

him directly—"the credibility of the world is at stake"?

Yes, it is one thing to have resolutions. It is one thing to say we are going to have agreements so we can go away and wash our hands and say the matter is solved and the danger is over. That may be OK if it is a trade issue or some such event as that. But if it is a matter of life and death, dealing with a country that is capable of and has proven in the past it will use weapons of mass destruction against enemies in its own country and outside their country, if that is so, then we have a big problem.

So I think the President is determined to confront this issue and that the status quo in Iraq is not sufficient. We need to go back and remember what has already occurred. And that is where we are.

They say: Well, you have to have a unanimous vote. The United Nations has to support this action. I think a decent respect for the United Nations calls on the President to go there and state his case. I think it is important for the President to explain it to good and decent leaders all over the world, and seek their support wherever he can get it. But as a member of the Armed Services Committee, I can tell you, we do not have to have the support of any one nation to defeat Iraq. I hope we can do it promptly.

One thing I do believe is, he does not have popular support in his country and many of the people will be delighted to see him go. And I think it is not as if we are attacking a country that has loyal and decent people willing to die for their country. There may be some, but it is not nearly that many because this man is a brutal dictator.

But the President is required to state his case around the world. That is important. I hope he does not feel compelled to describe, in any detailed way, precisely how he might conduct a war, if a war becomes necessary. Maybe it will not be. I hope it will not be. But from my reading of this history, both before Desert Storm and after, of Saddam Hussein's absolutely steadfast determination to frustrate the world and do what he wants to do, I do not believe he is going to change. So I think we are going to be confronted with that situation sooner or later.

The question is, shouldn't we have the support of the United Nations? The problem there is this: A United Nations resolution requires a Security Council vote, a unanimous vote of the Security Council.

The American people have spent a lot of money building up the greatest military force in the history of the world. We will spend, next year, \$370 or so billion on a national defense system for this country. And on the United Nations Security Council there are countries such as France and Germany and England, and also China and Russia. So what are we going to do? Are we going to say that the Chinese or the Russians, or any other member of the Se-

curity Council, for any reason they choose, has the right to say: No, Mr. President, we don't agree. You can't use force against Iraq. You can't use force to liberate Kuwait. You can't use force against Panama, as President Bush did. You can't act against Kosovo because we say no?

That is not something that a great nation, the preeminent world power—let's say it frankly—can allow. The preeminent world power—a good and decent nation, whose actions are not for self gain but to vindicate legitimate rights and interests—cannot allow its power to be curtailed by the vote of one nation in the U.N. Security Council.

So the President cannot say: I am going to defer this matter to the U.N. That would be absolutely wrong. It would be unwise. And the American people would not support that. It is our military. We did it to protect our just national interests—not our unjust national interests, but our just, legitimate national interests. I believe the President understands that distinction. I hope that we, as Americans, think that through because some tend to believe we have to have a vote of the U.N. before we can act to defend our national security interests around the world, and that is not correct. Very few would agree with that.

We are in a time of remembrance as we move toward September 11. We will be at the Pentagon tomorrow. Others will be in New York. Others will be in Pennsylvania. Others will have memorials in their communities and towns, as I will be visiting one in Birmingham, hosted by the religious community, to commemorate this sad occasion of September 11.

The President told us we were going to have to return to our fundamental beliefs, we were going to have to be courageous, and if we stepped out and took on these people, and we chased them to their lairs and went after them, we could make the world safer.

I believe the world is safer today. I believe it is an unacceptable policy to allow any nation to harbor terrorists, to allow any nation to allow their territory to be used as a training base or where they can build their weapons and plot their diabolical actions. We cannot allow that to happen. It is against the policy of the United States and this Congress, I believe.

We are in a time that all of us need to study how we got to where we are, being quite serious about this entire circumstance. I am coming to the conclusion that it is very unlikely, based on the consistent, long-term history of Saddam Hussein, that we can reach any kind of agreement with him.

As the Economist magazine said, for 11 years we have been trying to contain him in a box. The box is leaking. Who has suffered most? The people and children of Iraq. They are the ones who have been suffering for these 12 years. It is difficult for us to defend to the Arab world this kind of oppression that

falls mainly on the innocent. They said, concluding their very serious editorial: Painful as it is, our vote is for war.

I hope we don't come to that, but I am afraid that is where we are heading. It is a subject we have to talk about. I believe that debate will now commence.

I yield the floor.

#### REVISIONS TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATIONS AND THE BUDGETARY AGGREGATES

Mr. CONRAD. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

On July 23, I filed adjustments to the 2002 budgetary aggregates and allocation for the Appropriations Committee resulting from the \$29.9 billion in emergency funding included in the conference report to H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States (Public Law 107-206). The legislation, however, included \$5.1 billion in emergency funding that the Congress made contingent on the President designating the total amount as emergency spending within 30 days of enactment. On August 13, the President announced that he would not declare the \$5.1 billion as emergency spending, thereby vitiating the entire amount. Consequently, I am lowering the adjustments I made on July 23 by the amount of the contingency—\$5.1 billion in budget authority—as well as by the estimated amount of the contingency's impact on 2002 outlays—\$0.96 billion.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002  
(In millions of dollars)

	Budget authority	Outlays
<b>Current Allocation:</b>		
General Purpose Discretionary .....	734,126	700,500
Highways .....	0	28,489
Mass Transit .....	0	5,275
Conservation .....	1,760	1,473
Mandatory .....	358,567	350,837
<b>Total .....</b>	<b>1,094,453</b>	<b>1,086,574</b>
<b>Adjustments:</b>		
General Purpose Discretionary .....	- 5,139	- 962
Highways .....	0	0
Mass Transit .....	0	0
Conservation .....	0	0
Mandatory .....	0	0
<b>Total .....</b>	<b>- 5,139</b>	<b>- 962</b>
<b>Revised Allocation:</b>		
General Purpose Discretionary .....	728,987	699,538
Highways .....	0	28,489

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS  
COMMITTEE, 2002—Continued  
(In millions of dollars)

	Budget au- thority	Outlays
Mass Transit .....	0	5,275
Conservation .....	1,760	1,473
Mandatory .....	358,567	350,837
Total .....	1,089,314	1,085,612

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts.

TABLE 2.—REVISED BUDGET AGGREGATES, 2002  
(In millions of dollars)

	Budget authority	Outlays
Current allocation: Budget Resolution .....	1,710,450	1,653,782
Adjustments: Emergency Spending .....	-5,139	962
Revised allocation: Budget Resolution .....	1,705,311	1,652,820

Prepared by SBC Majority Staff on 9-10-02.

### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 22, 2002 in San Francisco, CA. Two people beat a lesbian outside a nightclub. The assailants, Jack Broughton, 35, and Jean Earl, 32, punched and kicked the victim, who was later treated at San Francisco General Hospital. Police say that the attackers shouted anti-gay slurs, and are investigating the incident as a possible hate crime.

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 of 2001 is now 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.

### COMMUNITY HERO

Mr. SMITH of Oregon. Mr. President, I rise to salute a World War II veteran from my home State of Oregon. Today, I want to recognize the efforts of August F. "Gus" Smoorenburg, a member of the European resistance fighters who lived and struggled in Nazi occupied territories throughout the last century's largest and most destructive war.

Born in Amsterdam in the 1920s, Gus was 19 years old when Germany invaded Holland, Luxembourg, and France. To stop the Germans, the Dutch tried using their own landscape, opening the country's famous dams and sluices to stop tanks and trucks filled

with soldiers. After the brutal killing of thousands of civilians, including schoolchildren, the Dutch surrendered on May 15, 1940.

The European resistance fighters, as they have come to be known, began as independent groups of youths clandestinely sabotaging the occupying German forces by whatever means at their disposal. Resistance groups sprang up in every Nazi-occupied country. Gradually, like-minded people banded together and worked in secret to overthrow the invaders. Dutch, French and Polish youths risked their lives day and night to slow the advance of the Nazi forces. They accomplished small victories by such simple methods as rearranging traffic signs and filling the gas tanks of their enemy's vehicles with sugar. These groups became a part of an organized European resistance movement when they finally established short-wave radio contact with London and received coded messages.

The risks of joining the resistance were great. A resistance worker caught by the Nazis faced certain death. The Germans sometimes rounded up and executed hundreds of civilians in revenge for an act of sabotage. Gus' life was no exception to this backlash to the resistance fighters. By 1944 his family was living on meager rations of tulip bulbs and two of his fellow resistance fighters and a cousin had been executed by firing squad.

The ferociousness of the fighting and danger that these unsung heroes faced are conveyed by his description of the bombing of Dortmund: "This sight I cannot ever forget: burning roofs collapsing, burning window sills and brick walls crashing down on sidewalks, bricks and debris lying everywhere from roads as well as from houses, blown to pieces. It is unforgettable . . . to see and feel a city, an entire city, on fire."

Gus moved to Portland, OR in 1977 to be closer to his oldest daughter. He has been a valuable member of the community and a welcome piece of living history. I believe it is time that he, along with other resistance fighters, be recognized for the sacrifices they selflessly made fighting the oppressive forces of fascism during those dark years.

Each allied nation is indebted to patriots such as Gus; without their invaluable efforts the greatest war of the last century might have lasted much longer and cost many more thousands of lives. It is with humble respect and praise that I offer my recognition today to Gus and the European resistance fighters.

### THE NOMINATION OF PRISCILLA OWEN

Mr. LEAHY. Mr. President, in light of the continuing criticism of Republicans about the Senate Judiciary Committee's vote on the nomination of Priscilla Owen to be a judge on the United States Court of Appeals for the

Fifth Circuit, I am making my statement from September 5, 2002, on that vote a part of the RECORD.

I would also like to respond to the misleading suggestion that the Senate Judiciary Committee has never defeated a nominee who received a "well qualified" rating from the American Bar Association. In fact, in the prior six and one-half years of Republican control of the Senate the nominations of more than a dozen judicial candidates with unanimous well qualified ratings were defeated in the Committee through the decision of Republicans to block them from receiving hearings and votes on their nominations. More than three dozen others received partial ratings of "well qualified" and "qualified." More than 50 of President Clinton's judicial nominees never received Committee votes, despite their ratings. The truth is that Republicans defeated dozens of judicial nominees with well-qualified ratings, not in the light of day with a democratic vote, but in the dark of night through secret, anonymous holds or other tactics.

Here are some of the Clinton nominees with unanimous well qualified or partial well qualified ratings who never received a Senate Judiciary Committee vote and whose nominations ended in Committee: Alston Johnson, Fifth Circuit, James Duffy, Ninth Circuit, Kathleen McCree-Lewis, Sixth Circuit, Enrique Moreno, Fifth Circuit, Judge James Lyons, Tenth Circuit, Allen Snyder, D.C. Circuit, Judge Robert Cindrich, Third Circuit, Judge Stephen Orlofsky, Third Circuit, James Beatty, Fourth Circuit, Frederic Woocher, Central District of California, Richard Anderson, District of Montana, Jeffrey Coleman, Northern District of Illinois, John Binger, Western District of Pennsylvania, Elena Kagan, D.C. Circuit, Elizabeth Gibson, Fourth Circuit, Lynette Norton, Western District of Pennsylvania, Judge Legrome Davis, Eastern District of Pennsylvania, Judge Richard Leonard, Eastern District of North Carolina, Judge Linda Reigle, District of Nevada, Gary Sebelius, District of Kansas, Judge David Cercone, Western District of Pennsylvania, Patricia Coan, District of Colorado, Stephen Achelpohl, District of Nebraska, Judge Jorge Rangel, Fifth Circuit, Ronald Gould, Ninth Circuit, and Robert Freedburg, Eastern District of Pennsylvania. This is just a partial list.

Of course some of President Clinton's judicial nominees who received hearings and Committee votes had also received well-qualified ratings, but that did not stop Republicans from voting against them and trying to defeat their nominations. For example, some of the same Republicans who now claim it is unprecedented to defeat a nominee with a well-qualified rating voted against several Clinton nominees with that same rating, either in Committee, on the floor or both. The following nominees with well qualified ratings