Mr. President, in his remarks yesterday, Senator Byrd

raised serious questions about whether the Bush administration violated

the law when it first began to prepare for war with Iraq without

informing Congress it was using funds appropriated for other purposes

to do so. Three days after 9/11, both the Senate and the House of

Representatives approved $40 billion in emergency funds in response to

that tragedy. The legislation was signed into law on September 18,

2001.

Its clearly stated purpose was

When the Congress approved these funds images of the World Trade

Center towers falling and the plume of smoke over the Pentagon were

fresh in the minds of every American, and the Nation was mourning the

loss of 3000 men and women who were brutally murdered in the worst

terrorist attack in our history.

We were at war with al-Qaida, a terrorist organization based in

Afghanistan, and with the Taliban government that was giving it

sanctuary. Congress was united in its determination to help the

administration win the war in Afghanistan and do all we could to

prevent any further terrorist attacks.

Congress clearly did not intend those funds to be used for a war with

Iraq. There had been no debate about Iraq. We were not thinking about

Iraq in those painful and dark days after the 9/11 attacks.

But the administration was.

As we now know, the Bush administration was focused on Iraq from day

one after the inauguration, and it was quick to use the 9/11 tragedy to

advance its agenda on Iraq.

According to former Treasury Secretary Paul O'Neill's account in Ron

Suskind's book, Iraq was on the agenda at the

very first meeting of the National Security Council, just 10 days after

President Bush's inauguration in 2001. As Secretary O'Neill said:

September 11 gave the administration the excuse they were looking for

to go to war with Iraq. According to notes taken by an aide to

Secretary Rumsfeld on September 11, the very day of the attacks, the

Secretary ordered the military to prepare a response to the attacks.

The notes quote Rumsfeld as saying that he wanted the best information

fast, to judge whether the information was good enough to hit Saddam

and not just Osama bin Laden. the notes quote him as

saying. As Bob Woodward's new book, reveals, President

Bush himself asked Secretary Rumsfeld to get a war plan for Iraq on

November 21--barely 2 months after the devastating attacks. In the many

months that followed, Congress had no idea that secret preparations for

war in Iraq were underway. It was not until September 2002, nearly 10

months later, that the administration even asked Congress to authorize

war in Iraq.

Senator Byrd is right to raise this issue and to ask the tough

questions. In a hearing in the Senate Armed Services Committee on

Tuesday, Deputy Secretary Paul Wolfowitz gave us a non justification.

He said that the administration notified Congress about $63 million in

military construction spending for Iraq on October 11 2002--just 1 day

after Congress passed the joint resolution authorizing the use of force

in Iraq. After that, Secretary Wolfowitz said,

But Mr. Wolfowitz's claim is inconsistent with the assertion in Bob

Woodward's book that $700 million worth of were

approved in the summer of 2002 to accommodate the major U.S. troop

deployment that would be required for the invasion of Iraq.

Diverting funds from the war in Afghanistan or from the Pentagon's

regular operating budget to prepare for war against Iraq without the

knowledge of Congress is clearly a fundamental breach of the trust that

must exist between Congress and the President in our system of

government. It is clearly at odds with the requirement of the Emergency

Supplemental Appropriations Act itself, which states that

In the summer of 2002 when these plans were under way, the war

against al-Qaida was far from over. Osama bin Laden was still at large.

If Mr. Woodward is correct, the failure even to consult with Congress

shows the contempt of the Bush administration for the constitutional

role of Congress on the fundamental issue of war and peace.

We need satisfactory answers to many questions:

Did the administration divert funds provided to respond to the 9/11

attacks and spend them in the summer of 2002 to prepare for war in

Iraq?

If the administration did begin spending those funds in the summer of

2002, why did it not consult the Chairman of the Appropriations

Committee as the law required.?

If the administration did begin spending such funds in the summer of

2002, why did the quarterly reports provided to Congress not clearly

indicate that projects were being funded to prepare for war with Iraq?

The failure to engage the Congress confirms what many of us have said

all along. The administration had a hidden agenda from day one, and it

shamelessly capitalized on fears created by 9/11 to advance that

agenda.

The Congress and the American people deserve answers, and we deserve

them now. The administration must tell the full truth and provide to

the Congress and the American people a full accounting of all Iraq war

related expenditures in 2002.

I suggest the absence of a quorum.