting the depreciation recapture exception to the installment sale rules. Specifically, this is not a change that would permit tax sheltering through any sort of ''churning'' transactions,

While this proposal does not address all of the potential cases in which the installment sale method is unavailable upon the sale of a business, it does go a long way towards addressing one of the most egregious situations. I urge my colleagues to support this worthy legislation.

INTRODUCTION OF THE CLASS ACTION FAIRNESS ACT OF 2003

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friends from Virginia, Mr. BOUCHER and Mr. MORAN, and the Chairman of the Judiciary Committee, Mr. SENSENBRENNER, the Class Action Fairness Act of 2003.

This much-needed bipartisan legislation corrects a serious flaw in our federal jurisdiction statutes. At present, those statutes forbid our federal courts from hearing most interstate class actions—the lawsuits that involve more money and touch more Americans than virtually any other type of litigation in our legal system.

The class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would otherwise go unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions are increasingly being used in ways that do not promote the interests they were intended to serve.

In recent years, state courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various states, the same class might be certifiable in one state and not another, or certifiable in state court but not in federal court. This creates the potential for abuse of the class action device, particularly when the case involves parties from multiple states or requires the application of the laws of many states.

For example, some state courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend itself Other state courts employ very lax class certification criteria, rendering virtually any controversy subject to class action treatment. There are instances where a state court, in order to certify a class, has determined that the law of that state applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that state applicable nationwide.

The existence of state courts that broadly apply class certification rules encourages plaintiffs to forum shop for the court that is most likely to certify a purported class. In addition to forum shopping, parties frequently exploit major loopholes in federal jurisdiction statutes to block the removal of class actions that belong in federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive federal law claims or shave the amount of damages claimed to ensure that the action will remain in state court.

Another problem created by the ability of state courts to certify class actions which adjudicate the rights of citizens of many states is that often times more than one case involving the same class is certified at the same time. In the federal court system, those cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in state courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases makes the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case, and an opportunity for the defendant to play the various class counsels against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement, at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in federal court. It would expand the statutory diversity jurisdiction of the federal courts to allow class action cases involving minimal diversity—that is, when any plaintiff and any defendant are citizens of different states—to be brought in or removed to federal court.

Article III of the Constitution empowers Congress to establish federal jurisdiction over diversity cases—cases ''between citizens of different States.'' The grant of federal diversity jurisdiction was premised on concerns that state courts might discriminate against out of state defendants. In a class action, only the citizenship of the named plaintiffs is considered for determining diversity, which means that federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same state as the defendant, regardless of the citizenship of the rest of the class. Congress also imposes a monetary threshold—now $75,000—for federal diversity claims. However, the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the statutory minimum.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law, a citizen of one state may bring in federal court a simple $75,001 slip-and-fall claim against a party from another state. But if a class of 25 million product owners living in all 50 states brings claims collectively worth $15 billion against the manufacturer, the lawsuit usually must be heard in state court.

This result is certainly not what the framers had in mind when they established federal diversity jurisdiction. Our bill offers a solution by making it easier for plaintiff class members and defendants to remove class actions to federal court, where cases involving multiple state laws are more appropriately heard. Under our bill, if a removed class action is found not to meet the requirements for proceeding on a class basis, the federal court would dismiss the action without prejudice and the action could be refiled in state court.

In addition, the bill provides a number of new protections for plaintiff class members including a requirement that notices sent to class members be written in ''plain English'' and provide essential information that is easily understood. Furthermore, the bill provides judicial scrutiny for settlements that provide class members only coupons as relief for their injuries, and bars approval of settlements in which class members suffer a net loss. The bill also includes provisions that protect consumers from being disadvantaged by living far away from the courthouse. These additional consumer protections will ensure that class action lawsuits benefit the consumers they are intended to compensate.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anybody's rights to recovery. Our bill specifically provides that it will not alter the substantive law governing any claims as to which jurisdiction is conferred. Our legislation merely closes the loophole, allowing federal courts to hear big lawsuits involving truly interstate issues, while ensuring that purely local controversies remain in state courts. This is exactly what the framers of the Constitution had in mind when they established federal diversity jurisdiction.

I urge each of my colleagues to support this very important bipartisan legislation.

MEDICAL LIABILITY INSURANCE CRISIS RESPONSE ACT OF 2003

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. SANDLIN. Mr. Speaker, I am pleased today to introduce legislation that actually addresses the skyrocketing medical malpractice insurance premiums of such concern to physicians and other health care providers all across our Nation.

The ''Medical Liability Insurance Crisis Response Act of 2003'' takes significant steps directly to address the insurance premium crisis that plagues what is otherwise the finest health care system in the world.

First, the bill proposes a partial repeal of the McCarran-Ferguson Act to limit the antitrust exemption currently covering the medical malpractice insurance industry.

Second, the bill addresses the current economic strain faced by many health care providers by requiring the prompt payment of undisputed claims by health insurance carriers and penalizing those carriers who fail to comply.

Third, the bill authorizes the creation of a National Nurse Service Corps Scholarship Program to address our health care system's dire nursing shortage. It takes steps to improve recruitment, retention and education of our Nation's nurses.

Fourth, the bill proposes medical malpractice liability reform by requiring mandatory mediation of all malpractice claims before trial, by taking steps to prevent the filing of frivolous medical malpractice claims through the imposition of sanctions and other measures, and by requiring that plaintiffs in medical malpractice litigation to file an affidavit of merit prior to the commencement of any litigation.

Fifth, the bill directly addresses the medical malpractice insurance problems confronting our Nation's health care providers. It creates an Advisory Commission on Medical Malpractice to conduct an examination of current problems and, within one year, to provide to the Congress specific legislative and regulatory recommendations to solve the problem. It further freezes medical malpractice insurance rates during the period of the Commission's study. The bill provides significant disincentives to medical malpractice insurance carriers to address the current problems of industry exodus and renewability of coverage. It requires medical malpractice insurance carriers to offer coverage to any physician with no medical malpractice claims during the previous three years and imposes significant disclosure obligations on carriers to allow more informed monitoring of the industry with the goal of averting similar crises in the future. In addition, it limits the ability of carriers to raise malpractice insurance premiums without a clear demonstration of business necessity.

Sixth, the bill expresses the sense of Congress that states should consider additional and alternative methods to address medical malpractice insurance rates.

Finally, the bill provides tax incentives to physicians who practice in high-risk specialties or medically underserved areas to encourage them to maintain their current practices and provide improved access to our Nation's health care system.

THE COMMERCIAL TRUCK HIGHWAY SAFETY DEMONSTRATION PROGRAM ACT OF 2003

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MICHAUD. Mr. Speaker, today, along with my good friend TOM ALLEN, I am introducing the Commercial Truck Highway Safety Demonstration Program Act of 2003. This bill would allow Maine to increase the weight limits for trucks on interstate highways, by granting a three-year waiver of federal rules. It mandates a study process that will help demonstrate the positive safety effects of these changes, and permit the waiver to be extended pending these safety determinations.

This bill is important both for public safety and economic reasons. The administration of the current 80,000 pound federal weight limit law in Maine has forced heavy tractor-trailer and tractor-semitrailer combination vehicles, traveling into Maine from neighboring States and Canada, to divert onto small State and local roads where higher vehicle weight limits apply under Maine law.

The diversion of those vehicles onto such roads causes significant economic hardships and safety challenges for small communities located along those roads. Permitting heavy commercial vehicles to travel on Interstate System highways in Maine would enhance public safety by reducing the number of heavy vehicles that use town and city streets, and as a result, the number of dangerous interactions between those heavy vehicles and other vehicles such as school buses and private cars.

It would also reduce the net highway maintenance costs in Maine because the Interstate System highways, unlike the secondary roads of Maine, are built to accommodate heavy vehicles and are, therefore, more durable.

Finally, this bill would ensure that Maine can remain competitive in the transportation and manufacturing sectors, and that our neighbors do not pass us by in development. This change is fair, and will promote parity in transportation throughout New England.

I urge my colleagues to support this bill, which will enhance safety, lower maintenance costs, and promote economic development.

HONORING RIDGEWOOD BAPTIST CHURCH IN JOLIET, ILLINOIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. WELLER. Mr. Speaker, I rise today to honor the Ridgewood Baptist Church in Joliet, Illinois. The Ridgewood Baptist Church is celebrating its 100th anniversary on March 9, 2003.

In 1888, Mr. William Rix, Mr. Hartwell, and Reverend J. W. Conley started Sunday School meetings that were held in various homes. In 1891, an unsightly building formerly used as a pest house was cleaned and renovated. This is where the first Sunday School session was held with George L. Vance acting as Superintendent. In 1895, property was purchased on the southeast corner of Brown and Leach Avenues at a cost of $400. A Chapel was built

and dedicated in November 1896, at a total cost of slightly more than $2500 and at that time was nearly debt-free. On March 8, 1903, 32 people met in the chapel and organized themselves into what has since been known as the Ridgewood Baptist Church. During that March, a church covenant was adopted, a baptistry was built and the Plano Baptist Church donated their old church pews. Out of this humble beginning, Ridgewood Baptist Church emerged.

The Church has grown in many ways since its humble beginnings. Today, around 300 people attend services at Ridgewood Baptist Church. In 1974, the Church opened its doors to their new school, Ridgewood Baptist Academy. Reverend Albert Baker is the current pastor of the Church. Reverend Baker's vision for the church is to have more land for the sports programs at the school. He also desires spiritual growth for his people and a desire to share their worship with others.

Mr. Speaker, I urge this body to identify and recognize other groups in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

HONORING ROY T. YANASE, D.D.S.

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to recognize my friend and true legend, Dr. Roy Yanase, a nationally and internationally prominent prosthodonist. I have known Dr. Yanase for more than a decade and am honored to pay tribute to his professional accomplishments and his dynamic mentoring of hundreds of dental students throughout Southern California.

Dr. Yanase's energy is boundless, his smile matchless, and his compassion far-reaching. He graduated from the University of Southern California in 1969 and returned there for advanced training in a residency to obtain his Board Certification as a Prosthodontist in 1981. Dr. Yanase has been on the faculty of the University of Southern California School of Dentistry since 1969 and presently serves as a Clinical Professor of Continuing Education and Advanced Prosthodontic Education.

Over the past 25 years, Dr. Yanase has lectured internationally and throughout the United States. His writings on the specialty of prosthodonties have appeared in several publications as well as three major textbooks.

Dr. Yanase has held responsible positions in several national and regional organizations including serving as Founder, President and current Treasurer of the Osseointegration Study Club of Southern California; member of the Board of the American College of Prosthodontists and President of its California Section; Prosthodontic consultant for the California State Board of Dental Examiners; President of the Southern California Japanese-American Dental Society; and President of the Pacific Coast Society of Prosthodontists.

Dr. Yanase has been elected as a Fellow of the American College of Dentists, the International College of Dentists, the American College of Prosthodontists, the International College of Prosthodontists, the Pierre Fauchard Academy and the Academy of Dentistry International.

Besides his Fellowships, Dr. Yanase is an active member of the Pacific Coast Society of Prosthodontists, American Academy of Geriatric Dentistry, the Newport Harbor Academy of Dentistry, Omicron Kappa Upsilon and the Japanese American Dental Society.

Dr. Yanase and his wife Regina have been married for 33 years and live in Torrance.

Mr. Speaker, it is with tremendous pride that I recognize the exceptional life of Dr. Roy Yanase. I congratulate him for his many accomplishments and wish him and his family the best of luck in years to come.

JAPANESE AMERICANS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HONDA. Mr. Speaker, one of the most concise rebuttals that I have read to the notion that Japanese Americans were placed in the camps because they either posed a national security threat or for their own safety comes from a law professor from the University of North Carolina, Chapel Hill in a letter dated February 7, 2003. 1 would like to submit this letter at this point in the Record.

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Chapel Hill, North Carolina, February 7, 2003.

Hon. HOWARD COBLE,

U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE COBLE: I am a professor of law at the University of North Carolina School of Law in Chapel Hill. My areas of expertise include constitutional law and especially the story of the internment of Japanese Americans during World War II. My book on the subject, Free to Die for their Country: The Story of the Japanese American Draft Resisters in World War 11 (Univ. of Chicago Press, 2001), was named one of the Washington Post's Top Nonfiction Titles for 2001.

I have followed with interest and concern the story about your comments on the radio on Tuesday morning to the effect that you support the internment of Japanese Americans during World War II, and that the Roosevelt administration interned Japanese Americans to protect them.

I note that you were quoted in the High Point Enterprise as saying the following: ''I still stand by what I said . . . that, in no small part, it (internment) was done to protect the Japanese-Americans themselves.'' The article further states that you said that if it were proven to you that protecting Japanese Americans was not one of FDR's motivations, you will apologize.

Here is the proof.

Just after the Pearl Harbor attack, FDR, asked Navy Secretary Frank Knox to investigate the possibility, that Fifth Column work by people of Japanese ancestry in Hawaii had contributed to the success of the Japanese sneak attack. Knox reported his conclusions to FDR by December 15, and on that day, said to reporters that he thought ''the most effective Fifth Column work of the entire war was done in Hawaii with the possible exception of Norway.'' J. Edgar Hoover immediately registered his strong disagreement with Knox's conclusions, and it turns out that Knox was wrong and Hoover was right. But it was Knox's views that were made public, and they triggered hysteria on the West Coast.

Well before the war, FDR, anticipating a possible war with Japan, had commissioned his own secret intelligence investigation of Japanese aliens and their loyalties. Leading this effort were John Franklin Carter (an author and columnist) and Curtis Munson (a prominent Republican businessman). And the Office of Naval Intelligence (''ONI'') and the FBI were for quite some time before Pearl Harbor, gathering names of Japanese aliens who might need to be apprehended in the event of war. ONI and the FBI actually compiled a list of such aliens which came to be called the ''ABC'' list—so named because the list presented three categories (Category A, Category B, and Category C) of potentially dangerous aliens. (In the days after Pearl Harbor, all of the aliens in these three categories were in fact arrested—a total of some 1500.)

Carter and Munson's investigations had led them to conclude that the overwhelming majority of Japanese aliens and an even greater percentage of American citizens of Japanese ancestry were in fact loyal to the United States, and that of those whose loyalty was even questionable, few could be expected even to consider actually doing something to support Japan or undermine the United States. Carter and Munson grew alarmed by Knox's report and the anti-Japanese outcry that followed it.

Carter and Munson quickly put together a plan for FDR's consideration that was designed to bolster the Japanese American communities of Hawaii and the West Coast. Their plan called for a number of things: FDR was urged to go on record as believing in the loyalty of American citizens of Japanese ancestry (the ''Nisei''). The Nisei should be invited to volunteer (and then should be accepted) for patriotic service in the Red Cross and civilian defense. The Nisei should be encouraged to take control of their alien parents' property. Once investigated, the Nisei should be allowed to take jobs in defense plants. Carter and Munson also urged the government to work closely with the Japanese American Citizens League, which had indicated its willingness to serve as a loyal liaison with the Japanese American community.

The goals of the Carter-Munson plan were many, but they included the discouragement of vigilante violence against Japanese Americans and Japanese aliens. The hope was that if FDR came out quickly and loudly in support of people of Japanese ancestry, and involved them quickly in activities that would permit their loyalty and patriotism to shine through, others would not see them as a threat.

The Carter-Munson plan was submitted to Roosevelt before Christmas. By mid-January, it was completely forgotten—suspended by other pressures that I'll detail in a moment. And here's the important point: the Carter-Munson plan was the only plan for dealing with Japanese Americans that took their security into account in any way. It never got off the ground.

Why didn't it get off the ground? For four main reasons.

First, by late January 1942, General John DeWitt (the commanding officer of the West Coast Defense Command) and his advisor Karl Bendetsen had become persuaded that mass action to remove all people of Japanese ancestry from the West Coast was necessary for military reasons. Their viewpoint was fed largely by outrageous rumors of Japanese American subversion, none of which ever panned out.

Second, by mid-January, a rabidly racist press along the Coast had begun campaigning for the eviction of all ''Japs'' from the area—not for their protection, but because they could not be trusted.

Third, white farmers in California began lobbying ferociously for the removal of all people of Japanese ancestry—not to protect them, and not even really for national security reasons, but to drive the very successful Japanese farming industry out of business.

And fourth, their lobbying, and the voices of the editorialists, succeeded in pushing most of the congressional delegations of the West Coast states to demand mass exclusion.

As Professor Greg Robinson says in his authoritative treatment of the subject, ''By Order of the President; FDR, and the Internment of Japanese Americans'' (Harvard U. Press, 2001). ''the binding factor among these disparate social, economic, and military forces was racial animosity toward Japanese Americans.'' (p.90)

Through late January and early February, Attorney General Francis Biddle, and his staff fought with the military to prevent mass action against Japanese Americans. But it was too late. On February 11, 1942, Secretary of War Henry Stimson sent FDR a memo asking whether he'd be willing to support ''mov[ing] Japanese citizens as well as aliens from restricted areas.'' Getting no response, Stimson phoned FDR on February 15 to ask for a meeting on the memo. FDR said he was too busy for a meeting, but in ''very vigourous'' tones told Stimson that the military should do whatever they thought best. FDR predicted that ''there would probably be some repercussions but it has got to be dictated by military necessity.''

On February 19, 1942, FDR signed Executive Order 9066, which gave the military cart blanche to do what they wished with Japanese, aliens and American citizens of Japanese ancestry along the West Coast.

There is the proof. A concern for protecting Japanese Americans had nothing whatsoever to do with the decision to force Japanese Americans behind barbed wire. Nothing.

(My sources for this account include Greg Robinson's book, Peter Irons's Justice at War, and Personal Justice Denied, the report of Congress's Commission on the Wartime Internment and Relocation of Civilians. This, you'll recall, was the fact-finding Commission that Congress created in the early 1980s to investigate the internment. Their report, condemning the internment, led to the passage of the Civil Liberties Act of 1988, signed into law by President Reagan, which apologized to surviving internees for the internment, and authorized the payment to each of them of a token $20,000 redress payment. You will also recall that you spoke and voted against this bill.

I hope that you will take this opportunity to admit the mistake in your comments of Tuesday morning and apologize for them.

Thank you for considering this.

Sincerely,

ERIC L. MULLER,
Professor of Law.

INTRODUCTION OF THE AMERICA'S WILDERNESS PROTECTION ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. OTTER. Mr. Speaker, I rise before the House today to introduce the America's Wilderness Protection Act—a bill to apply urgency and accountability to the process of evaluating potential wilderness by setting firm deadlines.

There are 666 wilderness study areas across the nation that were designated more than 10 years ago, totaling nearly 23 million acres in 18 states. In Idaho alone there are 86 wilderness study areas totaling about 3.1 million acres.

Sixty-three of the 67 Idaho parcels managed by the Bureau of Land Management have been locked up since the early 1980s—even though 40 of them have been found unsuitable for wilderness protection. The other four have been withdrawn from multiple-use since 1976. Most of the 19 Forest Service wilderness study areas have been in place since the mid-l980s and two have held that status since 1972.

That means Congress has dragged its feet and obstructionists have gladly accepted the do-nothing status quo on these lands through the administrations of seven presidents and during the entire lifetime of many working people in Idaho.

The problem stems from the failure of the Wilderness Act of 1964 and the Federal Land Policy and Management Act of 1976, which created the wilderness study area process, to provide for release of areas eventually deemed unsuitable for wilderness designation.

America's Wilderness Protection Act addresses that intractable situation by establishing a timetable for completion of wilderness studies. Lands designated as study areas would be released from that status on the earlier of: (1) 10 years after the legislation is enacted; (2) the date the area is designated wilderness by Congress, or (3) the date that the secretary of Interior or Agriculture determines the area is unsuitable for wilderness designation.

In the past, some have referred to acreage allowed to languish as wilderness study areas for decades as ''de facto wilderness.'' This term is too kind. Designated wilderness has the advantage under law of being actively managed to retain its values. Wilderness study areas, on the other hand, are virtually untouchable. These lands are left to overgrowth, disease and infestation by noxious weeds and other invasive species. They become ripe for catastrophic wildfires that threaten not only the acreage being ''studied'' for preservation but nearby private and public land as well.

Critics contend this bill would eliminate any incentive for ranchers and other multiple-use advocates to become engaged in earnest discussions of possible wilderness designations. The argument goes that they would only have to wait out the process and protection ultimately would be denied any parcel they choose. That couldn't be further from the truth.

There are no more avid outdoors enthusiasts and conservationists than those who make their living from the land. They have a deep understanding of the cycles of life and the value of protecting and cherishing the natural world. They appreciate the importance of stewardship; it's a principle they embody every day.

While the land itself is timeless, the scenic, cultural, habitat and aesthetic values of any particular tract—if left to the ravages of time—are decidedly limited. Just as vulnerable are the economic futures of the many families whose livelihoods have been stripped away by the loss of access to so much of what now can only laughingly be called 'public' land in the West.

This legislation promotes resolution and collaboration. After a generation of paralyzing indecision and refusal to accept responsibility, the 108th Congress has an historic opportunity—if it can muster the wisdom and courage to embrace it.

CONGRATULATIONS TO CONGRESSMAN VERNON J. EHLERS

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOEKSTRA. Mr. Speaker, I rise today to congratulate my colleague, Congressman VERNON J. EHLERS of Grand Rapids, MI, on receiving the prestigious 2002 Philip Hauge Abelson Prize.

The Abelson Prize is awarded annually to honor a public servant for exceptional contributions to advancing science, or a scientist for a distinguished career of scientific achievement. It is granted by the American Association for the Advancement of Science (AAAS), the world's largest general scientific organization and publisher of the journal, ''Science.''

This award is much deserved. Congressman EHLERS received his Ph.D. in nuclear physics from the University of California at Berkeley in 1960. In 1966 he began teaching at Calvin College in Grand Rapids, MI and later became chairman of the college's physics department. Following a distinguished career in teaching, scientific research and community service, Congressman EHLERS joined this body in 1994, becoming the nation's first research physicist elected to Congress. He serves the 3rd Congressional District of Michigan, which directly borders the district I represent.

While serving, Congressman EHLERS has employed his scientific expertise to the benefit of our country. In 1997 the House Speaker selected him to review and restate the nation's science policy. The study, ''Unlocking Our Future: Toward a New National Science Policy,'' was the first full policy statement on federal science and technology by the U.S. Congress. In addition, he currently serves as Chairman of the Subcommittee on Environment, Technology and Standards for the House Science Committee.

Mr. Speaker, Congressman EHLERS brings to this body both a unique scientific background and a strong commitment to use his knowledge and abilities for the public good. Please allow me to congratulate him once again on his most recent honor and thank him for his exemplary public service.

THE PRESIDENT STILL HAS NOT MADE THE CASE THAT WAR AGAINST IRAQ IS NECESSARY AT THIS TIME

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to express my grave concern over the Bush Administration's approach toward Iraq.

I believe that this Administration is now, and has always been, determined to go to war and that it has never taken all the steps available

to avert a war while also achieving its goals toward that country.

This Administration's approach ill serves the American people and is dangerous for America's position in the world.

Iraqi leader Saddam Hussein should adhere to the demands of the United Nations Security Council to destroy any weapons of mass destruction, to refrain from further development of such weapons, and to cease and desist from hostilities towards his own people and his neighbors. He has not yet done so.

But the fact is that the United States has never given the United Nations process its full respect. The President's national security advisors have said they have intelligence to prove that Iraq is failing to comply with the United Nations' resolutions and is deceiving the weapons inspectors, but it has not fully divulged that intelligence to the inspectors.

The President has said that the United Nations must vote to use force because the weapons inspections are not working. And yet he has never advocated for a robust weapons inspection regime. Even though chief weapons inspector Hans Blix is reporting that progress is being made, albeit slowly, the fact is that we could have made even more progress with a tripling of the inspections team and an early insistence on the use of U2 spy plane overflights.

The President has an obligation to take every step possible short of war before determining whether or not war is necessary. I do not believe that the conclusion today can be reached that war is necessary.

I believe that more time can safely be given to weapons inspections without risking a unilateral attack by Iraq against the United States or our allies.

I do not believe that the facts indicate that Iraq poses a threat to the security of the United States.

But perhaps just as important, I believe that the weapons inspection regime is keeping Saddam Hussein occupied and that an even more robust weapons inspection regime would cripple any offensive capability he might contemplate.

Mr. Speaker, America's standing in the world is jeopardized by the President's position on Iraq.

President Bush has stood by while North Korea becomes a nuclear nation, but he has badgered and bullied nearly every nation in the world to support his position against Iraq, whose military capabilities are far more limited than those of North Korea. The world community has rarely received such bellicose and belligerent treatment as they have from the United States on the issue of Iraq.

The President weakens the international alliance against terrorism and other world threats as he bullies nations to support his march to war.

These nations are not admirers of Saddam Hussein, but they are opponents of war when war has not yet been proven to be necessary.

And the American people are not admirers of Saddam Hussein. But they too strongly believe that war must be the last resort and only when absolutely necessary and only with international support. This Administration chose war as its first response and has not changed course since.

Mr. Speaker, I would hope that the Administration would strongly consider world opinion that advocates more time for weapons inspections. I would hope that this Administration would strongly consider the harrn to America's standing in the world as it deals with the members of the United Nations. And I would hope that this Administration would remember that America is a peaceful nation, it is a just nation, and a strong nation. America is not, and should never become, a nation that is proud to go to war.

Should it be determined that war indeed is necessary, I have every confidence that the armed forces of this country will perform their responsibility with strength and character. I have always admired the men and women who choose to serve in the armed forces. I admire them for their hard work, their sense of duty to our country, and their sense of responsibility. But it is because of that very character and sense of duty to our nation that our government must exhaust every alternative to war before placing those men and women in harm's way.

The measure of the strength of a nation is its ability to show appropriate restraint just as much as it is its ability to protect itself and its allies. Mr. Speaker, millions of Americans and people throughout the world support allowing more time for weapons inspections. I believe they are right and I believe our nation will be well served to allow more time for a rigorous inspections program.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE DAY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLDEN. Mr. Speaker, I rise today to speak out against domestic violence. Domestic violence is a harsh reality facing our country that we as a Congress must stand up and fight against.

In my seven years as a County Sheriff, I encountered hundreds of domestic violence cases. This is a societal problem that knows no income barriers, no racial barriers, and no geographic barriers.

Within our society, domestic violence causes irreparable damage to the family. Domestic violence is a main cause for child neglect and severely distorts a child's perspective on the relationship between mother and father.

The sight of a victimized mother is a sight no child in this country should ever see. Children who are raised in homes where domestic violence continues live in fear for their own lives, afraid to speak out so they won't become the victim.

Now more than ever, it is time to stand up against these domestic bullies. We must lead the way as a Congress to end this disgrace and provide a safer way of life for all of America's families.

SUPPORT FOR NATIONAL AQUATIC INVASIVE SPECIES ACT AND AQUATIC INVASIVE SPECIES RESEARCH ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCHUGH. Mr. Speaker, I wish to express my support for the National Aquatic Invasive Species Act and the Aquatic Invasive Species Research Act that was reintroduced March 5, 2003. I want to first thank my colleagues, Mr. EHLERS and Mr. GILCHREST, for all of the hard work, initiative, and time that they and their staffs have invested in this much needed legislation.

My district in Upstate New York is impacted, environmentally, economically, and socially, by the health and future viability of the Great Lakes. I know that New York State is only one of many states that directly feel the negative effects of invasive species. Aquatic invasive species are destroying the environment of the Great Lakes, damaging the Great Lakes fisheries, and costing taxpayers an estimated $138 billion annually. It is important that we set interim standards for balanced water treatment systems so that we can control and see a significant decline in the increasing threat posed by aquatic invasive species to our aquatic ecosystems and natural resources.

These two pieces of comprehensive legislation would reduce the introduction of aquatic invasive species from ships and from other pathways through a variety of standards, research, and management programs. They complement one another in a variety of meaningful ways and I am hopeful that this body will be committed to moving these important pieces of legislation through the legislative process so that we, as a Congress, can properly address this problem.

Aquatic invasive species is one of many reasons I have long stood in opposition to the Great Lakes Navigation System Review study that was recently funded in the Fiscal Year 2003 Energy and Water Development Appropriations bill. If expansion and dredging of the St. Lawrence Seaway were to occur, we would inevitably see the introduction of and exponential increase of aquatic invasive species. The reasons I voice my support today of the National Aquatic Invasive Species Act and the Aquatic Invasive Species Research are consistent and unwavering with the stand I have taken long before today on this incredibly important issue. I am committed to the discovery of methods, and to fully funding those methods, that would work to decrease, and I hope, one day, eradicate, invasive species of all kinds in the waters of our region.

GLOBAL HIV/AIDS PANDEMIC

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. CUMMINGS. Mr. Speaker, I would like to revise and extend my remarks to include a letter I referenced during my special order statement yesterday on the issue of the President's Emergency Plan for AIDS Relief, announced during his State of the Union address

this past January. This is the letter that I and other members of the CBC, AIDS activist groups and the faith-based community wrote to President Bush on December 18, 2002 asking him to announce a presidential initiative to address this vexing problem.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 18, 2002.

President GEORGE W. BUSH,
1600 Pennsylvania Avenue,
Washington, DC.

DEAR PRESIDENT BUSH: As members of the Congressional Black Caucus, we are writing to draw your attention to the growing spread of HIV/AIDS throughout the developing world. It would be impossible to overstate the devastation caused to date by the global AIDS pandemic, or the urgency of the need for a greater response from the United States and the global community. With 42 million people currently living with HIV/AIDS—29.4 million of them in Sub-Saharan Africa—14 million children already orphaned by the disease, and 70 million more people expected to die by 2020, we must do more now. We must respond on an appropriate scale to address the greatest plague in recorded history.

The United States, as the world's wealthiest nation, must take greater action by contributing its fair share, and in doing so we can help galvanize the global response that we so desperately need. As you prepare to travel to Africa in January, and as you prepare your budget for fiscal year 2004, you have a remarkable opportunity to demonstrate United States leadership against AIDS at a moment when the world will be watching. We urge you to launch a major new U.S. initiative to fight AIDS, as well as tuberculosis and malaria. TB is the leading killer of people with HIV, claiming 2 million lives each year despite the existence of an effective and inexpensive cure, while malaria kills nearly one million people each year, most of them young children in Africa.

An expanded U.S. Initiative to fight AIDS must:

Provide at least $2.5 billion for implementation of global AIDS programs in 2004, as well as additional funds to combat TB and malaria. At least 50 percent of this should go to the Global Fund to Fight AIDS, TB and Malaria.

Prioritize treatment, as well as prevention and care, for those affected—including an expanded mother-to-child transmission initiative that would detect and treat entire families, and including funding and personnel as needed to implement the WHO call to treat three million people with HIV by 2005.

Promote developing countries access to sustainable supplies of affordable medicines for AIDS and other diseases such as opportunistic infections in accordance with the Doha Ministerial Declaration on the TRIPS Agreement and Public Health and oppose any attempts to limit the scope of the Declaration.

Expand programs for children orphaned by AIDS.

Seek debt cancellation for impoverished countries, so they can invest in poverty reduction and AIDS programs.

Most importantly, a U.S. initiative should consist of new monies and policies that complement existing U.S.-supported programs and are additional to the Millennium Challenge Account (MCA). The MCA, however, also must help meet the Millennium Development Goal of halting and reversing the spread of these diseases.

We cannot win the war against AIDS without greater financial resources and a clear plan of action for the United States. Programs around the world are ready to scale up prevention, treatment, and care to save lies now, and to develop the systems needed to save tens of millions more in the future. Each day we delay in mounting a comprehensive—and compassionate—response to the global AIDS and TB pandemics, the cost in human, social, and economic terms grows. You will have our strong support and the support of the American people for a bold new initiative to save families and communities affected by the AIDS crisis, to extend the parent-child relationship, and to secure the future of young people.

Sincerely,

Barbara Lee, Donna Christian-Christensen, Edolphus Towns, Charles B. Rangel, Julia Carson, Juanita Millender-McDonald.

Maxine Waters, Danny K. Davis, Robert Scott, Elijah E. Cummings, William ''Lacy'' Clay, Stephanie Tubbs Jones.

Eddie Bernice Johnson, Bobby L. Rush, Carolyn C. Kilpatrick, Diane E. Watson, Gregory W. Meeks, Major R. Owens.

Harold Ford, Jr., John Conyers, Jr., Alcee L. Hastings, Sheila Jackson-Lee, Eleanor Holmes Norton, Donald M. Payne, Sanford D. Bishop, Jr., Bennie G. Thompson, Melvin L. Watt, Corrine Brown, Chaka Fattah, Jesse Jackson, Jr., James Clyburn, Albert R. Wynn.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2003

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. SMITH of New Jersey. Mr. Speaker, a decade ago we began witnesses to genocide in Europe. By stirring up nationalism, harassing opposition and intimidating the population as a whole to go along with his plans, the regime of Slobodan Milosevic led Serbia into a war of aggression against its neighbors within the former Yugoslavia. Millions were displaced, hundreds of thousands killed and tens of thousands raped or tortured, particularly in Bosnia-Herzegovina. In response, largely at the urging of the U.S. Congress, sanctions were put into place and, ultimately, military intervention was employed to stop Milosevic.

In 2000, the voters of Serbia removed Milosevic from power. In place of his regime, an opposition consisting of genuine reformers and true democrats along with a fair share of Serbian nationalists took control of government. Since that time, the ruling opposition fell into polarized camps, making recovery and reform difficult. This situation also created a challenge in U.S. foreign policy. On the one hand, the United States wants to encourage Belgrade and facilitate reform. On the other, the United States must ensure that the legacy of Slobodan Milosevic has been fully shed, a prerequisite for recovery throughout southeastern Europe.

The Miscellaneous Tariff Bill, H.R. 1047, considered yesterday contains a provision granting the President the authority to restore normalized trade relations for Serbia and Montenegro. I support this provision; normalized trade relations should be restored. Whatever problems might remain, the fact is that there has been progress since Milosevic was removed from power, and Serbia and Montenegro should not be placed on the same list of states not granted normalized trade relations as Cuba, North Korea or Laos. Other countries with far worse records, including Belarus and the Central Asian states, at least receive the benefits of normalized trade relations on a conditional basis which Serbia and Montenegro is denied.

By fixing this, I hope Belgrade recognizes that we want reforms to succeed and recovery and reform take place.

Belgrade also needs to know, Mr. Speaker, that restoring NTR does not mean satisfaction with Belgrade's performance to date. While there has been progress, that progress has been too slow, and some issues remain unresolved. Chief among these issues is Belgrade continued resistance to full cooperation with the International Criminal Tribunal for the Former Yugoslavia, located in The Hague. It is especially outrageous that persons responsible for the crimes committed at Vukovar and Srebrenica continue to be at large and perhaps even protected by Yugoslav or Serbian authorities.

While trade relations may not be conditioned on further progress, U.S. bilateral assistance to Serbia is. If there is not a major improvement in Belgrade's cooperation with The Hague by June 15, assistance to Serbia will stop. The Administration must certify progress before assistance continues past that date, and the State Department has made clear that a precondition for certification is the apprehension and transfer of Ratko Mladic, indicted for the massacre of thousands at Srebrenica, and Veselin Sljivancanin and Miroslav Radic, indicted for their role in the massacre of about 200 individuals taken from a hospital in Vukovar, Croatia.

As co-chairman of the Helsinki Commission, I urge Belgrade not only to meet their international obligations relating to ICTY not just to the point of obtaining certification for another year. Cooperation should be full. Only then can the conditionality on assistance be removed for good.

SMALL BUSINESS DEVELOPMENT CENTER

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. UDALL of New Mexico. Mr. Speaker, it gives me great pleasure to rise today to introduce legislation which amends the Small Business Act to authorize a Small Business Development Center in an eligible State to apply for an additional Small Business Administration grant to be used solely to provide specified services to assist with outreach, development, and enhancement on Indian lands of small business startups and expansions that are owned by Indian tribe members, Alaska Natives, or Native Hawaiians.

I introduced this legislation during the 107th Congress where it passed the House and unfortunately was not considered in the Senate. I am pleased to reintroduce this legislation today and wish to thank Chairman MANZULLO and Ranking Member VELAZQUEZ for their support of this legislation as well as Representatives GRAVES, FRANKS, RENZI, MATHESON, KILDEE, HAYWORTH, MARK UDALL, MILLENDER-

McDONALD, BALLANCE, CHRISTIAN-CHRISTENSEN, GONZALEZ, ACEVEDO-VILA, CASE, MICHAUD, TUBBS JONES, CARSON, FALEOMAVEGA, BORDALLO, NAPOLITANO, and DAVIS for their support.

This legislation requires a State receiving a small business development center program grant to request the advice of the governing bodies of Indian tribes, corporations organized pursuant to the Alaska Native Claims Settlement Act and other Alaska Native entities, and Native Hawaiian organizations, as appropriate, on how best to provide assistance to such members, Alaska Natives, and Native Hawaiians and where to locate satellite centers to provide such assistance.

Today we have demonstrated how important small business enterprise is to the health of our economy. But there are still places in this country where economic prosperity has often failed to reach. These areas deserve our attention and assistance.

Consider this, nowhere in America has poverty persisted longer than on and near Native American reservations, which suffer an average unemployment rate of 45 percent. However, the number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that period. This is compared to all businesses, which grew by 7 percent, and their total gross receipts grew by 40 percent, in that period.

I would like to continue this growth and expansion of small enterprise with the passage of this legislation. My bill ensures that Native Americans, Native Alaskans and Native Hawaiians seeking to create, develop and expand small businesses, have full access to the counseling and technical assistance available through the SBA's SBDC program. The business development tools offered by the SBDCs can assist Native Americans with the information and opportunity to build sustainable businesses in their communities.

In an effort to ensure the quality and success of the program, the proposal requires SBA to include in the application, at a minimum, information requests regarding the applicant's goals and objectives, including the experience of the applicant in conducting programs or ongoing efforts designed to assist the business skills of small business owners and the capability of such applicant to provide training and services to a representative number of Native Americans, Native Alaskans and Native Hawaiians.

It is clear we can do more to aid Native American entrepreneurs. Not enough has been done to assist Native American's in building their businesses, which in turn helps benefit, their communities. I hope to change that with my proposal.

THANKING MRS. DIANN CONDREY FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. NEY. Mr. Speaker, on the occasion of her retirement on March 15th, we rise to thank Mrs. Diann Condrey for her 26 years of outstanding service to the federal government, including 10 years service to the U.S. House of Representatives.

Over the years, Diann has provided outstanding customer support to Members, Committees, Leadership and Support Offices of the House. She began her service to the House on December 1, 1992, and served this great institution in numerous capacities, most notably with House Information Resources (HIR) under the office of the Chief Administrative Officer.

In 1992, she was hired as a Committee consultant to provide technical support to Committee offices. Diann remained in that position until 1995. Since 1995, she has worked as a Technical Support Representative servicing Members, Committees, and Leadership offices. Diann is highly skilled and very proficient in providing office automation and technical advice to House offices. Her efforts and work ethic are a true demonstration of excellence and dedication to providing passionate customer service. Her previous federal experience as a Contracting Officer and her breadth of knowledge of House office operations enabled Diann to effectively manage the House Systems Administrator contract for TechCare. This contract filled a need in many House offices for professional Systems Administration.

I know all of you join me in extending our thanks and appreciation to this invaluable member of the House family. We wish the very best to Diann and her husband Jim as they pursue the next phase of their life.

HONORING THE COLORADO ARMY NATIONAL GUARD, COMPANY C, 109TH MEDICAL BATTALION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the men and women of Company C of the Army National Guard's 109th Medical Battalion for their willingness to serve our country. The unit, based in Montrose, Colorado, has been deployed to support America's troops in Operation Enduring Freedom. They are preparing to protect our national security in a time of international crisis.

Company C has provided medical support for U.S. operations in Honduras, Belize, and Nicaragua. It provided airport security following the September 11th terrorist attacks and assisted firefighters during one of the worst wildfire seasons in Colorado history. This time, its final mission and destination are unknown.

The men and women of Company C are doctors and dentists, nurses and teachers, parents and newlyweds. They each leave family, friends and jobs for at least one year to serve our nation. The sacrifice and dedication of these volunteers are a credit to this country.

Mr. Speaker, it is a great privilege to recognize Company C for its exemplary service to the United States of America before this body of Congress and this nation. The courage of these American men and women is an inspiration to all.

ANDREW PITAS HONORED BY AIR TRAFFIC CONTROL ASSOCIATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. WOLF. Mr. Speaker, I want to share with our colleagues a recent article from The Loudoun times-Mirror which honors my constituent Mr. Andrew Pitas of Lucketts upon his receipt of the Glenn Gilbert Award from the Air Traffic Control Association for his lifetime commitment and leadership in the field of aviation.

I am proud to call attention to the achievements of Mr. Pitas as he is honored with this prestigious award. On behalf of the people of Virginia's 10th Congressional district, I congratulate Mr. Andrew Pitas for his outstanding efforts in the field of air traffic control.

[From The Loudoun Times-Mirror, Feb. 12, 2003]

LUCKETTS MAN HONORED FOR AVIATION LEADERSHIP

(By Scott Cissel)

Lucketts resident Andrew Pitas first experienced air traffic control in 1941 when he enlisted in the U.S. Navy. One day a supervisor at the Anacostia Naval Air Station in Washington, D.C., asked the 17-year-old to work in the control tower.

''It looked warm up there,'' recalled Pitas, who had been working outside in the chilly air, inspecting airplane propellers for cracks.

Now more than 60 years later, the Air Traffic Control Association, an organization cofounded by Pitas in 1956 and based in Arlington, is honoring him with the Glenn Gilbert Award for his lifetime commitment and leadership in the field of aviation.

Only 15 people have received the award, including U.S. Secretary of Transportation Norman Mineta and Najeeb Halaby, father of Queen Noor of Jordan. Pitas' name will be added to the Glenn Gilbert trophy, which is kept on permanent display in the National Air and Space Museum in Washington, D.C.

''It's kind of humbling,'' Pitas said. ''Air traffic controlling is a team effort. There are so many people you can get in trouble and who can get you in trouble. There are no cowboys in this business.''

The 80-year-old, raised on a dairy farm in Rhode Island, learned air traffic control when it was a fledging technology. He was stationed in England during World War II as a controller.

After the war he worked at the Washington Tower in D.C., now Reagan National Airport. Returning to the farm, where as a boy he had watched planes fly overhead en route to Boston, wasn't an option.

''There were better ways to make a living,'' he said. ''I had to milk cows morning and night.''

Before radar became a standard practice after the war, some pilots refused to take radar readings from controllers, according to Pitas. Others liked it so much they played the radar position he broadcast to their passengers in the cabin.

And some pilots and crews had enough time to sing a greeting song to him as their planes neared landing. Controllers knew many of the pilots by name then.

''In the early days we knew a lot of them,'' said Pitas.

As air traffic increased, so did the stress on controllers, which prompted Pitas to develop a system that is now universally used—the automated terminal information system. The service sends a recording with continuously updated information on flight conditions to pilots. Before, pilots had to radio the tower for updates.

Pitas later brought his talent and expertise to the Federal Aviation Administration, where he rewrote the handbook used by air traffic controllers.

In 1956 he and some colleagues founded the Air Traffic Control Association, perhaps his most lasting contribution to the industry. Air traffic controllers did not have retirement benefits or adequate insurance and pay in the 1950s, recalled Pitas, and they could suffer the blame of plane collisions even if they had performed their jobs well.

''It was almost like you were on your own,'' he said. ''The ATCA was instrumental in getting the government to beef up protection. After all, we were agents of the government.''

Through lobbying efforts and representation in Congress, the ATCA gained better benefits for its members and has become a source of international recognition for controllers.

''It gives people all over the world an outlet for their views,'' he said.

Stanley L. Seltzer, chief controller at Washington Tower in the late 1940s, remembered Pitas not only for his technical innovations, but also for his leadership in the ATCA.

''He was the live wire and the real go-getter,'' said Seltzer, who now lives in Florida. ''He was always saying that people didn't care enough about the controllers' point of view. . . . ATCA really made it possible for an exchange of thought on technical improvements, and put a voice there that was never heard before.''

Aviation was viewed as a safer way to travel by the public, according to Seltzer, because of the early air traffic controllers' work in preventing midair collisions and improving communications.

''Had it not been for them I don't think that air transport would have been as widely accepted,'' he said.

After retiring from the FAA in 1983, Pitas has pursued his interest in the history of air traffic control, including research on the first women controllers.

He raised cattle on his farm in Lucketts before swelling it in 1990, and once stored a three-ton radio navigational device in one of his barns for the National Air and Space Museum.

Since 1986, Pitas has been assistant vice president of ATCA and has been active in securing funds for U.S. 15 road improvements between Leesburg and Point of Rocks, Md.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3341–74

Measures Introduced: Six bills were introduced, as follows: S. 574–579. **Page S3369**

Nomination Agreement: A unanimous-consent agreement was reached providing for further consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, at 2 p.m., on Monday, March 10, 2003. **Page S3373**

Partial Birth Abortion Ban—Agreement: A unanimous-consent agreement was reached providing that the time from 5 pm until 6 pm be equally divided between Senator Santorum or his designee, and the Minority Leader or his designee, with respect to the consideration of S. 3, to prohibit the procedure commonly known as partial-birth abortion on Monday, March 10, 2003. **Page S3373**

APPOINTMENTS:

President's Export Council: The Chair, pursuant to Executive Order 12131, appointed the following Members to the President's Export Council: Senators Cornyn and Talent. **Page S3373**

Nominations Confirmed: Senate confirmed the following nominations:

Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

Eugene James Corcoran, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

Stephen A. Cambone, of Virginia, to be Under Secretary of Defense for Intelligence. (New Position)

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

Page S3374

Executive Communications: **Page S3369**

Executive Reports of Committees: **Page S3369**

Additional Cosponsors: **Pages S3369–70**

Statements on Introduced Bills/Resolutions: **Pages S3370–73**

Additional Statements: **Pages S3366–69**

Authority for Committees to Meet: **Page S3373**

Adjournment: Senate met at 9:30 a.m., and adjourned at 1:47 p.m., until 2 p.m., on Monday, March 10, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3374.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House will next meet at noon on Monday, March 10, 2003.

Committee Meetings

No Committee meetings were held.

Joint Meetings

EMPLOYMENT SITUATION

Joint Economic Committee: Committee concluded hearings to examine the employment situation, focusing on U.S. labor markets, unemployment benefits, and the President's proposal for re-employment accounts, after receiving testimony from Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, and Mason Bishop, Deputy Assistant Secretary for Employment

and Training, both of the Department of Labor; and Donald O. Parsons, George Washington University, and Harry J. Holzer, Georgetown University, both of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D158*)

H.J. Res. 19, recognizing the 92d birthday of Ronald Reagan. Signed on March 6, 2003. (Public Law 108–9)

CONGRESSIONAL PROGRAM AHEAD

Week of March 10 through March 15, 2003

Senate Chamber

On Monday, at 2 p.m., will resume consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit; at 5 p.m., Senate will begin consideration of S. 3, to prohibit the procedure commonly known as partial-birth abortion; and at 6 p.m., Senate will consider and vote on the nomination of Gregory L. Frost, to be United States District Judge for the Southern District of Ohio.

During the balance of the week, Senate will continue consideration of the nomination of Miguel A. Estrada (listed-above), and may consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: March 11, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine Medicare outlier payments to hospitals, 9:30 a.m., SD–192.

March 12, Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the District of Columbia Courts, Court Services, and the Offender Supervision Agency, 9:30 a.m., SD–138.

March 12, Subcommittee on Defense, to hold closed hearings to examine proposed budget estimates for fiscal year 2004 for defense programs, focusing on worldwide threats to the United States, 10 a.m., S–407, Capitol.

March 12, Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Energy Office of Energy and Efficiency and Renewable Energy, Office of Science, and the Office of Nuclear Energy Science and Technology, 2:30 p.m., SD–124.

March 13, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Veterans Affairs, 10 a.m., SD–138.

Committee on Armed Services: March 11, Subcommittee on Personnel, to hold hearings to examine active and reserve military and civilian personnel programs in review of the Defense Authorization Request for Fiscal Year 2004, 2:30 p.m., SR–232A.

March 12, Subcommittee on Strategic Forces, to hold hearings to examine national security space programs and management in review of the Defense Authorization Request for fiscal year 2004, 9:30 a.m., SR–222.

March 12, Subcommittee on Airland, to hold hearings to examine Army transformation in review of the Defense Authorization Request for fiscal year 2004 and the Future Years Defense Program, 3 p.m., SR–232A.

March 13, Full Committee, to hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for Fiscal Year 2004 and the Future Years Defense Program, 9:30 a.m., SH–216.

March 13, Subcommittee on Readiness and Management Support, to hold hearings to examine proposed legislation authorizing funds for the Department of Defense, focusing on the impacts of environmental laws on readiness and the related Administration legislative proposal, 2 p.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: March 13, to hold hearings to examine the Administration's proposed Fiscal Year 2004 Budget for the Federal Transit Administration, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: March 11, Subcommittee on Aviation, to hold hearings to examine existing federal programs and new proposals that promote air service to small and rural communities, 9:30 a.m., SR–253.

March 12, Subcommittee on Oceans, Atmosphere, and Fisheries, to hold hearings to examine the President's proposed budget request for fiscal year 2004 for the Coast Guard and the National Oceanic and Atmospheric Administration, 2:30 p.m., SR–253.

March 13, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: March 11, to hold hearings to examine oil, gas, hydrogen, and conservation, focusing on federal programs for energy efficiency and conservation, 10 a.m., SD–366.

March 12, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD–366.

March 13, Full Committee, to hold hearings to examine the impact of fires in 2002 and then look forward to the potential 2003 fire season, 10 a.m., SD–366.

March 13, Subcommittee on National Parks, to hold oversight hearings to examine the designation and management of National Heritage Areas, including criteria and procedures for designating heritage areas, the potential impact of heritage areas on private lands and communities, federal and non-federal costs of managing heritage areas, and methods of monitoring and measuring the success of heritage areas, 2:30 p.m., SD–366.

Committee on Environment and Public Works: March 13, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold oversight hearings to examine the implementation of the Congestion Mitigation and Air Quality Improvement Program, and Conformity programs, 9:30 a.m., SD–406.

Committee on Finance: March 11, to hold hearings to examine defined benefit pension plans, 10 a.m., SD–215.

March 12, Full Committee, to hold hearings to examine welfare reform, 10 a.m., SD–215.

Committee on Foreign Relations: March 11, to hold hearings to examine reconstruction issues with respect to Iraq, 9:30 a.m., SD–419.

March 12, Full Committee, business meeting to consider convention Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital Gains, signed at London on July 24, 2001, together with an Exchange of Notes, as amended by the Protocol signed at Washington on July 19, 2002 (the ''Convention'') (Treaty Doc. 107–19), protocol Amending the Convention Between the Government of the United States of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Canberra on September 27, 2001 (the ''Protocol'') (Treaty Doc. 107–20), and second Additional Protocol that Modifies the Convention Between the Government of the United States of America and the Government of the United Mexican States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Mexico City on November 26, 2002 (Treaty Doc. 108–03), 11:30 a.m., SD–419.

March 12, Full Committee, to hold hearings to examine regional implications of the changing nuclear equation on the Korean Peninsula, 2:30 p.m., SH–216.

Committee on Indian Affairs: March 12, to hold hearings to examine Indian health legislation, 10 a.m., SR–485.

Committee on the Judiciary: March 12, Subcommittee on Immigration, with the Subcommittee on Technology, Terrorism, and Government Information, to hold joint hearings to examine border technology, focusing on keeping terrorists out of the United States, 10 a.m., SD–226.

March 12, Full Committee, to hold hearings to examine the nominations of James V. Selna, to be United States District Judge for the Central District of California, Philip P. Simon, to be United States District Judge for the Northern District of Indiana, Theresa Lazar Springmann, to be United States District Judge for the Northern District of Indiana, Mary Ellen Coster Williams, of Maryland, and Victor J. Wolski, of Virginia, both to be a Judge of the United States Court of Federal Claims, Ricardo H. Hinojosa, of Texas, and Michael E. Horowitz, of Maryland, both to be a Member of the United States Sentencing Commission, and Cormac J. Carney, to be United States District Judge for the Central District of California, 2 p.m., SD–226.

March 13, Full Committee, to hold hearings to examine the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: March 12, to hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars, 10 a.m., 345 Cannon Building.

March 13, Full Committee, to hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reseve Association, and the Air Force Sergeants Association, 10 a.m., 345 Cannon Building.

Select Committee on Intelligence: March 11, to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

March 13, Full Committee, to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: March 10, to hold hearings to examine America's health care system, 2 p.m., SD–628.

March 11, Full Committee, to hold hearings to examine aging, focusing on fitness and nutrition, 10 a.m., SD–628.

House Chamber

To be announced.

House Committees

Committee on Appropriations, March 11, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Corporation for Public Broadcasting, 10:15 a.m., and to continue on Corporation for National and Community Services, 11:15 a.m., 2358 Rayburn.

March 12, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Food Safety and Inspection Service, 9:30 a.m., and on Marketing and Regulatory Programs, 1:30 p.m., 2362A Rayburn.

March 12, Subcommittee on Defense, on Fiscal Year 2004 Army Posture, 2212 Rayburn.

March 12, Subcommittee on Interior, on Bureau of Indian Affairs and Office of Special Trustee for American Indians, 10 a.m., B–308 Rayburn.

March 12, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Department of Education-Panel: ''No Child Left Behind Act'' program, 10:15 a.m., 2358 Rayburn.

March 12, Subcommittee on Military Construction, on Pacific Command Military Construction, 10 a.m., B–300 Rayburn.

March 12, Subcommittee on Transportation and Treasury, and Independent Agencies, on Inspector General, Department of Treasury, 10 a.m., 2358 Rayburn.

March 13, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on National Resources Conservation Service, 9:30 a.m., and on Research, Education and Economics, 1:30 p.m., 2362A Rayburn.

March 13, Subcommittee on Commerce, Justice, and State and The Judiciary, and Related Agencies, on SEC, 2 p.m., H–309 Rayburn.

March 13, Subcommittee on Defense, executive, on U.S. Northern Command, 1:30 p.m., H–140 Capitol.

March 13, Subcommittee on Energy and Water Development, on Department of Energy-Science, Nuclear Energy, and Renewable Energy, 10 a.m., 2362B Rayburn.

March 13, Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Secretary of State, 10:30 a.m., 2359 Rayburn.

March 13, Subcommittee on Interior and Related Agencies, on National Endowment for the Arts, and National Endowment for the Humanities, 10 a.m., B–308 Rayburn.

March 13, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Department of Education-Panel: ''Special Education and Vocational Education'' program, 10:15 a.m., 2358 Rayburn.

March 13, Subcommittee on Subcommittee on Transportation and Treasury, and Independent Agencies, on Inspector General, Department of Transportation, 10 a.m., 2358 Rayburn.

March 13, Subcommittee on VA and HUD, and Independent Agencies, on Council on Environmental Quality, 10 a.m., and on Chemical Safety and Hazard Investigation Board, 11 a.m., H–143 Capitol.

Committee on Armed Services, March 12 and 13, to continue hearings on the fiscal year 2004 national defense authorization budget request, 10 a.m., and 2 p.m., on March 12 and 8 a.m., on March 13, 2118 Rayburn.

March 12, Subcommittee on Tactical Air and Land Forces, hearing on the fiscal year 2004 national defense authorization budget request, 5 p.m., 2118 Rayburn.

March 12, Subcommittee on Total Force, hearing on patron and industry perspectives on military exchanges, commissaries, and morale, welfare and recreation programs, 5 p.m., 2212 Rayburn.

March 13, Subcommittee on Readiness, hearing on environmental legislative proposals, 10:30 a.m., 2118 Rayburn.

March 13, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on force protection policy, with emphasis on the role of the Department of Defense and the National Guard in homeland security, 2 p.m., 2212 Rayburn.

March 13, Subcommittee on Total Force, hearing on the Department of Defense total force transformation and overview of the fiscal year 2004 military personnel budget request, 3 p.m., 2216 Rayburn.

Committee on the Budget, March 12, to mark up the Budget Resolution for Fiscal Year 2004, 10:30 a.m., 210 Cannon.

Committee on Education and the Workforce, March 11, Subcommittee on 21st Century Competitiveness, hearing on ''Workforce Investment and Rehabilitation Acts: Improving Services and Empowering Individuals,'' 2 p.m., 2175 Rayburn.

March 12, Subcommittee on Select Education, hearing on ''Recent Improvements of Financial Management Practices at the U.S. Department of Education,'' 2 p.m., 2261 Rayburn.

March 12, Subcommittee on Workforce Protections, hearing on H.R. 1119, Family Time Flexibility Act, 2 p.m., 2175 Rayburn.

March 13, Subcommittee on Education Reform, hearing on ''IDEA, Focusing on Improving Results for Children and Disabilities,'' 10 a.m., 2175 Rayburn.

May 13, Subcommittee on Employer-Employee Relations, hearing on H.R. 660, Small Business Health Fairness Act of 2003, 1 p.m., 2175 Rayburn.

Committee on Energy and Commerce, March 12 and 13, Subcommittee on Energy and Air Quality, to continue hearings on ''Comprehensive National Energy Policy,'' 2:30 p.m., 2322 Rayburn on March 12 and 9:30 a.m., 2123 Rayburn on March 13.

March 12, Subcommittee on Health, hearing on ''Medicaid Today: The States' Perspective,'' 10 a.m., 2123 Rayburn.

March 12, Subcommittee on Oversight and Investigations, to continue hearings on the ''Procurement and Property Mismanagement and Theft at Los Alamos National Laboratory, 10 a.m., 2322 Rayburn.

Committee on Financial Services, March 11, Subcommittee on Oversight and Investigations, hearing entitled ''Progress Since 9/11: The Effectiveness of U.S. Anti-Terrorist Financing Efforts,'' 2 p.m., 2128 Rayburn.

March 12, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled ''Mutual Fund Industry Practices and their Effect on Individual Investors,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, March 10, Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled ''Emerging Threats: Assessing Public Safety and Security Measures at Nuclear Power Facilities,'' 2 p.m., 2154 Rayburn.

March 11, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing entitled ''How to Improve Regulatory Accounting: Costs, Benefits, and Impacts on Federal Regulations,'' 2 p.m., 2154 Rayburn.

March 12, full Committee, hearing entitled ''Energy Efficiency Improvements in Federal Buildings and Vehicles,'' 10 a.m., 2154 Rayburn.

March 13, hearing entitled ''Stumbling onto Smut: The Alarming Ease of Access to Pornography on Peer-to-Peer Networks,'' 10 a.m., 2154 Rayburn.

March 13, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled ''Federal E–Government Initiatives: Are We Headed In the Right Direction?'' 2 p.m., 2154 Rayburn.

Committee on International Relations, March 11, Subcommittee on Africa, hearing on Saving the Congo Basin: The Stakes, The Plan, 2:30 p.m., 2172 Rayburn.

March 12, full Committee, to mark up the following: H. Res. 68, requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the President's possession relating to Iraq's declaration on its weapons of mass destruction that was provided to the United Nations on December 7, 2002; and the United States Leadership Against HIV/AIDS, Malaria and Tuberculosis Act of 2003, 10:15 a.m., 2172 Rayburn.

March 13, Subcommittee on Europe, hearing on United States Priorities in Europe, 1:30 p.m., 2172 Rayburn.

March 13, Subcommittee on the Middle East and South Asia, hearing on the Middle East Partnership Initiative: Promoting Democratization in a Troubled Region, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, March 11, Subcommittee on Crime, Terrorism, and Homeland Security, hearing and mark up of the following bills: H.R. 1104, Child Abduction Prevention Act; and H.R. 1161, Child Obscenity and Pornography Prevention Act, 2 p.m., 2141 Rayburn.

March 12, full Committee, to mark up the following: H. Res. 132, expressing the sense of the House of Representatives that the Ninth Circuit of Appeals ruling in *Newdow* v. *United States Congress* is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned; and H.R. 975, Bankruptcy Abuse Prevention and Consumer Protection Act of 2003, 10 a.m., 2141 Rayburn.

March 13, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on the ''International Copyright Piracy: Links to Organized Crime and Terrorism,'' 9 a.m., 2141 Rayburn.

Committee on Resources, March 12, hearing on H.R. 39, Arctic Coastal Plain Domestic Energy Security Act of 2003, 10 a.m., 1324 Longworth.

Committee on Science, March 12, hearing on Aerospace Commission Report and NASA Workforce, 2 p.m., 2318 Rayburn.

March 13, Subcommittee on Environment, Technology, and Standards, hearing on Harmful Algal Blooms and Hypoxia: Strengthening the Science, 10 a.m., 2318 Rayburn.

Committee on Small Business, March 11, hearing entitled ''RESPA Reform and the Economic Effects on Small Business,'' 3 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 12, Subcommittee on Aviation, hearing on Authorization of the Federal Aviation Administration and the Aviation Programs: Commercial Aviation, 2 p.m., 2167 Rayburn.

March 13, Subcommittee on Coast Guard and Maritime Transportation, to meet for organizational purposes, and to hold an oversight hearing on the Administration's Fiscal Year 2004 Budgets for the U.S. Coast Guard and the Federal Maritime Commission, 2 p.m., 2167 Rayburn.

March 13, Subcommittee on Highways, Transit and Pipelines, oversight hearing on Reauthorization of Federal Highway and Transit Programs: What are the needs, and how to meet those needs, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, March 11, to continue hearings on the Administration's Economic Growth Proposals, 2 p.m., 1100 Longworth.

March 12, hearing on the Administration's Fiscal Year 2004 Budget for the U.S. Department of Labor, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, March 12, executive, hearing on the Director of the CIA Overview, 2:30 p.m., H–405 Capitol.

March 13, Subcommittee on Intelligence Policy and National Security, executive, briefing on Hot Spots, 8:30 a.m., H–405 Capitol.

March 13, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Future Imagery Architecture Program, 1 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: March 12, Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars, 10 a.m., 345 Cannon Building.

Joint Meetings: March 13, Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reseve Association, and the Air Force Sergeants Association, 10 a.m., 345 Cannon Building.

Next Meeting of the SENATE

2 p.m., Monday, March 10

Senate Chamber

Program for Monday: Senate will resume consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

At 5 p.m., Senate will begin consideration of S. 3, to prohibit the procedure commonly known as partial-birth abortion.

At 6 p.m., Senate will consider and vote on the nomination of Gregory L. Frost, to be United States District Judge for the Southern District of Ohio.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, March 10

House Chamber

Program for Monday: Pro forma session.

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