

we are engaged in a just war against evil.

We continue to see the courage of our troops. I am especially proud as a Tennessean of the 101st Airborne out of Fort Campbell. It is Fort Campbell, KY. But if you look on a map, you see almost all of it—I have to be careful—almost all of the land, the majority of the land, is in Tennessee. The 101st Airborne, as we all know from the media coverage, has been dispatched to the battlefield. I have had the opportunity to look at a number of photographs. Although I know it is difficult for my colleagues in the room to see, I just want to share one of those photographs.

The caption underneath it reads as follows:

U.S. Pvt. Elizandro Gonzales, of the 502nd Infantry Regiment, 101st Airborne Division, Air Assault, prepares his M249 light machine gun before pressing forward to the north, Thursday, March 26, 2003 in Iraq.

And the caption continues to read:

Gonzales said that he and the rest of his ground assault convoy were ready to take the fight to the enemy.

That is the caption from the reporter who was with the photographer who took this individual picture.

I show that picture and mention it because I look forward to the opportunity of joining members of the families of many of these soldiers on Sunday at Fort Campbell so that I can personally express my appreciation for the sacrifices they are making, their families are making, and their friends are making overseas for all of us.

Mr. President, our prayers and our people continue to be with our brave men and women in battle in Iraq.

INTERNATIONAL LAW REGARDING OCCUPIED IRAQ

Mr. GRASSLEY. Mr. President, next week we are going to have a supplemental appropriations bill of at least \$75 billion before the Congress of the United States for the funding necessary for the military action in Iraq, at least for the early part of that action, which number could not have been decided when we passed the appropriations bills in January because at that point there would not have been any military action. I raise this issue now in conjunction with what there is in international law in regard to a victorious power in a nation, after the war is done, of what can be used of the natural resources of a country for the victorious country to administer the nation as well as to rebuild that nation.

The reason I raise these points about international law is because there is very clear international law about what a victorious nation can do and cannot do in regard to the resources of the defeated nation. I raise this issue at this point because I want to make sure the American taxpayers are not saddled with any of the costs of rebuilding Iraq that can be legitimately paid for, under international law, out of the resources of Iraq.

After the first full week of the conflict, the allied forces have pushed well into the country, liberating Iraqi populations across western and southern Iraq. These developments, then, raise an issue that must be explored and discussed before we obligate taxpayers' money to rebuilding Iraq; that is, with regard to the United States and allied occupation of Iraq, what does international law tell us? What does international law dictate with regard to our rights as the occupying power to administer Iraq's oil resources and our obligations to the citizens of Iraq?

The Hague Convention of 1907 and the Geneva Convention provide the basis for international law with regard to the obligations and rights of an occupying power. They provide specific guidelines for administering the resources of the occupied territory and the obligations of the occupying power to provide for the welfare and the safety of the occupied people.

With regard to the rights of an occupying power to use public property and resources, article 53 of Hague regulations of 1907 provides that an occupying power can only take possession of state-owned property, and any seizure of private property must be restored and compensation provided when peace is made.

Further, article 55 provides:

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests and agricultural works belonging to the hostile State.

The rules of usufruct provide a tenant—in this case it would be the United States or the coalition forces—the right to use and enjoy the profits of property owned by Iraq, as long as the property is not damaged or altered in any way. In addition, the allied forces may use the public assets only for the benefit of Iraq and the Iraqi people, and to defray the costs of administration.

Secretary Powell recently reaffirmed this right. When discussing the issue of oilfields, he stated:

You can be sure that they [meaning the oilfields] would be protected and the revenue generated from any such oil fields would be used in accordance with international law and to the benefit of the Iraqi people.

The occupying power may also take possession of public movable property only if such property can be directly or indirectly used for military operations. Clearly, Iraq's oil reserves are susceptible to military use and thereby subject to seizure by U.S. military forces under the laws of war to restore Iraq.

In addition, the oil produced from Iraqi wells may be considered similar to the produce of public land which, under article 55, may be appropriated by the occupying power.

With regard to the obligations of the occupying power, article 43 of Hague regulations of 1907 state:

The authority of the legitimate power, having actually passed into the hands of the occupant, the latter shall take steps in his power to restore and ensure, as far as possible, public order and safety.

The Geneva Convention, relevant to the protection of civilian persons in time of war, states that the occupying power is also responsible for establishing a direct system of administration and maintaining the public order.

The key restriction to the use of Iraq's oil is that the proceeds are limited to occupation purposes, which includes measures taken in the furtherance of fulfilling that obligation that I just read under article 43, to reestablish peace and order to Iraq. Clearly, international law provides that the United States is entitled to use the money from oil sales to pay for such obligations as long as food and water, health care, roads and bridges, schools and airports, as examples.

Once a viable Iraqi government is established, the oilfields must be returned to Iraq in a reasonable condition.

One final issue for debate will be the role of the U.N. in the reconstruction and administration of Iraq. For example, what will remain of the United Nations Oil For Food Program in post-Saddam Iraq? Given the U.N.'s inability to fulfill its obligations with regard to enforcing Security Council Resolution 1441, it is unclear whether the U.N. will be relevant at all in the reconstruction efforts of Iraq.

It is my hope that the U.N. will follow the lead of the United States, Britain, and the other 40 or more allies currently in Iraq enforcing the U.N. resolutions. After all, it must be made very clear that the resources of Iraq will finally be available for the use of the Iraqi people, for the betterment of those same people.

For far too long, we know the prisoners of Saddam's regime have been deprived of their country's riches and forced to survive as peasants. While the responsibility for providing for the welfare of the Iraqi people belonged to Saddam Hussein, he was, as we know, more interested in spending it on himself in the form of elaborate palaces and in the pursuit of weapons of mass destruction.

The Iraqi people will finally share in the wealth of their country that has always belonged to them rather than Saddam sharing it with his family and the cronies of his brutal regime.

I hope the Congress will take into consideration the rights the taxpayers of the United States have under this Geneva Convention, to make sure the resources for the rebuilding of Iraq come from Iraqi natural resources and not from the American taxpayers. That should be fully taken into consideration, as some of the money we appropriate next week will probably be used for that purpose of at first establishing administration in Iraq.

I yield the floor.

THE PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. STEVENS. Mr. President, the Protection of Lawful Commerce in

Arms Act is an important piece of legislation that will address the growing problem of junk lawsuits filed with the intention of driving the firearms industry out of business. I thank Senator CRAIG and Senator BURNS for their efforts to ensure this legislation is addressed and moved through Congress.

This act does not curtail the legal rights of victims who suffer injuries from the actions of firearm or ammunition manufacturers. The purpose of this legislation is to prevent the multiple lawsuits that have materialized which name the firearms and ammunition industries as defendants and attempt to hold these industries liable for the criminal acts of a third party.

These frivolous lawsuits target the legitimate firearm and ammunition industries in attempts to destroy these industries. If firearm and ammunition manufacturers were forced to pay for the criminal acts of third parties, the concept of fairness would be eliminated. The impact of these suits would also affect this country economically and socially. Any limitation of one's constitutional right to bear arms is not acceptable. The destruction of the firearms and ammunition industries would cause many Americans to lose their jobs. In addition, if the firearms and ammunition industries were destroyed, the right to lawfully bear arms may be curtailed. Many Alaskans depend upon the right to bear firearms for subsistence purposes as well as for self-defense.

Courts across the Nation are wasting valuable time on frivolous lawsuits. At this time, 28 States have enacted legislation to prevent frivolous lawsuits against the firearms and ammunition industries based on the criminal behavior of others. I encourage all of my colleagues to join me and take a stand against the lawsuits that attempt to abuse the legal system of this great country, by supporting the Protection of Lawful Commerce in Arms Act.

THEY'RE TOO SMART FOR THAT

Mr. LEVIN. Mr. President, last month the American Academy of Pediatrics published a survey reporting that most parents believe that their children would not touch a gun they found. Unfortunately, these beliefs are inconsistent with other studies of the way kids actually react around guns, including a July 2002 report by the David and Lucille Packard Foundation.

The American Academy of Pediatrics survey reported that an estimated one third of American homes with children contain at least one firearm and nearly half of all firearms in homes with children are not stored safely. According to the article, 87 percent of respondents predicted that their children would not handle guns they found, whereas 13 percent predicted that there was a chance their children would do so. Researchers grouped parents' responses into three categories. First, 46 percent of respondents said "my children would not touch

guns because they're too smart for that." Second, 35 percent said "my children would not touch guns because I've told them not to." And third, 11 percent said, "my children would probably pick up or play with guns they found, because that's just what kids do."

However, the earlier David and Lucille Packard Foundation study demonstrated that children often do not behave as their parents might believe. In fact, according to the foundation's report, children and young people are actually likely to handle a gun if they find one.

All parents want to ensure the safety of their children. One thing the Senate can do to help is pass common sense safe storage legislation for firearms. Under Senator DURBIN's Child Access Prevention Act, adults who fail to lock up loaded firearms or an unloaded firearm with ammunition could be held liable if that weapon is taken by a child and used to kill or injure him or herself or another person. The bill would also increase the penalties for selling a gun to a juvenile and create a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. I support this bill, urge my colleagues to support it, and hope the Senate will act on it during the 108th Congress.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred September 28, 2001 in New York, NY. A Yemeni man was badly beaten in the Bronx while working at his newsstand. Before dragging him outside and hitting him in the head with a bottle, the assailants, three local men, yelled, "You Arabs get out of my neighborhood! We hate Arabs! This is war!"

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.

ESTATE TAX REPEAL

Mr. BAUCUS. I support estate tax repeal. But I am forced to vote against Senator KYL's amendment for permanent repeal because of two concerns. First, I am concerned about mounting deficits, and second, I believe that this amendment would result in payment

reductions to rural providers under Medicare.

The budget resolution we are debating today includes tax cuts that total \$1.3 trillion. The budget also proposes that \$725 billion of these tax cuts be enacted immediately, under the reconciliation process.

Two years ago, we passed a \$1.3 trillion tax cut. I supported that tax cut. But those were different times. We had a surplus. We did not foresee the significant decline in revenues. Or the deficits that followed.

This is not the time to reduce revenues by \$725 billion. It would hurt our budget and our economy.

In order to prevent the passage of tax cuts that would drive up the deficit and hurt our economy, I believe that we must reduce the size of this tax cut.

While Senator KYL has stated that he intends to pay for his amendment, I am concerned that his offset would have a negative impact on rural providers in Montana. The cost of his amendment is estimated to be \$46 billion. And when asked how he proposed to offset this cost, he stated that it should come from a general fund for Finance Committee action.

According to the Senate Budget Committee, this amendment would result in a negative allocation to the Finance Committee in 2009 through 2013. More specifically, the committee's allocation for these years would be negative \$22 billion. That's minus \$22 billion. Quits a deficit to overcome, and those savings would be difficult to find.

Those of us who were here when the Balanced Budget Act of 1997 passed recognize full well that these savings would come from Medicare. An estimated 90 percent of the savings passed by the Finance Committee in the 1997 law came from the Medicare Program, through reductions in payments to providers.

I would hesitate to cut the program a year before the baby boom generation starts to retire to finance a tax cut that we pass in 2003. Providers are currently facing severe reductions in Medicaid payments. They are coping with an uninsured rate that continues to climb, which means that they must shoulder an increasing burden of uncompensated care. These problems may worsen by the time these cuts take effect. They may also improve. But we cannot know for sure. And looking at the current state of our health care system, I am simply not prepared to take the chance that providers can sustain these cuts.

Mr. President, let me reiterate that I support estate tax repeal, and I will continue to support thoughtful and responsible changes to tax policy. But I cannot support this amendment at this time.

CITIZEN SOLDIER WEEK

Mr. ALLEN. Mr. President, I take to the floor today to discuss the importance of acknowledging the tremendous risks and sacrifices our men and